

## Beating the Consolidation Drum in a Well Coordinated World

In the halls of the State House some state politicians are trying to spread the implication that there are inherent inefficiencies and redundancies at the local government level and if only municipalities could be made to function more efficiently, the state's budget problems would be solved. Oddly enough, some of those politicians and their spokespersons have chosen to focus on the delivery of fire protection services to make their point.

The alleged inefficiency of fire protection services seems like a tough pitch to make in light of a spate of news articles over the last several weeks covering the serious home and business fires that often accompany severe cold snaps and winter weather. Here's a snapshot:

On January 10, the Bangor Daily News reported on a fire leaving 14 people homeless in Augusta. The article said *"Units and personnel responded to the call from Augusta, Winthrop, Chelsea, Gardiner and Togus, while fire units from Hallowell provided station coverage in Augusta during the fire."*

On January 23, the Bangor Daily News reported on a fire in Waterville leaving eight people homeless. The article said: *"Roughly 40 firefighters from Waterville and Winslow fought the blaze, while Fairfield firefighters covered Waterville's station."*

On January 25, the Bangor Daily News reported on a house fire in Newport. The article said: *"Newport firefighters were aiding comrades in Stetson with a fire in that town when the alarm went off at their station around 2:30 a.m., according to (Fire Chief) Chretien. Fortunately, Pittsfield firefighters were covering Newport's station, and were able to get on the scene quickly, Chretien said."*

On January 30, the Waterville Morning Sentinel reported on an Augusta fire that displaced more than a dozen residents. The article said: *"Firefighters from Winthrop, Togus and Gardiner joined Augusta crews, blasting the flame from all sides of the building, and firefighters*

*used two ladder trucks to pound the fire with water from above."*

On January 31, the Bethel Citizen published a report on the rigorous training regimen that volunteer firefighters must go through, which included the follow-

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## MMA's Information Center on Governor's Budget Proposals Now Online

The information center that MMA has been building for the purpose of conveying information to municipal officials and the general public regarding the impacts of Governor LePage's state budget proposals is open and publicly accessible on our website.

The information is readily available on the home page of the Association's website [www.memun.org](http://www.memun.org). The full domain name for this part of the website is [www.memun.org/MaineTaxShift](http://www.memun.org/MaineTaxShift).

The center organizes the impacts of the Governor's proposals and related information in five categories:

- Key Facts
- Impact Data and Analysis
- Resolutions and Local Action
- Municipal Collaboration, and
- In the News

As an example, by clicking on Impact and Data Analysis, you can open the spreadsheet Kate Dufour has assembled that shows the town-by-town impacts of the Governor's proposal to eliminate municipal revenue sharing and appropri-

ate for state spending purposes certain motor vehicle excise tax revenues the municipalities have collected for their purposes for over a hundred years, since motor vehicles were first created. These impacts are translated into either the service reduction ramifications (if that is the decision the town or city will make) or the property tax increases for the owner of a \$100,000 home. In the next column, the addition of homeowner impact is recorded for all the non-elderly homeowners losing their Homestead property tax exemption, which is an additional proposal in the Governor's broadside attack on the property tax. Since the Governor is also proposing to eliminate the distribution of "Circuit-breaker" property tax relief benefits to non-elderly low income households, the added impacts to those homeowners is indicated on the spreadsheet as well.

This MaineTaxShift information center belongs to Maine's towns and cities, and all suggestions about how to improve and expand the information on this website are welcome.

## Beating the Consolidation Drum (cont'd)

ing: “Certification requires some 260 hours of training—no small commitment from people who often work full-time jobs. There are 37 classes, ranging in length from four to 32 hours. Add in other requirements such as testing, said (Bethel Fire Chief Mike) Jodrey, and it ends up being over 300 hours. The men and women represent 10 area towns: Bethel, Newry, Greenwood, Woodstock, Gilead, Waterford, Rumford Mexico, Norway and Paris.”

