

Proposed State Budget Cuts to Towns and Cities: Take 4

Governor LePage's State of the State address delivered to the Legislature on Tuesday evening this week did not clearly describe his proposal to appropriate for state government purposes \$425 million of resources that are currently dedicated by law to support local government and provide tax relief to Maine's residents. The core theme of the address, articulated throughout and summed up at the close, was to urge the Legislature to follow the Governor's lead so that two fundamental goals will be accomplished this legislative session.

The State will not raise taxes.

The State will pay its bills.

Within the speech, the Governor's references to his proposal to eliminate municipal revenue sharing were oblique, and he made no references whatsoever to his other property tax-related proposals, such as taking away the Homestead Exemption and Circuitbreaker program for households under the age of 65, taking a chunk of municipal motor vehicle excise tax revenue for state budget purposes, exempting from property taxation a very large amount of commercial and industrial personal property, etc.

This is what he said about his state budget proposals:

"It is not time to burden Maine families with higher taxes. (Legislative applause). I have proposed a balanced budget. I'm looking to hear more good constructive ideas on how we can balance our budget and deliver government services more efficiently and effectively. I take no pride in this budget. In fact, I do not like it at all, but I will tell you this: I have two other options. I can cut welfare and I can cut education, or I can

cut revenue sharing. Or, I suppose, we can level a high tax increase and really hurt Maine people again, that we've been doing for 40 years and still remain 50th in the country, and I just pray every night that Puerto Rico doesn't become a state because we'll be 51st."

Just as the two primary goals identified above were given special mention in the Governor's address, municipal

officials would reasonably take away from the speech two conclusions.

Conclusion #1: The concept of the State "paying its bills" does not apply for some reason to financial commitments to municipal governments and property taxpayers. Although these programs have been established in law and maintained for many decades, the funding require-

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Constitutional Restrictions Proposed on Eminent Domain

On Tuesday this week a bill was presented to the Judiciary Committee that would embed into Maine's Constitution a restriction on the governmental use of eminent domain. The specific restriction is provided below.

The bill is LD 58, *Resolution, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain*. LD 58 is sponsored by Senator Doug Thomas of Somerset County.

There is a sentence already in Maine's Constitution, undoubtedly included in Maine's first Constitution, that prohibits private property from being taken by governments for public uses unless there is a defined public need to take the property (required by "public exigency") and the owner is provided just compensation.

LD 58 would add to that sentence the two sentences which follow. This language purports to entirely control the circumstances by which a government may transfer property acquired by eminent domain to a third party.

Property acquired under this section

may not be transferred to a person, nongovernmental entity, public-private partnership, corporation or other business entity except as provided in this section. If the property has not been used for the purposes for which it was acquired under this section within 5 years after its acquisition, the property may not be put to another use or transferred without first offering to the owner from whom the property was acquired or the heirs of the owner the property at current fair market value or the amount of just compensation that was provided to the owner, whichever is lower.

Three people testified in support of LD 58. A couple of citizens testified in support of the bill because it seemed to make sense to them, although they had a suggestion for some minor amendments to language. A member of the Natural Resources Council of Maine from Farmington testified in support of the bill because she thought the power of eminent domain might be used to acquire the property to create the East-West Highway. Her testimony also suggested the term "except as provided in this section" should

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Proposed State Budget Cuts (cont'd)

ments in state law do not rise to the level of a “bill that needs to be paid”.

Conclusion #2: The State can appropriate for its own spending priorities over \$400 million in resources almost entirely dedicated by law for property tax relief purposes and still make the claim with straight face that the State is “not raising taxes”.

Update: Impact Analysis of Proposed Cuts to Municipalities/Property Taxpayers. Beginning next week, MMA’s website will include a publicly accessible information center that is focused on the package of proposals in Governor LePage’s state budget that directly target Maine’s property taxpayers. That information center will be easily accessed from MMA’s home website (www.memun.org) or through its own domain name address www.memun.org/MaineTaxShift.

