

## Tone-to-Tone All Over Again

### Volunteer Firefighters Return to Seek Expansion of Workers' Compensation Law

On Groundhog's Day this week the Labor, Commerce, Research and Economic Development Committee held a public hearing on a perennially submitted bill which pits the interests of municipal volunteer firefighters and emergency medical services providers against the interests of the state's elected municipal leaders. LD 67, *An Act to Improve Insurance Coverage for Volunteer First Responders Answering a Call to Duty*, sponsored by Rep. Michael Devin of Newcastle, would amend Workers' Compensation law, creating a "rebuttable presumption" in favor of volunteer firefighters or volunteer emergency medical services providers.

In this case, the presumption would apply to these responders who sustain an injury after receiving an electronic notification of an emergency. Under this bill, those employees (and those employees alone in both the public and private sectors) would be presumed to be covered by Workers' Compensation for medical coverage and wage replacement, regardless of the nature of the activity that led to the injury and regardless of where the injury is actually sustained.

The proposal is nick-named "tone to tone" or "bell to bell" coverage, and the theory behind the bill is that as soon as that tone is sounded, the employee is on the job and Workers' Compensation benefits should be provided no matter what. For avid readers of the *Legislative Bulletin*, this article may already "ring a bell" for you. What follows covers much of the same ground as previous articles written about this bill, given how nearly identical testimony was submitted by proponents and opponents for what was LD 301 last time around in 2015, and LD 235 in 2013. This year, the Director of

Maine's Workers' Compensation Board even quoted Yogi Berra in his testimony, saying this was "d  ja vu all over again."

Workers' Compensation has always been a public policy intended to cover accidental injuries sustained in the course of employment, in the work place. Court decisions over the years, in Maine and throughout the nation, have created what might be considered a body of legal "doctrine" to govern when and how injuries sustained outside of the actual "workplace" are covered by Workers' Compensation. The doctrine in this case is called the "going and coming" rule, which generally holds that a regular employee is not covered by Workers' Compensation when he or she is merely preparing to go

to work or actually commuting to work, until the employee is on property under the control or maintenance of the employer.

There is a "travel exception" to the going and coming rule which allows for Workers' Compensation coverage for employees required to undertake special travel for the employer when the employee gets injured while traveling, as is the case right now for firefighters and emergency medical responders. Acknowledging the necessity of travel to workplaces for volunteer firefighters, emergency medical service providers, police personnel, etc., most first responder insurance providers have implemented a middle ground policy which holds that Workers' Compensation

*(continued on page 2)*

## State-Mandated Efficient Vehicle Purchases

### Balancing efficiency and function

On Wednesday this week, the State and Local Government Committee held a public hearing on LD 93, *An Act To Reduce Fuel Costs to State and Local Government*. As printed, the aim of this legislation is to reduce government spending on fuel by mandating municipalities, counties and all state agencies to purchase cars and trucks that meet statutorily established miles-per-gallon (mpg) efficiency standards. As drafted, beginning on Jan. 1, 2018, state agencies and local governments would be required to purchase cars that get at least 45 miles to the gallon and trucks that achieve at least 35 mpg.

At the hearing, the bill's sponsor, Sen. David Miramant of Knox County,

testified that LD 93, as printed, was not what he intended. Rather than mandating the purchase of fuel efficient vehicles, his intent is to require state and local vehicle procurement procedures to include an examination of the cost savings and environmental benefits of fuel efficient vehicles. Under this approach, government officials would be required to prioritize vehicle fuel efficiency in the assessment and selection process, but would still be authorized to purchase the vehicle necessary to perform the required service (e.g., police patrol, snowplowing, EMS, etc.).

Aside from the sponsor, no one provided testimony in favor of LD 93.

*(continued on page 3)*

coverage kicks in for employees called out to an emergency when the employee “enters the travelled way.”

In other words, these first responders are currently covered once they are in their motor vehicle and out of their home driveway. However, there is no “while in your own home and preparing to travel” exception to the going and coming rule. Generally speaking, Workers’ Compensation benefits are not provided when an employee sustains an injury in or around the private home during preparation for travel.

