

Municipal “Consolidation” Emerging as Rationale to Discontinue Revenue Sharing

A field within the science of human nature studies a psychological self-protection mechanism that often crops up when one party injures another or violates a trust but then has trouble reconciling the injurious action with his or her sense of self. The mental irritation is referred to as cognitive dissonance; the uncomfortable experience of simultaneously holding two incompatible beliefs (e.g., “I am a good person” vs. “I am not a good person.”). In the circumstance of Party A causing injury to Party B and not consciously knowing why, the psychological solution all too often is Party A concluding that Party B “deserves” the injury or that the injury will somehow benefit Party B or the “greater good” (even though Party B may not be capable of recognizing the benefit).

The last two editions of the Legislative Bulletin have attempted to provide information to municipal officials in their effort to evaluate the real-life local impact of Governor LePage’s state budget proposals to eliminate municipal revenue sharing, exempt large chunks of property from taxation, take some motor vehicle excise tax revenues for state purposes, slash General Assistance reimbursements for the cities with significant GA programs, begin pushing state-paid teacher retirement costs onto the property taxpayer and eliminate both the Homestead property tax exemption and the “Circuitbreaker” property tax and rent relief program for all recipients under the age of 65.

As a package, the Governor is proposing to appropriate for state spending about \$425 million of resources dedicated by current law to provide direct property tax relief to Maine residents and support local government programs.

This week’s article is on the same

subject but from a different angle. Recent comments of the Governor and other supporters of his proposed cuts to local government and elimination of property tax relief programs for thousands of Maine residents suggest that a rationale to justify those cuts is emerging.

On January 18, former state senator Phil Harriman, contributing on a talk show/blog as the Republican pundit alongside Democrat pundit Ethan Strimling (also a former state senator), said: “*It (the Governor’s proposed budget) helps the next generation when and if town leaders muster the will to implement strategies to reduce costs just like the Governor has done.*”

The Administration’s chief budget

officer, Sawin Millett, told the Kennebec Journal on January 19 that “*When you think about it, we (the state) could put all kinds of funding out there, but the ultimate decision-makers on whether there is relief or not are those who approve local budgets. We haven’t done a good job of delivering tax relief. We’ve spent a lot of money and put a lot of programs together, but over the years, we haven’t really produced real, measureable tax relief to the extent I think a lot of people hoped for.*”

On January 25, in the text of his weekend radio address, Governor LePage made the following observations. “*It is not impossible for local government*”
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Capping State Reimbursement for General Assistance Programs

On Monday this week, the Appropriations Committee and Health and Human Services Committee heard four hours of testimony on portions of Governor LePage’s proposed FY 2013 supplemental budget impacting Health and Human Services programs. Although the afternoon’s hearing itinerary focused on a variety of issues, including cuts to substance abuse and adult mental health programs, the proposal to cap the reimbursements provided to municipalities under the General Assistance (GA) program received the most attention.

As proposed by the Administration, the state’s exposure to the state/municipal GA program would be capped at \$10.2 million for the current fiscal year, and once that somewhat arbitrarily established cap is reached, municipalities would be

authorized (but not mandated) to suspend their local GA programs. Municipalities choosing to continue to provide the assistance would not be eligible for state reimbursement.

The Department’s best guess is that the funding will likely run dry May of this year.

The testimony from the diverse group of interested parties gathered on Monday was uniform. Representatives from charitable and religious organizations, advocacy groups and municipalities provided testimony in opposition to the proposal. The common message focused on the protection of GA as a program of last resort designed to provide aid when no other forms of assistance are available to meet the needs of eligible applicants. Opponents to the budget proposal argued

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Consolidation (cont'd)

to save money, consolidate services and identify priorities. If revenue sharing makes up as little as 2 to 4 percent of community budgets, it is reasonable to request local officials to find alternatives....There are many towns and cities across our State that can consolidate services and save money. For instance, Fairfield, Oakland, Waterville and Winslow are all within a 5 mile radius. Each has their own fire and police, schools, public works personnel along with many other duplicative services. Combined, the communities are approximately the size of Lewiston. There are ways for communities to work together. However, home rule or choosing to go at it alone is an expensive choice.”

