

Quiet Week in Lake Mooselookmeguntic

There was not a great deal of reportable activity this week with respect to municipally related legislation. A number of bills that had previously been given their public hearings were discussed at preliminary work sessions, but no Committee action was taken.

There was the bill before the Labor Committee (LD 299) to reinstate the mandate that schools and municipalities operating low pressure heating boilers (but no one else operating the same type of boilers) submit to state government oversight of their annual boiler inspection process for a collective fee to the state of roughly \$300,000 per year. When discussing the bill, Committee members probed around the edges of the mandate law. One theory was that reinstating the mandate wouldn't be a mandate because the Legislature's decision to do away with the mandate last year was "a mistake." The Commissioner of the Department of Professional and Financial Regulation, who is strongly opposed to the bill, was asked to work on the language of LD 299 and report back to the Committee at the next work session.

There were the bills before the Judiciary Committee (LD 162 and LD 309) to create a "regulatory takings" compensation system where landowners can get either financial compensation or regulatory relaxation for land use laws that diminish the value of their property. The Committee chose LD 309 to be the vehicle to put forward this policy initiative but did not finalize its language. Because this bill appears on its face to only apply to state regulatory "takings," it is not clear if Committee members realize that it's practically impossible to disentangle municipal and state government over such programs as shoreland

zoning, subdivision review, junkyard management, etc., where the state mandates the municipal land use management systems. LD 309 has yet to be reported out of Committee.

And there was the bill before the Veterans and Legal Affairs Committee (LD 413) that would reinstate the complete rights to access the absentee balloting process in the two days immediately before and including the actual day of state election. Some Committee members supporting LD 413 are still working on ways to open up that process at least

partially if not fully, despite the concerns of the municipal election clerks who do not understand why people need to be able to vote in absentia even on the very day of the election they supposedly need to be absent from. LD 413 is still in the hands of the Committee.

Without a lot to report, much of the space in this edition of the Legislative Bulletin is devoted to providing a preview of the municipally related bills that are now gushing out of the Revisor's Office and in the queue for their public hearings and work sessions in the weeks ahead.

Governor's Tree Growth Tax Policy Initiatives

Sesame Street includes a regular segment called "one of these things is not like the other" where four items are shown and viewers are asked to choose the item that is different. Although the different item is not necessarily odd on its own, when compared to the other items, it just doesn't belong. It is completely out of context. The importance of proper context may have been demonstrated at the Taxation Committee on Tuesday this week as it met to begin the task of reviewing and making recommendations on the many elements of the Governor's proposed FY 2016-2017 budget focused on tax policy.

On the docket for the first day of discussions were the Governor's proposed changes to:

- The estate tax.
- The corporate income tax.
- The service provider tax.
- The Tree Growth Tax law.

Although all four subject matters focus on important tax policies, the changes to the estate, corporate income

and service provider taxes have a direct impact on the state's General Fund. Spreadsheets, charts and tables can be used to illustrate how changes in rate have corresponding changes to the amount of revenues the state is able to collect. The process is linear.

In contrast, the proposed changes to the Tree Growth program, found in Part BB of the Administration's budget proposal, seek to make non-revenue related policy changes. As proposed in Part BB, the Tree Growth Tax program would be amended in three ways:

- The forest management plans mandated to be developed under the Tree Growth Tax law and updated every 10 years would be required to clearly state the type, nature and timing of recommended harvesting activities over the 10 year period and justifications for those recommendations. Landowners would also be required to have access to a copy of their current forest management plans and retain expired plans for a minimum of

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Tree Growth (cont'd)

two years to facilitate reviews conducted by municipal assessors, the state tax assessor or the Bureau of Forestry.

- The Bureau of Forestry would be authorized to continue its program of random audits of the land enrolled under the program to ensure compliance with the law and the forest management plans. Until now the auditing process has been authorized for only limited periods of time. The proposals also empower the Bureau of Forestry, through the auditing process, to determine that a Tree Growth enrollment fails to meet the program's standards of eligibility and should be withdrawn.

- Penalty elements of the program would be amended in two ways. First, municipalities that fail to file required reports to Maine Forest Service in a timely manner or fail to act on a determination from the Bureau of Forestry that a Tree Growth parcel be removed from the program would be subjected to financial penalties equal to the greater of \$5,000 or 10% of total Tree Growth program reimbursements. Second, 10-year back tax penalties would be assessed against a non-compliant property owner who chooses to leave the Tree Growth program by transferring to the farmland or open space program. Under the existing law, landowners seeking to avoid the hefty penalties for Tree Growth program

noncompliance can, without penalty, shift Tree Growth enrolled property into the farmland or open space program.

