

Municipal Matters

Core Municipal Services

This is the fourth article in a limited series discussing important municipal issues for the purpose of exploring the background and context for the positions taken by the Association's Legislative Policy Committee.

Anyone familiar with Lego products knows that several hundred, if not thousands of, plastic bricks of varying sizes, shapes and colors are combined to build a structure as simple as a column or as complex as a three dimensional replica of an historic landmark. Each individual piece plays an important role in the final product. Some of the pieces are prominently featured, while other pieces are intricately laid far below the surface in combinations necessary to provide the foundation essential for the overall success of the project.

That level of interconnectedness resembles how municipal government services are designed and delivered. Through the individual contributions made by boards of selectpersons, councils, managers, clerks, public safety officials, tax collectors, code enforcement officers, and economic developers, to name a few, municipal officials provide a full complement of services to residents, businesses and visitors.

Determining the Need for Services. Although locally elected and appointed municipal officials are tasked with providing services, the mix and level of services is determined by the communities' residents. In some municipalities, spending on local government programs and services is decided by the voters who gather once each year at the town meeting to make decisions on budgetary items by

a show of hands or a call of the "yeas and nays." In other municipalities, members of a town or city council, elected either "at large" or by the residents in each ward, are entrusted by their constituents to act on budget initiatives. To a lesser extent, some communities adopt their budgets by referendum, allowing residents to establish funding priorities from the privacy of a voting booth.

Regardless of the process, it is the voters of each municipality that decide what services will be provided and how much they are willing to pay for those services, except, of course, for those required by state or federal law.

Paying for Services. The most fundamental of all municipal services is the assessment and collection of property taxes. Without property tax revenue, local governments would lack the resources necessary to fund both mandated and locally desired services. In Maine, the property tax and the motor vehicle excise tax (which originated as a property tax and is now assessed in lieu of a property tax) generate the most significant amount of "own source" revenue for municipalities. These two revenue streams generate over 60 percent of the revenue needed to provide local services, while various state aid programs, including the state's share of K-12 education costs, make up most of the balance. Property taxes account for more than 80 percent of the revenue municipalities collect themselves.

Determining each property owner's share of the cost of government services is the job of the assessor. On April 1 of each year the municipal assessor, be it an elected board, appointed municipal

employee or contracted assessor, is tasked with determining the value of all the real (land and buildings) and personal (equipment, fixtures, machinery, etc.) property located in the community and based on the spending authorized by the residents of the community, establishing the mill rate. The mill rate is the dollars and cents raised for every \$1,000 of assessed property value. For example, a property assessed at \$150,000 in a community with a mill rate of \$15.50 would pay \$2,325 ($\$150,000/1,000 \times \15.50) in property taxes. Once the assessor's work is completed, a tax commitment, listing all the property in town, its value and the taxes that are owed, is prepared, signed by the municipal officers (board of selectpersons or council) and provided to the tax collector who sends out the tax bills and is tasked with collecting the revenue.

Core Municipal Services. Although providing services is not exclusively what local government does, it is its most important and recognizable function. Municipalities provide services demanded by citizens at a cost they determine they can afford.

Public Safety. Take for example, the provision of public safety services (police, fire and first responder). It might come as a surprise that municipalities are not required by state statute or federal regulation to provide or fund public safety services. However, for the most part, residents are willing to fund these services as a means for protecting their lives and property. The extent to which these services are provided varies from community to community.

When it comes to law enforcement

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services, voters in some municipalities are willing to pay for a 24/7 police presence, while other communities rely on the basic rural patrol services provided by the county sheriff's office, as part of the community's required financial contribution for county government services. Municipalities that are unable to afford a local police department, but recognize a need for enhanced services, contract with and pay the state police or county sheriff's office for a specific package of services that meets the community's needs.

While most of the state's largest communities operate fulltime fire departments, many communities rely on volunteer and on-call personnel to provide the service. In these communities, residents fund the cost of the equipment (e.g., trucks, training, protective gear, etc.) and the structure to house the necessary equipment, but the task of responding to emergencies is left to the roster of volunteers prepared to leave their jobs and families to protect the community in exchange for little pay, normally in the form of a small stipend or per-call pay.

In an effort to supplement local fire safety efforts, municipalities enter into mutual aid agreements with other communities allowing fulltime and volunteer firefighters to work together to ensure that a community has the resources necessary to respond to an emergency. This sharing of resources reduces the cost to the property taxpayers, as each community is not required to raise the revenues necessary to purchase all of their own equipment to fight every type of emergency.