The Portland Press Herald joined the Governor on the “consolidation” observation when their State House Reporter Steve Mistler, without examples given, wrote on January 27 that: “For the most part, (the Governor) was right about (the municipal failure to consolidate). Bold plans to share emergency services have rarely been embraced by local communities, which are reluctant to part with their own fire or police departments.”

All these observations share two common threads. First, they all imply that local governments preside over excessive spending, inefficiency or redundancy, and/or an unwillingness to deliver “measurable” tax relief, with the further implication that “consolidation” opportunities for municipalities to save significant resources are undeniably available and right there for the taking. Second, the four observations offer zero in the way of data-based information to back up the claims.

For example, we are not provided the metric by which Sawin Millett would be satisfied that municipal revenue sharing actually reduces property taxes.

We are not provided the units of measure used by Phil Harriman to assert higher than appropriate local spending.

The word “consolidation” is typically used to connote governmental reorganization (e.g., the school consolidation law of 2007) as differentiated from “collaboration” or “regionalized service delivery”. How is the word “consolidation”

being used by Governor LePage? Is the Governor recommending that the four municipalities he names should become a single municipality (governmental consolidation) or that they should collaborate where appropriate with respect to the delivery of certain services? If the latter, see below.

Assuming that the Governor and proponents of the Governor’s proposals will rationalize the broadside attack on the property tax as their tough-medicine to “right size” local government, municipal officials should be prepared to address those claims with solid local information and hard data to counter the innuendo.

Here are some facts at the statewide level available for your use.

The 2011 Municipal Collaboration Report. For those who don’t believe municipal officials are constantly devel-

oping and implementing collaborative systems of service delivery with other municipalities, counties and other regional organizations and private businesses, it would be worthwhile to review MMA’s 2011 Municipal Collaboration Report, published one year ago this month and easily available on the MMA website.

The report in many respects is just a snapshot of the ever-evolving service delivery dynamic because it captures the activities of just the 90 municipalities that participated and it is certain that now, just one year later, many of the regional collaboratives described in the report have evolved in organization. These systems are constantly evolving.

That said, the Report details 558 separate collaborations in which the 90 respondent municipalities participate. The most common collaborative efforts

**Table #1. Service Delivery Collaboration Efforts
Fairfield, Oakland, Waterville & Winslow**

Service	Municipalities
Economic Development – share an economic development director.	Fairfield, Waterville, Winslow
Economic Development – FirstPark business attraction and development.	Fairfield, Oakland, Waterville, Winslow
Public Transit – support Kennebec Valley Council of Government’s regional transportation system.	Fairfield, Waterville, Winslow
Dispatch – support a single dispatch system	Oakland, Waterville, Winslow
Fire Chief – share personnel cost.	Waterville, Winslow
Fire & Rescue Mutual Aid	Fairfield, Oakland, Waterville, Winslow
Equipment – share a hydro seeder.	Oakland, Winslow
Equipment – share the equipment necessary to screen and transport winter sand for each community’s stockpile.	Fairfield, Waterville, Winslow
Equipment – share spare trash truck.	Waterville, Winslow
Equipment – share sewer vacuum truck.	Fairfield, Winslow
Household Hazardous Waste Disposal – support Kennebec Valley Council of Government’s program.	Fairfield, Oakland, Waterville, Winslow
Joint Purchase – sand and salt.	Waterville, Winslow
Recycling – share program costs.	Waterville, Winslow
Waste Management – share program costs.	Oakland, Waterville, Winslow
Information Technology – Waterville provides staff to help manage maintain and trouble shoot computer hardware and software.	Oakland, Waterville, Winslow

occur in the areas of public safety (ambulance/rescue, fire protection, police services, code enforcement, animal control, etc.), roads (summer and winter maintenance, equipment sharing, joint purchasing, etc.), and administration (assessing, “back office” services, clerk services, General Assistance, etc.).

In his radio address, the Governor chastised four municipalities he is familiar with for “going it alone”. In contrast to that representation, the 15 existing collaborative systems that are currently in place between and among those four municipalities are identified in Table #1.