During the work session the transition from discussing the financial impacts of estate, corporate income, and service provider tax changes to Tree Growth tax policy was a little jarring. Committee members questioned whether the Tree Growth policies in the budget were better suited to be introduced as stand-alone legislation or addressed by a different Committee of jurisdiction, such as Agriculture, Conservation and Forestry (ACF) Committee. At one point during the discussion an "ought not to pass" recommendation was offered. In the end, the Committee members seem to have settled on asking their peers on the ACF Committee to weigh in on the proposed Tree Growth Tax program changes.

If the discussion of the Tree Growth program had been scheduled to take place with different elements of the Governor's budget, including the part that seeks to shift taxing authority over two-way telecommunications property from the state to the municipalities, and the part that seeks to provide municipalities with taxing authority over certain nonprofits, the policy connections would be more evident. When taking the Tree Growth Tax, telecommunications tax and nonprofit taxation proposals together a "protect the existing property tax base" theme emerges. Each of these proposals seeks to either expand municipal taxing authority or build more accountability into the programs that provide benefits to certain classes of property taxpayers at the expense of the remaining property taxpayers.

Amendments to the Tree Growth program clearly fall within the jurisdiction of the Taxation Committee. Article IX, Section 8, subsection 2 of Maine's Constitution provides the Legislature with the authority to enact the procedures and protocols necessary to assess and tax certain classifications of property, such as woodlands, open space, farmland and working waterfronts, on a "current use" basis rather than the "just value" basis that is applied to all other taxable categories of property. All legislation introduced in modern history that in-

volves the programmatic requirements of the Tree Growth program have been assigned to the Taxation Committee because the programmatic standards affect all property taxpayers in a community, both those enrolled in the program and those who are not.

Municipal officials have some concerns with elements of the Governor's Tree Growth proposals, but on balance the benefits far outweigh the concerns. Municipal officials support improving access to forestry plans, as well as closing loopholes that allow noncompliant Tree Growth property owners to escape consequences by transferring properties to other current use programs. On their side, municipal officials understand that that there should be consequences associated with failing to file required reports, but believe the Governor's proposed penalty needs to be adjusted to better fit the offense.

MMA was not the only entity to submit testimony regarding Part BB of the proposed budget. On Tuesday of this week, a representative of the Maine Forest Products Council (MFPC) was asked to refresh the members of the Taxation Committee on their position. The Committee was told that the MFPC was concerned with the elements of the bill that sought to increase penalties both on program participants and municipalities. A representative of the Small Woodlot Owners' Association of Maine (SWOAM) suggested that none of the budget's Tree Growth proposals should be implemented. Tree Growth eligibility standards should never be amended from SWOAM's perspective to provide predictability for enrollees.

The Tree Growth proposals in the proposed state budget may seem incongruent with proposals to restructure the sales and income tax codes or eliminate municipal revenue sharing, but the Tree Growth program directly affects the municipal tax base. There are many communities in this state with significant percentages of their entire geographical area in the Tree Growth program and/or some of the most valuable acreage within their boundaries. These Tree Growth policies fall squarely within the Tax Committee's jurisdiction.

Legislative Bulletin

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LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.

Monday, March 16

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

LD 467 – An Act To Change the Borders of the Saco River Corridor.

Labor, Commerce, Research & Economic Development
Room 208, Cross State Office Building, 10:00 a.m.
Tel: 287-1331

LD 443 – An Act To Help Stabilize Homeless Shelters in Maine.

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

LD 80 – Resolution, Proposing an Amendment to the Constitution of Maine To Lower the Age Requirement To Run for Legislative Office.

LD 106 – Resolution, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years.

LD 182 – An Act To Eliminate Term Limits for Legislators.

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

LD 585 – An Act Regarding the Processing of Absentee Ballots Prior to Election Day.

LD 626 – An Act Regarding Write-in Candidates in Municipal and City Elections.

Tuesday, March 17

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

LD 569 – An Act To Reduce Municipal Liability outside Federally Declared Flood Zones.

Labor, Commerce, Research & Economic Development
Room 208, Cross State Office Building, 1:00 p.m.
Tel: 287-1331

LD 587 – An Act Regarding Contract Indemnification.

