



# LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLV No. 2 JANUARY 27, 2023

## Revenue Sharing

### The Scoop on Rev I & Rev II

Despite the snow, wind, and rain, the members of the Appropriations and Financial Affairs Committee carried on, and held multiple public hearings on several elements of Governor Mills' proposed FY 2023 supplemental General Fund budget, printed as LD 206.

Of specific interest to municipalities is a \$16 million adjustment to the revenue sharing program to account for the fact that sales and income tax revenues are out-performing original projections. While the hearing on this element of the budget was quick and noncontroversial, a question posed during the proceeding suggests that not everyone is as intimately familiar with the minute details of this important state-municipal partnership program.

Though it is safe to assume that most individuals understand that a portion, currently 5 percent (5%), of state sales and income revenue is shared with municipalities, it may be the case that not all understand why these revenues are shared with communities or how in FY 2023 roughly \$249 million will be distributed to Maine's towns, cities, plantations, and Tribal Nations. The unorganized territory will also receive a slice of the pie.

**Origins.** The state-municipal revenue sharing program was enacted in 1972. The Legislature recognized, and the people of Maine concurred through amendment to the state's constitution, that a funding mechanism was necessary to: (1) address the problem associated with financing municipal services – both mandatory and desired – primarily on the shoulders of the property taxpayers; and (2) help relieve that burden by sharing with municipalities broad-based state sales and income tax revenue.

**Purpose.** Since its inception, the municipal use of revenue sharing has been prescribed by law to reduce the property tax rate. As required, the amount of revenue sharing distributed to a municipality must be subtracted from projected expenditures. This lowers the mil rate, and consequently, the taxes assessed on all properties within the community.

**Distribution.** The shared state revenues are distributed to municipalities through two different formulas, affectionately referred to as Rev Share I and Rev Share II. Eighty percent

(80%) of the total revenues are distributed to each municipality through Rev Share I. The calculation used to distribute the funds is based on each community's proportionate share of the sum yielded when multiplying each municipality's population by its full value mil rate.

The remaining revenues are distributed through the Rev Share II formula, which is formally referred to as the "disproportionate tax burden fund." Twenty percent (20%) of the dedicated revenue is distributed according to the formula above, except that 10 mils is subtracted from the community's full value mil rate. The intent is to target the distribution of additional revenues to service center communities. These municipalities generally have higher mil rates because the services and amenities found in these towns and cities attract residents from surrounding regions who in turn place greater demands on public services.

While 390 municipalities will receive Rev Sharing II funds FY 2023, the amounts vary widely, as greater shares are distributed to communities with mil rates that far exceed the 10-mil base. For example, Lewiston with a full value mil rate of 20.41 is projected to receive \$3 million in Rev Share II, while Hamlin's 10.50 mil will cause an extra \$6.85 to be distributed to the Aroostook County municipality. The total Rev Share I and II amounts to be distributed to Hamlin and Lewiston between July 2022 and June 2023 is projected to be \$19,120 and \$10 million, respectively.

**History.** Since the 1972 enactment of the program, the Legislature has honored its commitments in some years, and in other years, especially when state resources were tight, revenue sharing distributions took a hit. While the appetite for redirecting these shared revenues away from municipalities and into state coffers began in 2006, the frenzy truly took hold in 2010. Over the ensuing decade, \$819 million in state sales and income tax revenue promised to municipalities was not distributed.

This wavering commitment to municipal government partners was particularly hard held, as the program is designed to ebb and flow with the whims of the economy. When the economy is performing well, the revenues available to mu-

*(continued on page 2)*

## Revenue Sharing (cont'd)

nicipalities and the state increase. When the economy slows, so does the flow of state sales and income tax revenue, which decreases the portion shared with local government partners. The inability of state policymakers to recognize that the funding shortfalls facing the state, were also wreaking havoc on municipalities and property taxpayers, was disappoint-

ing. Those discussions left the property taxpayers and municipal leaders in a lurch; to cut programs and services, increase the mil rate, or worse, both decrease services and increase property taxes.