Before legislators join the Governor and decry the lack of municipal consolidation, they should find out what the communities in their area are actually doing to work with other local and regional governments and (often overlooked) the private sector to deliver local government services efficiently. Municipal officials can assist by organizing that information for their legislators’ benefit.

Major Reports: Charting Maine’s Future and Reinventing Maine Government. The two major reports over the last eight years that have commissioned an actual data-based analysis of state and local spending are the 2006 “Charting Maine’s Future” (a.k.a., the “Brookings’ Report”) and the 2010 report “Reinventing Maine Government”. For those who claim that local governments are operat-

ing with significant inefficiency, taking the time to read these two reports and review the data analysis upon which they are based would be instructive.

The primary data used to form the reports’ recommendations was well-researched study of state and local spending published in 2006 and entitled “Maine’s State and Local Government Payroll and Expenditure” by Dr. Philip Trostel of the University of Maine (Orono). All the data are laid out in that report for open review. The bottom line is that when municipal expenditures are analyzed independently of K-12 educational services:

- Maine municipal expenditures (other than education) are typically lower than municipal spending in other U.S. states and among a half-dozen states with rural characteristics that were identified as Maine’s “peer” states;
- The Census data disputes the notion that having a high number of municipalities is a cause of high spending;
- Maine’s state-level spending is a much greater concern than local-level spending.

Table #2 presents data assembled from the Trostel study that describe net local expenditures on six local spending categories (as a percent of total state income), and compares that spending to local spending among all the U.S. states and to local spending in a select group of

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Governor LePage’s State Budget Proposals

10 Hardest Hit Municipalities

Loss of Municipal Revenue as % of Property Tax Commitment

LIMESTONE	29%
VAN BUREN	28%
BLAINE	24%
WASHBURN	22%
PATTEN	22%
MILO	22%
ORONO	22%
MEXICO	22%
GREENBUSH	22%
GRAND ISLE	22%

There are several ways to illustrate the impacts of the Administration’s proposed budget. In last weekend’s radio address, Governor LePage presented the revenue sharing suspension impacts as a percentage of total municipal budget. In that address he stated that the impact in Portland was 2% and in Waterville the loss in revenue sharing accounted for 4% of the total operating budget.

Another way to illustrate the impact is to calculate the loss revenue sharing as a percentage of the total number of dollars collected through property taxation to support the municipality’s budget. That total is known as the property tax commitment. This approach is a more relevant reflection of the impacts because as a matter of law revenue sharing dollars must be used to reduce the property tax commitment. When utilizing that approach to calculate impacts, Portland’s loss increases to 7% and Waterville’s to 17%.

The data in the chart above show the communities hardest hit by the Governor’s proposal to suspend revenue sharing when showing the loss as a percentage of the town’s property tax commitment. The average statewide revenue sharing loss impact is 8% of commitment, while the average loss in these 10 hardest hit communities is 24%.

The information necessary to calculate these impacts was found in the Maine State Revenue Services, 2011 Municipal Valuation Return Statistical Summary and the Office of the Treasurer’s disbursement of revenue sharing spreadsheets.

Table #2

Net Expenditures (as a percent of total state income)	Local Government Expenditures:			Maine local spending as a percentage of local spending in all states and peer states	
	Maine	All States Average	Peer States Average	National	Peers
Police Protection	0.49%	0.73%	0.60%	-32.9%	-18.3%
Fire Protection	0.23%	0.29%	0.21%	-20.7%	+9.5%
Parks & Recreation	0.15%	0.34%	0.31%	-55.9%	-51.6%
Sewerage	0.29%	0.35%	0.27%	-17.1%	+7.4%
Solid Waste	0.28%	0.22%	0.19%	+27.3%	+47.4%
Libraries	0.07%	0.09%	0.09%	-22.2%	-22.2%

Consolidation (cont'd)

“peer” states. Maine local governments compare very well with respect to both averages, and where they don’t (e.g., solid waste) the report details how the causes do not lie in the number of municipal systems participating or municipal payroll but, rather, in something unique in this state about the service itself.