LD 67 would change that. The particular cases addressed by this legislation appear to be situations where volunteer firefighters slip and fall in their private residences, on the front steps, or elsewhere on their property before getting into the firefighter’s vehicle to drive to the emergency or fire station. Of course, municipalities have no authority to ensure or inspect the safety of their employees’ private residences. For this reason, insurers and managers instruct their covered employees to be cautious in their conduct and reasonably safe no matter what the emergency is.

Rep. Devin spoke of the need for this amendment to Compensation law because the system we have in Maine of call firefighters and call EMTs establishes an expectation that when the emergency tone sounds, the on-call personnel will respond immediately. In his view, first responders are effectively in the workplace the moment the tone sounds even though they may also be in their homes, in their place of work, in stores or other places of public accommodation, or any other place that is not the fire station or

the public way. It seemed unreasonable to him to expect a responder to pause to salt their driveway before getting into their vehicle. Therefore, if they get injured while in the process of responding, wherever they may be, the injury is work-related once a response is called for. Rep. Devin told the Committee that LD 67 is the right thing to do in support of personnel who are putting themselves at great risk for the good of their community.

Representatives from the Maine Fire Chiefs’ Association and the Maine State Federation of Firefighters, including members of the Liberty, Pittsfield, and Peru Fire Departments also spoke in support of LD 67. The principle arguments given to support the bill were that this gap in coverage is hurting recruitment and retention of volunteers. In their assessment, people nowadays are reluctant to put their full-time livelihood at risk while preparing to respond to an emergency call. One likened the sounding of the call for a response to punching the clock on the way into work, saying the job starts at the tone, not at the end of the driveway.

Six people spoke in opposition to LD 67, including Paul Sighinolfi, the Executive Director of the Workers’ Compensation Board, Elizabeth Brogan, the Executive Director of the Workers’ Compensation Coordinating Council and the Council of Self-Insurers, the Maine State Chamber of Commerce, the Maine Employers Mutual Insurance Company (MEMIC), a representative of the American Insurance Association and the Property and Casualty Insurers of America, and MMA.

Mr. Sighinolfi again tried to correct some misunderstandings raised by the bill about the way Workers’ Compensation claims regarding firefighters responding to an emergency call are currently handled. Although “Comp” insurers generally treat these types of injuries as compensable after the responding firefighter has entered the traveled way from his or her home or driveway, there is nothing in the law that suggests that injuries sustained before entering the traveled way or inside the private home by call firefighters are somehow automatically ineligible for Workers’ Compensation benefits. To make

the point, Mr. Sighinolfi detailed for the Committee the adjudication of the five such claims filed since 1992, two of which resulted in the home-based claims being found compensable under the Workers’ Compensation statute and three of which found the injury non-compensable.

In Director Sighinolfi’s view, each of these five rulings turned on the specific facts of the case and whether something specifically related to the task of firefighting was involved in precipitating the injury. Perhaps because the facts were very generally summarized, Representative Handy of Lewiston, a member of the Labor, Commerce, Research and Economic Development Committee, did not see a great difference between the cases. He attempted to ascertain whether the rulings perhaps reflected the prejudices of the hearing officers of the Workers’ Compensation Board, given that the non-compensable rulings happened more recently than the compensable rulings. The Director replied that the majority of the hearing officers had in fact been serving since the 1990’s, however.

Sen. Shenna Bellows of Manchester appeared to agree with her colleague and pressed Sighinolfi on why a firefighter should be expected to wait for their driveway to be plowed in a snow storm, for instance, before responding. Director Sighinolfi returned to the roots of the way the Workers’ Compensation Act and legal presumptions operate, explaining the way the burden of proof system works for other on-call providers like law enforcement and physicians. In his view, specific classes of employees should only be carved out of the law and given a presumption when their cases are extraordinary or unusual, which he did not believe was the case for firefighters and emergency medical responders.