The new website is designed to include all the information we can assemble regarding the Governor’s property tax proposals, including:

- Financial impact analyses on both a statewide and individual municipal basis
- Locally developed impact analyses and resulting service cuts and/or property tax increases
- Municipal resolutions that have been adopted in opposition to the proposals;
- Relevant news articles and editorials, letters to the editor, etc.
- The time, date and place of regional forums that have been scheduled to discuss the proposals
- And related studies and reports on such issues as regionalized municipal service delivery, municipal “consolidation”, state-to-state comparisons of municipal expenditure levels, etc.

Here are some updates regarding new information we are putting on the website.

Circuitbreaker data. Last week we received quality data from Maine Revenue Services (MRS) that details the distribution of “Circuitbreaker” property tax and rent relief benefits to qualifying residents in each town and city in the state. The information shows

how many people apply for the benefit, how many are actually found eligible, the total dollar amount of the benefits issued, and the number of households receiving the property tax benefit compared to the number receiving the rent-based benefit. Because the calculations for the elderly and general-benefit Circuitbreaker pro-

grams are done differently, an overlay to the MRS spreadsheet also identifies how many “elderly households” receive the benefit as compared to the “general benefit” households. This information has to be treated carefully, however, because “elderly” households can be provided “general” Circuitbreaker benefits if the general-benefit calculation is to their financial advantage.

MMA’s town-by-city impact analysis

Budget Forum Schedule – February 11 to February 23

In preparation for the upcoming debates on Governor LePage’s proposed FY 14 – FY 15 General Fund budget, state and local decision makers, as well as members of the general public, are gathering to discuss how these proposals will impact municipalities, property taxpayers and residents. What follows is a schedule of the meetings MMA is aware of that will be held in the next two weeks. Municipal officials are encouraged to attend these important public forums.

Date	Host	Location	Time
February 11	Sen. Colleen Lachowicz	Waterville City Hall	6:00 - 7:30 p.m.
February 11	Waldo County Municipal Association	Waldo Town Office	6:00 p.m.
February 13	Sen. Rebecca Millett	Scarborough Library	6:00 p.m.
February 13	Sen. Jim Boyle	Scarborough Library	7:00 p.m.
February 13	Sen. David Dutremble	Kennebunk Town Hall, Room 300	6:00 p.m.
February 13	Somerset County Municipal Officers Association	Skowhegan Municipal Building	7:00 – 8:30 p.m.
February 14	Sen. Seth Goodall	Pownal Town Hall	6:00 – 7:30 p.m.
February 15	Sen. Chris Johnson	Damariscotta – Skidompha Library	6:00 – 8:00 p.m.
February 16	Sen. Dawn Hill	York Public Library	9:30 – 11:30 a.m.
February 16	Sen. Dawn Hill	Kittery Recreational Center	12:30 – 2:30 p.m.
February 16	Sen. John Tuttle	Sanford Town Hall	10:00 – 12:00 p.m.
February 19	Sen. John Cleveland	Poland Town Hall	7:00 p.m.
February 20	Sen. Jim Boyle	Gorham Town Hall Council Chambers	7:00 – 8:30 p.m.
February 20	Sen. John Patrick	Bethel Town Office	6:00 p.m.
February 21	Sen. John Patrick	Jay – Niles Memorial Library	6:00 – 8:00 p.m.
February 22	Sen. John Patrick	Rumford Town Hall	6:00 – 8:00 p.m.
February 23	Sen. Emily Cain	Old Town High School Cafeteria	10:00 a.m.
February 23	Sen. Emily Cain	Lincoln – Ballard Hill Community Center	1:30 p.m.
February 23	Sen. Geoff Gratwick	Bangor Public Library	10:00 a.m. – 12:00 p.m.
February 23	Sen. Ann Haskell	Westbrook – Public Safety Building	11:00 a.m. – 12:30 p.m.
February 23	Sen. Margaret Craven	Lewiston Public Library, Cultural Hall	1:00 – 3:00 p.m. (Tentatively)

now includes the projected cuts to low income households in each town and city associated with the Governor’s proposed 80%-plus cutback to the Circuitbreaker program. Because the Governor’s proposal both eliminates Circuitbreaker benefits for all households owned or rented by persons under the age of 65 and also significantly restricts eligibility for those households owned or rented by persons 65 years of age and older, our analysis assumes that 75% of the Circuitbreaker recipients in each municipality will lose their benefits.

