

## Budget Hearings Underway

### Property tax-related initiatives heads the lineup

On Monday this week, the Appropriations Committee convened with the members of the Taxation Committee to kick-off the month long hearing on the initiatives found within the pages of the FY 2018 – 2019 biennial General Fund budget, printed as LD 390.

Gov. Paul LePage provided an overview of his fourth and final biennial budget, highlighting the initiatives of greatest importance to his administration. The message was consistent and persistent, focusing on many of the proposals advanced by the Governor in both 2013 and 2015. In a nutshell, the 2017 edition of Gov. LePage's budget proposes to reduce the income tax, expand the sales tax base, redirect K-12 school expenditures from school administrators to teachers and students, and advance social services reforms.

The first week of hearings focused on the tax-related elements of the budget, including the revenue sharing, Homestead Exemption and Business Equipment Tax Exemption programs, and two-way telecommunications personal property tax authority.

**Municipal Revenue Sharing Transfer at 2% Permanently.** Through the adoption of the FY 2016 – 2017 General Fund budget in 2015, the Legislature temporarily reduced from 5% to 2% the portion of state sales and income tax revenue distributed to municipalities under the state/municipal revenue sharing program. As enacted, the temporary reduction in the total amount of revenue distributed to municipalities will expire in FY 2020, when 5% of state sales and income tax revenue again will be shared with municipalities.

As proposed by Gov. LePage, funding for the state/municipal revenue sharing

program would be permanently reduced to the 2% level.

No testimony in support of the proposal was offered at the hearing.

Sen. Shenna Bellows of Kennebec County, Phil Drew, Bangor tax assessor, Ben Sprague, Bangor city councilor, Ed Barrett, Lewiston city administrator and others provided testimony in opposition to the Governor's revenue sharing proposal.

The testimony offered by the opponents focused on the importance of maintaining the revenue sharing program

as a means of sharing the financial burdens of local government services among the income, sales and property taxpayers. According to the provided testimony, if in FY 2016 the revenue sharing program had been funded at 5%, the mill rate in Lewiston would have been reduced from 27 mills to 25 mills providing the average property taxpayer a savings of \$250. In the City of Bangor, the average taxpayer would have saved \$163.

MMA's Legislative Policy Committee  
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## Signs in the Right of Way

As municipal officials are aware, state law governing the placement of informational signs in the public right of way was significantly amended last year in order to conform to a U.S. Supreme Court decision on the topic. That decision found that laws or regulations governing informational signs that established different standards for different signs based on each sign's content would be suspect as a possible infringement of free speech rights. Accordingly, all governments were advised to make their standards governing the installation of temporary informational signs "content neutral." Previously, political signs installed around election times were governed by standards that were different from signs identifying farmers' markets, church meetings, etc.

As a result of this required "content neutral" approach, there was a generic melding of the various informational sign standards into one common approach. Those common standards for temporary information signs are: (1) the sign can only be placed within the right of way for a

maximum of 6 weeks in the calendar year, (2) signs carrying the same or substantially same message must be placed at least 30 feet apart, (3) no temporary sign may exceed 4 feet by 8 feet in size, and (4) there must be labeling on the sign indicating the person or organization responsible for placing the sign, their address, and the designated time period the sign will be maintained in the right of way.

On Tuesday this week the Transportation Committee held a public hearing on a bill that would double the length of time any sign could stay in the public way and remove any obligation for the person or entity placing the sign to provide their contact information or identify the sign's specific six week period of installation.

LD 119, *An Act Regarding the Display and Content of Political Signs*, is sponsored by Rep. Ellie Espling of New Gloucester. When presenting the bill to the Committee, Rep. Espling said that since candidates for the State House typically participate in two elections in the even-  
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has a substantially different approach to this area of public policy and is supporting an alternative revenue sharing bill. Unlike the approach found in the budget, LD 133 seeks to incrementally restore the percent of state sales and income tax revenue distributed under the program to the full 5% level in FY 2020. Under that legislation, 3% of total sales and income tax revenue (\$99 million) would be distributed under the revenue sharing program in FY 2018, 4% (\$136 million) in the following year, and in FY 2020 and subsequent years the distribution would return to the full 5% (\$173 million).

Municipal officials are hopeful that the Taxation Committee will support a proposal to incrementally restore revenue sharing to the 5% level in advance of FY 2020.