**Today.** However, times have changed and due to the efforts of the Mills Administration and the members of the 129<sup>th</sup> and 130<sup>th</sup> Maine State Legislatures, the state is once again sharing 5% of sales

and income tax revenue with its municipal partners. While the Legislature will ultimately decide whether to continue this positive trend over the next two years, the governor has signaled support for the program via her proposed FY 2024 – FY 2025 General Fund budget (LD 258). As a result, the draft budget appropriates \$252 million in FY 24 and \$259 million in FY 25 for the state-municipal partnership.

## Hearings of The Week: Voter ID & Tax Acquired Property

Soon dozens of bills of municipal interest will be heard by committees of jurisdiction, as the public hearing process ramps up to full speed. While all bills impacting municipal government operations are important, there are some that warrant a special shout out. In each bulletin, staff will feature a few of the bills slated for public hearings in the coming weeks. Please see the hearing schedule section of this publication for a complete schedule of hearings on bills of municipal interest, connect with members of the Legislature, and listen to future editions of the Pot-holes & Politics podcast for updates on these bills.

**Voter ID.** The Veterans and Legal Affairs Committee will conduct a public hearing on LD 34, *An Act to Require a Person to Show Photographic Identification for the Purpose of Voting*. The hearing will take place at **10:00 a.m. on Monday, February 6** in room 437 of the State House.

The bill, sponsored by Sen. Pouliot of Kennebec County, requires residents, seeking to vote in-person at the polling place on the day of the election to provide photographic identification prior to being issued a ballot. Under the terms of the initiative, acceptable forms of identification include a: (1) current and valid driver's license; (2) Maine-issued nondriver identification card; (3) U.S. passport; (4) military identification; or (5) a permit to carry a concealed handgun that is issued in Maine and includes a photograph. The bill further specifies that identification issued by a Maine college or university does not satisfy the requirement. However, individuals who do not possess an acceptable form of identification may request a free voter card from the Secretary of State.

**Tax Acquired Property.** The Taxation Committee will conduct a public hearing on LD 101, *An Act to Return to the Former Owner Any Excess Funds Remaining After the Sale of Foreclosed Property*. The hearing will take place at **1:00 p.m. on Tuesday, February 7** in room 127 of the State House.

The bill, sponsored by Rep. Perkins of Dover-Foxcroft, requires municipalities to provide notice of the availability of excess funds associated with tax acquired property. The term "excess funds" is defined as the income generated from the sale of the tax acquired property less the costs incurred by the municipality during the foreclosure process. In cases where the property is not sold within six months of acquisition, the excess is calculated by subtracting related expenses from the fair market value of the property.

The bill also enumerates the categories of costs that can be recovered by the community, including: (1) all taxes and interest owed on the property and the amount of taxes and interest that would have been assessed had the property not been acquired by the municipality; (2) the cost of the lien and foreclosure process; (3) the cost of maintaining and disposing of the property; (4) unpaid sewer, water or other charges and fees imposed by the municipality or a quasi-governmental authority; and (5) cost of mailing notices regarding the property.

The bill prescribes the process for notifying a previous owner of the right to the excess revenue, which must be provided via certified mail and include an itemized statement showing the revenues owed and instructions on how to redeem the funds. Additionally, owed funds must be kept in a segregated escrow account.

If the former owner fails to claim the funds, in person, 90 days after receiving the notice, the funds may be retained by the municipality. Additionally, if the former owner or owner's representative notifies the municipality within 90 days of receipt of the notice, the municipality must negotiate with the former owner over the return of the excess funds, which is subject to binding arbitration if the former owner is dissatisfied with the municipality's offer.

# HEARING SCHEDULE

For the week of January 30, 2023

## MONDAY, JANUARY 30

**Agriculture, Conservation & Forestry**  
**Room 214, Cross Building, 9:00 a.m.**  
**Tel: 287-1312**

LD 24 – An Act to Prohibit Open Burning Under a Red Flag Warning and Regulate Recreational Campfires

LD 108 – An Act to Establish a Logger Relations Advocate Within the Maine Forest Service

**Criminal Justice & Public Safety**  
**Room 436, State House, 10:00 a.m.**  
**Tel: 287-1122**

LD 96 – An Act to Ensure Release of Relevant Background Investigation Material to Current Employers of Law Enforcement and Corrections Officers