Impact on owners of \$100,000 home. The second addition to our data presentation is the dollar impact to the owner of a \$100,000 home in each municipality based solely on the proposed elimination of municipal revenue sharing and the state appropriation of motor vehicle excise tax revenue associated with “truck tractors”. Two important notes belong with that presentation.

First, the property tax impact to the owner of the \$100,000 home reflects the scenario where all of the broad-based tax resources lost to the municipality because of the Governor’s proposals are replaced with property tax dollars. The spreadsheet also shows the dollar value of the municipal services

that would have to be cut if the town meeting or town or city council decided to keep the property tax rate flat and reduce local services instead. That choice, or a combination of reduced services and higher property taxes, would have to be decided by the local legislative body.

Second, the impact analysis in our town-by-city spreadsheet does not include the loss of tax revenue associated with creating a tax exemption for the large amounts of taxable property currently enrolled in the Business Equipment Tax Reimbursement program (BETR), the loss in state General Assistance reimbursement that is targeted to a few of the state’s largest service center communities, and the financial impacts associated with the Governor’s proposals to flat fund K-12 education and require the property taxpayers to pick up some of the costs of the Teachers’ Retirement premium. These calculations are more complicated and need to be accomplished by the municipal assessors, GA administrators and school officials at the local level. Because of those omissions, the property tax impacts to the owner of the \$100,000 home should be considered as conservative projections of impact.

Snapshot of the town-by-town impacts. For the purposes of showing how the town-by-city impacts on the residential property taxpayers will be presented on the website, a sampling of municipalities from across the state are portrayed in in this table. Many of these impacts should be regarded as particularly conservative in this spreadsheet since this

analysis does not take into account the negative financial impacts associated with the Governor’s proposal to create a tax exemption for the non-retail personal property enrolled in the Business Equipment Tax Reimbursement program. In the case of some of these communities, that impact could be very significant.

		Governor LePage's Proposed FY 14 - FY 15 Budget						
		A	B	C	D	E	F	G
		FY 14	Commercial	Value of	Increase	Homestead	Resident	Circuitbreaker
		Revenue	Vehicle Excise	Service Loss	Property Tax	Exemption	Homeowner	Tax/Rent
County		Sharing	Tax Loss		\$100,000 Home	Property Tax	Impacts	Benefit Loss
		Loss				Benefit Loss		
AUGUSTA	KENN	\$ 2,479,598	\$111,808	\$ 2,591,406	\$163	\$173	\$336	\$326
CARIBOU	AROO	1,233,899	25,518	1,259,417	460	217	676	301
HARTLAND	SOME	257,248	2,057	259,305	279	189	468	360
MACHIAS	WASH	400,020	780	400,800	287	206	493	416
PATTEN	PENO	147,104	22,590	169,694	556	200	756	307
SANFORD	YORK	2,612,096	21,833	2,633,929	188	175	363	470

Constitutional (cont'd)

be struck from the bill so that transfers of any kind would be strictly prohibited by Maine's Constitution.

MMA testified in opposition to the bill and a representative of the Maine Turnpike Authority testified "neither for nor against". The matters of concern expressed by both organizations were along the same lines.

Maine municipalities do not often need to resort to eminent domain. Eminent domain was most commonly used in colonial America for the purpose of laying out roads, and the primary municipal use of that power today is to widen or slightly reroute existing roadways or, in rare cases at the municipal level, establish entirely new roadways, such as bypasses. Eminent domain for a road widening project involves the taking of many small slivers of property that do not currently lie within the public easement. The process of enlarging or slightly relocating a roadway utilizing the process of eminent domain can easily take longer than five years.