Wednesday, March 18

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

LD 650 – An Act To Amend the Brunswick Sewer District Charter.

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

LD 40 – An Act To Protect Maine's Great Ponds.

LD 568 – An Act To Protect Maine Lakes.

LD 713 – Resolve, To Further Protect Lake Water Quality.

Thursday, March 19

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

LD 547 – An Act Regarding Service Dogs.

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

LD 273 – An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources.

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

LD 256 – An Act To Allow Nonresident College Students To Obtain Resident Hunting, Fishing and Trapping Licenses.

LD 571 – Resolve, To Study the Need for a Standard Formula for the Horsepower of Motors Used on the Lakes and Ponds of the State.

Friday, March 20

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

LD 545 – An Act To Require That Traffic Lights Default to Flashing Mode between the Hours of Midnight and 6 a.m.

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.)

Agriculture, Conservation & Forestry

LD 598 – An Act To Strengthen the Maine Agriculture Protection Act. (Sponsored by Rep. Timberlake of Turner; additional cosponsors.)

Under Maine's current "right to farm" law, farm operations in a land use zone where agricultural activities are permitted may not be considered a violation of municipal ordinance if the operation conforms to best management practices as determined by the Department of Agriculture, Conservation and Forestry. This bill adds agricultural composting operations to that policy.

LD 653 – An Act To Increase Consumption of Maine Foods in All State Institutions. (Sponsored by Rep. Hickman of Winthrop; additional cosponsors.)

This bill establishes a minimum percentage of Maine foodstuffs that must be purchased by state and school food purchasers, requiring at least 15% by 2021; 20% by 2026; 25% by 2036; and 35% by 2037. The bill exempts from the requirements school purchasers at schools participating in the National School Lunch Program. The bill also requires competitive bidding when more than one producer, broker or wholesaler can supply a given foodstuff.

LD 783 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food. (Sponsored by Rep. Hickman of Winthrop; additional cosponsors.)

This resolution sends out to the voters a proposed amendment to the state's Constitution to provide that every individual has a natural and inalienable right to food and to acquire food by hunting, gathering, foraging, farming, fishing or gardening or by barter, trade or purchase from sources of that individual's own choosing, and that right may not be infringed.

Criminal Justice & Public Safety

LD 655 – Resolve, To Study the Feasibility of a State Firefighter Training Facility. (Sponsored by Rep. Lajoie of Lewiston; additional cosponsors.)

This resolve appropriates \$200,000 and directs the Department of Public Safety to hire an independent consultant to study the feasibility of establishing a statewide, centrally located firefighter training facility and several regional firefighter training facilities. The training facilities must be located so that 90% of the intended trainees would be within one hour of the facility. The results of the study must be submitted to the Legislature by January 6, 2016.

LD 658 – An Act To Allow Text Messaging for Reporting Emergencies. (Sponsored by Rep. Fecteau of Biddeford; additional cosponsors.)

This bill directs the Emergency Services Communication Bureau within the Public Utilities Commission to develop standards and procedures for public safety answering points to accept emergency text messaging from all wireless carriers in the state beginning July 1, 2016. This bill also amends the laws regarding confidentiality of audio recordings of E-9-1-1 calls to apply also to text messaging.

LD 697 – An Act To Restore Public Safety Programs in the Department of Public Safety and the Department of Professional and Financial Regulation. (Emergency) (Sponsored by Rep. Lajoie of Lewiston; additional cosponsor.)

This bill restores the inspection and certificate requirements for boilers located in schools that were repealed in 2014 to address

archaic state mandates. The bill also establishes a regulatory system for all amusement rides and amusement shows that relies on annual inspections by certified inspectors with regulatory oversight provided by the State Fire Marshal's Office.

LD 748 – An Act To Provide for Tiered Qualifications for Volunteer Firefighters in Certain Municipalities. (Sponsored by Rep. Head of Bethel; additional cosponsors.)

This bill authorizes a municipality with a population under 2,500 to establish a tiered training regimen for its volunteer firefighters at the recommendation of the fire chief and approval of the municipal officers. At the highest tier, the municipality must have at least 3 firefighters who meet the highest level training requirement. At the middle tier, the municipality must have firefighters who are qualified to perform all functions except entering a burning building. Third tier training would qualify firefighters to perform basic duties such as handling fire hoses, trucks and equipment.

