

## Municipal Leaders Drawn to Hearing on Governor's Proposed Historic Tax Shift

On Wednesday afternoon, the Appropriations and Taxation Committees jointly held a public hearing on two of Governor LePage's proposed cuts to local governments:

- Eliminating municipal revenue sharing.
- Rototilling the Business Equipment Tax Rembursement program (BETR).

And two of his proposed direct cuts to Maine's property taxpaying homeowners;

- Eliminating the Homestead property tax exemption for non-elderly households.
- Eviscerating the so-called "Circuit-breaker" property tax relief program.

It was a marathon of a public hearing. By the 1:00 p.m. start time, something like 140 people had signed up to speak before the two Committees, but the sheer length of the six-hour hearing disallowed a number of the municipal folks from getting to the microphone because their regularly scheduled evening meetings pulled them back home. The speaker sign-up system allows big blocks of speakers to be signed up simultaneously, squeezing individual speakers to the latter part of a hearing. In this case, the Maine State Chamber of Commerce took advantage of that system.

Eighty-five people ended up providing testimony, and all 85 were dead-set opposed to the Governor's plans. 40 of the opponents were selectmen, councilors, mayors, town or city managers or other municipal officials. Thirty of the opponents were representing their industrial businesses in specific opposition to the BETR proposal, mostly as management but in some cases



*Kathy Littlefield, Selectman, Town of Waldo*



*Maura Herlihy, Mayor, City of Sanford*

as labor. The remaining opponents were members of the general public concerned about any property tax increases and what they perceive as a very negative tax shift within the Governor's package, taking burden off those with a capacity to pay and placing it on those without.

The 30-plus municipalities represented at the hearing include Portland, with 63,000 residents and the Town of Knox, with 760. They spanned the state's geography from Presque Isle to Alfred and from Mexico to Lubec. Towns and cities of almost every county were represented, and the quality of the municipal presentations was excellent. None of the public hearing rigamarole seemed to phase the municipal presenters, neither the confusion of the afternoon, the awkwardness of the two overflow rooms, the hypnotizing effect of the "three minute clock" (which

stares everyone testifying in the face and constricts their testimony to what seems like an instant), nor the special wording of the salutations that are used traditionally to address the Committees. In 40 separate ways, the testimony of the municipal opponents was passionate, genuine, touched with humor, respectfully angry, detailed in fact, stridently purposeful, graciously delivered and effective.

Here's a sampling:

**Shift.** The words "shift" and "tax shift" and "nothing but a shift" were the terms of the day. It was on everyone's lips, these are just samples:

Maura Herlihy, Mayor of Sanford. *I am here "to speak on behalf of the people of the City of Sanford and as a member of the Mayors' Coalition about our concerns with the biennial budget's proposed shift in financial responsibility from the*

## Governor's Budget Proposal (cont'd)



James Smith, City Manager, Rockland

*more broad-based forms of taxation, like the income tax and the sales tax, to the property tax."*

Scott Morelli, City Manager, Gardiner. *"I have faith that legislators from both sides of the aisle see that this (the Governor's proposals) is not a real solution but merely a tax shift from the state onto the property tax payers."*

Robert Macdonald, Mayor, City of Lewiston. *"This budget proposes a historic shift onto the backs of Maine's municipalities and property tax payers."*

**Tools.** A councilor from South Berwick, Jack Kareckas, described the Governor's proposals as severe and unbalanced, and pointed out that local governments struggle to adhere to their spending limitations under "LD 1." *"Similarly, I suggest State Government use every tool at their disposal, including the power to tax, in order to balance the budget."*

Thirty-six speakers later, Presque Isle City Manager Jim Bennett reiterated the observation that the municipalities have only the property tax to support their service delivery system while the state has a variety of tools at its disposal. Bennett said *"I've learned a little bit about common sense since I've been up in the County for four years and I'm not aware of any farmer who would be faced with the challenge of having a budget reduction, where they would say "we're going to cut the fuel to put into our harvesting equipment and hand-pick our product". In a lot of ways, that's what it feels like, because you're passing (your budget problems) along to the communities, who have the least amount of tools to address*