**Amendments to the Homestead Exemption Program.** Under existing law, on April 1, 2017, the value of the Homestead Exemption for all qualifying Maine residents is scheduled to increase from \$15,000 to \$20,000. The state reimbursement to municipalities for the lost property tax revenue will also increase from 50% to 62.5%.

Gov. LePage is proposing to amend the current Homestead Exemption program in two significant ways. First, only Maine residents 65 years of age and older would benefit from the \$20,000 exemption. All other homeowners would lose the homestead exemption altogether. Second, state reimbursement for the lost property tax revenue would be reduced from 62.5% to 50%. Assuming that approximately one-third of Maine's homeowners are 65 years of age and older, it is estimated that the Governor's proposal would deliver

\$31 million (instead of \$94 million) of property tax relief to 103,000 (instead of 308,000) residents statewide.

As was the case with the revenue sharing proposal, no testimony was presented in support of this initiative at the public hearing.

Many of the opponents of the Governor's revenue sharing proposal also raised concerns with the changes proposed to the Homestead Exemption program. Those providing testimony objected to the discriminatory age-based eligibility standard on the belief that the ability or inability of a homeowner to pay the property tax bill has no direct relationship to the homeowner's age. Many testified that the limitation will hurt those who need the exemption most, including single parents, young families and recent college graduates.

In Lewiston for example, the proposal to restrict the exemption to residents over 64 years of age would cost every non-senior resident a property tax increase of \$376. Bangor assessor Phil Drew also shared concerns with the proposed age-based limit. If the Governor's Homestead Exemption proposal is adopted, Bangor residents under the age of 65 who own median value homes (\$145,000) would experience a 10% (\$294) increase in their tax bill. Senior homeowners living in Bangor would experience a 5% (\$150) decrease in their property tax obligation.

**BETR to BETE Conversion.** The Governor's proposed budget also includes an initiative to convert the taxable property currently enrolled in the Business Equipment Reimbursement Program (BETR) to tax exempt status by transferring its enrollment into the Business Equipment Tax Exemption Program (BETE) over a four-year period.

The hearing on this element of the budget bill brought out a mix of proponents and opponents. The proponents of the bill, representatives of large industrial and commercial companies, support the bill because it provides financial predictability. Under the current law, companies with BETR enrolled property rely on a state appropriation for reimbursement for the property taxes paid to the municipality. In tough economic times, the rate of reimbursement provided by the Legislature has been reduced by 10 to 20 percent.

Through the exemption approach - enrollment in the BETE program - qualifying business personal property would not be taxed, thereby eliminating the need for the owners of commercial and industry personal property to negotiate with the Legislature for full reimbursement. Because Maine's Constitution requires the state to reimburse municipalities for 50% of lost property tax revenue, this initiative would shift 50%, roughly \$20 million annually, of the costs of the BETR program from the state to the municipal property taxpayers.

Municipal officials oppose the proposal for three reasons.

First, municipalities (and their property taxpayers) with high concentrations of property enrolled in the BETR program will bear the brunt of the conversion proposal upon enactment, but it doesn't stop there. All municipalities will be affected in six years from the date of implementation when approximately \$2.5 billion of taxable property becomes exempt and the state valuations of municipalities shift more suddenly than otherwise would be the case. As a result, the state aid program formulas that are based on a community's assessed value, including General Purpose Aid for education and municipal revenue sharing, as well as the county assessment system, will undergo significant turmoil.

Second, the administrative complexities of managing the four year conversion will fall upon the impacted municipalities as a significant unfunded state mandate.

Finally, municipal officials believe that a far less disruptive approach for eliminating the BETR program is to allow it to expire naturally. Since 2007, access to the BETR program has been closed off to new enrollments (except for retail personal property). The BETR program could fade away quickly provided the door is completely closed to new enrollments.

**Taxation of Two-way Telecommunications Property.** In contrast to the BETR proposal, the Governor's two-way telecommunications initiative seeks to expand the municipal property tax base. Under current law, the state is the taxing authority for two-way telecommunications personal property (e.g., telephone, broadband, etc.). As proposed, on April

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### Legislative Bulletin

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## Signs in the Right of Way (cont'd)

numbered years – a primary election and the general election – the six-week limit on sign installation cuts in half the amount of time they were able to place their signs in the right of way compared to the pre-existing law. Rep. Espling told the Committee that the new labeling requirement became effective in the middle of last summer which was also the middle of an election season and, therefore, created confusion among the political candidates. Sharpie pens were needed to meet the labeling requirement, and because the political signs are typically reused, the labeling of designated time periods will constantly change.