On February 3, the Kennebec Journal reported on a house fire in the Town of Washington. The article said: “Firefighters from Union, Somerville, Jefferson and Liberty helped fight the fire in Washington.”

On February 7, the Bangor Daily News reported on a fire that destroyed a single family home in St. Albans. The article said: “St. Albans Fire Chief Jason Emery said the fire call came in around 11 a.m. and his entire department—along with those from Corinna, Dexter and Hartland—eventually put the fire out and cleared the scene at 2:30 p.m.”

On February 10, the Lewiston Sun Journal reported on a fire leveling a building in Lovell. The article said: “Fire crews from five communities battled a fire in a historic landmark building in Lovell Saturday morning.... Crews from Stoneham Fire and Rescue, Fryeburg Fire and Rescue, Saco Valley Fire Department, East Conway Fire Department and Center Conway Fire Department assisted in the blaze that was not declared under control until 11:00 a.m.”

On February 10, the Bangor Daily News reported on a fire that destroyed a home in Washington County. The article said: “Columbia Falls was assisted by firefighters from Addison, Harrington, Columbia, and Jonesboro and a crew from Pleasant River Ambulance Service.”

And on February 12, the Forecaster reported on the explosion of a duplex in Bath. The article said: “The Bath, West Bath and Brunswick fire departments provided fire support (Bath Fire Chief Steve) Hinds said, and Bath, Brunswick

and Phippsburg provided rescue apparatus.”

We don’t know what the politicians mean, precisely, when they talk about the need for municipal “consolidation”, but all of these news articles convey the amazing capacity of multiple, independent and often volunteer firefighting organizations to efficiently consolidate their services to attack serious public safety threats as a regional force, and

then after the threat is abated, quietly retreat to their local service delivery capacity. The politicians will likely give no credit to the efficiency inherent in a system that can expand and contract in such a targeted way. Whether credit is given or not, it would be hard to design an alternative system, using a regionally consolidated, full time fire department, that would be as capable on a 24/7 basis to so competently address these significant emergency circumstances on the same budget, or even close to it.

### Budget Forum Schedule – February 19 to March 6

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 that will be held in the next two weeks. Municipal officials are encouraged to attend these important public forums.

Date	Host	Location	Time
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)
February 25	Sen. Colleen Lachowicz	Benton Elementary School	6:30 – 8:30 p.m.
February 25	Sen. Ed Mazurek	Union Town Office meeting room	6:00 p.m.
February 26	Sen. Linda Valentino	Saco Town Hall	7:00 – 8:30 p.m.
February 27	Sen. John Cleveland	Durham School Cafeteria	6:00 – 7:30 p.m.
February 28	Sen. Ed Mazurek	Rockland City Council Chambers	6:00 p.m.
February 28	Sen. Chris Johnson	Lincoln County 911 Call Center	6:30 – 8:30 p.m.
March 6	Sen. John Cleveland	New Gloucester Town Meeting House	6:30 – 8:00 p.m.
March 6	Sen. Chris Johnson	Windsor Town Hall	6:00 p.m.

# MMA's "Circuitbreaker" Bill Gets Public Hearing

On Monday this week the Taxation Committee held a public hearing on LD 136, *An Act to Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes*. Sponsored by Representative Terry Hayes of Buckfield, LD 136 creates a stronger link between: (1) the state's issuance of cash benefits to lower-income households for property tax relief purposes; and (2) the actual use of those benefits to pay property taxes. Rep. Hayes submitted LD 136 on behalf of MMA's Legislative Policy Committee, and for that kindness Maine's municipal leaders are grateful.

The bill originated out of legislation supported by the 2012 Taxation Committee, LD 1693. That legislation, sponsored by Rep. Denny Keschl of Belgrade, took the first step in tightening up the relationship between Circuitbreaker cash benefits and their actual use by making it clear that if a person receives a Circuitbreaker benefit and then subsequently seeks a poverty abatement at the local level, and the homeowner did not use the state cash benefit to pay his or her taxes, the municipality may "set off" (i.e., subtract) the value of the Circuitbreaker benefit from the value of the poverty abatement that would otherwise be granted.

