

Public Hearing Held On MMA Broadband Bond

Time To Get On the Internet Highway

There is a looming sense that the rest of the world is beginning to leave Maine behind as a result of the relatively slow deployment of reliable, high speed internet throughout our state. Maine's "three-ring binder" broadband backbone has been up-and-running for five years. The binder is a fiber-optic internet cable network running from Aroostook to York County that connects to a regional network, so-called due to the three loops formed by the infrastructure across the state. This network is often likened to a highway which still lacks sufficient on-off ramp connections to ensure affordable widespread access via "roads" or internet lines that extend into individual communities.

On Wednesday, the Energy, Utilities and Technology Committee held a public hearing on LD 140, *An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund*. Sponsored by Rep. Norm Higgins of Dover-Foxcroft on behalf of the Maine Municipal Association's Legislative Policy Committee, this bill seeks legislative authorization of a statewide referendum to create a \$10 million bond supporting the public-private partnerships necessary to build the access "roads" to improve high-speed, reliable internet infrastructure connections throughout the state, in a more timely fashion.

Rep. Higgins was joined in his support by two senators, three citizens, the City of Presque Isle, the Maine Small Business advocate, Maine Broadband Coalition, Coastal Enterprises Incorporated (CEI),

the Island Institute, and MMA. No entities opposed LD 140. The ConnectME Authority, Charter (formerly known as Time Warner) and Fairpoint Communications provided "neither for nor against" testimony.

Operating on the premise that Maine can compete with the entire world pro-

vided we have the necessary tools, Rep. Higgins explained the need for this bill on three fronts – job creation, educational opportunities, and improved home-based "tele" healthcare. As a former school superintendent, Rep. Higgins expressed his belief that expanded high speed internet

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Education Committee's Approach to the State's 55% Funding Obligation

Committee splits with 4 members claiming the state is already fully compliant

The Education Committee relayed to the Appropriations Committee its various recommendations regarding the Governor's proposed budget as it relates to K-12 funding for the upcoming school year.

The delivery of these recommendations from the various legislative committees are referred to as "report-backs". It's not exactly a normal year for the report-back from this particular Committee. Maine's voters approved a citizens' initiative last November that directed the state to funnel approximately \$160 million generated by a new income tax rate surcharge into K-12 education, allowing the state to achieve the 55% standard that has been on the books for over 30 years but never achieved.

In a counter move, the Governor proposed in his biennial budget to: (1) nullify in a big way the initiated law's income tax change, (2) essentially flat-fund K-12 education for another year, and (3) recalibrate the Essential Programs

and Services school funding model so that every school system's management costs – "system administration" – would no longer be considered worthy of state subsidy within the funding model. Such a proposal constitutes a triple whammy against the laws regarding the financing of public education enacted by the Legislature in 1984 and the voters in both 2004 and 2016.

With that as background, a threshold question regarding this particular report-back is whether the Legislature, or at least its Education Committee, accepts the obligation to cover 55% of the EPS school funding model as directed by Maine's voters, even if the Governor doesn't.

The good news is that nine of the Committee members support without equivocation covering 55% of the EPS model with state General Fund resources, which is the appropriate and historic standard.

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can provide opportunities for students to blend on-site and off-site access to academic programming, reducing the need to merge schools, and improving the viability of rural communities.

Both he and Sen. Geoff Gratwick of Penobscot County described the potential of telemedicine to deliver high quality healthcare that reduces costs by allowing patients to receive medical attention in their homes. Sen. Shenna Bellows of Kennebec County added the need to address the disparities in internet service across her district, varying not just by municipality, but by location within the municipality. Rep. Higgins and Sen. Bellows each pointed to the “open access, non-discriminatory” requirement of the grants that would be funded by LD 140 as improving competition and accountability by mandating that internet infrastructure created with public funding allow more than one private internet service provider to utilize it (the binder itself is open access). All three legislators noted that opportunities to foster economic development by attracting people to Maine in the near-term will be missed without funding for improved connections to the binder.