MMA's testimony made three points.

First, there is no need to put these restrictions in the state's Constitution. There is already a chapter in Maine statute that deals with the restrictions on eminent domain, and no evidence of any kind was presented to suggest that the statutory restrictions are ineffective.

Second, it is not clear what these two proposed sentences actually add to or subtract from the existing limitations on eminent domain except confusion.

With respect to taking property by eminent domain for one purpose and then switching the use of the property to another purpose, existing law already prohibits that from occurring without the former owner being provided a first option to re-acquire the property. That restriction, however, carefully recognizes the difficulty of dealing with right-of-first-option requirements when the project relying on eminent domain involves multiple takings of small slivers of property often associated with widening or slightly altering road corridors.

The statutes limiting eminent domain also generally prohibit a governmental entity from transferring property taken by eminent domain to certain third parties or using taken property for the direct benefit of industrial, commercial or residential third parties. Again, there is a recognition

in that statute that the limitation should not be so severe that the infrastructure necessary to convey public utilities could not be efficiently installed.

Finally, the wording of LD 58 seems to actually relax the restriction on transferring property taken by eminent domain by implicitly allowing the property to be transferred without restriction as long as

Last Three MMA Bills Now Printed

In a late January edition of the Legislative Bulletin, we invited municipal officials to join "interested parties" lists for legislation being advanced by the Association on behalf of municipal officials. Persons subscribing to lists are receiving direct notification, either by email or fax, of the public hearings and work sessions on these bills. Our hope is by providing immediate notice and information about dates, times and locations, municipal officials will have opportunities to participate in these hearings and work sessions.

This week the last three of MMA's bills were printed. If you are interested in being notified about the public hearings and work sessions on the bills described below, please contact Laura Veilleux at lveilleux@memun.org.

LD 136 – Circuitbreaker Program.

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. [The public hearing on LD 136 is scheduled for Monday, February 11 at 1:00 p.m. before the Taxation Committee.](#)

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0111&item=1&snum=126>

the transfer occurs within five years of acquisition.

The sponsor of LD 58, Senator Thomas, was not available at the public hearing due to illness, and so the Judiciary Committee has held the public hearing open until he can provide the Committee with reasons why he believes this legislation is necessary. Stay tuned.

LD 122 – Municipally Significant Disasters.

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 is funded through the existing Disaster Relief Fund.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0104&item=1&snum=126>

LD 196 – Quality Assurance and PSAPS.

This bill directs the Emergency Services Communication Bureau within the Public Utilities Commission to implement the public safety answering point quality assurance program established in 2010 through the use of one or more 3rd-party vendors and ensure that the financing of that program is accomplished with resources other than increased assessments to the municipalities subscribing to or providing the PSAP services.

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0157&item=1&snum=126>

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 11

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

LD 40 – An Act To Protect a Private Memorial Placed in a Public Right-of-way.

LD 76 – An Act To Provide Funding to the State Board of Corrections for Certain County Jail Debt.

Education & Cultural Affairs
Room 202, Cross State Office Building, 1:00 p.m.
Tel: 287-3125

LD 6 – An Act To Prohibit a Requirement That a Superintendent Reside in the School Administrative Unit.

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

LD 106 – An Act To Abolish the Trustees of Public Cemeteries for the City of Waterville.

Taxation
Room 127, State House, 10:00 a.m.
Tel: 287-1552

LD 73 – An Act To Exempt Persons 65 Years of Age or Older Whose Income Is below the Poverty Line from Paying Property Taxes on Their Homes.

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.

1:00 p.m.

LD 119 – An Act To Exempt from the Use Tax \$1,000 of Internet Purchases from Out-of-state Sellers.

LD 136 – An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes.

Legislative Bulletin

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

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

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

Tuesday, February 12

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

LD 114 – An Act To Amend the Charter of the Portland Water District.

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

LD 63 – Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Allow Veterans with Lower Limb Loss To Obtain "Any deer" Hunting Permits.