*the issue."*

**Alternatives.** Dairy farmer and Knox Selectman Galen Larrabee began by observing that everything from the state seems to roll downhill to the towns, and how the towns tend to get used as guinea pigs by the state in the way Augusta keeps changing focus and priorities. He then said: *"If we have to have a (tax) increase to get through, I don't think it should be on the taxpayers of the land in the Town of Knox."*

In fact, few municipal speakers hesitated on the subject of "alternatives." Not one would choose to purposefully increase the property tax in order to balance the state budget. Either temporary or permanent increases to the general sales tax rate were overwhelmingly supported as an alternative. Also strongly supported were increases to the "meals and lodging" sales tax rate and/or increasing the income tax by suspending the income tax cut that was enacted by the Legislature in 2011 which is now costing the state in revenues roughly the same amount of state "savings" associated by cutting these resources to local government and local property taxpayers.

Mayor Herlihy concluded her testimony with: *"Finally, I stand here as a registered Republican who most likely will qualify for an income tax break under the new income tax proposal. I gladly will*



Lou Stack, Councilor, Town of Standish



Richard Philbrick, Selectman and John Madigan, Town Manager, Town of Mexico

*give up that income tax break because I know the senior citizens living on a fixed income in the house they paid for long ago feel no benefit from the income tax break, but will pay a significant cost to continue remaining in their homes should this historic tax shift occur."*

Sanford's City Manager, Steven Buck, provided the Committee with the letter from the City Council *"requesting that the Maine Legislature expediently establish a state-municipal working group to, at a minimum, identify a balance in taxation amongst the income, sales and property taxes for funding of all state and municipal services."*

**Tax Code Imbalance.** Mexico's Town Manager John Madigan, a soldier from the revenue sharing battles of 1992-93, reviewed the current imbalance in burden among the state's three major taxes. Of the total revenue generated by the income, sales and property taxes, the property tax accounts for 44% of the total, the income tax for 33% and the sales tax for 23%. According to Madigan *"Property tax should yield the least amount from the three major sources of revenue, not the greatest."*

Thirty-three speakers later, Alfred Selectman John Sylvester followed up on that point with the observation that at 44% of the total and growing, *"The property tax is already poorly treated, and these proposals will only exacerbate that unfairness."*

**Regressivity on a Grand Scale.** That the property tax obligation is least connected to a person's capacity to pay was observed by practically every municipal speaker. That's the definition

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## Governor's Budget Proposal (cont'd)

of regressivity. An even higher order of regressivity was made evident when the negative impacts of the Governor's budget proposals were analyzed by some of the less affluent communities in Maine. The point wasn't lost on Mexico's John Madigan, whose impact analysis shows that if the Governor's proposal is adopted, his Oxford County town, nestled next to Rumford but without its tax base, could shoulder the highest property tax burden in the state.

Jimmy Clark of Machiasport summed up his region's impact analysis by saying *"It appears that the poorer the community, the more bitter the medicine has got to be, and I don't think that's right."*

Jim Jones of Lubec, after pointing out that 40% of the land base in his community had been "taken off the books" through relentless land conservation efforts by both the state (Land for Maine's Future) and nonprofit conservation organizations, asked the Legislature to look elsewhere than the property tax for the resources to fund state government: *"I believe in higher sales tax...most certainly. That way there, it's evened out amongst everybody – and not just a few – and it doesn't hurt the weakest of weak."*

**Consolidation and Belt Tightening.** Because some legislators and their spokespeople have been suggesting that a little "belt tightening" would be good for the towns and cities, much of the municipal testimony focused on municipal frugality and efficiency.

