

Threading the General Assistance Needle

Over the last six to eight years, the municipally administered General Assistance (GA) program has found itself jammed ever more tightly between some big rocks and a very hard place.

The biggest rocks are the various state and federal public assistance programs, such as TANF, or the Temporary Assistance for Needy Families program. As the Legislature enacts changes to TANF that limit the eligibility of low income families through fixed time limits and in various other ways, the public assistance need shifts immediately to the local level.

The hard place is represented by the few options the GA program has to respond to the shift, if the Legislature allows any response at all.

In theory, at least, the responsive changes to GA law could be relatively arbitrary in nature and simply exclude certain categories of applicants, such as former TANF recipients, although that type of exclusion significantly diminishes the GA “safety net” legacy. Alternatively, GA law could be amended by establishing higher levels of client accountability through non-arbitrary amendments designed to decrease the likelihood of General Assistance recipients gaming or misusing the system. Beefing up accountability standards provides greater assurance to the taxpayers who fund the program, but the enhanced standards also carry real consequences. Inevitably some clients, by their own actions, will fail the accountability standards, thus jeopardizing the welfare of their household.

It is a conundrum. If more households are turning to GA to obtain benefits formerly provided by the state-level programs, how should the program be re-designed? Arbitrary ineligibility for GA could precipitate higher levels of homelessness. Making no change to the

safety net program whatsoever will enable that shift in burden to the local level along with increased local program costs.

The choices are few, but threading the needle to enhance in a rational way the standards of client accountability in an already highly accountable program is the municipal preference. The eye of this needle, however, happens to fall squarely between the two major political parties, and threading it is easier said than done.

Six General Assistance bills, several of which have become perennial entries over the years, were given their public hearing this week before the Health and Human Services Committee. The setting

was quiet. There were no crowds of GA recipients who were angry or frightened about losing their benefits. Almost all the testimony on the bills came from advocacy groups and service providers. The public hearing had a going-through-the-motions feel to it, or the sensation of walking in place without ever advancing, as in a recurring dream. Here’s the rundown.

LD 10, *An Act To Build Greater Accountability into the General Assistance Program by Increasing the Penalty for Falsely Representing Information on an Application for General Assistance*. The penalty under current law for obtaining

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Property Tax Policy

Revenue Sharing, Exemptions & Current Use

For several decades, MMA’s Legislative Policy Committee has advanced and supported legislation seeking to more evenly balance the state’s reliance on the three largest tax systems - property, sales and income taxes - to fund government services. Over the last six years these efforts have focused on moving burden away from the property taxpayers and onto the state’s broad base taxpayers, in large part by calling on the Legislature to restore funding for revenue sharing to 5% of state sales and income taxes, and to fund 55% of the cost of providing K-12 educational services, as first adopted in state statute in 1985.

Another important element of the Association’s property tax-related advocacy efforts have focused on the need to improve tax exemption policies. In this area of advocacy, the end goal is not the generation of additional revenue for municipalities,

but instead to build greater accountability into the programs that provide benefits to one class of property taxpayers at the expense of other property taxpayers.

This week the members of the Taxation Committee had the opportunity to address both of these issues by casting votes on a variety of revenue sharing bills and holding a public hearing on bills seeking to amend current tax exemption laws.

Revenue Sharing. As detailed in the March 24 edition of the Legislative Bulletin, on March 22 the Taxation Committee held a public hearing on five revenue sharing-related bills. Of the bills, three focused on restoring the amount of revenue sharing distributed to municipalities from the temporary 2% to the historic 5% level of state sales and income tax revenue. The other two bills proposed to change the way in which revenue sharing funds are

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Threading the General Assistance Needle (cont'd)

GA benefits by providing false information is a four-month disqualification. This bill would make it a two-year disqualification. The Department of Health and Human Services supported the bill. The low income advocacy organizations, homeless shelter providers, community action agencies, and Pine Tree Legal Assistance opposed the bill. A representative of the Maine Community Action Association testified that fraud or false representation in the GA program is rare, and small rural Maine towns were more likely to violate the GA law than were the applicants.