LD 84 – An Act To Expand Turkey Hunting.

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

LD 133 – An Act To Allow an Operator of a Motor Vehicle To Show Proof of Insurance by Electronic Means.

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

LD 66 – An Act To Require That Motorcyclists Wear Helmets.

Wednesday, February 13

Education & Cultural Affairs
Room 202, Cross State Office Building, 1:00 p.m.
Tel: 287-3125

LD 61 – An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled.

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

LD 95 – Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children.

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

LD 17 – An Act To Require Motorists To Stop for Pedestrians in Crosswalks.

LD 68 – An Act To Prohibit the Use of a Handheld Mobile Telephone while Operating a Motor Vehicle.

LD 75 – An Act To Ensure Pedestrian Safety in Roundabouts.

Thursday, February 14

Education & Cultural Affairs
Room 202, Cross State Office Building, 2:00 p.m.
Tel: 287-3125

LD 93 – An Act To Require Public Secondary Schools To Offer a Course in Gun Safety and Handling.

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 285 – An Act To Electronically Issue Permits for Burning. (Sponsored by Sen. Boyle of Cumberland Cty; additional cosponsors.)

This bill expands the system whereby open burning permits can be obtained online by directing the Division of Forestry to expand the existing system, which applies only in certain regions, to a statewide system. The person obtaining the permit online must pay the existing \$7 fee established in statute, but the bill changes the allocation of the fee revenue. Under current law, \$6 of the fee is deposited in the General Fund and \$1 is used to cover administrative costs. This bill directs \$4 of the fee to be deposited in the General Fund, \$2 to be provided to the municipality where the permit is being used, and \$1 for administrative costs.

LD 292 – An Act To Protect the Public Health from Mosquito-borne Diseases. (Sponsored by Rep. Gifford of Lincoln; additional cosponsors.)

This bill establishes the Maine Mosquito Control Fund and charges the Department of Agriculture, Conservation and Forestry to be the lead agency to address mosquito control problems, including conducting mosquito surveillance, coordinating plans for mosquito control efforts that may be conducted by various parties, including municipalities, and arranging for cooperation in these efforts among state departments and federal agencies. The bill authorizes municipalities to cooperate and engage in these coordinated efforts by creating mosquito-control districts.

Criminal Justice & Public Safety

LD 222 – An Act Designating the Chief of Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun. (Sponsored by Rep. Marks of Pittston.)

This bill makes the Chief of the Maine State Police the only authority in the state to issue concealed weapons permits.

LD 223 – An Act To Amend the Laws Regarding a Concealed Handgun Permit. (Sponsored by Rep. Marks of Pittston; additional cosponsor.)

This bill increases the minimum age to be allowed a concealed weapons permit from 18 to 21 years of age.

LD 298 – An Act Regarding the Membership of the Emergency Medical Services' board. (Sponsored by Rep. Werts of Auburn; additional cosponsors.)

This bill expands the membership of the Emergency Medical Services Board from 11 to 12 by increasing the membership from the statewide association of fire chiefs from 1 member to 2 members. The bill also establishes that 6 members of the 16 member Board constitutes a quorum.

LD 326 – An Act To Update the Maine Emergency Management Laws. (Sponsored by Sen. Gerzofsky of Cumberland Cty; additional cosponsors.)

This bill amends the Maine Emergency Management Act primarily to update and modernize its language and organization and make other minor substantive changes. Of municipal interest, the bill: (1) amends

the municipal, county and regional responsibilities to prepare and keep a current disaster emergency plan to require plan approval by the jurisdiction's governing body, adopting by reference the various necessary elements of the plan, and expanding the list of institutions that must be consulted when developing the plan; (2) changes the general dam hazard evaluation requirement from at least once every 6 years to at least once every 12 years and changes the time frame for hazard evaluations from within 30 days of a request to within 60 days of a request; and (3) changes the dam condition inspection frequency of high and significant hazard dams from at least every 4 years to at least every 6 years.