Also speaking in support of LD 119 was the Maine Farm Bureau, arguing that six weeks is not enough time to properly advertise for the farmers' markets and farm stands. Also in support, the Executive Director the Maine Republican Party pointed out that since there is no real enforcement of the sign installation standards, the law creates an unfair disadvantage for the candidate who follows the standards rigorously if their opponent on the ballot does not.

The Maine Department of Transportation (DOT) and the Maine Municipal Association (MMA) testified in opposition to LD 119. The DOT testimony focused on the proposed amendment in the bill that would allow a sign to be placed in the right of way for up to six weeks "before the event to which the sign relates" up to a maximum of 12 weeks a year. As a content-neutral law governing information signs, no "event" is necessary to create

an eligibility for sign placement. Linking eligibility to an event would impair the content neutrality of the statute, which could impair, in turn, the Department's ability to enforce the law without legal challenge.

MMA's testimony opposed repealing the requirement that the person installing the sign include contact information and the intended sign duration. Municipalities, primarily through their public works departments, get a lion's share of the responsibility for cleaning up the abandoned road signs and getting the signs' owners to take responsibility for them. Since there doesn't seem to be any organized enforcement system for this state law, municipalities also get roped into enforcing violations of the sign standards, at least

on the local roads, because no one else will and because individuals observing sign placement violations are not allowed to remove inappropriately placed signs.

Under current law, people can place informational signs, up to the size of a sheet of plywood, in the public right of way for 6 weeks in the year. The signs cannot be placed too closely together and must be labelled in order to reasonably assist those who are authorized to enforce whatever standards are on the books. Controlling the proliferation of roadside signage is a reasonable governmental function. If the standards in law are not being enforced, making them completely unenforceable is not an appropriate response.

The work session on LD 119 has not been scheduled.

## Miles-Per-Gallon Mandate Defeated

On Monday this week the State and Local Government Committee voted unanimously against passage of LD 93, *An Act To Reduce Fuel Costs to State and Local Government*. As detailed in last week's Legislative Bulletin, the printed version of LD 93 sought to reduce fuel costs by mandating that local, county, and state governments purchase extremely fuel efficient vehicles, which do not come cheap.

At the Committee's work session, the bill's sponsor, Sen. David Miramant of Knox County, reiterated his intent only to require the consideration of fuel economy, not to necessarily mandate the actual purchase of fuel efficient vehicles.

He offered an amendment to this end.

However the amendment, which proposed to replace the fuel efficient vehicle purchasing mandate with a conversation mandate, still raised concerns with some members of the Committee. Several members explained how their communities scrutinize every detail of the budget, including the benefits of fuel efficient vehicles, in order to ensure property tax dollars are used as effectively as possible.

The session appeared instructive, as the sponsor explained he had not realized that municipalities were having these types of conversations before presenting LD 93.

## Budget Hearings Underway (cont'd)

1, 2018 that property would become taxable at the local level, resulting in a shift of \$6.5 million of annual revenue from the state to municipal coffers.

Municipal officials and representatives of the telecommunications industry provided testimony in support of the proposed budget initiative.

Municipal officials support the proposed change because it rightfully provides communities the authority to tax two-way telecommunications property and helps to relieve some of the pressure currently placed on all other property

taxpayers.

Although the representative of the Telecommunications Association of Maine believes the proposal needs to be amended to ease the transition of taxing authority from the state to municipalities in the first year of implementation, the members of his Association are comfortable with the Governor's proposal. From their perspective, the property will be taxed by one entity or another.

Over the coming weeks the members of the Taxation Committee will meet to discuss the Governor's tax-related propos-

als. The Committee's tasks are to review the information provided at the public hearings, craft recommendations on how to implement (or not) the Governor's tax-related initiatives and report their findings to the Appropriations Committee. Once the appropriators receive reports from all legislative committees, they will then start the long process of developing the final budget.

Next Monday, Feb. 13 at 10 a.m., the Appropriations and Education Committees will explore the Governor's K-12 public education proposals.

## 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 13

**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 Education & Cultural Affairs)

**K-12 Education funding (Part C).** This proposal would change the structure of the state’s 55% K-12 Education funding obligation, sets the mill rate expectation, moves “system administration” outside the EPS model and onto the local cost, changes the “minimum subsidy” adjustment, sets the Special Education per-pupil weights, sets student-to-teacher ratios with respect to Title 1 subtractions, and directs the development of an entirely new school funding model, in addition to other miscellaneous changes.