A year ago, when the Taxation Committee was working on LD 1693, it tried to go one step further and create a more positive link between the issuance of the cash benefit and the actual payment of the property tax for Circuitbreaker recipients who were behind on their taxes and their property was encumbered by a recorded tax lien. There wasn't enough time to work out the details. Instead, Maine Revenue Services was directed to work with municipal tax collectors, low income advocates and the Maine Municipal Association to examine alternative ways to strengthen the connection for homeowners behind on their property taxes.

LD 136 is a proposal that was generated in that working group process. This is what the bill would do:

- Applicants for Circuitbreaker benefits for their property taxes (i.e., not renters) would have to check a box indi-

ating whether the property taxes for the prior calendar year had been paid or were still outstanding. Applicants currently do not have to convey that information.

- If the applicant indicates the taxes have been paid, there would be no change in system administration.
- If the applicant indicates that some or all of the taxes are still outstanding, the Circuitbreaker benefit would be issued as a paper check instead of an electronically-provided benefit, and both the recipient's name and the municipality's name would be printed on the check.
- In order to clear the check, the applicant would have to present it to the municipality. The municipality would have the right to retain no more of the payment than the amount actually past due with respect to the property taxes upon which the benefit calculation was based. Any remainder would have to be released to the applicant.

**Proponents.** At the public hearing, no one spoke in opposition to LD 136. MMA testified in support of the bill as did Bangor's Tax Collector David Little, representing the Maine Municipal Tax Collectors and Treasurers Association.

In addition, former State Representative John Picchiotti of Fairfield spoke in support of LD 136 citing the Fairfield related facts and figures, and expressing the municipal frustration over the lack of connection between the benefit being issued and the purpose for which the benefit is issued.

The legal counsel for Governor LePage, Michael Cianchette, also testified in support of LD 136, pointing out that on the renters' side of the Circuitbreaker program, the actual payment of rent was necessary in order to receive a benefit. Mr. Cianchette's point was that the property tax side of the program should have similar accountability.

**NFNA.** Representing low income households, Jack Comart of Maine Equal Justice Partners testified "neither for nor against" the bill. Mr. Comart pointed out a couple of wording issues in the printed bill that he wasn't entirely comfortable with, and generally observed that because the municipalities are always going to get their tax payments, sooner or later, in the tax collection process, creating a more positive link between the issuance of the Circuitbreaker benefits and the timely payment of the property taxes might not be necessary.

*(continued on page 4)*

## Road "Turnback" Hearing Scheduled

On Wednesday next week, **February 20, at 9:00 a.m.**, the Transportation Committee will be holding a public hearing on LD 67, *An Act to Strengthen Collaboration in the Transfer of Responsibilities for State and State Aid Highways*. The bill is sponsored by Rep. Andrea Boland of Sanford on behalf of the Maine Municipal Association's 70-member Legislative Policy Committee.

As drafted, the 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 that section of a state or state aid highway

being transferred to a municipality for maintenance responsibilities is in good condition.

The Transportation Committee is housed in room 126 of the State House. If you are interested in participating in the public hearing or have questions, please contact Kate Dufour at 1-800-452-8786. Municipal officials interested in submitting written testimony should bring 20 copies to the public hearing. If you cannot make the public hearing, but want to submit written comments, please feel free to forward your comments to Kate by email at [kdufour@memun.org](mailto:kdufour@memun.org) or by fax at 624-0129.

## Circuitbreaker Bill (cont'd)

More than one Taxation Committee member challenged Mr. Comart's suggestion that there would be nothing positive about ensuring the appropriate use of Circuitbreaker benefits in a timely manner, rather than watching properties go into lien and foreclosure. Their observations were:

- the ultimate tax collection enforcement mechanism is extremely difficult,

- municipal officials are naturally reticent about physically taking inhabited property through the taxation foreclosure process and selling it to collect delinquent taxes, and
- it is not uncommon for the value of the property taken in that way to be less than the accumulated tax delinquency over many year.