Both Director Sighinolfi as well as Director Brogan emphasized the difficulty of “proving a negative” and overcoming the presumption for employees on their own private property by showing the injury was not the result of the response to the tone. In practice, there is an extremely low likelihood that municipal employers will be able to rebut this presumption if

*(continued on page 3)*

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## **Tone-to-Tone All Over Again (cont'd)**

it goes into effect.

MMA's Legislative Policy Committee voted to oppose LD 67 for three additional reasons.

Control of the workplace. Putting municipal employers up to a special exposure to injuries occurring on private property is unfair given the inability of the municipality to influence or control the inherent safety of the private home "workplace."

Growing discrimination in Worker's Comp law against the municipal employer. As a general rule, both parties in a Workers' Compensation dispute have an equal burden to make their case before a hearings officer. There are three current exceptions (called "rebuttable presumptions") to that general rule that are targeted to a particular employer and group of employees (cardiovascular disease for municipal firefighters, communicable disease for municipal firefighters and law enforcement officers, and cancer presumption for municipal firefighters). In all three cases, the target is the municipal employer and municipal first responders. LD 67 would add the fourth targeted exception to the general rule and, yet again, the target would be municipal employers and municipal first responders and no other category of public or private employer or employee.

Unfunded State Mandate. Based on the municipal experience with the other "rebuttable presumptions" that have been created in Compensation law, there can be no doubt that LD 67 meets the definition of a state mandate (a required expansion or modification of a local government activity that leads to increased local expenditures).

Finally, with respect to the issue of the recruitment and retention of certain employees, that is not an uncommon issue for employers to address. The answer to that challenge might be an actual, straight-up remuneration or some other type of locally provided benefit. The answer should not be found by twisting Workers' Compensation law out of its established purpose.

The work session on LD 67 is scheduled for 2:30 p.m. next Thursday, Feb. 9.

## **Update on the Great Karaoke Debate**

Last week's edition of the Legislative Bulletin included an article about a bill that would clarify that the "entertainment" of karaoke offered at a bar or restaurant that serves alcohol would not, in itself, trigger the need for a special amusement permit issued by the municipal officers. The bill is LD 30, An Act Regarding Dancing on the Premises of Certain Liquor Licensees.

Thanks to the dexterous creativity of the Veterans and Legal Affairs Committee's legal analyst, Danielle Fox, LD 30 was amended to fix the underlying problem in an elegant way and modernize the somewhat archaic "special amusement permit" law with an appropriate nod to home rule authority. The amended version of the bill was given a unanimous "ought to pass" Committee vote on Wednesday this week.

The current special amusement permit law is a mandate that requires every municipality to adopt an ordinance governing the permitting of "special amusements" at places that serve alcohol. Special amusements are defined as live music, dancing of any kind, and any amusement, performance, exhibition or diversion provided to customers, whether by professional entertainers or employees of the bar or restaurant.

The amended version of LD 30 expressly permits municipalities to adopt such ordinances but does not mandate the adoption. Under the terms of LD 30, a municipality that does not feel the need to provide a special permit for these activities could simply choose not to adopt the necessary ordinance. Furthermore, municipalities would have much more authority than provided under current law to tailor their special amusement permits to focus on just those "entertainment" activities they believe should be specially permitted.

The other appropriate element of the final version of LD 30 is an amendment to the section of law governing the renewal of liquor licenses. The existing statute identifies seven categories of noncompliance issues that the municipal officers need to consider before approving or denying the liquor license requests for new on-premises licenses or annual renewals (conviction of a serious crime, noncompliance with zoning, health or safety violations, etc.). LD 30 adds another category, which is failure to either obtain or comply with the provisions of a permit for music, dancing or entertainment required by the municipality.

## **State-Mandated Efficient Vehicle Purchases (cont'd)**

The State Police, Maine Department of Administrative and Financial Services, Maine County Commissioners Association, Maine Sheriffs' Association, Waldo County Emergency Management Agency, the City of Lewiston and Maine Municipal Association provided testimony in opposition to the bill as printed.