We cannot encourage legislators to read Dr. Trostel’s analysis strongly enough. There isn’t enough space here to provide a thorough analysis, but here are some quotes from the study that are indicative of the data analysis:

Fire Protection: “Evidently, at least some fire ‘employment’ in Maine is really quasi-volunteer labor. Hence, despite having a relatively high number of fire departments, fire protection does not appear to be relatively costly in Maine... Comparison to the other rural states also reveals that the number of fire departments per capita does not appear to have an important influence on the cost of fire protection.” (p. 22.)

Highways: “Thus, despite most of the measures suggesting that Maine

might have higher-than-necessary costs in providing highways services, apparently this is mostly a consequence of Maine’s winter weather.” (pp. 38-40.)

Sewerage: “The relatively high number of local governments providing this service in Maine and other rural states, does not appear to create a noticeable cost disadvantage.” (p. 24.)

Solid Waste: “Maine has the highest number of local government units providing this amenity, suggesting that there could be unnecessary duplication. The payroll and employment data, however, do not suggest excess costs or unnecessary duplication in providing this service.” (p. 27.)

Financial Administration: “Despite having a relatively high number of local governments with financial administration, Maine’s relatively high level of financial administration occurs at the state government level and not in local governments...Evidently, the rural cost disadvantage in financial administration occurs at the state-government level and not at the local-government level.” (p. 42.)

...And these observations repeat themselves many times over, for librar-

ies, recreation programs, etc.

The Trostel data analysis that backed up the recommendations in “Charting Maine’s Future” was based on the 2002 Census of Government Data. The U.S. Census conducts this governmental census on 5-year intervals. The 2002 analysis was completely refreshed with the 2007 data for the 2010 report “Reinventing Maine Government”. The opening paragraph of that report’s chapter on local government reads:

“A good deal is made about how many towns we have (just under 500) and how expensive they are, or at least seem to be to local taxpayers. The numbers, though, tell a more complicated story. If you took schools out of local budgets, which represent 71% of local budgets, the remaining 29% of spending – on public works, public safety and municipal services – matches up well with other local governments across the county. In fact, Maine town services cost 33% less than towns in other rural states.”

“Consolidation” and Politics. State politicians can hardly go wrong when asserting the need for local government consolidation or collaboration or regionalization. It is an easy claim that

Update: Request to Obtain Circuitbreaker Data

In the effort to evaluate the impact of the Governor’s state budget proposals on their communities, municipal officials are trying to find out how many households in each town or city receive a benefit through the “Circuitbreaker” property tax and rent relief program. The Governor is proposing to cutback the Circuitbreaker program by over 80% of its function by discontinuing all benefits for households owned or rented by people under the age of 65 and significantly scaling back the program for households of persons 65 years of age or older.

MMA has been trying to obtain that information from Maine Revenue Services for over two weeks. We have now been told that the data will be released to us sometime today (February 1). As soon as we obtain that data, we will make it available to all municipalities to assist in their impact analysis efforts.

FY 14 - FY 15 Proposed Budgets - Real Impacts on Real People Brownville

Direct Impacts on Municipal Revenues:

Revenue Sharing Suspension	\$ 165,126
BETR/BETE Conversion	-
Motor Vehicle Excise Tax Shift	13,500
General Assistance Reimbursement Reduction	-

Total Revenue Loss **\$ 178,626**

Direct Impacts on Property Taxpayers - Choices

Reduce services, only.	\$ 178,626
Increase tax rate, only.	3.23 Mills
Combination: reduced services and increased tax rate.	?

Homestead Exemption Redesign Impacts

Current Number of Residents Receiving Benefit	377
Residents Eligible Under Proposed Budget	126
Number of Residents Affected	251
Annual Value of Benefit	\$ 173

“Again, the real impact of the changes that the Governor is proposing for 2013 would increase the mill rate here substantially. Currently Brownville is in the process of foreclosing on 13 properties. Real people, real problems, real financial problems for my residents here.”