Education & Cultural Affairs

LD 194 – An Act To Ensure That a Curtailment in School Funding Is Shared by All Institutions. (Sponsored by Rep. Kusiak of Fairfield; additional cosponsors.)

This "concept draft" bill proposes to ensure that if the Governor curtails funding for the state share of the costs of education, the reduction in state funding must be shared equally by all entities receiving public funds for education purposes, including public schools, private schools and charter schools.

LD299 – Resolution, Proposing an Amendment to the Constitution of Maine To Require the State Share of Education Funding To Be at Least Fifty-five Percent of the Total Cost and One Hundred Percent of the Cost of Special Education. (Sponsored by Rep. Jones of Freedom; additional cosponsors.)

This resolution sends out to the voters a proposed amendment to the state's Constitution that would require the Legislature to appropriate sufficient state funds to cover at least 55% of the total state and local cost of funding K-12 public education.

Energy, Utilities & Technology

LD 196 – An Act Regarding the Implementation of the Quality Assurance Program for Public Safety Answering Points. (Sponsored by Rep. Beavers of South Berwick; additional cosponsors.)

This bill directs the Emergency Services Communication Bureau within the Public Utilities Commission to implement the public safety answering point quality assurance program established in 2010 through the use of one or more 3rd-party vendors and ensure that the financing of that program is accomplished with resources other than increased assessments to the municipalities subscribing to or providing the PSAP services.

LD 275 – Resolve, To Require the Emergency Services Communication Bureau To Expand the Existing Quality Assurance System. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

This resolve directs the Emergency Services Communication Bureau within the Public Utilities Commission to expand the "quality assurance system", which is currently applied to the emergency medical dispatch system, to also encompass fire and police call processing and dispatching.

Judiciary

LD 206 – An Act To Protect Title to Real and Personal Property of Public Employees. (Sponsored by Rep. Graham of North Yarmouth; additional cosponsors.)

This bill permits a civil action by a public employee to recover damages from a person who files a lien or encumbrance against the real or personal property of the public employee knowing or believing the lien or encumbrance to be false or without legal authority. The potential damages include the value of the lien or encumbrance and the legal costs associated with the civil action. The term “public employee” includes a person employed by the state, a county, a municipality, or any entity identified as a “public instrumentality”.

LD 258 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies. (Reported by Rep. Priest of Brunswick for the Joint Standing Committee on Judiciary.)

This bill amends Maine’s Freedom of Access Act, or “Right to Know” law, to authorize the use of remote-access technology to conduct public proceedings. Specifically, the bill authorizes a body to conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or government business through telephonic, video, electronic or other similar means of communication, according to the following terms and conditions: (1) the body must adopt a policy that authorizes such participation and establishes the circumstances under which a member may participate when not physically present; (2) notice of any proceeding must be provided in accordance with the Freedom of Access Act; (3) a quorum of the body must be physically present, except that under certain emergency circumstances, a body may convene a public proceeding by telephonic, video, electronic or other similar means of communication without a quorum assembled physically at one location; (4) members of the body must be able to hear and speak to each other during the proceeding; (5) a member who is participating remotely must identify the persons present in the location from which the member is participating; (6) all votes taken during the public proceeding must be taken by roll call vote; (7) each member who is not physically present and who is participating through telephonic, video, electronic or other similar means of communication must have received, prior to the proceeding, any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented; (8) a member of a body who is not physically present may not vote on any issue concerning testimony or other evidence provided during the public proceeding if it is a judicial or quasi-judicial proceeding; and (9) if a body conducts one or more public proceedings using remote-access technology, the body must also hold at least one public proceeding annually during which all members of the body in attendance are physically assembled at one location.

LD 311 – An Act To Protect Landowners from the Exercise of Eminent Domain in Energy Infrastructure Corridors. (Sponsored by Rep. Dunphy of Embden; additional cosponsors.)

This bill prohibits an entity with the power of eminent domain from taking property for the purpose of establishing or developing an energy infrastructure corridor.