The work session on LD 136 is scheduled for today, Friday, February 15.

## 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. 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/phwsched\\_ps.asp?PID=1456](http://www.mainelegislature.org/legis/bills/phwsched_ps.asp?PID=1456).

### Monday, February 18 – Holiday

### Tuesday, February 19

#### Energy, Utilities & Technology

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

Tel: 287-4143

LD 179 – An Act To Amend the Anson and Madison Water District Charter.

#### Health & Human Services

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

Tel: 287-1317

LD 253 – An Act Regarding Registration of Fetal Deaths.

#### Judiciary

Room 438, State House, 1:30 p.m.

Tel: 287-1327

LD 19 – An Act To Facilitate Access to Information by Legislators.

LD 104 – An Act To Amend the Laws Governing Public Records.

LD 135 – An Act To Require All Government Documents To Be Posted on the Internet.

### Wednesday, February 20

#### Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 10:00 a.m.

Tel: 287-1331

LD 235 – An Act To Improve Insurance Coverage for Volunteer First Responders.

### Wednesday, February 20

#### State & Local Government

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

Tel: 287-1330

LD 183 – An Act To Exempt Municipalities That Do Not Hold Annual Meetings from Required Publication of an Annual Report.

#### Transportation

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

Tel: 287-4148

LD 67 – An Act To Strengthen Collaboration in the Transfer of Responsibilities for State and State Aid Highways.

LD 109 – An Act To Exempt All Vehicles Delivering Home Heating Fuel, Including Wood Pellets, from Weight Limits.

LD 127 – An Act To Amend the Definition of "Public Way" To Include Streets and Highways Owned by Quasi-municipal Corporations or Districts.

#### Veterans & Legal Affairs

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

Tel: 287-1310

LD 53 – An Act to Increase Voting Access.

LD 54 – An Act To Expand Access to Absentee Ballots.

LD 156 – Resolution, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot.

### Thursday, February 21

#### Environment & Natural Resources

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

Tel: 287-4149

LD 141 – Resolve, Directing the Department of Environmental Protection To Develop Quantitative Odor Management Standards.

### Friday, February 22

#### Taxation

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

Tel: 287-1552

LD 167 – An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of the Motor Vehicle.

# Funding for General Assistance Safe...For Now

As originally proposed in Governor LePage's FY 2013 supplemental budget, the state's share of the General Assistance (GA) program would be capped at \$10.2 million. Once the cap is hit, the state would no longer be obligated to fund its share of the program. Municipalities, however, would be provided the option of either closing down the program at the local level or continuing to provide the assistance without the benefit of state reimbursement.

The lack of predictability and arbitrary elements of this proposal triggered municipal opposition. Those concerns seemed to have resonated with the Appropriations Committee. On Tuesday of this week the Committee unanimously voted to reject the Governor's proposal to cap FY 13 funding for the GA program.

While the Governor's proposal certainly addressed the shortfall, it did nothing to address the needs of GA recipients, reform the program, or empower people to become more self-sufficient. What the proposal does is walk away from the more

difficult challenge of studying what works, what does not and determining what changes in policy could be implemented to make the program more effective and accountable to the taxpayers. The capping approach leaves others with the task of figuring out how best to address this issue.

The GA program has historically been designed as a program of last resort. It is a program that is available to eligible applicants when all other sources of public and private assistance are no longer available. The eligibility standards are based on a careful calculation of need, and the amount of assistance provided is capped at a percentage of the U.S. Housing and Urban Development (HUD) calculated fair market housing values. Since the early 1990s that cap was 110% of the fair market values. That cap is 100% of fair market value currently, at least until June 30, 2013.

Building accountability into assistance programs and empowering the people that receive the benefits to become self-sufficient are goals that municipal

officials wholeheartedly support. However, municipal officials do not believe that those outcomes are best achieved by pulling the carpet out from under the feet of not only those that receive benefits, but from the partnerships created between the state, municipalities and social service agencies working together to ensure that the neediest people in this state are provided a "hand up, rather than a hand out".