A physician who worked to extend tele-health programming within the Veterans Administration emphasized that a minimum upload speed of 15 megabits/second is crucial for live-feed video streams between patients and doctors, as well as her belief that Mainers will positively respond to lower cost internet service and cannot currently afford the rates being charged by many of the larger

providers. CEI added that only 12 percent of Maine households have access to the state’s minimum upload and download baseline of 10 megabits/second. Anticipating claims that Maine is adequately served today, they stated, “good enough may be good enough for now, but it is not good enough for the future.”

Maine’s island communities also strongly supported LD 140. A resident of Chebeague Island said she would not have purchased her home decades ago if it had not had electricity, and that many young residents are overlooking rural areas today because the homes do not have sufficient internet access. The Island Institute offered testimony that the number of year-round island communities has been reduced from nearly 320 at the turn of the 20th Century to 14 today, and that by supporting extension of reliable and affordable internet LD 140 will further the Institute’s mission of sustaining and improving island residency.

The City of Presque Isle offered written testimony, stressing that reliable and affordable broadband is critical to the economic sustainability of rural northern Maine, which has been losing more business than it creates in recent years. In its testimony, MMA noted that LD 140 marks the second attempt to secure bond funding for broadband infrastructure connections to the three-ring binder. Since that first effort in 2015, the municipal appetite for state and federal infrastructure assistance has grown with more widespread recognition by local officials that it is not only their municipality’s internet that is either unreliable, unaffordable, low-speed, or a combination thereof. This is an issue from the smallest plantations to the largest cities.

A member of the Phippsburg Conservation Commission testified that the larger providers are, in her view, effectively operating an unregulated monopoly given the high level of investment required to provide internet services, and supported the open access requirement in the legislation. The Maine Small Business advocate and co-chair of the Maine Broadband Coalition, testifying in favor of LD 140, anticipated an argument made by those questioning the need for public investment in “underserved” rather strictly

“unserved” areas. As she explained, in practice restricting funding solely to unserved areas proves difficult if not impossible as the infrastructure must often pass through *underserved* areas before reaching *unserved* locations.

In its “neither for nor against” testimony Fairpoint Communications expressed three concerns: building over existing infrastructure, requiring open access, and forcing the private sector to compete with government. Detailing what they describe as “over-building”, the company claims “it does not make sense to spend taxpayer funds to build parallel networks; it completely devalues the investment of the private sector and discourages further investment in the state.”

Charter echoed the duplication concern, implying that the three-ring binder should not have been built in the first place because the company’s predecessor, Time Warner, already provided service in what they stated was eighty percent of the territory served by the binder. Charter also stressed the need for public funds to only target the “unserved” communities that have no internet service whatsoever.

The ConnectME Authority’s neither for nor against testimony focused on the difference between the Municipal Gigabit Broadband Network Access Fund and the Authority’s own fund, which receives \$1 million in state funds per year that many see as insufficient for accomplishing their mission of facilitating the universal availability of broadband to all Maine households and businesses. The Authority acknowledged it supports some addition of resources to the Municipal Fund, which “allows targeted development and a variety of partnering relationships towards a defined set of economic development and access goals.”

The work session on this legislation has not yet been scheduled. Unless the Energy, Utilities and Technology votes unanimously at the work session to kill LD 140, it will head to the Appropriations and Financial Affairs Committee. Once in the hands of the state’s appropriators, that Committee will work with legislative leadership to craft a “package” that combines several bond proposals to be advanced to the voters via referendum.

Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: www.memun.org

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Education Committee's Approach to the State's 55% Funding Obligation (cont'd)

Four of the committee members, however, embrace a definition of the 55% standard that does not comport to either the standard adopted by the voters in 2004 or the 55% standard adopted by the Legislature itself in 1984. It is, instead, an alternative 55% standard that closely resembles the alternative standard put forward by the Governor in his proposed budget.

As a first step in the redefinition process, the proposed budget repeals the section of law that tracks the level of state financial support for the EPS model so there will no longer be a place to go in statute to review the Legislature's compliance with the funding obligation. The proposed budget then establishes a new 55% standard that effectively guarantees that the state will not be obliged to cover a full 55% of the cost of K-12 education as measured by the EPS model.