Threading the needle, the Maine Welfare Directors Association and the Maine Municipal Association both supported a less stringent version of the bill, which would provide a tiered disqualification penalty for repeated false representations. For example, a parallel process in the TANF system calls for a three-month disqualification for the first offense, a one-year disqualification for the second offense and a two-year disqualification for a third or subsequent offense.

LD 36, *An Act To Create a 9-month Time Limit on General Assistance Benefits for Certain Persons*. LD 36 limits the duration of GA eligibility to no more than 9 months (275 days) every 5 years for applicants who are capable of working and who do not have any dependents. Only DHHS supported the bill. The testimony from all other quarters pointed out that GA was not a program that people stayed in for long periods of time. GA's workfare, work search, use of income, and other "client accountability" standards make it a program in which no one lingers. The Committee members asked many ques-

tions about who would make the "capable of working" assessment and on what basis, but beyond a doctor's note, the answers weren't clear. MMA also pointed out that for at least some GA recipients, whose living arrangements may not be that stable, the calculation of the 275-day standard in any 5-year period would not be a matter of simple arithmetic.

LD 219, *An Act To Prioritize Use of Available Resources in General Assistance Programs*. LD 219 generated the same testimonial response as LD 10. The low income advocates and other service providers opposed the bill. DHHS supported it, along with the Welfare Directors Association and MMA. More than any other GA bill on this list, LD 219 is an example of trying to enhance client accountability in the GA system as a "threading the needle" alternative to the more arbitrary changes to GA law being proposed. The Committee members got rightfully confused over this bill, which was developed by the Maine Welfare Directors Association over 10 years ago but has been consistently rejected by the Legislature. What LD 219 seeks to do is put into General Assistance law some standards that are already in every municipality's General Assistance ordinance, and establish an additional penalty which the ordinances cannot do on their own.

Currently, GA law defines only "potential resources", which mean public assistance programs and other sources providing basic need services that GA applicants would benefit from if they could obtain them. The law requires GA recipients to seek out all potential resources that may be pointed out to them, and allows those recipients to be denied further assistance if they refuse to seek out those potential resources without just cause. So far, so good.

About 25 years ago, municipal GA ordinances began to also identify "available resources," which are essentially potential resources that have become manifest and are being received and utilized by the applicants. As strong as current GA law is with respect to requiring GA applicants to seek out potential resources, the law is silent on the issue of applicants who finally receive those resources only to abandon them and it is almost silent on the issue of

forfeiting those resources. The only type of potential resource the law provides a penalty for forfeiting are public assistance programs, a significant subset of all potential or available resources.

That is what LD 219 is all about. The bill defines the term "available resource," distinguishes it from a merely potential resource, and establishes a penalty for abandoning or forfeiting an available resource. Not found in GA statute, but under the color of municipal GA ordinances, the abandonment or forfeiture of an available resource results in the administrator continuing to consider the value of the abandoned resource as though it were being provided to the GA applicants for the duration of the forfeiture.

What LD 219 does is introduce the "available resource" concept and definition in statute and kick the penalty up a notch by also establishing a 120-day disqualification period for abandoning or forfeiting an available resource.

LD 220, *An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program*. LD 220 provides that a person who is no longer eligible for TANF because of reaching the five-year lifetime limit is also ineligible to receive GA until that person has not received any TANF benefits for at least five years. DHHS supported the bill, the low income advocates, shelter providers, CAP agencies, etc. opposed it. Although LD 220 does not fit squarely in a "threading the needle" approach, MMA's Legislative Policy Committee supported the bill because the municipalities are otherwise trapped in a box.

LD 221, *An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Correctional Facility*. Two years ago, GA law was amended to create an exception to the general rule governing GA "residency," which provides that a person is a "resident" of the municipality to which he or she applies for GA if physically present and intending to remain. The exception created in 2015 pertained to persons just released from a correctional facility and applying for as-

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sistance. In that case, the “municipality of responsibility” became the municipality where the person resided prior to becoming incarcerated. When proposed at the time, the bill seemed to make sense, received little resistance and was enacted. It turns out that it just didn’t work, and LD 221 seeks to repeal that experiment. The administrative work associated with coordinating the distribution of assistance between two municipalities, with different offices, different business hours, different ordinances and different standards, turned out to frustrate all concerned and slowed down the distribution of benefits.