Although municipalities are not required to provide fire protection services, they are mandated by state law to appoint a fire inspector, who is generally tasked with investigating the cause, circumstances and origin of a fire. Communities with organized fire departments may assign

this task to the fire chief.

Other Enforcement Services. Municipalities provide other enforcement services in the form of animal control and code enforcement. In both cases, each municipality is mandated by state statute to appoint an animal control officer (ACO) and code enforcement officer (CEO). The primary duty of the ACO is to enforce the provisions of the state's Animal Welfare Act, which largely entails responding to issues involving domestic animals. Every municipality with any shoreland must appoint a CEO to enforce local ordinances that regulate land use activities in the shoreland zone, for the explicit purpose of controlling water pollution, protecting wildlife habitat, and conserving shoreline aesthetics, to name a few. In most communities, the CEO also serves as a resource to the local planning board and is responsible for the enforcement of land use related provisions of a locally adopted ordinance. The CEO is also assigned the role of the plumbing inspector, which the state mandates be appointed to enforce Maine's plumbing and subsurface wastewater disposal systems regulations.

Municipalities are also mandated by law to appoint a local health officer, who is tasked, in part, with responding to public complaints concerning conditions posing a public health threat and acting as a resource for connecting residents with the public health services and resources provided by the Maine Center for Disease Control and Prevention.

Public Works. Of the total 22,800 miles of federal, state and local roads, municipalities are responsible for the year-round maintenance of 14,110 miles of local roads (62 percent) and for providing winter maintenance on an additional 4,260 miles of state minor collector roads. Municipalities are also mandated to provide solid waste disposal services (either in the

same or a nearby municipality) for domestic and commercial solid waste generated within the municipality. Additionally, municipalities are charged with protecting the water quality of lakes, streams and coastline through stormwater management systems and practices. The combined costs for maintaining and improving roads, providing solid waste services and protecting water quality represent the third largest category of municipal expenditure. These infrastructure investments are surpassed only by local spending on K-12 education and public safety services.

Elections. Any person elected to represent Maine residents at the federal, state, county, school or municipal level, can thank Maine's municipal election clerks, registrars of voters and the hundreds of volunteers who work to ensure that elections are conducted properly. While all levels of government benefit from these local level efforts, the costs of conducting elections are borne primarily by property taxpayers. Those costs include recruiting and paying election workers, mailing out absentee ballots, posting newspaper advertisements, polling place rental fees, and the cost associated with transporting equipment (e.g., voting booths, ballot boxes, voting machines, etc.).

Customer Convenience Services. Overseeing elections is only one of the services clerks provide. Many of the services delivered by "front office" staff, which also includes tax collectors and treasurers, are provided out of convenience for their residents. These services include registering motor vehicles, watercraft, snowmobiles and ATVs; selling hunting and fishing licenses; and issuing dog licenses. In many cases, the bulk of the revenue collected by the provision of these services is remitted to the state, with the municipality retaining a small agent fee,

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Legislative Bulletin

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usually not more than \$5.

General Assistance. Each municipality in Maine is also mandated by state law to administer a General Assistance (GA) program for the purpose of ensuring that residents have the means necessary to obtain basic necessities, such as housing, heat, food and clothing. Furthermore, the municipal official designated as the community's GA administrator must be available 24 hours a day, seven days a week, to accept applications for emergency assistance. The maximum amount of assistance a community can provide is established through state statutes, as are the standards of eligibility. While 70 percent of the direct aid provided to eligible applicants is reimbursed by the state, 100 percent of the cost of administering the program (as well as 30 percent of the provided assistance) is borne by the property taxpayers.

Economic Development. The means used to foster economic development vary from community to community. In some municipalities, departments are staffed with planners and developers tasked with attracting and guiding businesses through the process of locating in the community. In other communities, local leaders rely primarily on the use of Tax Increment Financing to attract potential businesses to their towns and cities. Other communities, however, leave the business attraction efforts to other municipalities, preferring the quietude associated with being a bedroom community.

When it comes to local level economic development efforts, it bears noting that the state's coffers also reap the benefits. The state is able to collect roughly \$3 billion annually in sales and income tax revenue, in part, because of local level investments in infrastructure (e.g., roads, bridges, sidewalks, water, sewer, broadband, etc.) and economic development. Without these local level investments there would be much less "broad based" tax revenue collected by the state.