~ Matthew Pineo, Brownville Town Manager

requires no evidentiary support and imparts three subliminal positives to the politician making the claim: a sense of fiscal prudence, an overriding concern for the taxpayer that others must not share, and a superior knowledge or command of intergovernmental organization.

The if-only-they-would-consolidate rhetoric is also sweepingly dismissive of all the efforts at the local level to provide most in the way of services at least expense. It is almost a perfect self-supporting rhetorical device because to the extent local officials express frustration at the paternalistic dismissal of their efforts, the underlying allegation of their resistance to change is reinforced.

The school consolidation effort of 2007 might have been instructive. A major phenomenon associated with consolidation is a leveling of the costs of labor and other inputs at the highest level among the consolidated units. As the Canadian researcher Brian Crowley points out in his study of failed “amalgamations” in Nova Scotia, “*creating larger units of government doesn’t reduce costs – it increases them. It levels costs up to the highest common denominator and seems to result in higher trends of growth over time.*” Many municipal “partners” in the school consolidations approved in 2008 to avert the impacts of punishing financial penalties are now facing the financial consequences of those consolidations.

Crowley also challenges as a myth the “economies of scale” claim. Asserting that researchers on this topic are in broad agreement, he wrote in his 2010 editorial in the Portland Press Herald “*There are some exceptions, but generally services such as public works, police protection, recreation and others can be provided less expensively with small municipal units than at a regionalized governmental entity.*”

Recent and Ongoing Municipal Employment Cutbacks. Finally, the January 2013 edition of the Maine Townsman might be added to the reading list of those legislators who believe that municipal resources need to be cut in order to restrict an alleged municipal appetite for spending. An article in that edition documents the 10%, 12.5%, 15%, 18% and nearly 30% reductions in employment in local governments from Cape Elizabeth to Bethel, Auburn to Presque Isle.

As the Townsman article points out, the municipal adjustments to the recession and subsequent slow economic recovery have been painful but straightforwardly implemented. The implication by the policy makers and their spin doctors that municipal governments have been insensitive to the citizens and businesses who rely on the cost effective delivery of municipal services is, simply put, insulting.

Capping (cont'd)

that arbitrary limitations of this kind do nothing to eliminate the need for some level of public assistance, and if enacted without addressing that underlying need, municipalities, charitable and religious organizations, social service agencies and shelters would be left to fill in the void without the benefit of state reimbursement or assistance.

The opponents’ offer was that if the state wants to limit its financial exposure to the GA program, then the program should be redesigned to reduce costs in a responsible way, while retaining program functionality. Several times throughout the hearing members of the Committees were urged to take a close look at the yet-to-be-released report of the General Assistance Working Group. That working group was created by the previous Legislature and the recommendations it developed over the summer and fall of 2012 responsibly reduce program costs while retaining and adequately funding this program of “last resort”. The 9-member work group, including representatives from the Department of Health and Human Services, municipalities, and client and affordable housing advocates, was charged with reducing the state’s share of the GA program by \$1 million per year, and it met its charge. For some reason, its recommendations were not included in the supplemental budget.

The Governor’s proposal to cap General Assistance reimbursements is now in the hands of the members of the Appropriations and Health and Human Services Committees for deliberation and action.

FY 14 - FY 15 Proposed Budgets - Real Impacts on Real People Mexico

Direct Impacts on Municipal Revenues:

Revenue Sharing Suspension	\$ 580,335
BETR/BETE Conversion	41,557
Motor Vehicle Excise Tax Shift	36,000
General Assistance Reimbursement Reduction	-

Total Revenue Loss

\$ 657,892

Direct Impacts on Property Taxpayers - Choices

Reduce services, only.	\$ 657,892
Increase tax rate, only.	5.27 Mills
Combination: reduced services and increased tax rate.	?

Homestead Exemption Redesign Impacts

Current Number of Residents Receiving Benefit	718
Residents Eligible Under Proposed Budget	239
Number of Residents Affected	479
Annual Value of Benefit	\$ 230

Legislative Bulletin

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Editorial Staff: Geoffrey Herman, Kate Dufour and Laura Veilleux of the State & Federal Relations staff.