LD 823 – An Act To Upgrade the Concealed Handgun Permit Law. (Sponsored by Rep. Shaw of Standish; additional cosponsors.)

This bill amends the laws concerning permits to carry concealed handguns by: (1) making the Chief of the State Police the sole issuing authority for a permit; (2) extending the term of a concealed weapons permit from 4 years to 10 years; and (3) removing the requirement that a course that includes handgun safety taken by an applicant must have been taken within 5 years of the date of application.

Education & Cultural Affairs

LD 441 – An Act To Amend the Laws Governing Local Share of Education Costs. (Emergency) (Sponsored by Sen. Libby of Androscoggin Cty; additional cosponsors.)

In recent years school funding law allowed the required local share of the total EPS allocation to be reduced by the percentage that the state share of funding for K-12 education falls below the 55% standard established in law. In 2013, the authority to provide less than the required local share was amended to phase-in over a four year period an obligation for local school districts to provide 100% of the required local share regardless of the level of the state's commitment to K-12 education, with the four-year ramp ending for FY 2017. This bill stretches out the four-year ramp to a six-year ramp, requiring a full local share regardless of the state share commitment in FY 2019.

LD 579 – An Act To Allow Teachers To Teach and Students To Learn by Amending the Laws Governing Education Standards. (Sponsored by Rep. Sirocki of Scarborough; additional cosponsor.)

This bill repeals the requirements for a system of proficiency-based education standards that is scheduled to become effective and influence graduation requirements in 2017.

LD 711 – An Act To Provide for a Later Starting Time for High Schools. (Sponsored by Rep. Daughtry of Brunswick; additional cosponsors.)

This bill requires that each school administrative unit ensure that its secondary schools' school days start no earlier than 8:30 a.m. and that there be at least 11 consecutive hours of uninterrupted time from the end of a class, extracurricular activity, athletic practice or any other school activity to the start of the next school day. School systems that do not comply face reductions in state aid for public education.

LD 728 – An Act To Limit the Amount of Money a Municipality May Spend on Education. (Sponsored by Sen. Woodsome of York Cty.)

This bill limits the amount of each municipality's local share of the cost of K-12 education to 55% of the state valuation of all property in the municipality. Presumably the bill's intent is to limit the mandatory municipal contribution to the tax revenue raised by that percentage of the municipal tax base.

LD 793 – Resolve, To Examine Unfunded Mandates in the Education Laws and To Recommend Unfunded Mandates To Be Eliminated.

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(Emergency) (Sponsored by Rep. McClellan of Raymond; additional cosponsors.)

This emergency resolve establishes a 3-member working group to examine unfunded mandates in the education laws. The working group is charged with reviewing 3 reports on unfunded education mandates that have been written over the last six years and determining which unfunded mandates have been addressed, which mandates still exist and which ones should be addressed as a matter of priority. The working group's report must be submitted to the Legislature by December 2, 2015.

Energy, Utilities & Technology

LD 660 – An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems. (Sponsored by Rep. DeChant of Bath; additional cosponsors.)

This bill allows a consumer-owned water utility to establish a homeowner protection fund to reimburse a homeowner in the event of a water system failure that causes damage to the homeowner's property. The Public Utilities Commission is required to adopt rules governing the creation and use of such a fund.

LD 797 – An Act To Ensure Reliable Power Supply to Homes and Businesses. (Sponsored by Rep. Ward of Dedham; additional cosponsors.)

Current law authorizes electrical transmission and distribution utilities to trim, cut or remove trees located within the public right of way so as not to interfere or threaten the electrical distribution system. This bill requires the utilities to perform that function on either side of the distribution line to a minimum of 20 feet from the line or to the edge of the public right of way, whichever is less.

Environment & Natural Resources

LD 442 – An Act To Clarify Municipal Capacity of Site Location of Development and Encourage Local Development. (Sponsored by Sen. Volk of Cumberland Cty; additional cosponsors.)

Current law allows municipalities that have been designated by the Department of Environmental Protection (DEP) to have capacity to conduct Site Location Act regulatory review of major development proposals to also review modifications to developments that the municipality originally permitted. This bill allows those municipalities to also review modifications to developments originally permitted by the DEP if the municipality was designated to have Site Location Act review authority subsequent to the development's original permitting.

LD 581 – An Act to Clarify the Municipal Development District Law. (Emergency) (Sponsored by Rep. Sirocki of Scarborough; additional cosponsor.)