LD 109 – An Act to Improve Safety for Individuals Living in Recovery Residences

**Environment & Natural Resources**  
**Room 216, Cross Building, 10:00 a.m.**  
**Tel: 287-4149**

LD 9 – An Act To Establish Processing Time Limits for Permit by Rule Applications Under the Site Location of Development Laws

LD 10 – An Act to Amend the Laws Governing Invasive Aquatic Plants

LD 28 – An Act to Streamline Rulemaking for Revisions to Screening Levels for the Solid Waste Beneficial Use Program

LD 127 – An Act to Eliminate Television Recycling Fees for Charitable Entities

**Veterans & Legal Affairs**  
**Room 437, State House, 11:00 a.m.**  
**Tel: 287-1310**

LD 202 – An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees

## TUESDAY, JANUARY 31

**Education & Cultural Affairs**  
**Room 208, Cross Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 98 – An Act to Update the Special Education Laws

LD 142 – An Act to Fund Climate-related Service Work

LD 143 – An Act to Support Rural Service Programming and Promote Volunteerism

**Judiciary**  
**Room 438, State House, 1:00 p.m.**  
**Tel: 287-1327**

LD 91 – An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code

**State & Local Government**  
**Room 214, Cross Building, 1:00 p.m.**  
**Tel: 287-1330**

LD 49 – An Act to Authorize the Deorganization of Drew Plantation

LD 119 – An Act to Clarify the Boundary Between Waldo and Knox Counties in Penobscot Bay

LD 133 – An Act to Include a Representative of Newspaper and Other Press Interests on the Archives Advisory Board

LD 138 – An Act Regarding the Terms of Trustees of the Phippsburg Cemetery District

LD 153 – An Act to Allow Electronic Distribution of Certain Documents to Municipalities and Electronic Acknowledgment of Receipt of Certain Documents as Acceptable Communications

LD 166 – An Act to Provide Revenue for Property Tax Relief and Capital Infrastructure Projects

## WEDNESDAY, FEBRUARY 1

**Criminal Justice & Public Safety**  
**Room 436, State House, 10:00 a.m.**  
**Tel: 287-1122**

LD 47 – An Act to Amend the Law Governing Licensing Actions of the Emergency Medical Services' Board

## THURSDAY, FEBRUARY 2

**Education & Cultural Affairs**  
**Room 208, Cross Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 15 – An Act to Amend the Law Governing the State Grant Program Administered by the Maine Historic Preservation Commission

**Energy, Utilities & Technology**  
**Room 211, Cross Building, 1:00 p.m.**  
**Tel: 287-4143**

LD 122 – An Act to Authorize the Efficiency Maine Trust to Establish a Program to Support the Uptake of Medium-duty and Heavy-duty Zero-emission Vehicles by Maine Businesses and to Establish a Medium-duty and Heavy-duty Zero-emission Vehicle-to-grid Pilot Project

**Environment & Natural Resources**  
**Room 216, Cross Building, 1:00 p.m.**  
**Tel: 287-4149**

LD 175 – An Act to Increase the Use of Municipal Waste-to-energy Processes as a Source of Renewable Energy

*Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>. There is also the option testify via Zoom if you register 30 minutes in advance. Persons wishing to testify over Zoom can submit their testimony by uploading it through the registration portal (<https://www.mainelegislature.org/testimony/>).*

## LEGISLATIVE BULLETIN

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**Layout:** Sue Bourdon, Advocacy & Communications



# 131st Joint Standing Committee Assignments

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Rep. Danny Edward Costain (Plymouth)  
Rep. Dean A. Cray (Palmyra)  
Rep. Timothy C. Guerrette (Caribou)  
Rep. Randall C. Hall (Wilton)\*  
Rep. Allison Hepler (Woolwich)  
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Rep. Rebecca L. Jauch (Topsham)  
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Rep. Walter N. Riseman (I-Harrison)  
Rep. Shelley Rudnicki (Fairfield)

## IN THE HOPPER

### Criminal Justice & Public Safety

LD 96—An Act to Ensure Release of Relevant Background Investigation Material to Current Employers of Law Enforcement and Corrections Officers (Sponsored by Rep. Cyrway of Albion)

This bill requires a law enforcement agency, correctional facility or county or regional jail that performs a background investigation on a law enforcement officer or corrections officer to notify the head of the agency, facility or jail that employs the officer if the results indicate probable cause to believe that the officer is or has been involved in criminal activity.