It accomplishes that result by claiming as part of the state's 55% obligation the annual state payment to the Maine Public Employees Retirement System (MEPERS) to incrementally erase the system's Unfunded Actuarial Liability (UAL). The UAL payment, effectively required by the state's Constitution, has nothing to do with educating Maine's public school students today and everything to do with actions taken by previous legislatures decades ago to borrow from and otherwise underfund the MEPERS system. Redefining the state's 55% obligation to include the annual UAL payment underscores the lengths some in Augusta will go to twist history to absolve state government of commitments it has made, and directives it has been given by the voters, in the past.

Ironically, the size of the annual UAL payment is almost exactly equal to the amount of additional financial support that is required for the state to achieve the established 55% standard. Swapping out one for the other is clearly the simplest way for the state to sidestep its funding obligation.

The letter of explanation to the Appropriations Committee provided by the four Representatives who are following the Governor's lead reveals how easy it can be for the Legislature, if it so decides,

to avoid any further exposure to any 55% requirement by simply redefining the requirement to include existing state expenditures unrelated to the school funding model, such as the UAL or even general financial support for the Department of Education.

It's much easier to score a touchdown when you can place the goal line wherever it suits you.

What follows is the report-back letter of the Education Committee's four-member minority with respect to what they believe is the state's 55% obligation, and why they believe it has

already been met. The first line in their list is the Governor's proposed General Fund appropriation for the next school year as the state share of the Essential Programs and Services school funding model. The following \$2 million line and the \$5 million line refer to proposed expenditures that are not presently "within" the EPS model but could easily and appropriately be folded within it. The \$173 million "UAL" line and the \$12 million line to generally fund the Department of Education clearly do not belong within the EPS model. (Note: The italicized emphasis was not in the original letter.)

March 22, 2017

Committee on Appropriations and Financial Affairs
 Attn: Senator James Hamper
 5 State House Station
 Augusta, ME 04333-0005

Senator Hamper:

On Monday, March 20th, the members of the Joint Standing Committee on Education and Cultural Affairs voted unanimously to support state funding of Kindergarten through Grade 12 education at the level of 55%.

Enclosed, you will find our proposal for said funding. State Support of Education Kindergarten through Grade 12 at 56% as follows:

General Purpose Aid for local schools	\$991,361,550.00
UAL – Teacher Retirement, Health & Life	\$172,880,735.00
Higher Education (K-12) Aspirations Program	\$2,000,000.00
Fund for Efficient Delivery of Educational Services	\$5,000,000.00
Department of Education (General Fund)	<u>\$12,179,169.00</u>
Total State Dollars for K-12 Education	\$1,183,421,454.00

All the best,
 State Representative Phyllis Ginzler
 State Representative Heidi Sampson
 State Representative Beth Turner
 State Representative Harold "Trey" L. Stewart, III

Firearms in Municipal Buildings & Other Criminal Justice Committee Updates

Over the last two weeks members of the Criminal Justice Committee have voted on several bills of municipal interest and importance including legislation authorizing municipalities to prohibit firearms in municipal buildings, two bills seeking to shift additional county jail operations burdens onto the property taxpayers, and legislation relaxing the prohibition on law enforcement fund raising activities. What follows are updates on the Committee's work on these four bills.

Firearms In Municipal Buildings. The Criminal Justice Committee voted to support an amended version of LD 351, *An Act to Allow Municipalities to Prohibit Weapons at Municipal Public Proceedings and Voting Places*, by a margin of 8 to 4. The bill, sponsored by Rep. John Spear of South Thomaston, would authorize, but not mandate, municipalities to adopt ordinances banning the carrying of weapons at municipal proceedings and at polling places. The authority provided in LD 351 extends to municipalities the option of implementing the same weapons-free environment that the Legislature has provided to itself, state agency employees and the general public who convene in the state's capitol area.