The testimony provided by the State Police and Sheriffs' Association focused on how the miles-per-gallon mandate could adversely impact the ability to provide law enforcement services. The need to respond to emergencies in all corners of the state requires police vehicles to have the power and capacity necessary to travel long distances over varying terrain. The Sheriffs' Association raised space concerns with narrower and shorter fuel efficient cars. County law enforcement officers are worried that once the required patrol-related gear is added (e.g., radios,

computers, scanners, rifle and shotgun racks, radar and GPS units, etc.) very little room will remain for the officer.

David Jones, Lewiston Public Works Director, reminded the members of the Committee that federal efficiency standards are in place as a means of requiring motor vehicle manufacturers to improve average fuel economy. Mr. Jones observed that even the federal regulations provide flexibly allowing manufacturers to produce the less fuel efficient vehicles their customers need.

The concerns raised by the Maine Municipal Association focused on the inability to comply with the mandate. Currently, there is not a single truck offered for sale in the United States that breaks 30 miles-per-gallon let alone 35 mpg. Moreover, municipalities that have attempted to upgrade their fleets to more

*(continued on page 6)*

## LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearing schedules and work sessions can be found at: <http://legislature.maine.gov/Calendar/#PHWS/>.

### Monday, February 6

**Appropriations & Financial Affairs**  
**Room 228, State House, 10:00 a.m.**  
**Tel: 287-1316**

LD 390 – Governor’s Proposed Biennial Budget (in conjunction with the Joint Standing Committee on Taxation)

**Revenue Sharing (Part K).** This proposal would permanently reduce the transfers to the municipal revenue sharing program to 2% of the portion of state sales and income tax revenue.

**Homestead Exemption (Part G).** This proposal would restrict the Homestead Property Tax Exemption to those 65 and older, increase the value of the exemption to \$20,000 and reduce the municipal reimbursement for lost property tax revenue from 62.5% to 50%.

**Criminal Justice & Public Safety**  
**Rm. 436, State House, 9:00 a.m.**  
**Tel: 287-1122**

LD 18 – An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime.

LD 101 – An Act Regarding the Transportation of Prisoners to County Jails.

**1:00 p.m.**

LD 94 – An Act To Provide a Source of Funding for Drug Abuse Resistance Education.

LD 102 – An Act To Make a Person Convicted of a Crime Liable for Payment of Investigative and Prosecutorial Costs.

LD 138 – An Act To Amend the Laws Governing the Sex Offender Registry.

**Education & Cultural Affairs**  
**Room 202, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 127 – Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education.

### Tuesday, February 7

**Appropriations & Financial Affairs**  
**Room 228, State House, 1:00 p.m.**  
**Tel: 287-1316**

LD 390 – Governor’s Proposed Biennial Budget (in conjunction with the Joint Standing Committee on Taxation)

**Proposed BETR to BETE conversion (Part I).** This proposal would shift 100% of the value of the BETR program to the BETE program by FY 2021.

**Two-way Telecommunications Services (Part H).** This proposal would give over to municipalities the taxing authority on two-way telecommunications services on April 1, 2018.

**Agriculture, Conservation & Forestry**  
**Room 214, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1312**

LD 167 – An Act To Fund Animal Control Officers and Animal Shelters.

**Health & Human Services**  
**Room 209, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1317**

LD 83 – An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult.

**Inland Fisheries & Wildlife**  
**Room 206, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1338**

LD 110 – An Act To Assist Island and Coastal Communities with Controlling Excess Deer Populations.

**Transportation**  
**Room 126, State House, 1:00 p.m.**  
**Tel: 287-4148**

LD 119 – An Act Regarding the Display and Content of Political Signs.

LD 168 – Resolve, Directing the Department of Transportation To Install a Caution Light in New Sweden.

**Veterans & Legal Affairs**  
**Room 437, State House, 1:00 p.m.**  
**Tel: 287-1310**

LD 78 – An Act To Permit Unenrolled Voters To Cast Ballots in Primary Elections.

### Thursday, February 9

**Education & Cultural Affairs**  
**Room 202, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 40 – An Act To Strengthen Requirements for Water Testing for Schools.

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

LD 55 – An Act To Provide for the Restoration of China Lake.