**Local Government Efficiency Fund (Part U).** The proposed budget includes a \$10 million appropriation - \$5 million in each year of the biennium - to capitalize the Fund for the Efficient Delivery of Local and Regional Services.

**Criminal Justice & Public Safety**  
**Rm. 436, State House, 1:00 p.m.**  
**Tel: 287-1122**

LD 141 – Environment & Natural Resources An Act Regarding Certain Criminal Charges.

LD 179 – An Act To Make Creating a Police Standoff a Class E Crime.  
LD 248 – An Act Regarding Law Enforcement Training for Former Military Police Officers.

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

LD 182 – An Act to Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals.

**Marine Resources**  
**Room 206, Cross State Office Building, 10:00 a.m.**  
**Tel: 287-1337**

LD 200 – An Act To Allow Certain Municipal Shellfish Conservation Wardens To Seize and Sell Marine Organisms Taken in Violation of a Shellfish Conservation Ordinance.

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

LD 15 – An Act Concerning the Property Tax Levy Limit.  
LD 23 – An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act.  
LD 150 – An Act Regarding the Funding of Volunteer Fire Departments.  
LD 328 – An Act To Provide Funds To Encourage Regional Planning and Reorganization.

**Veterans & Legal Affairs**  
**Room 437, State House, 10:00 a.m.**  
**Tel: 287-1310**

LD 5 – Resolution, Proposing an Amendment to the Constitution of Maine To Exclude Wildlife Issues from Citizen Initiatives.  
LD 31 – Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District.

LD 53 – Resolution, Proposing an Amendment to the Constitution of Maine To Prohibit Payment Per Signature for Citizen Petition Drives.

LD 212 – Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each State Senatorial District.

LD 298 – An Act to Limit Agency Expenditures To Influence Elections.

### Tuesday, February 14

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

LD 174 – An Act To Limit the Use of Pesticides on School Grounds.

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

LD 256 – An Act To Ensure Continued Availability of High-speed Broadband Internet at Maine’s Schools and Libraries.

LD 258 – An Act To Amend the Charter of the Southwest Harbor Water and Sewer District.

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

LD 183 – An Act Regarding the Use of the Electronic Death Registration System.

LD 239 – An Act To Require National Banks To Cooperate in the Administration of the General Assistance Program.

**Insurance & Financial Services**  
**Room 220, State House, 1:00 p.m.**  
**Tel: 287-1314**

LD 237 – An Act To Establish a State Bank.

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

LD 172 – An Act To Improve Officer Safety at Roadside Incidents.

LD 242 – An Act To Allow Extra Lights on the Front of a Motorcycle.

### Wednesday, February 15

**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 Transportation)

**100% General Fund Support of State Police Patrol Services (Part NNNNN).** Currently, state police expenses for the patrol of state rural highways, the Maine Turnpike and the interstate system is shared between the General Fund (65%) and the Highway Fund (35%). This proposal would shift 100% of the funding to the General Fund, resulting in a \$40 million increase in Highway Fund revenues over the next two years.

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

LD 251 – An Act Regarding Refusing To Submit to Arrest or Detention.

LD 321 – An Act To Enhance Safety of School Property.

LD 332 – An Act Regarding Service of Criminal Process on Electronic Communication Service Providers and Remote Computing Service Providers.

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## LEGISLATIVE HEARINGS (cont.)

### Education & Cultural Affairs

Room 202, Cross State Office Building, 2:00 p.m.

Tel: 287-3125

LD 143 – An Act To Provide for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund.

### State & Local Government

Room 214, Cross State Office Building, 9:00 am.

Tel: 287-1330

LD 329 – An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository of Legal Notices.

### Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

LD 235 – An Act To Repeal the Service Provider Tax.

### Veterans & Legal Affairs

Room 437, State House, 9:00 a.m.

Tel: 287-1310

LD 121 – An Act To Require Photographic Identification to Vote.

LD 155 – An Act To Protect Voting Integrity by Establishing a Residency Verification Requirement for Purposes of Voting.

## Thursday, February 16

### Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.

Tel: 287-3125

LD 322 – An Act To Reintroduce Civics to High School Graduation Requirements.

### Energy, Utilities & Technology

Room 211, Cross State Office Building, 1:30 p.m.

Tel: 287-4143

LD 55 – An Act to Provide Funding 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.

### Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 2:00 p.m.

Tel: 287-1331

LD 165 – An Act To Provide Matching Funds for Federal Community Development Block Grants.