LD 313 – An Act To Create the Maine Online Privacy Protection Act. (Emergency) (Sponsored by Rep. Russell of Portland; additional cosponsors.)

This bill requires a person or a company that owns a publicly accessible website or online service that collects personal information from an individual consumer who is a resident of Maine to post a privacy statement in a conspicuous location of its publicly accessible website.

Labor, Commerce, Research & Economic Development

LD 235 – An Act To Improve Insurance Coverage for Volunteer First Responders. (Sponsored by Sen. Johnson of Lincoln; additional cosponsors.)

This bill provides that a volunteer firefighter or volunteer emergency medical services person may be eligible for workers’ compensation benefits for any injury sustained after they receive notice of a fire or emergency and are in the process of responding, even if the injury is sustained in their homes or on their private property. Insurers often currently require the injury to be sustained in the course of responding to the emergency at the point of time and thereafter that the respondent begins traveling on the public way.

State & Local Government

LD 211 – An Act To Amend the Laws Governing the Limitation on County Assessments. (Sponsored by Rep. Jackson of Oxford; additional cosponsors.)

This bill changes the method of calculating the “property growth factor” for the purpose of determining the allowed growth of county assessments from year-to-year according to the so-called “LD 1” tax limitation system. Under current law, the property growth factor is designed to capture the actual growth in construction value unrelated to inflationary factors, and the system relies on all the municipalities within the county reporting their individual growth factors to the county for the purpose of establishing the aggregate growth factor. This bill would establish the counties’ “property growth factor” to be calculated on the basis of the year-to-year growth in the county wide state valuations, which include the inflationary growth in value as well as the actual value of new construction.

LD 274 – An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans are Buried. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

This bill amends the law requiring municipalities to maintain the graves, headstones, monuments and markers of veterans who served in any war to require that maintenance for the graves of all veterans, whether or not the veteran served in a war. The bill also allows a municipality to designate a caretaker to perform the municipal function.

Taxation

LD 316 – An Act To Provide Property Tax Relief for Noncombat Veterans. (Sponsored by Rep. Libby of Lewiston; additional cosponsor.)

Current law provides a \$6,000 property tax exemption for the primary residence of veterans who have served in war time, as well as their un-remarried spouses and minor children if the veteran is deceased. This bill creates a new \$4,500 property tax exemption for the primary residence of all other veterans and, if deceased, their un-remarried spouses and minor children.

LD 317 – An Act Regarding the Business Equipment Tax Reimbursement Program and the Business Equipment Tax Exemption Program. (Sponsored by Rep. Libby of Lewiston; additional cosponsors.)

This “concept draft” bill proposes to develop a process for identifying the purposes of the Business Equipment Tax Reimbursement program (BETR) and the Business Equipment Tax Exemption program (BETE), create a framework for measuring the extent to which the programs meet their identified purposes, and identify a mechanism for ongoing measurement of the programs’ effectiveness.

HOPPER (cont.)

LD 319 – An Act To Provide Tax Fairness to Small Businesses in the State. (Emergency) (Sponsored by Rep. Berry of Bowdoinham; additional cosponsors.)

This bill creates rebuttable presumptions in the state’s sales tax code that apply to certain retailers which, if un-rebutted or unsuccessfully rebutted, would require those retailers to collect and remit the state’s sales and use tax from their customers in the same way as retailers physically present in the state. Those retailers subject to the rebuttable presumption are those who are affiliated with a retailer with a physical presence in the state, retailers who engage in certain activities such as selling a line of products similar to that of an in-state retailer, retailers maintaining an office or distribution center in the state to facilitate delivery of products, and retailers with an agreement with a person to refer potential customers to the retailer and the retailer generates more than \$10,000 in sales in the state annually. The bill also directs Maine Revenue Services to identify changes in the state’s sales and use tax laws necessary to conform Maine’s code to the national “Streamlined Sales and Use Tax Agreement” effort, which is designed to lead to an authorization by Congress that would require the application of the sales and use tax uniformly among on-line, catalogue and bricks-and-mortar retailers.