LD 104 – An Act To Change the Time and Location of the Annual Meeting of the Board of Trustees of the Kittery Water District.

**Transportation**  
**Room 126, State House, 1:30 p.m.**  
**Tel: 287-4148**

LD 28 – An Act To Allow Alternate Flashing Headlights on a School Bus.

LD 118 – An Act To Require Moped Riders under 18 Years of Age To Wear a Helmet.

LD 137 – An Act To Increase the Safety of Motorists on Public Ways.

### Friday, February 10

**Appropriations & Financial Affairs**  
**Room 228, State House, 10:00 a.m.**  
**Tel: 287-1316**

LD 390 – Governor’s Proposed Biennial Budget (in conjunction with the Joint Standing Committee on Taxation)

**Income Tax Reduction (Part D).** This proposal would over the next three years reduce both the number of income tax brackets and the tax rates assessed.

**Surcharge for K-12 Public Education (Part D).** This proposal would change the implementation of Question 2 (education funding referendum) enacted in November of 2016 to delay the surcharge from January 1, 2017 to January 1, 2018; spread the 3% surcharge to all Maine income taxpayers rather than only those with incomes over \$200,000; and repeal the provision requiring the dedication of revenues to the Fund to Advance K-12 Public Education.

**Sales Tax on Lodging (Part E).** This proposal would increase the sales tax rate for lodging from 9% to 10%.

**Expanded Sales Tax Base (Part E).** This proposal would amend the sales tax base, with exceptions for business-to-business transactions, to apply the general 5.5% sales tax on household, personal, personal property, and recreation and amusement services.

## IN THE HOPPER

(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).)

### Criminal Justice & Public Safety

LD 351 – An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places. (Sponsored by Rep. Spear of South Thomaston; additional cosponsors.)

This bill authorizes municipalities to adopt ordinances that prohibit the carrying of a dangerous weapon at municipal public proceedings and voting places within the municipality, with the exception to allow the carrying of handguns by law enforcement officers.

### Education & Cultural Affairs

LD 322 – An Act To Reintroduce Civics to High School Graduation Requirements. (Sponsored by Rep. Ordway of Standish; additional cosponsors.)

This bill requires secondary schools to provide instruction in civics as part of the requirements for graduation.

### Insurance & Financial Services

LD 237 – An Act To Establish a State Bank. (Sponsored by Sen. Miramant of Knox Cty; additional cosponsors.)

This bill authorizes the establishment of a state bank for the purposes of supporting job creation and economic development in the state by increasing access to capital for businesses and farms, providing stability the state's financial sector and to reduce costs paid by the state for basic banking services. The bill also authorizes the creation of county banks and municipal banks, for the same purposes.

### Judiciary

LD 280 – An Act To Include Tax-exempt, Nonprofit Regional Transportation Providers under the Maine Tort Claims Act. (Emergency) (Sponsored by Rep. Foley of Wells; additional cosponsors.)

This bill adds tax-exempt, nonprofit regional public transportation agencies to the Maine Tort Claims Act, which limits liability for governmental entities.

LD 366 – An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities. (Sponsored by Rep. Lockman of Amherst; additional cosponsors.)

This bill is a prohibition of a prohibition. The bill prohibits all state and local governmental agencies from prohibiting or restricting in any way their law enforcement personnel or any other employees or officials from sending, requesting or receiving information regarding the lawful or unlawful citizenship or immigration status of any individual to or from the U.S. Department of Homeland Security, or otherwise maintaining or exchanging that information with other governmental entities for other purposes such as public assistance benefits, licensing purposes, verification of residency or identity, etc. The bill directs the Maine Attorney General to investigate all complaints of violation of this prohibition or restriction from any resident or legislator in the state, and upon a finding that such a violation occurred, the governmental entity would be immediately ineligible to receive any money that would otherwise be remitted to it by the state. In the event the Attorney General refuses to investigate a complaint, the bill provides a private right of action by a complainant in Superior Court.