At the request of Rep. Spear, the members of the Committee supporting LD 351 amended the bill in four ways. First, municipalities would be authorized to adopt ordinances prohibiting the carrying of dangerous weapons within municipal buildings, as well as at public proceedings and voting places. Second, law enforcement officers would be exempted from the prohibition. Third, the amendment clarifies that adopted ordinances could include exceptions allowing certain dangerous weapons (e.g., kitchen knives, scissors, knives with blades less than eight inches in length, etc.) to be carried into a municipal building, proceeding or voting place. Finally, municipalities electing to adopt an ordinance would be required to post notice of the prohibition outside all municipal buildings and other places within the community subjected to the prohibition.

LD 351 is now heading to the Legislature for debate and a final vote.

Working Group on County Jail Funding. During its Wednesday work session, the Criminal Justice Committee voted to table LD 463, *An Act To Improve the Funding of County Jails* and LD 516, *An Act To Reduce the Cost of Pretrial Detention*.

LD 463 would replace the 3% cap on annual increases in property tax assessment for county jail operations with the so-called "LD 1" property tax levy limit. It is projected that the shift from the fixed 3% cap to the LD 1 levy limit would allow for county jail funding-related property tax increases in excess of 5% annually. LD 516 would authorize county sheriffs to assess fees and per diem rates on municipalities and others for the cost of housing certain individuals arrested for nonviolent Class D or Class E crimes. Specifically, the county sheriffs would be authorized to invoice an arresting law enforcement agency, including municipalities, counties and state, a one-time \$50 surcharge and a per diem boarding rate for each day an arrested individual is housed in a county facility pre-arraignment.

If enacted as proposed, LD 463 and LD 516 would shift additional burdens onto the property taxpayers, who are already funding 80% of total annual jail operations costs.

At its work session, the Committee expressed interest in further exploring the concepts found in both bills and authorized the creation of an informal working group to study the jail funding shortfalls and to report back its recommendations. According to a list of names mentioned at the work session, the working group members will include at least two members of the Criminal Justice Committee, county officials, sheriffs, and yet to be identified "other interested parties."

Stay tuned for updates on the working group's progress.

Law Enforcement Solicitation. Finally, LD 588, *An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances*, received a unanimous "ought to pass as amended" vote from the Criminal Justice Committee.

Under current statutes, law enforcement officials are prohibited from engaging in direct solicitation activities that in any way benefit law enforcement activities, programs or officers. The amended version of the bill would allow law enforcement officers to directly participate in fundraising efforts only in cases where the funds raised are donated to a catastrophically ill officer or an officer's family member.

Groups Seek State "Dominion" Over Groundwater

On Wednesday, the Energy, Utilities and Technology Committee held a hearing on 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*. The bill, sponsored by Rep. Michael Sylvester of Portland, as drafted seeks to shift groundwater ownership rights from property owners to the state through a two-step process. The first step would be to impose a two-year moratorium on the creation or renewal of contracts in-

volving groundwater extraction of more than either 75,000 gallons in a week or 50,000 gallons per day. The second step is to create a working group charged with formulating draft laws to establish the absolute control and dominion of the state, in the form of the Maine Water Trust, over all groundwater in the state.

The sponsor of LD 422 was joined by nine supporters of this measure that included Sen. Brownie Carson of Cumberland County, two members of the public, and representatives of the Protect

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Rumford Water Alliance, Democratic Socialists of America, and Sierra Club, as well as three health advocacy organizations Prevent Harm, Toxics Action Center, and Food & Water Watch.

In his support for LD 422, Sen. Carson referenced increasing public anxiety over the need to protect Maine's water supply. He asked the Committee to support this framework for exploring how to ensure Maine's water supply is kept intact, clean, and readily available. Food & Water Watch cited the drying up of surface waters in the state of Michigan after Nestle bottled water from a Michigan aquifer as an example of the need to protect Maine's groundwater, and by extension surface water, resources. The organization also expressed a hope that this bill would lead to the creation of a plan to replace lead water pipes throughout the state.

Prevent Harm's supportive testimony focused on this infrastructure aspect, supporting the bill's call for an inventory of water infrastructure and actions. A member of the Protect Rumford Alliance recommended that each municipality provide enhanced ecological, business and financial oversight of their water districts, including annual public forums where the water district trustees discuss their actions and finances for the year and their plans for the next three years.