This bill amends the law governing Tax Increment Financing agreements to allow revenue generated in a TIF district to be used to develop "blighted areas" and further allows credit enhancement agreements, where some or all of the tax revenue generated by property within the TIF district is returned to the property owner, to be used in blighted area redevelopment provided certain standards of increased employment within the blighted area are met. The bill also increases the notice requirements a municipality must meet regarding the one or more public hearings held before any TIF district is designated or TIF-related development program is adopted. Current law requires a published newspaper notice at least 10 days before the public hearing. The bill requires the newspaper notice to be published 20 days before the hearing and a mailed notice to all property owners whose outermost property lines are within 1,000 feet of any part of the proposed TIF district as well as anyone else the municipality has reason to know will be directly or potentially affected by the district. The bill further requires the same notice to be posted on the home page of any publicly available website of the municipality.

LD 712 – An Act To Increase Organic Waste Recycling in the State. (Sponsored by Rep. Harlow of Portland; additional cosponsors.)

This bill directs the Department of Environmental Protection (DEP) to track state, regional, municipal and local organic waste recycling efforts and, as resources allow, to develop, implement and administer programs to encourage or support organic waste recycling in the state. The bill also directs DEP to develop, implement and administer an organic waste recycling pilot program. For the pilot program, the DEP is required to invite as participants at least one municipality from each of three large regions of the state, as well as the Legislature itself and state agencies. The DEP is directed to provide technical assistance and may provide financial assistance to each participating entity in developing and implementing an organic waste recycling program. Each participating entity must collect data on and document the amount of organic waste diverted from the waste stream by the program, the related cost savings realized by the participating entity and any problems encountered in implementing the program, and must compile this information into a report for the DEP. The DEP is directed to analyze the reports submitted by the participating entities and report on its findings and recommendations to the Legislature by January 15, 2017.

LD 743 – An Act To Protect the Environment and Assist Municipalities with the Recycling, Reuse and Processing of Solid Waste. (Sponsored by Sen. Rosen of Hancock Cty; additional cosponsors.)

This "concept draft" bill proposes to establish a "net electrical billing process" designed to support Maine's waste-to-energy facilities. The bill would authorize a participating waste-to-energy facility to offer a contract with "governmental entity" customers (presumably municipalities) for converting municipal solid waste to electricity that proves net electrical billing credits to the customers based on the number of metered kilowatt-hours produced by the incineration of the municipal solid waste provided by each governmental entity.

LD 765 – Resolve, To Develop a Statewide Plan for the Disposal of Household Hazardous Waste. (Sponsored by Rep. Stanley of Medway; additional cosponsors.)

This resolve directs the Department of Environmental Protection (DEP) to design a statewide plan for the collection of household hazardous waste and develop a long-term funding mechanism to support the plan. The DEP's report regarding the plan must be submitted to the Legislature by December 2, 2015.

LD 795 – An Act To Encourage Prudent Development along the coast or in a Flood Zone by Considering Predictions for Sea Level Rise. (Sponsored by Rep. Devin of Newcastle; additional cosponsors.)

This "concept draft" bill proposes to enact measures that would require sea level model predictions to be taken into account in the design phase of any development project on the coast or in a flood zone if more than 10% of the total funding for the project is state funding. "Development project" includes, but is not limited to, the development of buildings, land, walkways, bridges, roads, culverts and piers.

Health & Human Services

LD 715 – Resolve, Directing the Department of Health and Human Services To Hire Health Inspectors. (Sponsored by Rep. Cooper of Yarmouth; additional cosponsors.)

This resolve directs the Department of Health and Human Services to hire a sufficient number of state-certified health inspectors to inspect each restaurant in this state at least once a year.

LD 722 – An Act To Strengthen Penalties for Abuse of General Assistance. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill amends the penalty for making a false representation to obtain General Assistance benefits. Under current law, the penalty is disqualification from the program for 120 days. This bill would make the penalty either the 120 day disqualification or total reimbursement of the GA obtained as a result of the false representation, whichever period of disqualification is longer.

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HOPPER (cont.)

LD 885 – An Act To Promote Enhanced Eligibility Verification in Maine’s Welfare System. (Sponsored by Rep. Espling of New Gloucester; additional cosponsors.)

This bill requires the Department of Health and Human Services to determine the eligibility for benefits for recipients of a variety of public assistance programs, including General Assistance.