Municipal Boards. In addition to select boards and councils, each community's legislative body is also able to designate temporary or standing boards and commissions. Traditional examples include the Board of Assessment Review, Board of Overseers, Planning Board,

Zoning Board of Appeals, and School Board. There are countless other specialized committees formed to address unique needs, recent examples of which include conservation commissions, broadband exploration committees, and marijuana advisory boards. The residents elected or appointed to serve at this legislative sub-level of municipal government devote hours of time that is typically compensated very modestly, if at all. Their volunteerism throughout the state is a welcome reminder of Mainers' strong sense of civic duty.

Administration. Last but not least, the boards of selectmen, councils, and in many communities, town or city managers, provide the administrative services that makes the delivery of municipal government services possible. In addition to overseeing all government operations, each municipality must also publish an annual report, which provides the public with an accounting of how municipal

revenues were expended and a summary of the municipality's fiscal wellbeing. The administrator's report includes a list of all financial transactions, a statement of assets and liabilities, a report by an auditor of the municipality's finances, a list of delinquent taxpayers and the amount of taxes owed, as well as reports by selectmen or councilors, department heads and other officials.

State-Municipal Partnership. The core services featured above offer a sample of the services provided by local governments in Maine, and show the many different ways municipalities are called upon to work collaboratively with the state to deliver vital public services. It is for this reason that municipal officials across the state look forward to working with state level policymakers in the coming year to ensure that important property tax burden relief programs, such as state-municipal revenue sharing, are fully funded.

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 4

Education & Cultural Affairs

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

Tel: 287-3125

LD 63 – An Act To Improve Responsiveness of Elected School Boards to the Public.

LD 178 – An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers.

Inland Fisheries & Wildlife

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

Tel: 287-1338

LD 190 – An Act To Provide Antlerless Deer Permits to Senior Resident Lifetime Hunting License Holders.

State & Local Government

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

Tel: 287-1330

LD 53 – An Act To Clarify Local Referendum Ballots.

LD 59 – An Act To Establish a Recall Process for Elected Officials in Plantations.

Veterans & Legal Affairs

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

Tel: 287-1310

LD 158 – An Act To Amend the Laws Governing Beano.

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LEGISLATIVE HEARINGS (cont.)

Tuesday, February 5

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

LD 147 – An Act To Extend Internet Availability In Rural Maine.

LD 173 – An Act To Promote Economic Development and Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet.

LD 273 – An Act To Require Transmission and Distribution Utilities To Purchase Electricity from Renewable Resources at Certain Prices.

Judiciary

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

LD 8 – An Act To Allow and Recognize a Legal Name Change upon Marriage.

Transportation

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

LD 7 – Resolve, To Name a Bridge in the Town of Lincoln and the Town of Chester the Master Sergeant Gary Gordon Bridge.

LD 17 – Resolve, Designating a Portion of Route 1 in Downeast Maine the Hannah and Rebecca Weston Trail.

LD 32 – Resolve, Naming a Highway and Renaming a Bridge in the Town of Whiting.

LD 39 – Resolve, To Designate a Bridge in Waterville as the Specialist Wade A. Slack Memorial Bridge.

LD 83 – An Act To Amend the Law Regarding Resale by a Motor Vehicle Dealer To Permit the Dealer To Use a Copy of a Certificate of Title.

LD 200 – Resolve, To Name the Bridge on Main Street in the Town of Orono the Brandon M. Silk Memorial Bridge.

LD 244 – Resolve, To Rename the Stinson Bridge the Woodsome-Carroll Bridge.

Wednesday, February 6

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

LD 134 – An Act Concerning the Composition of the Criminal Law Advisory Commission.

LD 141 – An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle.

LD 159 – An Act To Require Cameras in Ambulances When a Patient is Being Transported.

LD 262 – An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer.

LD 264 – An Act Regarding the Taking of a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Accident.

Inland Fisheries & Wildlife

Room 206, Cross Building, 9:00 a.m.
Tel: 287-1338

LD 79 – An Act To Protect Shooting Ranges

Labor & Housing

Room 202, Cross Building, 10:00 a.m.
Tel: 287-1331

LD 122 – An Act To Prohibit an Employer from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made.

State & Local Government

Room 214, Cross Building, 10:00 a.m.
Tel: 287-1330

LD 123 – An Act To Prohibit the State from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer is Made.