Thirty people testified in opposition to LD 422. This diverse group of opponents included water district representatives from Augusta, Bingham, Kennebec, Lincoln, and Winthrop, the Maine State Geologist, the Department of Agriculture, Conservation and Forestry, the Maine Rural Water Association, Maine Water Utilities Association, Rep. Sheldon Hannington of Lincoln, environmental engineering firm Wright-Pierce, Poland Spring Bottling Company, Maine Forest Products Council, the state Chamber of Commerce, Southern Maine Regional Water Council, Wild Blueberry Commission

of Maine, Jasper Wyman and Son, the Maine Motor Transport Association, columnist George Smith, and MMA.

The breadth of the 30-entity opposition might be best summed up by the testimony of Jeff LaCasse, who is the General Manager of the Kennebec Water District and Chair of the Maine Drinking Water Commission, which focused on questioning the justification for the two-year moratorium. Citing the State Geologist's testimony that Maine receives approximately 24 trillion gallons of water per year, with 10-20 percent making it into the groundwater, Mr. LaCasse relied on a metaphor to demonstrate the current adequacy of Maine's groundwater and the lack of need for this bill. The total state groundwater resource can be represented by a ream of 500 sheets of paper, he stated. Even with the low estimate of 10 percent of water being replenished on an annual basis, all of Maine's water utilities draw the approximate equivalent of 1¾ sheets of paper per year. Poland Spring's use would be a bit less than ¼ of one sheet in the ream according to his calculation. Mr. LaCasse and others claimed Maine's water ownership and regulation paradigm works, and sufficiently protects state resources.

MMA opposed LD 422 on three grounds. First, it is very probable that contracts of significant importance to local and regional economies will come up for renewal within this two year period, or amendments to existing contractual agreements will need to be executed. In the case of water extraction, the municipal water district trustees charged with balancing the protection of the water supply with the community's economic needs routinely establish contracts with manufacturers that depend on a significant supply of water for their operation. As the various water utilities testified, a state-level moratorium could adversely impact these businesses, which are the cornerstone of the economy in many

communities.

Second, there does not appear to be a need to overturn longstanding state policy at this time or in this manner. Maine has long supported private water ownership in law and LD 422 creates a framework for state ownership. Furthermore, a substantial regulatory framework over groundwater is operational and has been for decades. Maine's Department of Environmental Protection (DEP) has established rules governing groundwater extraction reporting and monitoring through its Sustainable Water Use Program. Private and public drinking water systems are regulated by both the Maine Public Utilities Commission and the Department of Health and Human Services. Municipal sewer departments and sanitary districts are subject to oversight by both the DEP and U.S. Environmental Protection Agency.

Finally, governments cannot take control of privately owned property without both cause and compensation, which would come at great cost and likely litigation.

The only entity to take a "neither for nor against" position on LD 422 was the Maine Public Utilities Commission, which echoed comments that the state has an existing apparatus to address concerns regarding drinking water supplies and quality. Considering that bulk water contracts can be of significant benefit to water ratepayers in that they increase water utility revenue, resulting in more stable and lower rates for customers, it is not clear to the Commission what problem the Maine Water Trust would be trying to address.

The Committee work session on LD 422 has not yet been scheduled. The sponsor is reportedly working on an amendment to the bill removing the two-year moratorium request and possibly the state dominion language, and creating a standing, ongoing state groundwater study group akin to one that was established on a short-term basis in 2005.

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, April 3

Criminal Justice & Public Safety
Rm. 436, State House, 11:00 a.m.
Tel: 287-1122

LD 990 – An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer.

LD 1014 – An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle.

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

LD 957 – Resolve, To Update Maine’s Liquor Laws.

LD 1086 – An Act to Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates.

LD 1107 – An Act To Allow Municipalities To Adjust Times of Operation for Establishments That Serve Alcohol.

Tuesday, April 4

Judiciary
Room 438, State House, 1:30 p.m.
Tel: 287-1327

LD 170 – An Act To Allow and Recognize a Legal Name Change upon Marriage.