History has shown that it is very difficult to efficiently administer the GA program when the assignment of financial and administrative responsibility includes municipalities that are other than where the applicant is located. Before the modern General Assistance law was created in the 1970s and early 1980s, municipal financial responsibility under the “pauper laws” rested with the town where the “pauper” was born unless he or she had “resettled” in another community for at least 5 years. There is probably no one reading this article who remembers the “settlement” disputes, but they clogged up the courts with litigation over who lived where, when and for how long. The courts begged for a simpler standard.

No one spoke in opposition to LD 221. MWDA and MMA both supported the bill.

LD 1109, *An Act To Improve General Assistance Reimbursements*. This bill raises the same issues as LD 221, except in reverse. Under current law as just discussed, physical presence and intention to remain is the general rule for determining municipal GA responsibility. LD 1109 creates a new residency standard by establishing the “municipality of record” as the general rule to determine municipal financial responsibility. The “municipality of record” is the municipality where the applicant occupied a house, apartment or other dwelling unit immediately prior to applying for assistance, as verified by a lease document, utility bill or similar evidence.

The City of Portland testified in support of LD 1109, explaining how common it is for the occupants of the City’s various family and homeless shelters to

have come to the shelter directly from some other municipality where they lived prior to circumstances forcing them into a shelter situation.

MMA testified in opposition to LD 1109 for the same reason the Association’s Policy Committee supported LD 221. If a municipality other than the one administering the GA to a person is going to be financially responsible for the applicant’s assistance, that municipality deserves to be involved in the decision-making process, but the task of coordinating the decision-making process across municipal jurisdictions consumes a great deal of

administrative effort and slows down the issuance of benefits.

The disproportionate GA burden falling on cities like Portland and other major service centers is a real issue. Between the mid-1980s and 2015, that problem was recognized and addressed by the Legislature through the GA reimbursement rate structure that recognized disproportionate burden. In 2015, the Legislature did away with a circuit-breaker system for cities with extensive social service demands. The issue is real, but from a broader municipal perspective, redefining the municipality of GA responsibility is not the answer.

Property Tax Policy (cont'd)

distributed to municipalities and property taxpayers. One of those bills proposed to replace the revenue sharing model with an income tax credit. The other bill would have limited distributions of revenue sharing to municipalities with property tax rates over 10 mills.

After some discussion, the Committee unanimously voted “ought not to pass” on all bills except LD 133, *An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing*. That bill, co-sponsored by Senator Shenna Bellows (Kennebec Cty.) and Representative John Madigan, Jr. of Rumford, would increase by 1% each year the portion of sales and income tax revenue distributed to municipalities until FY 2020 when funding for revenue sharing would be returned to its historic 5% level.

The Taxation Committee’s vote on LD 133 was divided. Seven members voted to support the bill as presented, four members voted to oppose the bill, and one member offered an amendment. As proposed by Senator Dana Dow (Lincoln Cty.), revenue sharing distributions would increase annually until FY 2021, when the amount of state sales and income tax shared with municipalities would be capped at 2.5%.

In the coming weeks, the merits of LD 133 will be debated by the entire Legislature.

Tax Exempt Policy. On Wednesday the Taxation Committee held public hearings on several property-tax policy bills. Two of the more controversial proposals

seek to make amendments to the state’s charitable property tax exemption laws.

LD 1121, *An Act Regarding the Exclusive Use of Tax Exempt Property*, drew the most critical opposition from the beneficiaries of the 100% property tax exemption provided to charitable and literary/scientific organizations.

At issue in LD 1121 is the municipal-level concern and frustration with decisions handed down by Maine’s Supreme Court that chip away at the “exclusivity” standard found in Maine charitable/benevolent property tax exemption law. Despite the fact that MRSA 36, Section 652 grants exemptions to the “*real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions...*” in two recent cases - *Hebron Academy, Inc. v. Town of Hebron*, (2013 ME 15) and *Francis Small Heritage Trust, Inc. v. Town of Limington et al.*, (2014 Me 102) - the courts have redefined “exclusivity” to include “incidental” uses that involve generating revenue for the exempt entity.