### Transportation

Room 126, State House, 1:00 p.m.

Tel: 287-4148

LD 207 – Resolve, To Designate a Bridge in East Machias as the Norman E. Bagley Memorial Bridge.

LD 208 – An Act To Add Vehicles Hauling Animal Bedding to Those Exempt from Posted Road Restrictions.

LD 209 – An Act To Amend the Laws Governing Temporary Sign Usage.

LD 216 – Resolve, Directing the Department of Transportation To Erect Signs on Interstate 95 Directing Motorists To Lincoln.

LD 236 – An Act To Update Accessibility Requirements on Highways.

## Friday, February 17

### Veterans & Legal Affairs

Room 437, State House, 10:00 a.m.

Tel: 287-1310

LD 297 – An Act To Improve the Administration of Election Recounts.

LD 299 – An Act To Increase Voter Knowledge by Placing the Amount of the Total Current Bond Debt on Each Ballot That Contains a Bond Issue.

## 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).)

### Appropriations & Financial Affairs

LD 292 – An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service. (Sponsored by Rep. Sheats of Auburn; additional cosponsors.)

This bill sends out to the voters a proposed \$50 million bond issue for the purpose of investing in Maine's rail infrastructure and expand passenger rail service.

LD 316 – An Act To Authorize a General Fund Bond Issue for Railways. (Sponsored by Sen. Miramant of Knox Cty; additional cosponsors.)

This bill sends out to the voters a proposed \$50 million bond issue for the enhancement of existing railway service and for the expansion of railway service.

LD 317 – An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities. (Sponsored by Sen. Miramant of Knox Cty; additional cosponsors.)

This bill sends out to the voters a proposed \$100 million bond issue to improve the state's highways, bridges and multimodal transportation facilities.

LD 318 – An Act To Authorize a General Fund Bond Issue to Support Economic Development with High-Resolution Geospatial Data.

(Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

This bill sends out to the voters a proposed \$6 million bond issue to provide partnership funds and matching grants for geospatial data acquisition to communities that are creating or improving digital parcel maps for the purpose of accurately identifying existing boundaries and land use, identifying potential community development areas and protecting environmental resources.

LD 319 – An Act To Authorize a General Fund Bond Issue for Riverfront Community Development. (Sponsored by Sen. Deschambault of York; additional cosponsors.)

This bill sends out to the voters a proposed \$25 million bond issue to enhance investments in economic revitalization, environmental improvements and community betterment projects along the rivers of the state.

LD 467 – An Act To Authorize a General Fund Bond Issue To Address Changes in Sea Level. (Sponsored by Rep. Devin of Newcastle; additional cosponsors.)

This bill sends out to the voters a proposed \$5 million bond issue to support improvements to sea level prediction models by providing more detailed mapping of coastal zones and monitoring sea level

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changes in order to mitigate the impact of rising sea levels.

LD 520 – An Act to Authorize a General Fund Bond Issue To Increase Rural Maine’s Access to Broadband Internet Service. (Sponsored by Rep. Berry of Bowdoinham; additional cosponsors.)

This bill sends to the voters a proposed \$100 million bond issue for the provision of broadband internet service in unserved and underserved areas of the state through the ConnectME Authority (or successor organization) partnerships with private, municipal and nongovernmental service providers.

### **Criminal Justice & Public Safety**

LD 443 – An Act To Allow Municipally Funded Hospitals To Prohibit the Presence of Firearms on Their Property. (Emergency) (Sponsored by Sen. Davis of Piscataquis Cty; additional cosponsors.)

This bill allows a municipally funded hospital to restrict possession or use of firearms and firearms-related items on property used by the municipally funded hospital.

LD 463 – An Act To Improve the Funding of County Jails. (Sponsored by Rep. Martin of Sinclair; additional cosponsors.)

This bill makes two substantive changes to the law governing the charges that can be assessed when prisoners are transferred between “sending” and “receiving” jails and the limitations on the amount of the annual increase in the assessment on the municipal property taxpayers to cover the cost of jail operations. With respect to the transfer of prisoners between the sending and receiving jails, the bill repeals the existing language that imposes certain limitations and straightforwardly allows the receiving jails to charge a per-diem rate up to \$108. With respect to the year-to-year limitation on the assessments on the assessments on the municipal tax base, the bill restricts the annual growth to no more than the county’s “LD 1” assessment limit. Current law restricts the annual growth to either the LD 1 limit or 3%, whichever is less.