Wednesday, April 5

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

LD 382 – An Act To Amend the Laws Governing the Issuance of Bonds.

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

LD 1050 – An Act To Protect the Safety of Emergency Medical Services Personnel and Patients.

1:00 p.m.

LD 475 – An Act To Require That a Person Who Has Been Treated by a Law Enforcement Officer with Naloxone Be Informed about Drug Addiction Treatment.

LD 676 – Resolve, To Study the Development of a Behavioral Health Unit at the Cumberland County Jail.

LD 859 – An Act To Ensure Thorough Investigation into Allegations of Sexual Assault.

Education & Cultural Affairs
Room 202, Cross State Office Building, 9:00 a.m.
Tel: 287-3125

LD 601 – An Act To Return the Normal Cost of Teacher Retirement to the State.

LD 674 – An Act To Provide Public Charter Schools with Access to State Funds for Capital Expenses.

LD 1104 – An Act To Exempt School Resource Officers from Department of Education Background Check and Fingerprinting Requirements.

State & Local Government
Room 214, Cross State Office Building, 9:00 a.m.
Tel: 287-1330

LD 1058 – An Act To Modernize Ballot Notices for City Elections.

LD 1068 – An Act To Require That State-funded Buildings Be Constructed with Wood Products.

LD 1082 – An Act To Amend the Laws Governing the Granting of a Variance from the Dimensional Standards of a Zoning Ordinance.

Thursday, April 6

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

LD 653 – Resolve, To Establish a Working Group To Propose Changes to the Animal Welfare Laws.

LD 858 – An Act To Strengthen the Law Regarding Dangerous Dogs.

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

LD 739 – An Act To Improve Beach-cast Seaweed Management for Health, Ecology and Tourism.

LD 1095 – An Act To Establish the Maine Coastal Risks and Hazards Commission.

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

LD 694 – An Act To Create a Local Option for a Sunday Exception Allowing Deer Hunting with Rifles.

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 26 – An Act To Lower the Maine Motor Vehicle Excise Tax.

LD 707 – An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of the Motor Vehicle.

LD 779 – An Act To Allow Aroostook County To Create Tax Increment Financing Districts.

LD 874 – An Act To Expand the Authority of Municipalities To Implement a Property Tax Deferral Program.

LD 904 – An Act To Require the County Commissioners To Adjust the Assessed Value of a Municipality When They Grant an Abatement Request.

LD 1071 – An Act To Modify the Tax Increment Financing Laws.

Friday, April 7

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

LD 917 – Resolve, To Require a Review of the State Employee and Teacher Retirement Plan.

LD 1045 – An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs.

Health & Human Services
Room 209, Cross State Office Building, 9:00 a.m.
Tel: 287-1317

LD 454 – An Act To Ensure Safe Drinking Water for Families in Maine.

LD 717 – An Act To Protect Maine School Children from Lead and Arsenic Exposure.

LD 1001 – An Act to Promote Testing of Drinking Water for Maine Families.

LD 1119 – An Act To Ensure Safe Drinking Water in Public Buildings.

Transportation
Room 126, State House, 9:00 a.m.
Tel: 287-4148

LD 989 – An Act Regarding Towed Vehicle Charges and Notice to the Secretary of State of Towed and Abandoned Vehicles.

LD 1010 – An Act To Allow for the Regulation of Transportation Network Companies at Airports by Municipalities.

LD 1059 – An Act Concerning Bridges on Discontinued Town Ways.

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.)

Criminal Justice & Public Safety

LD 1266 – An Act To Transfer Operations and Ownership of County Jail Facilities to the State. (Sponsored by Sen. Diamond of Cumberland Cty; additional cosponsors.)

This bill establishes the process for transferring county jail facilities and operational responsibilities to the state as of July 1, 2020.

Education & Cultural Affairs

LD 1184 – An Act To Exempt Public Safety Buildings from Historic Preservation Restrictions. (Sponsored by Rep. Harrington of Sanford; additional cosponsors.)