Municipal officials believe the exclusive-use standard should prevent exempt entities from occasionally renting out tax exempt properties for ice hockey events or harvesting trees on tax exempt land for commercial sale, for example. For that reason, LD 1121 was sponsored by Representative Johnathan Kinney of Limington at the request of MMA’s Legislative Policy Committee. As proposed,

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Committees Consider Changes To Municipal Employment Options

On Wednesday, three public hearings were held on bills that have the potential to alter the way elected municipal officials or officers make important hiring decisions.

LD 1084, *An Act To Require That Certain Applicant Information for Certain Local Government and School Administrative Positions Be Public upon Application*, was heard by the State and Local Government Committee. As proposed by the sponsor, Representative John Spear of South Thomaston, the legislation would establish that the name and address of applicants for the position of school superintendent, county administrator, or town or city manager are public records. While introducing this bill, the sponsor suggested an amendment to the bill that would make applications a matter of public record once the applicant receives an interview for the position.

Rep. Spear explained that through his experience at the municipal level he has seen hiring decisions impact communities for years to come, creating problems when the person hired is a bad fit for that community. In his view, there is not enough broad-based publication in most municipalities or school districts regarding which applicants are under serious consideration. While the sponsor acknowledged municipal concerns related to a generally shrinking pool of qualified applicants statewide, Rep. Spear testified that the upside (i.e., the public interest in who gets hired) outweighs the downside (i.e., the privacy interests of those who apply for these positions). As he put it, transparency benefits all.

Biddeford City Manager Jim Bennett and Augusta City Manager Bill Bridgeo testified in opposition to LD 1084. Mr. Bennett spoke to the tension created once the public hears their manager has applied to a position in another town or city and the community begins to question their manager's commitment to the community. Mr. Bridgeo explained his belief that the bill would replace the sponsor's motivation to create a process which allows the best candidate to be hired, with a reality that deters the best candidates from stepping forward in the first place. The risk of jeopardizing a good working relationship

with a current select board or council merely to explore a new professional opportunity would be too great. Moreover, Mr. Bridgeo pointed to the open process in South Portland which led to the recent hiring of a manager from another community. Councils, boards and counties are all able under current law to conduct an open recruitment process once the employer and applicants agree they are comfortable with an open community forum.

MMA, as well as the Maine School Board Association, shared these opponents' views. Each association opposed LD 1084, in large part, due to the difficulty in attracting candidates to fill vacancies.

Rep. Spear also sponsored LD 1191, *An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions*. Under current state law, municipalities are authorized to apply a probation period to salaried employees for a duration of "up to" six months. As the title implies, this bill would allow municipal officials to extend that probation period to as much as a year, if they so choose. Rep. Spear clarified that his proposal would not affect hourly wage earners, or teachers or police officers, whose probationary periods are governed by other statutes. It would only affect newly hired employees filling management level positions (i.e., employees "exempt" from the hourly overtime rules.) He testified that based on his experience as a town administrator, six months is simply not enough time to thoroughly and properly evaluate new hires for managerial type positions.

MMA supported LD 1191 as an appropriate method of ascertaining whether or not a newly hired employee is the "right fit" for the community. As proposed, the bill allows select boards and councils to apply the specific probation period that best suits their needs.

The work sessions on LD 1084 and LD 1191 have not yet been scheduled.

The Labor, Commerce, Research and Economic Development Committee also met on Wednesday to conduct a public hearing on another labor-related issue. LD 772, *An Act To Ensure Transparency in Public Union Negotiations*, sponsored

by Representative Nathan Wadsworth of Hiram, would add to the list of "public proceedings" under Maine's Freedom of Access Act all collective bargaining meetings between a public employer and a collective bargaining unit.

Rep. Wadsworth believes accountability is essential to democracy and government activities should be conducted in public in order to gain the public trust. In his view legislative activities that allocate taxpayer dollars via the state budget are conducted openly, whereas public-sector unions are allowed to negotiate contracts that allocate substantial state and local revenue behind closed doors.