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.)

Appropriations & Financial Affairs

LD 138 – An Act To Amend the Laws Governing the Issuance of Bonds That Have Been Ratified by the Citizens of the State. (Sponsored by Rep. Keschl of Belgrade; additional cosponsors.)

This “concept draft” bill proposes to amend the laws governing the issuance of General Fund bonds that have been approved by the voters to direct the Treasurer to issue the approved bonds unless the Treasurer determines: (1) that the issuance will adversely affect the state's credit rating; (2) a delay in the issuance will likely result in a more advantageous interest rate; or (3) that alternative funding sources are available to implement the projects to be funded by the bond proceeds and the use of the alternative funding sources is fiscally preferable.

Criminal Justice & Public Safety

LD 111 – An Act To Restrict the Sale, Purchase and Use of Fireworks in the State. (Sponsored by Rep. Lajoie of Lewiston; additional cosponsors.)

This bill repeals the law enacted in 2011 that allowed for the sale, possession and use of “consumer” fireworks

LD 168 – An Act To Establish Reasonable Restrictions of the Use of Fireworks. (Sponsored by Sen. Johnson of Lincoln Cty; additional cosponsors.)

This “concept draft” bill proposes to establish restrictions on the sales and use of fireworks in the state, taking into account such factors as level of fire danger, presence of farm animals, interests of summer residents, tourists and local businesses, interests of year-round residents, the effects on veterans who suffer from post-traumatic stress disorder. The potential restrictions established by this bill could include the requirement that permitting be done by the State Fire Marshal, that local fire permits be obtained, limitations on the times during the day, week and month that fireworks may be used, and the establishment of firework-free zones throughout the state.

Education & Cultural Affairs

LD 130 – An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation. (Sponsored by Sen. Millet of Cumberland; additional cosponsors.)

This “concept draft” bill proposes to stabilize state funding for education by requiring the property fiscal capacity component of the essential programs and services school funding system to be based on a rolling 5-year average of the property values of a municipalities within a school administrative unit.

Judiciary

LD 135 – An Act To Require All Government Documents To Be Posted on the Internet. (Sponsored by Rep. Brooks of Winterport; additional cosponsors.)

This bill requires all public entities to make available on a publicly accessible site on the Internet all public records in the possession of the public entity.

LD 165 – An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships. (Sponsored by Sen. Thomas of Somerset Cty; additional cosponsors.)

This bill amends the laws governing the power of eminent domain to generally prohibit, with some overriding exceptions, the use of eminent domain for the development, operation, management, ownership, leasing or maintenance of a transportation facility established under the law governing public-private transportation projects.

State & Local Government

LD 155 – An Act To Streamline the Approval of Accessibility Structures. (Emergency) (Sponsored by Rep. Morrison of South Portland; additional cosponsors.)

In the circumstance where a person with a disability is seeking permission to install disability-related structures necessary for access to or egress from a building and the construction will necessarily require variance approval from the municipal board of appeals to overcome a setback requirement, current law requires the variance to be approved by the Board of Appeals before the permit is issued by the code enforcement officer. This emergency bill allows a municipality, presumably by ordinance, to authorize its code enforcement officer to issue the permit and, if necessary, authorize the variance without the need to obtain the variance from the Board of Appeals.

LD 183 – An Act To Exempt Municipalities That Do Not Hold Annual Meetings from Required Publication of an Annual Report. (Sponsored by Rep. Vero of Brewer; additional cosponsors.)

This bill limits the obligation to publish an annual “town report” to only those municipalities that hold an annual town meeting.

Taxation

LD 107 – Resolution, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Provide a One-year Period of Penalty Relief for Withdrawal of Forest Land from Current Use Valuation. (Sponsored by Rep. Davis of Sangerville; additional cosponsors.)

This resolution would send to the voters a proposed amendment to the state's Constitution regarding the current use taxation of forest land, which is Maine's “Tree Growth” program. The amendment would allow the Legislature to establish an exception to the existing requirements to financially penalize the withdrawal of land from the program. Specifically, the Legislature would be authorized to create no more often than once every five years a one calendar year period during which land can be withdrawn without financial penalty provided the forest land has been enrolled in the Tree Growth program for at least 5 years and at least 50% of the enrolled forested land is being withdrawn.