LD 474 – An Act To Allow a Public Safety Answering Point To Be Reimbursed for Training Costs. (Sponsored by Rep. Dillingham of Oxford; additional cosponsors.)

This bill provides for the reimbursement of a public safety answering point’s (PSAP) training costs for a dispatcher who finds employment at another PSAP within 5 years of completion of training by the Emergency Services Communication Bureau. The level of required reimbursement for the full costs of the training is prorated depending on the number of years that have passed since the conclusion of the training and the start date of the new-found employment.

LD 516 – An Act To Reduce the Cost of Pretrial Detention. (Sponsored by Sen. Dion of Cumberland Cty; additional cosponsors.)

This bill requires a law enforcement agency that commits a prisoner to the sheriff’s charge prior to arraignment on a nonviolent Class D or Class E crime to reimburse the sheriff for each day that the prisoner is held by the sheriff prior to arraignment and to pay a one-time surcharge of \$50. The per-diem rate to be paid by the law enforcement agency is the same per-diem rate established by the Department of Corrections for the purposes of funding county jail operations.

### **Education & Cultural Affairs**

LD 397 – An Act To Ensure the 3 Percent Tax on Incomes over \$200,000 Is Distributed Proportionately Based on Student Counts. (Sponsored by Rep. Malaby of Hancock.)

This bill requires the additional school subsidy distributed as a result of the school funding citizen initiative adopted by the voters last November to be distributed entirely on the basis of each school system’s pupil count and regardless of the school system’s local cost share expectation.

LD 420 – An Act To Require Same-year State Valuations for Education Funding Purposes for Municipalities That Lose More Than 35 Percent of Their Tax Base. (Sponsored by Rep. Austin of Skowhegan; additional cosponsors.)

This bill creates an exception to the way a municipality’s certified valuation is used to determine its “fiscal capacity” for the purpose of school subsidy distribution. Under the terms of the bill, when a municipality’s valuation declines more than 35% from the preceding year and the loss in value is attributable to a single taxpayer, the most recent certified valuation must be used to determine the “fiscal capacity” rather than the preceding three-year rolling average.

### **Energy, Utilities & Technology**

LD 257 – An Act To Enable Municipalities Working with Utilities To Establish Microgrids. (Sponsored by Rep. Devin of Newcastle; additional cosponsors.)

This “concept draft” bill proposes to establish measures to allow municipalities, working cooperatively with electrical utilities, to create “microgrids”, which are described in the concept draft proposal as electricity distribution systems consisting of distributed energy sources, including demand management, storage and generation and loads capable of operating in parallel with, or independently from, the main power grid.

LD 421 – An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet. (Sponsored by Rep. McCrea of Fort Fairfield; additional cosponsors.)

This “concept draft” bill proposes to increase funding to the ConnectME Authority from \$1 million to \$5 million to expand universal broadband and high-speed internet into rural areas of the state.

LD 422 – An Act To Facilitate the Creation of the Maine Water Trust To Regulate and Protect Maine’s Water Supply and To Ensure the Quantity and Quality of Maine’s Drinking Water. (Sponsored by Rep. Sylvester of Portland; additional cosponsors.)

This bill imposes a two year moratorium on new contracts or agreements by consumer-owned water utilities, municipalities, state agencies or other governmental entities involving or allowing the extraction of more than 75,000 gallons of groundwater during any week or more than 50,000 gallons of groundwater on any day, with an exception for extraction solely for agricultural use or storage for agricultural use. The bill also establishes a 10-member working group that is charged during the period of the moratorium to develop the Maine Water Trust. The working group must develop and recommend laws that establish the control and dominion of the state government over all groundwater in the state and the trust must be designed to monitor groundwater levels and quantity, determine the quantities of groundwater that can be accessed for commercial use, regulate the use of groundwater for commercial purposes and inventory water infrastructure, including municipal drinking water and wastewater pipelines. The working group’s report and recommendations must be submitted to the Legislature by January 15, 2019.

### **Environment & Natural Resources**

LD 349 – An Act To Establish a Mattress Stewardship Program. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsor.)