Inland Fisheries & Wildlife

LD 703 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Protect the People’s Right to Hunt, Fish and Harvest Wildlife. (Sponsored by Rep. Ward of Dedham; additional cosponsors.)

This resolution sends out to the voters a proposed amendment to the Maine Constitution that provides the citizens of Maine have the personal right to hunt, fish and harvest wildlife, subject to laws enacted by the Legislature or rules promulgated by state agencies that promote wildlife conservation and preserve the future of hunting and fishing, and to provide that public hunting, fishing and harvesting wildlife are preferred means of managing and controlling wildlife.

LD 753 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish. (Sponsored by Rep. Wood of Sabattus; additional cosponsors.)

This resolution would send out to the voters a proposed amendment to the state’s Constitution to provide that the right of the people of the state to hunt, fish and harvest game and fish may not be infringed, subject to reasonable laws and rules, and to provide that public hunting and fishing are the preferred means of managing and controlling wildlife.

LD 754 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure That Laws Governing Hunting and Fishing Are Not Subject to the Citizen Petition Process. (Sponsored by Rep. Wood of Sabattus; additional cosponsors.)

This bill would send out to the voters a proposed amendment to the state’s Constitution that would provide that laws governing hunting or fishing may not be proposed through a citizen initiative.

Judiciary

LD 756 – An Act To Enhance the Address Confidentiality Program Regarding Property Records. (Sponsored by Rep. Dunphy of Old Town; additional cosponsors.)

This bill creates a blanket confidentiality with respect to governmental records that may provide the name and address of a certified program participant in the Address Confidentiality Program. For local governments, the bill allows an Address Confidentiality participant to request that the municipality assess property owned by the participant using the participant’s identification number in lieu of his or her name. Upon verification with the Secretary of State’s Office, the assessor must grant the request. Similar confidentiality would be applied to law enforcement records as well.

LD 775 – An Act To Streamline Judicial Review of Certain Land Use Decisions. (Sponsored by Rep. Hobbins of Saco.)

This “concept draft” bill proposes to establish a streamlined judicial review process of major land use permitting decisions in order to facilitate economic development and reduce the time associated with issuing permits.

LD 891 – An Act To Help Municipalities Dispose of Certain Abandoned Property. (Sponsored by Rep. Maker of Calais; additional cosponsors.)

This bill authorizes a municipality, as well as a mobile home park owner or operator, to dispose of a deserted mobile home or manufactured housing by providing posted notice of the intended disposal on the mobile home or manufactured housing at least 30 days prior to the disposition. For this purpose, the property can be considered deserted if there is evidence of vacancy and that the tenant has no intention of returning, along with the listed evidences of abandonment that are now

provided in state law with respect to mortgage foreclosure process.

Labor, Commerce, Research & Economic Development

LD 612 – An Act To Require a Large Employer To Provide a Paper Paystub upon Request from an Employee. (Sponsored by Rep. Harlow of Portland; additional cosponsors.)

This bill requires an employer with more than 50 employees to provide upon request to an employee a paper receipt of wages for a pay period.

LD 698 – An Act To Establish a Presumption of Impairment in the Line of Duty for Corrections Officers under the Workers’ Compensation Laws. (Sponsored by Rep. Tucker of Brunswick; additional cosponsors.)

This bill amends the workers’ compensation laws by adding a rebuttable presumption that heart disease or hypertension suffered by a corrections officer was caused in the course of employment as a corrections officer, similar to the provisions presuming that cancer contracted by a firefighter was caused by exposure through firefighting duties.

LD 717 – An Act To Establish the Maine Paid Family Leave Insurance Program. (Sponsored by Rep. Daughtry of Brunswick.)

This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to employees who qualify for family medical leave. The program is funded by mandatory, actuarially-determined employee contributions and provides 2/3 of the employee’s average weekly wage for up to 6 weeks, capped at 100% of the state average weekly wage. Employee contributions are collected on a sliding scale based on wages.

LD 757 – An Act To Limit the Amount That May Be Retained on Construction Contracts. (Sponsored by Rep. Tepler of Topsham; additional cosponsors.)

This bill limits the amount of a construction contract’s value that may be retained pending the completion of contractor or subcontractor performance to 5%.

State & Local Government

LD 564 – An Act To Establish Appropriate Parameters for County Borrowing Authority. (Sponsored by Rep. Kruger of Thomaston; additional cosponsors.)