Municipal officials are of the opinion that all of the affected parties, including the state, municipalities, GA client advocates and social services agencies, should continue to work together to identify cost saving measures that are rational and that seek to improve program integrity and accountability. They commend the Appropriations Committee for its action and look forward to sharing ideas for how to make necessary and rational cost saving and policy related amendments to the GA program through the discussions around the adoption the FY 14 – FY 15 biennial budget.

## 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](http://www.memun.org).)

### Criminal Justice & Public Safety

LD 345 – An Act To Ensure the Confidentiality of Concealed Weapons Permit Holder Information. (Emergency) (Sponsored by Rep. Wilson of Augusta; additional cosponsors.)

Under current law, the information contained on a person's concealed weapons permit must be made available for public inspection by the issuer of the permit. This bill reverses that law and makes the personal and identifying information on a concealed weapons permit completely confidential to the general public.

LD 379 – An Act To Require Institutions To Report Knowledge or Suspicion of Criminal Violations to a Law Enforcement Agency. (Sponsored by Rep. Kusiak of Fairfield; additional cosponsor.) (By Request)

This bill requires the administration of an institution supported by public funds that provides a public service to immediately report to the appropriate law enforcement agency any knowledge or suspicion of a crime or criminal activity that has taken place on the institution's grounds. Failing to obey this requirement is a civil violation for which a fine of \$100 could be levied.

LD 381 – An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work. (Sponsored by Rep. Dion of Portland; additional cosponsors.)

This bill expands the standards governing how a court may order an offender convicted of Class D or Class E crimes to perform community service by: (1) expressly authorizing a court to apply that order to a person convicted of violating a municipal ordinance; and (2) requiring the court issuing such an order to first determine that the municipality is administering an organized community service work program that is established by ordinance.

LD 456 – An Act To Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives. (Sponsored by Rep. Dickerson of Rockland; additional cosponsors.)

This bill prohibits the use of consumer fireworks or explosives, either loose or contained in a tube or other enclosure, within one mile of a field or pasture that contains livestock.

### Education & Cultural Affairs

LD 367 – An Act To Repeal the Repeal Provision in the Law That Limits the Reduction of State Subsidy for Education. (Emergency) (Sponsored by Sen. Hamper of Oxford Cty; additional cosponsors.)

Current law creates a temporary, time-limited allowance for school systems to be provided their full share of the General Purpose Aid to Education distribution even if the school system is not raising its required property tax contribution (or “minimum mill rate effort”) if the school raises at least the same percentage in local contribution toward the total school budget according to the Essential Programs and Services school funding model as the state contributes, by percentage, toward the state’s 55% statutory contribution. This bill makes that policy permanent.

LD 383 – An Act To Increase Public Awareness Regarding School Budget Elections. (Sponsored by Rep. McClellan of Raymond; additional cosponsors.)

This bill amends the language that is required on the referendum ballot to “validate” and finally adopt a school budget to include the total dollar amount of the school budget and to show whether that amount is an increase or a decrease from the previous year’s budget, and by what percentage.

LD 417 – An Act To Ensure That All Voters Are Able To Vote in Regional School Unit Budget Elections. (Sponsored by Sen. Thomas of Somerset Cty; additional cosponsor.)

This bill makes substantive changes to the process of approving a school budget. Instead of the two step approval process under current law, where the budget is first approved at the traditional school budget open meeting and then sent to the voters for a “validation” referendum vote, this bill would restructure the first step in the process as a public hearing only, rather than a provisional budget adoption meeting. Under this bill, the only vote on the school budget would be accomplished through a school budget referendum on the budget proposed by the school board after conducting the public hearing. The bill also changes the law governing the “operating budget” of a school during the time after July 1 when a school budget has not been approved by the voters. Under current law, the “operating budget” is the last budget approved at the open meeting even though that budget was rejected at the validation referendum vote. Under this bill, the “operating budget” is the last budget approved at referendum, which would be the previous year’s school budget.