1:00 p.m.

LD 90 – An Act To Amend the Law Governing the Membership of the Town of York Planning Board and the Town of York Appeals Board.

LD 170 – An Act To Prohibit Questions Regarding Criminal History on Certain State Employment Applications.

Taxation

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

LD 162 – An Act To Eliminate the State Income Tax on Maine Public Employees Retirement System Pensions.

Veterans & Legal Affairs

Room 437, State House, 9:00 a.m.
Tel: 287-1310

LD 114 – An Act To Establish Open Primaries for Certain Federal and State Offices.

LD 245 – An Act To Reestablish a Presidential Primary System in Maine.

LD 272 – An Act To Allow Voting by Mail.

Thursday, February 7

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

LD 216 – An Act To Protect Water Quality by Standardizing the Law Concerning Septic Inspection in the Shoreland Zone.

LD 319 – An Act To Standardize the Laws Concerning Property Transfers and To Protect Water Quality.

Innovation, Development, Economic Advancement & Business

Room 202, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 138 – An Act To Provide Funding for the Maine Coworking Development Fund.

Transportation

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

LD 19 – An Act To Require Public School Buses To Be Equipped with School Buss Crossing Arms.

LD 261 – An Act To Restrict the Authority for Posting of Roads.

IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's official 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.)

Appropriations and Financial Affairs

LD 47 – An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations. (Sponsored by Rep. Brennan of Portland)

This bill sends out to the voters a proposed \$25 million bond issue to provide funds to rehabilitate existing or construct new municipal fire stations.

LD 148 – An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund and To Give Priority Status to Certain School Facility Upgrades. (Sponsored by Sen. Millett of Cumberland Cty.)

This bill sends out to the voters a proposed \$50 million bond issue to recapitalize the School Revolving Renovation Fund for the purpose of providing funds to public schools for renovation and capital repairs. The bill also gives upgrades of facilities required to meet prekindergarten facility standards and for prekindergarten capacity building Priority 4 status for loans from the fund.

Criminal Justice and Public Safety

LD 430 – An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares. (Sponsored by Rep. McCreight of Harpswell)

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares. The bill also authorizes the commissioner to work with a statewide association of fire chiefs to identify fire departments in the state that have the capacity and willingness to accept expired marine flares from members of the public to be collected and dispose of by the state.

LD 516 – An Act To Establish a Statewide Voluntary Firearm Collection Day and Ongoing Program. (Sponsored by Rep. Brooks of Lewiston)

This bill directs the Commissioner of Public Safety to design, implement and annually administer a statewide voluntary firearm collection day providing persons the opportunity to voluntarily turn over any firearm or ammunition at a number of sites conveniently located throughout the state. The commissioner is also required to facilitate the establishment of a year-round voluntary firearm collection program administered by the Bureau of State Police that, at a minimum, is designed to provide to any person the opportunity to voluntarily turn over any firearm or ammunition in the person's possession to a state police officer at any facility or bureau function to which members of the public are regularly allowed admission. The commissioner is directed to provide technical assistance and, as necessary and as resources allow, financial assistance to municipal and county law enforcement agencies that elect to participate in the voluntary firearm collection day or elect to establish an ongoing local voluntary firearm collection program. A person may not be charged a fee to turn over a firearm or ammunition to a law enforcement officer during the collection day or through a collection program and is required only to provide the law enforcement officer the person's name, mailing address and telephone number. Firearms and ammunition collected are to be destroyed, except for those firearms determined to have been stolen or used in the commission of a criminal act or that are otherwise sought as evidence in a criminal investigation or prosecution.

Education and Cultural Affairs

LD 412 – An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18. (Sponsored by Rep. McCrea of Fort Fairfield)

Current law requires that, beginning in fiscal year 2018-19, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. This bill instead establishes the system administration allocation at \$135 per pupil, the same as it was for fiscal year 2017-18, and repeals provisions that increase for future fiscal years the per-pupil amount and restrict allocation of portions of the funds to school administrative units that have established regionalized administrative services.

Environment and Natural Resources

LD 524 – Resolve, Regarding the Promotion of Composting. (Sponsored by Rep. Hickman of Winthrop)

This resolve requires the Departments of Environmental Protection and Agriculture, Conservation and Forestry to study the feasibility of establishing incentives or mandates to promote composting in the state. The departments are required to submit a report of their findings and recommendations to the committees on Agriculture, Conservation and Forestry and Environment and Natural Resources, which may submit legislation relating to the report to the Second Regular Session of the 129th Legislature.