This bill exempts public safety buildings, defined as state, county or municipal buildings with the primary function of housing police, fire or emergency medical services, from restoration or preservation standards imposed by the Maine Historic Preservation Commission or by a historical society.

State & Local Government

LD 1191 – An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions. (Sponsored by Rep. Spear of South Thomaston; additional cosponsors.)

As established by current law, and unless otherwise controlled by charter or ordinance, a municipal employee who has completed his or her probation period of 6 months, may only be terminated from employment for cause. This bill extends the probation period to one year for municipal employees who are classified as exempt from the hourly rate overtime requirements pursuant to the federal Fair Labor Standards Act of 1938.

Taxation

LD 1180 – An Act To Provide a Definition of “Primary Residence” for Purposes of Property Tax Abatements Based on Hardship or Poverty. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsor.)

This bill defines the term “primary residence” for the purpose of considering an application for a poverty abatement as the home, appurtenant structures necessary to support the home and reasonable acreage sufficient to support the siting the homestead of the person making application for the abatement.

LD 1196 – An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes. (Sponsored by Rep. Bailey of Saco; additional cosponsors.)

This bill reestablishes the property tax deferral program managed by state government that was originally established in the 1980s, closed off to all new applicants in the early 1990s, and finally closed out as a state expenditure account in 2017. Under this bill, all Maine resident homeowners over the age of 65, or over the age of 60 if unemployed due to disability, and with a household income below \$40,000, could apply to the state for a property tax deferral. The property taxes for the qualifying households would be paid to the appropriate municipality by the state, with the state holding a lien on the property for reimbursement at the time the property is ultimately sold or transferred.

LD 1212 – An Act To Amend the Definition of “Eligible Business Equipment” for the Purposes of the Business Equipment Tax Exemption Program. (Sponsored by Sen. Katz of Kennebec Cty; additional cosponsors.)

This bill transfers the tax status of personal property that is exempt from taxation by virtue of being personal property leased by hospitals to the tax exempt status provided by enrollment in the Business Equipment Tax Exemption program.

LD 1227 – An Act To Restore to Five Percent the State-Municipal Revenue Sharing Distribution and Create a Matching Fund for Local Road and Bridge Construction, Maintenance and Reconstruction. (Sponsored by Sen. Diamond of Cumberland Cty; additional cosponsors.)

This bill amends the law governing the municipal revenue sharing program to: (1) permanently retain what is currently the temporary reduction in the amount of revenue sharing distribution at 2% of state sales and income tax revenues, (2) establish a new Local Infrastructure Fund to be administered by the Department of Transportation (DOT) which is capitalized with 3% of state sales and income tax revenue; and (3) authorize DOT to distribute from the Local Infrastructure Fund matching grants to municipalities for the improvement or construction of roads or bridges in the municipality.

LD 1230 – An Act To Allow a Local Option Sales Tax on Meals and Lodging. (Sponsored by Rep. Hubbell of Bar Harbor; additional cosponsors.)

This bill authorizes a municipality by referendum vote to impose a local option sales tax up to 1% on the sale of prepared food and short term lodging. The local option tax may be designed to apply for the entire year or just seasonally.

LD 1246 – An Act To Provide Landowners a Property Tax Exemption for Certain Trails. (Sponsored by Rep. Stanley of Medway; additional cosponsors.)

This bill establishes a property tax exemption for recreational trails open to public use. To qualify for the exemption, the trail must be recognized by the state or a statewide nonprofit organization as a trail that is organized or used for recreational purposes and be at least 20 feet wide if a snowmobile or ATV trail and at least 10 feet wide if a hiking trail.

LD 1265 – An Act To Allow the Creation of a Local Option Sales Tax by Referendum. (Sponsored by Sen. Chenette of York Cty; additional cosponsors.)

This bill authorizes a municipality to impose a local option sales tax, if approved at municipal referendum, of up to 1% on the retail sales that occur in the municipality and that are subject to the state sales tax, except for the sales of motor vehicles, aircraft, furniture, watercraft, household appliances with a retail value of more than \$500 and certain other items. The local option sales tax can be applied year-round or seasonally.