LD 439 – An Act To Improve Maine’s Charter School Laws. (Sponsored by Sen. Mason of Androscoggin Cty; additional cosponsors.)

This bill makes changes to the public charter school approval and funding process. With respect to the charter school funding process, the bill changes the way payments are made to public charter schools by the public schools of “residence” when the public charter school student count changes during the course of the school year. Under current law, if the charter school student count changes in midyear, the adjustment in payment requirements are roughly reconciled in the last (June) payment. Under this bill, the last two payments of the year (March and June) are based on the February 1<sup>st</sup> student count.

### Environment & Natural Resources

LD 432 – An Act To Amend the Gifting of Land Exemption under the Subdivision Laws. (Sponsored by Sen. Johnson of Lincoln Cty; additional cosponsors.)

This bill amends the state’s subdivision law to repeal the requirement that if a lot is to be exempt from subdivision review under the “gift to relative” exemption, the land must have been owned by the subdividing landowner 5 years prior to the division by gift. The bill adds a requirement that if the gifted lot is transferred to another party within 10 years of the gift division, a reviewable lot is created.

LD470–An Act Regarding Working Waterfront Projects. (Sponsored by Rep. Welsh of Rockport; additional cosponsor.)

This bill defines “working waterfront activity” and “working waterfront land” for two regulatory purposes. First, under the state’s shoreland zoning laws and with respect to the minimum shoreland zoning ordinance requirements, this bill does away with the standard that a “well distributed stand of vegetation” be retained within the first 75 feet of the shoreland area. Second, the bill exempts working waterfront activities from certain provisions under the Natural Resources Protection Act.

### Health & Human Services

LD 330 – An Act To Require All Lodging Places To Be Licensed by the State. (Sponsored by Sen. Patrick of Oxford Cty; additional cosponsors.)

This bill requires all lodging places, private homes and inns to be licensed by the state and repeals the authority of a municipality to license lodging houses. Fraternity and sorority houses, dormitories of charitable, educational or philanthropic institutions and houses used in emergency circumstances are exempted from state licensing requirements.

LD 389 – An Act To Bring Fairness to General Assistance Programs by Changing the Method of Municipal Reimbursement. (Sponsored by Rep. Parry of Arundel; additional cosponsors.)

This bill changes the way municipalities would be reimbursed by the state for the value of the benefits issued by the municipality under its General Assistance program (GA). Current law establishes the reimbursement level at 50% except for municipalities who administer large GA programs and the aggregate value of the benefits issued exceeds a percentage of the total state valuation of the municipality, in which case 90% reimbursement is provided for those over-threshold benefits. Under this bill, all municipalities would receive either the 50% reimbursement or \$3 times the municipality’s population, whichever is greater.

### Inland Fisheries & Wildlife

LD 467 – An Act To Increase Agent Fees for Registration of Certain Recreational Vehicles. (Sponsored by Rep. Casavant of Biddeford; additional cosponsors.)

This bill increases the watercraft, snowmobile and ATV registration service fees that may be assessed, collected and retained by agents. The service fee for the renewal of a registration is increased from \$1 up to a maximum of \$3 and from \$2 up to a maximum of \$4 for the issuance of a new registration. Agents are also allowed to charge an extra \$1 for registrations or renewals issued for residents of other communities or unorganized territories.

### Judiciary

LD 220 – An Act To Ban the United Nations Agenda 21 in Maine. (Sponsored by Rep. Long of Sherman; additional cosponsors.)

This bill prohibits the state or any political subdivision of the state, such as a municipality, from adopting or implementing policies that intentionally or recklessly infringe on or restrict private property rights without due process as may be required by policy recommendations originating in or traceable to the “Agenda 21” policies associated with the United Nations. The bill also prohibits municipalities from spending money, receiving money, contracting services from or giving financial aid to any nongovernmental or intergovernmental organization accredited or enlisted by the United Nations to assist in implementing “Agenda 21”.