The Maine State Employees Association (MSEA), Maine School Management Association (MSMA), Maine Education Association (MEA), AFL-CIO (American Federation of Labor and Congress of Industrial Organizations), and MMA testified in opposition to LD 772. Each entity was in agreement that this proposal would seriously undermine the operation of collective bargaining, and that existing law already allows employers and employees to agree to make their negotiations public.

The MSEA testified that collective bargaining functions best when both sides are free to engage in open dialogue and frank discussions. In that Association's view, this bill would make the parties bargaining less apt to engage freely in conversations out of concern that statements or proposals would be taken out of context. It could also add costs to both sides by prolonging the negotiations.

The MSMA saw no reason to believe that making negotiations public would lead to better outcomes. The quality of the negotiation, in their experience, is based on the quality of negotiators rather than "which side can bring out the greater public audience to a negotiating meeting." The MEA agreed that the ability of negotiators to be candid is of prime importance, and that sufficient transparency already exists. Because the public has access to contracts once they are ratified, this Association wondered whether LD 772 presented a solution in search of a problem. Moreover,

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Property Tax Policy (cont'd)

the bill underscores the requirement that property benefiting from a 100% exemption be exclusively used for charitable or literary and scientific purposes by expressly prohibiting revenue-producing incidental use.

Ten advocates representing tax exempt charitable institutions provided testimony in opposition to the bill. Opponents of the measure included representatives of private high schools, private colleges, the Maine Association of Non-profits, Maine Hospital Association, Maine Audubon Society and the YMCAs. Generally, the testimony offered focused on the important partnership role these organizations play in communities across the state by rounding out the menu of services offered to Maine residents and visitors. The ability to provide important public services would be significantly compromised and could potentially shift the cost of providing services to municipalities, should these entities be prohibited from using their properties and facilities to produce small amounts of revenue through incidental uses. To some, the practice of charging nominal fees for the use of tax exempt property is merely a creative way of funding a charitable organization's underlying core mission.

Municipal officials understand and appreciate the value of the services provided by charitable organizations. However, they do not believe that the benefits provided by these entities justify the erosion of the underlying tax policy that was adopted 200 years ago to protect the interests of the property taxpayers who finance the provided exemption. In

2015 alone, it is estimated that charitable organizations statewide benefited from a \$73 million property tax exemption. Municipal officials believe that if the policies that extend benefits to charitable organizations need to be modernized, then the protections offered to the property taxpayers should not be weakened or compromised by the courts.

The Taxation Committee also held a hearing on LD 727, *An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held in Conservation or Public Access Purposes*. As proposed by Representative Joel Stetkis of Canaan, the law governing the definition of a "benevolent and charitable corporation," would exclude holding land primarily for conservation purposes or public access purposes.

Municipal officials support LD 727 for two accountability-related reasons.

First, local leaders believe that Maine's tax policies should underscore the principle most often expressed as "*taxation is the rule; exemption the exception*" and believe the current use system provides a fair alternative to full taxation. For example, the Open Space program provides progressively tiered property tax benefits, with more significant property encumbrances (e.g., permanent development restrictions, open public access, etc.) yielding larger reductions in the taxable value of the property. As established in state statute, qualifying open space properties receive a minimum 20% tax assessment reduction and are potentially eligible for as much as a 95% reduction in the value of the property

subject to taxation.

Community leaders also support LD 727 because municipalities, on behalf of their property taxpayers, would have a seat at the table in negotiating the financial contributions owners of conserved property would make to the community. Under the current system, it is the owner of conserved land that holds all the cards. The owner determines whether to take part in a 100% property tax exemption or to enroll the property in one of the state's current use programs. If the property owner takes the full property tax exemption option, it is once again the land owner who gets to decide whether a "payment in lieu of taxes" (PILOT) will be provided to the community.