### Labor, Commerce, Research & Economic Development

LD 372 – An Act To Protect Public Health through Septic Tank Inspections. (Sponsored by Rep. Blume of York; additional cosponsors.) (By Request)

With exceptions for recently constructed or recently inspected

septic systems, current law requires a written statement from the seller of property with a septic system within the shoreland zone that the system has not malfunctioned within the last 180 days and further requires a full inspection of a septic system located on property being sold or transferred that is located within the coastal shoreland zone. This bill expands those same requirements to the sale or transfer of property including a septic system no matter where the property is located in the state.

### State & Local Government

LD 328 – An Act To Provide Funds To Encourage Regional Planning and Reorganization. (Sponsored by Rep. Grant of Gardiner; additional cosponsors.)

This bill appropriates \$25 million from the General Fund for FY 2018 to capitalize the Fund for the Efficient Delivery of Local and Regional Services.

LD 329 – An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository of Legal Notices. (Sponsored by Rep. Martin of Sinclair; additional cosponsors.)

Current law requires newspapers to provide a publicly accessible website containing the legal notices that are submitted to the newspaper for publication that may be accessed for free by the general public. That law also requires a statewide association of newspapers to provide a statewide repository of those notices as well as an email notification service when there are additions made to the repository. All of these requirements, however, are scheduled to be repealed on January 1, 2018. This bill removes that "sunset clause", thereby retaining the newspapers' obligations to maintain these legal notices websites.

### Taxation

LD 289 – An Act To Extend the Veterans Property Tax Exemption to Veterans Who Have Served on Active Duty. (Sponsored by Rep. Stanley of Medway; additional cosponsors.)

This bill extends the veteran's homestead exemption, which is currently provided to veterans over the age of 62 who served during federally recognized periods of war, to all honorably discharged veterans of the U.S. Armed Forces over the age of 62.

LD 337 – An Act To Protect Jobs and the Maine Economy by Eliminating the 3% Income Tax Surcharge Imposed on Certain Mainers and the Fund To Advance Public Kindergarten to Grade 12 Education. (Sponsored by Rep. Stetkis of Canaan; additional cosponsors.)

This bill repeals the two central elements of the school funding bill adopted by the voters last November: (1) the 3% income tax rate surcharge imposed on taxable income of \$200,000 or more; and (2) the Fund to Advance Public Kindergarten to Grade 12 Education.

LD 338 – An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax. (Sponsored by Rep. McLean of Gorham; additional cosponsors.)

This bill provides a motor vehicle excise tax exemption for veterans who are receiving benefits based on 100% permanent service-related disability.

### Transportation

LD 371 – An Act To Allow a Truck Carrying Perishable Products To Operate on a Posted Road without a Permit. (Sponsored by Rep. Johansen of Monticello; additional cosponsors.)

*(continued on page 6)*

## **HOPPER (cont.)**

This bill exempts commercial motor vehicles hauling perishable products from the posted road restrictions the Department of Transportation and the municipalities are otherwise authorized to put into place at certain times of the year.

### **Veterans & Legal Affairs**

LD 298 – An Act to Limit Agency Expenditures To Influence Elections. (Sponsored by Rep. Chapman of Brooksville.)

This bill prohibits all agencies of state government, counties, municipalities and other political subdivisions from expending public resources to influence the outcome of an election of a person to public office, a statewide citizens initiative, a people's veto referendum or any other statewide referendum, other than to provide impartial, factual summaries regarding what is at issue, with a listing of the arguments both for and against the issue on the ballot and without providing an opinion or conclusion regarding the outcome.

## **State-Mandated Efficient Vehicle Purchases (cont'd)**

efficient vehicles have found budget constraints would not allow them to afford the increased up-front purchasing costs.

It appears the lack of support for LD 93 as currently drafted would lead a majority of the Committee to vote "ought not to pass" at its work session this coming Monday, Feb. 6. That said, it also appears the sponsor will be offering an amended version of the bill that may, instead, require some sort of demonstration before purchases are made that there are not more fuel efficient vehicles on the market and able to do the job.

Municipal officials believe that these types of decisions ought to be made by each individual community whose officials and legislative bodies are entirely competent and committed to the task of balancing short and long term cost implications within budget constraints as well as environmental values.