## HOPPER (cont.)

### State & Local Government

LD 413 – An Act To Expand Eligible Project Costs in Development Districts. (Sponsored by Rep. Gattine of Westbrook; additional cosponsors.)

This bill permits municipal tax increment financing funds to be used to fund projects approved by more than one municipality under an interlocal agreement.

### Taxation

LD 346 – An Act To Require the Collection of Sales Tax by any Business Making Sales to Persons in Maine. (Sponsored by Rep. Knight of Livermore Falls; additional cosponsors.)

This bill creates rebuttable presumptions in the state's sales tax code that apply to certain retailers (or "sellers") which, if un-rebutted or unsuccessfully rebutted, would require those sellers to collect and remit the state's sales and use tax from their customers in the same way as sellers physically present in the state. Those sellers subject to the rebuttable presumption are those who are affiliated with a seller with a physical presence in the state, sellers who engage in certain activities such as selling a line of products similar to that of an in-state seller, sellers maintaining an office or distribution center in the state to facilitate delivery of products, and sellers with an agreement with a person to refer potential customers to the seller and the seller generates more than \$10,000 in sales in the state annually.

LD 400 – An Act To Amend the Maine Tree Growth Tax Law. (Sponsored by Rep. Jones of Freedom; additional cosponsors.)

This bill amends the Tree Growth tax law to require a landowner in the Tree Growth program to attest that the harvesting of trees will be performed by persons who are residents of the state and that the forest products harvested will be processed only by processors located in the state. Failure to comply with that attestation would lead to withdrawal from the Tree Growth program.

LD 401 – An Act To Provide Local Sales Tax Increment Disbursements. (Sponsored by Rep. Chase of Wells; additional cosponsors.)

This bill requires a certain amount of sales tax revenue generated in within a municipality be transferred to that municipality each year, beginning with FY 2017. Specifically, if the sales tax revenue generated within a municipality in one year exceeds the sales tax revenue generated in the immediately preceding year, then 5% of that "sales tax increment" must be transferred to the host municipality rather than the state General Fund. The bill includes language that purports to not allow the locally provided sales tax revenue to be used to offset or otherwise reduce any other intergovernmental funding the municipality may receive.

LD 402 – An Act To Exempt Members of the Houlton Band of Maliseet Indians from Property Tax. (Sponsored by Rep. Bear of the Houlton Band of Maliseet Indians.)

This bill provides that the Houlton Band of Maliseet Indians and members of the Houlton Band of Maliseet Indians are exempt from property taxes in the state.

LD 427 – An Act To Authorize Options of Local Revenue Enhancement. (Sponsored by Rep. MacDonald of Old Orchard Beach; additional cosponsors.)

This bill authorizes any municipality to impose a local option sales tax of up to 5% on those items that are subject to the state's general sales tax, and allows for the local sales tax to apply seasonally, only during certain months of the year. The local option sales tax must be approved by the municipal voters at referendum election. Under the bill, the State Tax Assessor must distribute the collected revenue back to the municipality, with up to 2% of the collected revenue kept by the Assessor for administrative costs. The revenue collected through the local sales tax must be held by the municipality in a special revenue account and expended only by a specific appropriation of the local legislative body.

LD 435 – Resolve, To Require the State Tax Assessor To Develop Agreements with Online Retailers for the Collection of Sales and Use Tax. (Sponsored by Sen. Alford of Cumberland Cty; additional cosponsors.)

This resolves requires the State Tax Assessor to enter into negotiations and develop agreements with online retailers for the collection of Maine sales and use tax by those online retailers. An online retailer is defined as a person that makes sales to Maine residents but that does not collect sales and use tax from those Maine residents because the online retailer does not have a physical presence in Maine. The resolve directs the State Tax Assessor to submit a quarterly report to the Taxation Committee regarding the status of the negotiations.