LD 119 – An Act To Exempt from the Use Tax \$1,000 of Internet Purchases from Out-of-state Sellers. (Sponsored by Rep. Wilson of Augusta; additional cosponsors.)

This bill exempts from the state's sale and use tax the first \$1,000 of purchases over the Internet from out-of-state retailers.

LD 136 – An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes. (Sponsored by Rep. Hayes of Buckfield; additional cosponsor.)

This bill requires the application form for the Circuitbreaker property tax and rent relief program to include a method of determining whether the property taxes being claimed have been paid at the time of application to the program. If the State Tax Assessor determines that the property taxes have not been paid, the benefit must be issued to the claimant and the municipality jointly. The municipality is required to endorse the benefit to the claimant but may withhold an amount equal to the amount of property taxes owed for the year for which the benefit is being issued. The municipality may retain an amount in excess of the amount of property taxes owed only with the express written permission of the claimant.

In the hopper (cont.)

LD 167 – An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of the Motor Vehicle. (Sponsored by Sen. Patrick of Oxford Cty; additional cosponsors.)

This bill requires the motor vehicle excise tax to be calculated on the basis of the vehicles purchase price rather than its list price (manufacturer’s suggested retail price).

Transportation

LD 11 – An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices. (Emergency) (Sponsored by Rep. Volk of Scarborough; additional cosponsors.)

This emergency bill allows a vehicle owned or contracted by a municipal, county or state agency that is engaged in snow removal or sanding operations on a public way to use a preemptive traffic light device.

LD 16 – An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure. (Sponsored by Rep. Peoples of Westbrook; additional cosponsors.)

This bill sends out to the voters a proposed \$100 million bond issue for transportation purposes with \$65 million dedicated to state and municipal roads, highways and bridges, \$20 million dedicated to railroad infrastructure, \$10 million dedicated to public transit, and \$5 million dedicated to pedestrian trails.

LD 66 – An Act To Require That Motorcyclists Wear Helmets. (Sponsored by Rep. Beaudoin of Biddeford.)

This bill requires all operators and passengers of motorcycles on public ways to wear protective helmets, not just the motorcycle operators under the age of 18 as provided in current law.

LD 67 – An Act To Strengthen Collaboration in the Transfer of Responsibilities for State and State Aid Highways. (Sponsored by Rep. Boland of Sanford; additional cosponsors.)

This bill amends the existing urban compact road transfer process by requiring the Department of Transportation to work collaboratively with the affected municipality to ensure that a section of state or state aid highway transferred to the municipality for maintenance responsibilities is in good condition. In addition to outlining the information and documents that must be provided to the affected municipality, the bill provides a more detailed definition of the “good condition” standard and creates a dispute resolution process to address contested issues.

LD 68 – An Act To Prohibit the Use of a Handheld Mobile Telephone while Operating a Motor Vehicle. (Sponsored by Rep. Beaudoin of Biddeford; additional cosponsors.)

This bill prohibits the use of a handheld mobile telephone while operating a motor vehicle, with exemptions for law enforcement officers, corrections officers, firefighters, emergency vehicle operators, and Maine Turnpike Authority and Department of Transportation personnel, provided the exempted operators are driving within the scope of their employment.

LD 109 – An Act To Exempt All Vehicles Delivering Home Heating Fuel, Including Wood Pellets, from Weight Limits. (Sponsored by Rep. Davis of Sangerville; additional cosponsors.)

This bill expands the current law that allows vehicles delivering home heating fuel to travel over a posted road without a municipal permit to provide the same allowance for other types of vehicles providing heating fuels, including without limitation propane, firewood or wood pellets.

Legislative Hearings

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly “Advance Notice of Public Hearing” (ANPH) schedules and supplements are no longer available at the Senate Office at the State House and the Legislature’s web site. Work Session and Hearing schedules by Committee are available at the Legislative Information page at http://www.mainelegislature.org/legis/bills/phwksched_ps.asp?PID=1456.