As a general rule, counties are not authorized to borrow more than \$10,000 without going to the county’s voters for approval. This bill changes that general rule limit to one ten-thousands of the county’s total property valuation (.0001).

LD 724 – An Act To Authorize Municipal Fire Districts To Impose Service Charges. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsor.)

This bill authorizes municipalities to create by ordinance municipal fire districts that may apply service charges to all property owners to finance fire protection services, rather than property taxes. The bill also authorizes municipalities to apply and collect service charges in the same way for multi-municipal fire districts.

LD 862 – An Act To Clarify Who May Authorize Repairs in a Burying Ground. (Sponsored by Sen. Cushing of Penobscot Cty; additional cosponsors.)

This bill authorizes a person to remove a gravestone memorial that is in such poor condition that its preservation cannot be guaranteed in its original location and have it placed in another location accessible to the public where its preservation can be guaranteed. Prior to removal, a notice must be submitted to the municipality stating the location and identification of the memorial, the authority requesting the removal and the site to which the memorial will be moved. When possible, a replacement or replica of the removed memorial must be placed in the

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original location along with information about the new location of the original stone.

LD 909 – An Act To Help Older Adults Age in Place through Comprehensive Planning. (Sponsored by Rep. Babbidge of Kennebunk; additional cosponsors.)

This bill amends the requirements governing comprehensive planning by defining the term “age-friendly community”, encouraging municipalities to develop land use policies that accommodate older adults and their aging-in-place efforts, requiring the comprehensive planning process to inventory housing that meets the needs of older residents, and mandating that a community’s growth management program ensure that land use policies encourage aging in place and appropriate housing options for older residents and address issues of special concern to older adults including transportation to and accessibility of needed services.

LD 912 – An Act To Allow the Establishment of Regional Municipal Utility Districts To Support Telecommunications, Broadband Communications and Energy Infrastructure. (Sponsored by Rep. Foley of Wells; additional cosponsors.)

This bill amends the state’s interlocal agreement law to allow an agreement that establishes a regional multi-municipal utility district to provide, support or promote the provision of telecommunications services, broadband services, Internet services or energy generation, transmission or distribution services and to issue revenue bonds in support of any of these activities. Such a municipal utility district would be subject, as applicable, to the pertinent regulations of the Public Utilities Commission.

LD 915 – An Act To Facilitate Long-range Planning in Certain Municipalities. (Sponsored by Rep. Stanley of Medway.)

This “concept draft” bill proposes to enact measures designed to facilitate the ability of “one industry towns” to plan for and recover from the closure of that one industry. The measures proposed by the bill may include: (1) the imposition of a fee on any ancillary commodity produced by the industry, such as hydropower produced by a mill, and remitting the amount of the fee to the town, (2) a requirement that municipalities reliant on a single industry develop, with the industry, long term plans for the industry and any ancillary commodity produced by the industry, and (3) a requirement that an industry provide municipal officials written notice of its plan to terminate its business at least 90 days prior to the intended termination.

Taxation

LD 614 – An Act Regarding the Excise Tax Levied on Used Motor Vehicles. (Sponsored by Rep. Maker of Calais; additional cosponsors.)

This bill specifies that a motor vehicle being registered for a second time during the first model year of that motor vehicle, or a motor vehicle that is still in its first model year but is not covered by a manufacturer’s new car warranty, is considered a used vehicle and requires the excise tax to be based on the second model year.

LD 871 – An Act To Provide for Cooperation between Municipalities with Tax Increment Financing Districts. (Sponsored by Sen. Libby of Androscoggin Cty.)

This bill amends the law governing Tax Increment Financing agreements to allow contiguous municipalities with separate development districts to share the allowed development program costs for a project.

LD 900 – An Act To Make Public Certain Tax Information Related to Municipal Valuation. (Sponsored by Rep. Farrin of Norridgewock; additional cosponsors.)

This bill provides that the income and expense information provided to municipal assessors in the course of determining taxable valuation, some of which is confidential “proprietary” information, may be provided to the municipal officers meeting in executive session if the information has the potential of reducing the valuation of the municipality by more

than 5% due to a reduction in the property value of that taxpayer.

LD 901 – An Act To Ensure Sustainable Infrastructure Funding. (Sponsored by Rep. McLean of Gorham; additional cosponsors.)

This bill reinstates a system of indexing of Maine’s motor fuel excise tax rates, tying adjusted rate increases to percentage increases in federal fuel efficiency standards. Indexed rate increases may not exceed year-to-year increases in the consumer price index.