This bill establishes a stewardship program for discarded mattresses. Following a relatively standard stewardship program structure, the manufacturers of mattresses or an association of those manufacturers are required to submit a plan to the Department of Environmental Protection (DEP) for the establishment of the stewardship program within a year of the effective date of the legislation. Ten required elements of that plan are detailed in the bill. Once the submitted plan is approved by the DEP, the operator of the plan will begin administering the program which allows any mattress retailer, wholesaler, municipality or solid waste management facility to voluntarily serve as a collection location for discarded mattresses. The operator of the stewardship plan must underwrite all costs of pick-up and transportation from the

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## HOPPER (cont.)

collection sites, and the collection sites may not charge fees of any kind to those depositing the mattress for the collection service, nor may the operators or collection sites discriminate with respect to the brand-name mattresses they accept or transport. The program is paid for by a separate assessment, as approved by the DEP, on the sale of all mattresses in the state.

**LD 375 – An Act To Establish a Carpet Stewardship Program.** (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

This bill establishes a stewardship program for discarded carpets that parallels the proposed program for mattresses (see LD 349).

**LD 385 – An Act To Establish a Stewardship Program for Certain Rechargeable Batteries.** (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsor.)

This bill establishes a stewardship program for certain rechargeable batteries that parallels the proposed program for mattresses and carpets (see LDs 349 and 375).

**LD 400 – An Act Regarding the Construction or Placement of Decks within the Shoreland Zone.** (Sponsored by Rep. Turner of Burlington; additional cosponsors.)

This bill authorizes municipalities to adopt ordinance provisions under the shoreland zoning law that would allow the construction of a deck on a private residence that extends into the shoreline setback area provided the deck was no larger than 192 square feet, is for residential use or storage of small watercraft or portable docks, does not extend over or into the waterbody or wetland, and the construction of which does not create a cleared opening greater than 250 square feet in the forest canopy.

### Health & Human Services

**LD 518 – An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons.** (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsor.)

This bill amends General Assistance (GA) law with respect to the responsibility of certain relatives to financially contribute toward the costs of burial or cremation of deceased person determined potentially eligible for GA. To the current list of responsible relatives, the bill adds the decedent's spouse or domestic partner. The bill also strikes the provision of current law that restricts potentially responsible relatives to persons who live or own property in Maine.

### Inland Fisheries & Wildlife

**LD 359 – An Act To Protect Maine Lakes and Ponds from Invasive Species.** (Sponsored by Rep. Ginzler of Bridgton; additional cosponsors.)

This bill requires all non-motorized watergoing vessels, boats, canoes or craft, excepting houseboats, to be fitted with an "invasive species" sticker obtained in the same way as motorized watercraft registrations for a fee of \$5.00, 25 cents of which is retained by the agent issuing the sticker. The fees collected by the state are dedicated to the Invasive Aquatic Plant and Nuisance Species Fund.

### Labor, Commerce, Research & Economic Development

**LD 488 – An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas.** (Sponsored by Rep. Gillway of Searsport; additional cosponsors.)

This bill authorizes a municipality by ordinance to allow grocery stores with no more than 10,000 square feet of interior customer selling space to be open on Easer Day, Thanksgiving Day and Christmas Day.

**LD 489 – An Act To Ensure Firefighters Receive Cancer Treatment Pursuant to the Maine Revised Statutes, Title 39-A.** (Sponsored by Rep. Seavey of Kennebunkport; additional cosponsor.)

Under current law there is a "rebuttable presumption" in Workers'

Compensation law that if a municipal firefighter contracts one of ten types of cancer, the cancer was contracted as a result of that person's employment as a firefighter and the claim is compensable. This bill amends that law to establish the presumption as conclusive rather than rebuttable, so the compensability of the cancer claim would be automatic.

### Marijuana Legalization Implementation

**LD 499 – An Act To Allow Municipalities To Prohibit Retail Marijuana Facilities in Safe Zones.** (Sponsored by Rep. Austin of Skowhegan; additional cosponsors.)

This bill allows municipalities by ordinance to prohibit the location of retail marijuana establishments and retail marijuana social clubs within any youth congregation "safe zone" designated by the municipality.

### Marine Resources

**LD 539 – An Act To Allow Municipalities To Establish Shellfish Conservation Areas.** (Sponsored by Rep. Spear of South Thomaston; additional cosponsors.)

This bill allows municipalities or regional shellfish management committees to designate conservation areas where harvesting any marine organism is prohibited. The conservation areas, in aggregate, may not exceed 10% of the total harvestable area in the intertidal zone, and must be marked with signs that identify the municipality or regional shellfish management committee that designated the area and indicate the purpose of the area.

### State & Local Government

**LD 540 – An Act To Help Municipalities Prepare for Sea Level Rise.** (Sponsored by Rep. Blume of York; additional cosponsors.)