Monday, February 4

Taxation

Room 127, State House, 10:00 a.m.

Tel: 287-1552

LD 10 – An Act To Provide a Property Tax Exemption for Family Burying Grounds.

Tuesday, February 5

Energy, Utilities & Technology

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

Tel: 287-4143

LD 81 – An Act To Amend the Charter of the Ogunquit Sewer District.

Judiciary

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

Tel: 287-1327

LD 58 – Resolution, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain.

Labor, Commerce, Research & Economic Development

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

Tel: 287-1331

LD 1 – An Act To Amend the Maine Workers’ Compensation Act of 1992.

Wednesday, February 6

State & Local Government

Room 214, Cross State Office Building, 9:00 a.m.

Tel: 287-1330

LD 82 – An Act To Establish a People’s Veto Process for Actions of County Commissioners.

1:00 p.m.

LD 48 – An Act To Streamline the Publication of Municipal Reports.

Transportation

Room 126, State House, 10:00 a.m.

Tel: 287-4148

LD 14 – Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew Lanigan Bridge.

LD 11 – An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices.

LD 57 – An Act To Exempt Occupants of Antique Autos from Seat Belt Requirements.

LD 52 – An Act To Improve the Safety of School Buses.

Thursday, February 7

Agriculture, Conservation & Forestry

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

Tel: 287-1312

LD 33 – Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Board of Pesticides Control.

In the hopper (cont.)

LD 127 – An Act To Amend the Definition of “Public Way” To Include Streets and Highways Owned by Quasi-municipal Corporations or Districts. (Sponsored by Sen. Gerzofsky of Cumberland Cty; additional cosponsors.)

This bill would add to the definition of “public way” a road over which the general public has a right to pass that is owned and maintained by a quasi-municipal corporation or district.

Veterans & Legal Affairs

LD 31 – An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans’ Organizations. (Sponsored by Sen. Patrick of Oxford Cty; additional cosponsors.)

This bill authorizes charitable nonprofit organizations that are tax exempt fraternal or veterans’ organizations to operate up to 5 slot machines on their owned or leased premises if those premises are the organization’s primary headquarters for fulfilling their mission and are located in a municipality that has approved the operation of slot machines by referendum. The total number of slot machines that could be allowed by the Gambling Control Board to operate statewide in these facilities is 250. 30% of the net slot machine income is required to be disseminated according to the following percentages: 10% to the Gambling Control Board for administration; 8% to the state General Fund; 10% to the host municipality; and 2% to gambling addiction prevention treatment. The remaining 70% of net slot machine income must be used to support the charitable purposes of the fraternal or veterans’ organization.

LD 122 – An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster. (Sponsored by Rep. Turner of Burlington; additional cosponsors.)

This bill authorizes the Governor to declare a municipally significant disaster in cases where the disaster does not trigger a federal response but causes damages to locally maintained roads, bridges and other public facilities, the repair of which exceeds 20% of the affected municipality’s total annual operating budget, excepting the education budget. The bill authorizes the Governor to enter into cost sharing agreement with the municipal officers, subject to approval by the local legislative body, obligating the municipality to pay up to 50% of the cost of repairs. The bill further authorizes the Governor to enter into a municipal/state cost share agreement with a municipality that is impacted by an event occurring in an abutting municipality, but where damages do not meet the established threshold. This negotiated share is also subject to approval by the legislative body. In both cases, the state’s share of the authorized expenditures are funded through the existing Disaster Relief Fund.

LD 156 – Resolution, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot. (Sponsored by Rep. Shaw of Standish; additional cosponsors.)

This bill would send out to the voters a proposed amendment to the state’s Constitution regarding election procedures. Specifically, the amendment would authorize the Legislature to enact laws that: (1) allow a qualified voter to vote at a polling place within or outside of the municipality of residence; and (2) create a right to absentee balloting for any reasons deemed sufficient rather than, as the current constitutional language provides, for reasons deemed sufficient with respect to voters either absent or physically incapacitated.