Representatives of small and large land trusts provided testimony in opposition to LD 727. The arguments focused on the beneficial impacts of conservation efforts including improvements to community health, vitality and economic development. Some of the opponents dismissed the bill as unnecessary, claiming that many land trusts already make payments in lieu of taxes that exceed the payments that would be required if the property was enrolled in a current use program. One opponent claimed that the payment assessed under the current use program would be less than that provided through the PILOT.

The Taxation Committee will be working both of these bills on Thursday, April 20. If the Committee's initial reaction to these proposals is an indicator, it is unlikely that these bills will get much traction.

Committees Consider Changes To Municipal Employment Options (cont'd)

they questioned the premise that conducting these negotiations privately leads to increased taxpayer costs, when according to their testimony privately-employed teachers make at least 67% more than their publicly-employed counterparts in this region.

The AFL-CIO agreed that public access exists, and added that members of the public are always free to express their views with respect to the over- or underpayment of public employees through the publicly elected officials. Often, these

officials are closely involved in contract negotiations at the local level. MMA echoed many of these points, adding that contractual negotiation is by its nature a matter best left to the authorized negotiating parties. The responsibility for managing municipal employees is delegated by law to the municipal officers and their designees, and contract negotiations are made significantly more difficult if parties unauthorized to negotiate are effectively at the table.

The Maine Labor Relations Board

testified "neither for nor against" LD 772, explaining the issues inherent in trying to conduct a mediation publicly. Mediation, available under law when parties are unable to complete bargaining on their own, has a successful track record, settling 75% of the disputes concluded last year. But the mediation process requires the parties to have candid discussions in order to allow the mediator to properly explore areas of agreement.

The work session on LD 772 has not yet been scheduled.

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 17 – HOLIDAY

Tuesday, April 18

Education & Cultural Affairs

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

Tel: 287-3125

LD 1158 – An Act To Remove the Limit on the Number of Public Charter Schools That May Be Approved.

Judiciary

Room 438, State House, 1:00 p.m.

Tel: 287-1327

LD 1139 – An Act To Clarify Certain Right-of-way Limitations.

Transportation

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

Tel: 287-4148

LD 1249 – An Act To Include the Vehicles of Emergency Medical Services Persons in the Firefighter Registration Plate Program.

LD 1250 – An Act To Ensure That Handicapped Parking Is Properly Enforced.

LD 1252 – An Act To Permit the Operation of Certain All-terrain Vehicles on Public Ways.

Veterans & Legal Affairs

Room 437, State House, 1:00 p.m.

Tel: 287-1310

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.

LD 1284 – An Act To Require Election Transparency and Audits.

Wednesday, April 19

Criminal Justice & Public Safety

Rm. 436, State House, 1:00 p.m.

Tel: 287-1122

LD 1128 – Resolve, To Establish the Committee To Study the Processing of Evidence from Sexual Assault Test Kits.

LD 1266 – An Act To Transfer Operations and Ownership of County Jail Facilities to the State.

Education & Cultural Affairs

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

Tel: 287-3125

LD 1286 – An Act To Require Background Checks for All School Employees.

Energy, Utilities & Technology

Room 211, Cross State Office Building, 1:00 p.m.

Tel: 287-4143

LD 1299 – An Act To Amend the Charter of the Town of Madison's Department of Electric Works.

Environment & Natural Resources

Room 216, Cross State Office Building, 1:00 p.m.

Tel: 287-4149

LD 400 – An Act Regarding the Construction or Placement of Decks within the Shoreland Zone.

LD 684 – An Act To Increase Vegetative Buffers in the Shoreland Zone.

LD 1096 – An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities.

Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 1:00 p.m.

Tel: 287-1331

LD 1140 – An Act To Preserve the Economic Viability of Maine's Historic Properties.

LD 1243 – An Act Regarding the Maine Length of Service Award Program Board of Trustees.

LD 1306 – An Act To Create the Small Communities Tourism Fund.

LD 1308 – An Act To Create a Bridge to Self-sufficiency for Vulnerable Segments of the Population by Providing Incentives to Employers.

State & Local Government

Room 214, Cross State Office Building, 1:00 p.m.

Tel: 287-1330

LD 823 – An Act To Promote Transparency with Respect to Surveillance Technology.