LD 910 – An Act To Fully Fund Municipal Revenue Sharing. (Sponsored by Rep. Powers of Naples; additional cosponsors.)

This “concept draft” bill proposes to amend the method of funding state-municipal revenue sharing to ensure that it remains a reliable source of funds for stabilizing the municipal property tax burden and aiding in financing all municipal services.

Transportation

LD 634 – An Act To Allow Operation of Modified Utility Vehicles on a Public Way. (Sponsored by Sen. Dill of Penobscot Cty; additional cosponsors.)

This bill allows a modified utility or all-terrain vehicle meeting specified equipment requirements to be operated on Maine roads with a posted speed limit of 45 miles per hour or less for the purposes of traveling from an all-terrain vehicle trail to a gasoline station or an establishment selling prepared food and returning to the all-terrain vehicle trail. A modified utility vehicle is exempt from inspection requirements and is registered by application to the Secretary of State, which application must be accompanied by proof of ownership, proof of insurance and proof of payment of excise tax.

LD 645 – An Act To Create a Transportation Planning Incentive for Communities Located on Peninsulas. (Sponsored by Sen. Langley of Hancock Cty; additional cosponsors.)

This bill requires the Department of Transportation to assign a higher priority classification for a state or state aid highway located on a peninsula if the relevant municipality or group of municipalities develops a 10-year work plan that describes and addresses local and regional transportation infrastructure needs and considers the regional effect of the capital improvement of the state or state aid highway.

LD 706 – Resolve, To Establish a Commission To Study Transportation Funding Reform. (Sponsored by Rep. McLean of Gorham; additional cosponsors.)

This “concept draft” resolve proposes to establish a commission composed of legislators, transportation professionals or other parties to study transportation funding reforms that will promote equity and sustainability and that will yield the predictable funding levels needed to support a safe and reliable highway and bridge system. The resolve proposes to study topics that include:

- Funding levels necessary to achieve long-term state highway and bridge capital improvement goals.
- Mechanisms to address the erosion of Highway Fund resources.
- Methods to more equitably share the costs of the highway system between residents and visitors.
- And, rolling back fuel tax rates and adding a wholesale tax component, using some of the sales tax receipts for transportation purposes.

The Commission’s report is proposed to be submitted to the Legislature by December 15, 2015.

Veterans & Legal Affairs

LD 620 – An Act To Allow Veterans’ Organizations To Own and Operate Slot Machines. (Sponsored by Rep. Picchiotti of Fairfield; additional cosponsors.)

This bill authorizes non-profit fraternal societies and veterans’ organizations to be licensed, along with off-track betting facilities, to operate slot machines. To be eligible for the license, the non-profit

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organization must have been conducting gaming operations for a two-year period and must be located in a municipality that has approved by referendum the operation of slot machines by non-profit organizations. Under the terms of the bill, the non-profit organization could operate no more than 5 slot machines. 30% of the net slot machine revenue must be distributed as follows: 10% to the Gambling Control Board; 8% to the state's General Fund; 2% to the Gambling Addiction Prevention and Treatment Fund; and 10% to the host municipality.

LD 770 – An Act To Permit Maine Residents To Register To Vote Online. (Sponsored by Rep. Russell of Portland.)

This bill requires the Secretary of State to implement a system that allows a person to register to vote online. Under the system, the applicant would provide certain information that is verified by driver's license or nondriver identification card data maintained by the Bureau of Motor Vehicles, and the applicant would submit an affidavit attesting to the truthfulness of the information.

LD 857 – An Act To Prohibit Public Endorsement of Candidates for Office by County Employees and Elected Officials. (Sponsored by Sen. Baker of Sagadahoc Cty; additional cosponsors.)

This bill prohibits elected county officers and officials from advocating expressly for the election or defeat of a candidate for a federal or constitutional office or for a partisan elective municipal, county or state office. The bill also prohibits a county employee from engaging in political activity when the employee is on duty, in an official county workplace, when wearing a county uniform or official insignia, or while using an official county vehicle.

LD 858 – An Act To Better Inform the Public of Election Results. (Sponsored by Sen. Baker of Sagadahoc Cty; additional cosponsors.)

This bill requires the municipal clerk, as soon as the ballots in an election are counted, to post the results of an election in a place accessible to the public so the results may be viewed when the municipal office is closed.