Judiciary

LD 492 – An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act. (Sponsored by Sen. Libby of Androscoggin Cty.)

This bill extends from 180 days to one year the notice period required under the Maine Tort Claims Act.

LD 506 – An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters. (Sponsored by Rep. Rykerson of Kittery)

This bill provides civil immunity for architects, contractors, environmental professionals, land surveyors, landscape architects, planners and professional engineers who provide voluntary professional services during or within 90 days of a natural disaster or catastrophe when the services are provided under the applicable license or certification, are related to the natural disaster or catastrophe and are provided at the request of a federal, state or local public official, law enforcement official, public safety official or building inspection official. No immunity is provided for reckless or intentional misconduct.

Labor and Housing

LD 402 – An Act To Restore Overtime Protections for Maine Workers. (Sponsored by Rep. Tipping of Orono)

This bill annually raises the minimum salary that an employee who works in an executive, administrative or professional capacity must earn in order for that employee to be exempt from the laws governing the minimum wage and overtime pay until it is \$55,224 on January 1, 2022. The bill provides for an annual adjustment, beginning January 1, 2023, based on the percentage annual increase in certain earnings as published by the United States Department of Labor, Bureau of Labor Statistics.

LD 522 – An Act To Prohibit the Imposition by Municipalities of General Restrictions on Rents and Rental Properties. (Sponsored by Rep. Strom of Pittsfield)

This bill prohibits towns, cities, plantations, village corporations and counties providing municipal services in the unorganized territory from adopting ordinances regulating the rent that may be charged for a rental property, requiring registration of rental properties or imposing fees specific to rental properties.

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State and Local Government

LD 390 – An Act To Amend the Laws Governing Dangerous Buildings. (Sponsored by Rep. Johansen of Monticello)

This bill allows a municipality or county seeking an order of demolition of a dangerous building to seek a writ of attachment of the property on which the building is located.

LD 481 – An Act To Allow the Expansion of the Types of Newspapers That Qualify as Legal Notice Publishers by Removing the 2nd Class Postal Matter Requirement. (Sponsored by Sen. Miramant of Knox Cty.)

This bill removes from the law governing the publication of legal notices the requirement that the newspaper be posted as second class mail.

LD 489 – An Act To Allow Municipalities To Enforce New Noise Ordinances on Existing Shooting Ranges. (By Request) (Sponsored by Sen. Chenette of York Cty.)

Current law prohibits the application of a municipal noise control or other ordinance to an existing sport shooting range. This bill gives the Commissioner of Public Safety the power to authorize the application of a municipal noise ordinance to a sport shooting range that existed prior to the adoption of the ordinance. The Commissioner of Public Safety is required to adopt major substantive rules to establish the criteria and the process for the authorization process.

Taxation

LD 448 – An Act Repealing Tax Lien Foreclosure Requirements. (Sponsored by Sen. Gratwick of Penobscot Cty.)

This bill repeals the provisions enacted in 2018 creating new pre-

foreclosure and post-foreclosure processes that municipalities must use in order to foreclose on homestead property for the nonpayment of property tax if the owner is 65 years of age or older and has income and liquid assets below specified limits.

LD 451 – An Act To Repeal the Recently Enacted Changes to the Law Governing Tax Lien Foreclosure. (Sponsored by Sen. Moore of Washington Cty.)

This bill repeals the provisions enacted in 2018 creating new pre-foreclosure and post-foreclosure processes that municipalities must use in order to foreclose on homestead property for the nonpayment of property tax if the owner is 65 years of age or older and has income and liquid assets below specified limits.

Transportation

LD 458 – An Act To Require Motorists To Yield to Transit Buses. (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill requires an operator of a vehicle to yield the right-of-way to a transit bus traveling in the same direction if the transit bus has signaled and is reentering the traffic flow from a bus stop or shoulder of the roadway.

Veterans and Legal Affairs

LD 514 – An Act To Amend the Laws Governing Political Party Representation of Election Clerks. (Sponsored by Rep. Schneck of Bangor)

This bill requires election clerks in a municipality to be selected so that 33% of clerks are from one major party and 33% from another, with 34% of clerks being selected without regard to party enrollment.