LD 1087 – An Act To Define When a Municipal Land Use Decision Is Considered Final for Purposes of an Appeal to Superior Court.

Taxation

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

Tel: 287-1552

LD 1212 – An Act To Amend the Definition of "Eligible Business Equipment" for the Purposes of 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.

LD 1246 – An Act To Provide Landowners a Property Tax Exemption for Certain Trails.

Veterans & Legal Affairs

Room 437, State House, 1:00 p.m.

Tel: 287-1310

LD 1256 – Resolve, To Establish the Task Force To Implement Ranked-choice Voting.

Thursday, April 20

Education & Cultural Affairs

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

Tel: 287-3125

LD 354 – An Act To Address the Shortage of School Administrative Professionals.

Environment & Natural Resources

Room 216, Cross State Office Building, 1:00 p.m.

Tel: 287-4149

LD 1178 – An Act to Better Understand and Control Invasive Aquatic Plants and Nuisance Species.

LD 1194 – Resolve, Establishing the Commission To Study and Assess Maine's Regulatory Environment.

Inland Fisheries & Wildlife

Room 206, Cross State Office Building, 1:00 p.m.

Tel: 287-1338

LD 11 – Resolution, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish.

LD 768 – An Act To Establish 2 Comprehensive Licenses for Hunting and for Hunting and Fishing.

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LEGISLATIVE HEARINGS (cont.)

Judiciary

Room 438, State House, 1:00 p.m.

Tel: 287-1327

LD 366 – An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities.

LD 847 – An Act To Hold Refugee Resettlement Agencies Accountable to Maine People.

Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 2:30 p.m.

Tel: 287-1331

LD 1036 – Resolve, To Study Repeal of Occupational Licensing Requirements for Certain Occupations.

Friday, April 21

Criminal Justice & Public Safety

Rm. 436, State House, 9:00 a.m.

Tel: 287-1122

LD 1173 – An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification.

1:00 p.m.

LD 1175 – An Act To Expand Options for the Prevention of Domestic Violence.

Health & Human Services

Room 209, Cross State Office Building, 1:00 p.m.

Tel: 287-1317

LD 478 – Resolve, To Require the Department of Health and Human Services To Implement the Department's Study of Ambulance Services.

LD 998 – An Act To Adequately Pay for Emergency Medical Services.

LD 1110 – An Act Concerning Medicaid for Incarcerated Persons about To Be Released.

Transportation

Room 126, State House, 9:00 a.m.

Tel: 287-4148

LD 1226 – An Act To Keep Maine's Transportation Infrastructure Safe by Providing More Sources of Revenue for the Highway Fund.

LD 1248 – An Act To Improve Public Transportation in Maine.

LD 1312 – Resolve, To Investigate Extending Passenger Rail Service to Central Maine.

Veterans & Legal Affairs

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

Tel: 287-1310

LD 1339 – An Act To Amend the Procedure To Determine the Wording of Ballot Questions for Citizen Initiatives.

LD 1384 – An Act to Amend the Election Laws.

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.)

Education & Cultural Affairs

LD 1371 – An Act To Address Costs for Certain Special Education Students. (Emergency) (Sponsored by Rep. Devin of Newcastle.)

This bill amends the way the Essential Programs and Services school funding model subsidizes a school system for providing special education services. Specifically, the bill provides school systems with students who individually generate special education costs greater than \$100,000 100% of those costs that exceed the \$100,000 threshold.

Energy, Utilities & Technology

LD 1399 – An Act To Encourage Broadband Coverage in Rural Maine. (Sponsored by Sen. Bellows of Kennebec Cty; additional cosponsors.)

This bill repeals the law governing the ConnectME Authority and establishes in its place the Maine Broadband Initiative as a nonprofit corporation with public and charitable purposes to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the state. The Initiative is governed by a 14 member board of directors with 12 voting members, and directly managed by its President, who is appointed by the Governor. The Initiative is authorized to issue grants, loans, loan guarantees and other forms of financial assistance to public and private entities for the purposes of expanding the reach of high-speed broadband services throughout the state, and for that purpose the revenue generated from two sources, one existing and one newly established, are dedicated to the Initiative's purposes. The existing revenue for this dedication is the state-level property tax revenue collected on the assessments on two-way, interactive telecommunications personal property, currently estimated to generate approximately \$6.5 million a year. The new revenue source for this dedication is an assessment of 0.25% of the revenue received or collected for all communications services provided

in this state except for facilities-based providers of wireless voice or data retail service.