### Education & Cultural Affairs

LD 142 – An Act to Fund Climate-related Service Work (Sponsored by Rep. Rielly of Westbrook)

*This bill provides ongoing funds to support four Maine Climate Corps Program leadership positions and 50 eligible participants of the Maine Climate Corps Program.*

LD 143 – An Act to Support Rural Service Programming and Promote Volunteerism (Sponsored by Rep. Rielly of Westbrook)

This bill provides ongoing funds to provide compensation for 15 program fellows to participate in the Maine Service Fellows Program.

### Environment & Natural Resources

LD 127—An Act to Eliminate Television Recycling Fees for Charitable Entities (Sponsored by Sen. Stewart of Aroostook Cty.)

This bill prohibits a municipality or consolidator that accepts electronic

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the Legislative Bulletin to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, [www.memun.org](http://www.memun.org).)

waste for recycling from charging a television recycling fee to a nonprofit organization exempt from taxation that employs 100 or fewer individuals.

LD 175 – An Act to Increase the Use of Municipal Waste-to-energy Processes as a Source of Renewable Energy (Sponsored by Rep. Campbell of Orrington)

This bill amends the solid waste management hierarchy to add the incineration of waste to generate electricity to the State's solid waste management priorities. The bill also amends the definition of "renewable capacity resource" to include a source of electrical generation that relies on generators fueled by municipal solid waste in conjunction with recycling.

### Labor & Housing

LD 12—An Act to Amend the Laws Governing Severance Pay to Cover More Types of Employers and Include More Workers. (Sponsored by Rep. Roeder of Bangor)

Current law regarding the provision of severance pay due to the closing, substantial shutdown or relocation of a covered establishment applies only to industrial and commercial facilities. This bill removes that limitation, thereby making the severance pay requirements applicable

**MAINE MUNICIPAL  
ASSOCIATION SINCE 1936**

60 Community Drive  
Augusta, ME 04330

## IN THE HOPPER (cont'd)

to all sectors employing 100 or more employees. The bill also repeals a provision in existing law requiring issuance of severance pay only to individuals who have been employed for at least three years.

### State & Local Government

LD 166 – An Act to Provide Revenue for Property Tax Relief and Capital Infrastructure Projects (Sponsored by Rep. Williams of Bar Harbor)

This bill allows the revenue collected from parking meters to be used to provide property tax relief and to pay the costs of constructing, maintaining, and operating capital infrastructure projects.

### Taxation

LD 144 – An Act Regarding the Monitoring of Municipal Abandoned Property (Sponsored by Rep. Sachs of Freeport)

Under current law, a municipality that certifies abandoned property is required to submit the address and parcel data to the Maine State Housing Authority for use in determining opportunities for redevelopment, programs supporting first-time home buyers and similar programs and data analysis. This bill instead requires the municipality to submit such data to the Maine Redevelopment Land Bank Authority for use in determining opportunities for redevelopment.

### Veterans & Legal Affairs

LD 34 – An Act to Require a Person to Show Photographic Identification for the Purpose of Voting (Sponsored by Sen. Pouliot of Kennebec Cty.)

This bill requires a resident who elects to vote at the polling place to provide photograph identification prior to being issued a ballot. Acceptable forms of identification including a current and valid driver's license or nondriver identification card issued in this State, a United States passport, a military identification, or a permit to carry a concealed handgun issued in this Maine, if that permit includes a photograph. Identification issued by a Maine college or university may not be accepted for voter identification. The bill also allows a person who does not possess photographic identification to request a free voter card from the Secretary of State.

LD 202 – An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees (EMERGENCY) (Sponsored by Sen. Pierce of Cumberland Cty.)

This bill amends the laws authorizing the off-premises sales of adult use cannabis to: (1) clarify that a special event at which sales can take place is limited to no more than 10 consecutive days or 10 occurrences for a specified event per calendar year; (2) require the permit application to include descriptions of: (a) where sales will take place; and (b) the security measures implemented to prevent unauthorized access to cannabis products, including how individuals under the age of 21 will be prevented from accessing areas where sales take place; and (3) authorize the state to revoke an event permit if a municipality revokes a permit issued for off-premises sales or a property owner revokes written consent to use the property for the sales.