### Transportation

LD 403 – Resolve, To Establish a Task Force on the Establishment of So-called Complete Streets Design Guidelines. (Sponsored by Rep. Peoples of Westbrook; additional cosponsors.)

This emergency resolve directs the Commissioner of the Department of Transportation to convene a task force charged with developing "complete streets design guidelines" to be applied whenever state or federal funds are used to build or reconstruct a road or bridge, and to further develop a statewide policy designed to enable the delivery of cost-effective, sustained and customer-focused transportation services that will meet the current and future needs of the state. The task force members must include representatives from a bicycle advocacy group, a group representing elderly citizens, a disability rights group and the Director of the Maine Center for Disease Control and Prevention. The task force must consider the creation of an interconnected transportation network that allows users to choose between different modes of transportation. The task for must also consider altering the road design and construction process to ensure the consideration of all users in planning, designing, building, operating and maintaining streets and roadways, and using the latest design guidelines as they apply to bicycle, pedestrian, transit and highway facilities. The task force report must be submitted to the Legislature by December 4, 2013.

LD 405 – An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles. (Sponsored by Rep. Casavant of Biddeford; additional cosponsors.)

This bill increases the motor vehicle licensing and registration service fees that may be collected and retained by municipalities by \$2. For the renewal of a license or registration, the increase is from \$3 to \$5. For the issuance of a new license or registration, the fee is increased from \$4 to \$6.

LD 429 – An Act To Authorize a GARVEE Bond for the Repair of Deficient Arterial State Highways and Bridges. (Sponsored by Sen. Mazurek of Knox; additional cosponsors.)

This bill authorizes the Maine Municipal Bond Bank to issue revenue bonds in the amount of \$80 million for the reconstruction, rehabilitation or replacement of deficient Priority 1 and Priority 2 state highways and bridges. The bond instrument is financed with federal highway funds that will be distributed to the state over time, and is known as a "GARVEE" bond.

## Checking and Balancing County Decisions

According to a majority of the State and Local Government Committee, the sauce that is good for the goose does not drizzle well over the gander, particularly when it comes to the right of voters to hold elected officials accountable for their actions. On Tuesday this week, the Committee voted “ought not to pass” on LD 82, *An Act To Establish a People’s Veto Process for Actions of County Commissioners*, by a margin of 8 to 1.

As the bill title suggests, LD 82 provides an opportunity for voters to petition for a countywide referendum to overturn an action of the county commissioners.

The process of challenging the decisions of elected officials is not a new concept; there are “peoples’ veto” procedures in place at the state and municipal levels. As provided for in the State’s Constitution (Article IV., Part Third, Section 17), voters may challenge the actions of the Legislature through the peoples’ veto process. At the local level, a provi-

sion found in Title 30-A, Section 2504, protects the right of voters to circulate petitions for local initiatives. When it comes to the decisions made by the county commissioners, however, voters are not provided a process for challenging those actions, unless the right is granted in the county charter.

During the work session on LD 82, Committee members raised many concerns with the bill as drafted. One of the issues focused on the complexities of providing veto authority over budget items in counties where the budget committee rather than the commissioners have final say over the budget. The management of the signature collection and election processes, which would require both county and municipal involvement, was also cited as a concern. One Committee member felt LD 82 was a solution in search of a problem.

Perhaps the most interesting reason for opposing the legislation was that the

counties currently have the authority to adopt charters that could include a peoples’ veto authority. The argument went on to say that since Maine’s sixteen counties could each have their own unique way of operating, the “one size fits all” approach offered in LD 82 is not the right answer. Instead, the eleven counties that have not yet adopted charters should be encouraged to do so, and in the creation of that charter take into consideration the inclusion of a peoples’ veto provision.

While municipal officials support LD 82 as an appropriate avenue for infusing a check-and-balance system into the county governance process, they appreciate the one-size-does-not-fit-all principle. Municipal officials can only hope that the State and Local Government Committee employs a consistent application of that principle when taking positions on bills in the weeks and months ahead that may propose “one size fits all” solutions for municipal government.