Judiciary

LD 1432 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Advance Payment of Costs for Public Records Requests. (Presented by Rep. Moonen of Portland for the Joint Standing Committee on Judiciary.)

This bill establishes the authority of a governmental agency or official to require all authorized costs associated with providing requested public records to be paid before providing those public records to the requestor.

Labor, Commerce, Research & Economic Development

LD 1392 – An Act To Allow Municipalities To Opt Not To Enforce the Maine Uniform Building and Energy Code. (Sponsored by Rep. Espling of New Gloucester; additional cosponsors.)

Under current law, all municipalities with a population over 4,000 residents must enforce the Maine Uniform Building and Energy Code. Formal adoption of the code by the municipality's legislative body is not necessary. This bill requires all of those municipalities that wish to enforce a building code to either adopt and enforce the Maine Uniform Building and Energy Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. The bill authorizes those municipalities to choose not to adopt and enforce a building code.

LD 1402 – An Act Regarding Payroll Deductions. (Sponsored by Sen. Jackson of Aroostook Cty.)

This bill requires all public employers to deduct funds from a public employee's pay as authorized by the employee for the cost or partial

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cost of insurance or an employee benefit offered by the employee's bargaining unit or a contribution to a political action committee.

State & Local Government

LD 1381 – An Act To Clarify Appeals of Municipal Land Use Decisions. (Sponsored by Rep. Monaghan of Cape Elizabeth.)

This bill gives specific definition to the term “final agency action” for the purpose of determining when a municipal land use decision regarding a development proposal is ripe for judicial review at appeal. The bill provides that a final decision occurs when an application has received all required municipal administrative approvals by a municipality's board of appeals, planning board or municipal review authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance.

Veterans & Legal Affairs

LD 1284 – An Act To Require Election Transparency and Audits. (Sponsored by Sen. Bellows of Kennebec Cty; additional cosponsors.)

This bill directs the Secretary of State to: (1) publish a guide to election procedures for public distribution that must be revised annually to reflect current law, rules and procedures regarding elections, (2) provide local election procedure and ballot reconciliation forms for local officials to complete, (3) develop an election complaint form which voters can use to report excessive wait times, noncompliance with election procedures or other concerns about the election process, and (4) routinely monitor the central voter registration list and resolve instances of persons registered in more than one municipality or state or

registered voters who are deceased. The bill also directs the Secretary of State to conduct a study and develop a pilot program for conducting a post-election audit designed to limit the risk that election returns may produce an incorrect outcome.

LD 1383 – Resolution, Proposing an Amendment to the Constitution of Maine Regarding Early Voting. (Sponsored by Rep. Denno of Cumberland; additional cosponsors.)

This bill sends out to the voters a proposed amendment to the state's Constitution that would authorize an “early voting” process that allows voters to vote at polling places in or outside their election districts during the 15-day period immediately preceding an election, or to vote by another method, and to authorize voting by absentee ballot for any sufficient reason.

LD 1384 – An Act to Amend the Election Laws. (Submitted by the Secretary of State.) (Sponsored by Sen. Mason of Androscoggin Cty; additional cosponsors.)

This bill makes several amendments to the laws governing the conduct of elections. Of most direct municipal interest, the bill: (1) prohibits a voter from filing an application to change or withdraw party enrollment on the day of primary election, (2) prohibits a municipality from charging a rental or janitorial fee for a municipal party committee's use of an available public building provided for the biennial municipal caucuses, (3) removes the requirement for state ballots to include a write-in space after the list of candidates for office unless there is a write-in candidate who has filed a declaration for that office, and (4) moves the filing deadline for municipal nomination petitions from the 45th day to the 70th day prior to the election.