LD 1270 – An Act To Allow Municipalities To Include Itemized Fees on Property Tax Bills. (Sponsored by Rep. Moonen of Portland.)

This bill authorizes a municipality that issues a property tax bill to include in the bill other fees or assessments owned by the taxpayer to the municipality provided those fees and assessments are itemized and distinct from the information otherwise required to be on the tax bill.

Transportation

LD 1169 – An Act To Exempt Temporary Categorical Signs from the Identification Label Requirement for 6 Weeks Prior to the June and November Elections. (Sponsored by Sen. Collins of York Cty; additional cosponsors.)

Current law requires temporary signs placed in the right of way for their maximum 6-week period per calendar year to be labeled with the name and address of the individual, entity or organization that installed the sign, and the sign's intended duration in the right of way. This bill repeals that labeling obligation for political signs by eliminating the labeling requirement for any sign placed in the right of way six weeks prior to either the primary or general election.

(continued on page 8)

HOPPER (cont.)

LD 1226 – An Act To Keep Maine’s Transportation Infrastructure Safe by Providing More Sources of Revenue for the Highway Fund. (Sponsored by Sen. Collins of York Cty.)

This bill amends the law governing municipal excise taxes in two significant ways. It (1) requires municipalities to use the motor vehicle excise taxes collected solely for the purpose of maintenance and improvement of transportation infrastructure, and (2) diverts from municipalities to the Highway Fund the excise taxes collected on trucks and truck tractors that haul trailers. The bill also imposes an annual registration fee of \$250 on hybrid vehicles and \$350 on electric vehicles instead of the annual fee of \$35 fee imposed on other passenger vehicles.

LD 1250 – An Act To Ensure That Handicapped Parking Is Properly Enforced. (Sponsored by Rep. Riley of Jay; additional cosponsors.)

Current law authorizes law enforcement officers to enforce disability parking restrictions. This bill requires law enforcement officers to enforce disability parking restrictions on public property and on private property open to public use.

LD 1252 – An Act To Permit the Operation of Certain All-terrain Vehicles on Public Ways. (Sponsored by Rep. Martin of Sinclair; additional cosponsors.)

This bill allows for the registration of an ATV that is similar to the registration of an automobile and further allows those specially registered ATVs to operation on all public roads with speed limits 50 mph or less. The bill provides 16 specific equipment standards that must be met for the ATV to qualify for this type of registration, and the operator of the ATV must show proof of appropriate liability insurance as in the case of regular automobile registration. The bill authorizes municipalities to adopt ordinances to restrict or prohibit the operation of an ATV on any road under municipal jurisdiction upon a determination that the restrictions are necessary in the interest of public safety.

Veterans & Legal Affairs

LD 1232 – An Act To Require the Secretary of State To Automatically Register Nonregistered persons Who Are Qualified To Vote through Records of the Bureau of Motor Vehicles. (Sponsored by Rep. Golden of Lewiston; additional cosponsors.)

Using the Bureau of Motor Vehicles as the primary “source agency,” this bill establishes a system whereby individuals in the process of obtaining their driver’s license who provide the Bureau with the personally identifying information that confirms the applicant’s eligibility to register to vote in Maine will be automatically registered to vote unless they choose to opt out of that otherwise automatic registration. The bill provides for the possibility of additional “source agencies” to participate in the automatic voter registration process, including municipal election clerks, entities that provide services to persons with disabilities, and public or private universities or colleges. According to the bill, any source agency, when collecting or reviewing the information or documents normally collected that also provide proof of voter eligibility, must provide the potential voter with an option not to have the information supporting voter eligibility relayed to the appropriate election officials for the purpose of automatic voter registration. If the individual does not opt out, and the Bureau or other source agency determines that it has the necessary information to support a person’s automatic voter registration, the Bureau or source agency must transmit electronically the individual’s registration record to election officials – it is unclear whether state-level or local-level and the election officials must notify the individual and provide a second opportunity to opt out. If the individual does not decline to be automatically registered as a voter within 21 calendar days after the notification, the individual’s voter registration will be processed.