This bill amends the laws governing municipal and multi-municipal comprehensive planning to add an additional goal in the list of goals which form the foundation of the growth management law. The additional goal is to plan for the effects in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant infrastructure proximate to the coastal area. In the section of law detailing the elements of a comprehensive plan, the bill authorizes coastal municipalities to include projections regarding changes in sea level and the potential effects of the rise in sea level on those same types of infrastructure.

### Taxation

**LD 433 – An Act To Allow Municipalities To Apply a Local Option Sales Tax to the Sale of Marijuana.** (Sponsored by Rep. Rykerson of Kittery; additional cosponsors.)

This bill authorizes a municipality that approves the location of a retail marijuana store or social club to impose, presumably by ordinance, a local option sales tax that would piggyback on the 10% state tax that current law imposes on the retail sale of marijuana. The local option sales tax revenue would be collected and issued to the state treasurer by the retailer in the same manner as the state sales tax revenue. In conjunction with Maine Revenue Services, the local option portion of the collected revenue would then be remitted to the municipality.

**LD 492 – An Act To Restore Revenue Sharing.** (Sponsored by Rep. Tepler of Topsham; additional cosponsors.)

This bill is designed to restore the percentage of state sales and income tax revenue dedicated to the municipal revenue sharing program to its historic 5% level rather than the temporary 2% level that was enacted into law in 2015. The bill ramps up to the 5% level over a three year period by restoring the 5% standard in law more or less immediately but authorizing the state to "transfer" specific amounts of revenue out of the revenue sharing program and into the state's General Fund for the remainder of FY 2018 and throughout FY 2019.

**LD 493 – An Act To Tax the Extraction of Water for Certain**  
*(continued on page 8)*

## HOPPER (cont.)

Commercial Purposes and Fund Water Quality Programs. (Sponsored by Rep. Melaragno of Auburn; additional cosponsors.)

This bill creates an excise tax of 1 cent per 25 gallons of groundwater or surface water extracted from springs or other underground sources by a bottled water operator that extracted more than 1 million gallons in the previous calendar year if the water is packaged for sale. The excise tax revenue is dedicated to the Maine Water Quality Testing and Monitoring Fund, established by this bill. 85% of the resources in that Fund is dedicated to well water testing programs and 15% is dedicated to lake water quality monitoring and support.

### Transportation

LD 393 – An Act To Clarify That the Department of Transportation Is Exempt from Property Assessment Liabilities When Acquiring Property by Condemnation. (Sponsored by Rep. Gillway of Searsport; additional cosponsors.)

This bill provides as a “clarification” that when the Department of Transportation acquires property by condemnation, neither the Department nor the former property owner are responsible for paying the property taxes assessed against that property for any prorated period of time of the tax year after the Department’s acquisition.

LD 500 – An Act To Allow the Formation of Transportation Corridor Districts. (Sponsored by Sen. Miramant of Knox Cty; additional cosponsors.)

This bill authorizes a municipality or a group of municipalities to form a transportation corridor district for the purposes of funding public transportation and accessibility needs, including passenger rail, ferry, bus, bicycle and pedestrian facilities and routes, and promoting economic development at transportation station areas and in downtown

areas. The bill details the district formation procedures, which include required public hearings with notice provided to all property owners within the proposed district and notice to municipalities adjoining the proposed district and the Department of Transportation. The creation of a transportation corridor district requires the approval of voters in each participating municipality by referendum.

### Veterans & Legal Affairs

LD 439 – An Act To Allow Voters To Choose Ongoing Absentee Voter Status. (Sponsored by Rep. Fecteau of Biddeford; additional cosponsors.)

This bill establishes a procedure to allow a voter to be provided ongoing absentee voter status upon application to the Secretary of State. Upon the Secretary’s approval and notification to the municipality, the municipal clerk is directed to automatically mail an absentee ballot to the voter with ongoing status for every election until such a time as the status is terminated by the Secretary for one (or more) of five reasons listed in the bill.

LD 440 – An Act To Expand Absentee Balloting To Include Certain Residents in Independent Living Facilities. (Sponsored by Rep. Hogan of Old Orchard Beach; additional cosponsors.)

Current law requires municipal election clerks to designate one or more times during the 30-day period prior to an election when the municipal election personnel shall be set up in licensed nursing homes, residential care facilities and assisted housing programs, each with 6 or more beds, for the purpose of conducting absentee balloting for those facilities’ residents. This bill extends that requirement to independent living facilities providing housing for senior citizens as long as the company managing the facility has made a request for that service.