Vassalboro selectman Lauchlin Titus, when describing his board, admitted that *"We're not cheap, but we're wicked conservative."*

Waldo selectman Kathy Littlefield, a municipal "freedom fighter" from battles decades ago, told the legislative committees *"I really hope that you folks won't fall into the rhetoric of some politicians that say that some cities and towns have to tighten their belts...they have to control their spending...they have to regionalize and consolidate. Rubbish! I think we've seen how well regionalization and consolidation has worked for the schools. Towns and cities have shared services and consolidated where it made sense and long before the state started beating*

*that drum....And to the final "tighten their belts" song, cities and towns have tightened their belts so much, there's no belt left. We're right up against the buckle. (As Presque Isle has pointed out) the state has very large tool shed with many tools in it. Use them. The cities and towns have nowhere near as many tools, if any, to use. And I can tell you firsthand, in Waldo County, we don't even have a shed. We couldn't afford to maintain it, and we had to tear it down."*

**Respectful but Firm.** Belfast's City Manager, Joe Slocum, said that the legislators should not think of the revenue sharing resources as "theirs" because the 5% distribution of sales and income tax revenues to support the activities of local government is the "law of the land" and not an annual legislative prerogative. As to the Legislature's propensity to raid from the Local Government Fund over recent years, Slocum said, *"The logic that you have wrongfully taken it before does not*

*justify it being taken again...Do not do this tax shift. Do not cut these crucial tax programs. If you are in deficit then cut your own programs or raise your own revenues to pay your own bills."*

Rockland's City Manager James Smith made his position clear as to whether any of these proposed cuts, if reduced somewhat in magnitude, would be acceptable. *"We cannot sustain the continued shift in the responsibilities from the state to our local communities without dramatic increases in the regressive property tax, reductions in basic services, or even both. For this reason, we are not supportive of a negotiated middle ground on this issue. This is a budgetary hole that the state alone must be responsible for. I want to be clear – we don't want your bill. We don't want it as an invoice, and we don't want it as a legislative document."*

And on that score, Portland's Mayor Mike Brennan stressed the point that the municipal objection is not about just the revenue sharing proposal. If Mayor Bren-

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## Fireworks Use - Repeal or Restrict

On Monday of this week, the Criminal Justice and Public Safety Committee endured five hours of colorful testimony on bills seeking to restrict or repeal the consumer fireworks law enacted in 2011. The law, unless otherwise prohibited by municipal ordinance, allows for the sale and use of certain consumer fireworks within the municipal boundaries. The bills receiving public hearings included:

- **LD 111, An Act To Restrict the Sale, Purchase and Use of Fireworks in the State.** Sponsored by Rep. Michel Lajoie of Lewiston, the bill would ban the use, sale and possession of consumer fireworks in the state of Maine.
- **LD 168, An Act To Establish Reasonable Restrictions on the Use of Fireworks.** Sponsored by Sen. Chris Johnson of Lincoln County, the bill establishes a process for reviewing and determining the need to place additional statewide restrictions on the use of consumer fireworks as it pertains to the impacts on: (1) fire
- **LD 456, An Act to Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives.** Sponsored by Rep. Elizabeth Dickerson of Rockland, the bill prohibits the use of consumer fireworks or explosives within one mile of a field or pasture that contains livestock.
- **LD 478, An Act To Require a Local Permit for the Use of Fireworks.** Sponsored by Rep. Joshua Plante of Berwick, the bill requires persons using consumer fireworks to obtain a permit from the local authority responsible for issuing open burn permits.
- **LD 663, An Act to Change the Time Restriction on the Use of Fireworks.** Sponsored by Rep. Jarrod Crockett of Bethel, the bill reduces the hours when fireworks may be used from between 9 a.m. and 10 p.m. to between 9 a.m. and 9 p.m.

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## Governor's Budget Proposal (cont'd)

nan had his way, the entire package would be “set aside” by this Legislature, and the work of developing a state budget would start afresh. Short of that, Mayor Brennan told the Committees that *“This is not just about municipal revenue sharing... All these other parts of this budget that have negative and dramatically negative impacts on local government (education proposals, General Assistance cuts, motor vehicle excise taxes, etc.) also need to be addressed.”*

**BETR-to-BETE Conversion.** The most squirrely component of the Governor's property tax proposals involves converting the non-retail property currently enrolled in the Business Equipment Tax Reimbursement program (BETR), which is taxable property, to completely tax exempt status. Thirty people either representing the companies that own the BETR property or the unionized employees who work at that those industries came to the microphone to protest what they referred to as the “repeal of BETR”. Their testimony was largely focused on the part of that proposal which in exchange for the tax exemption discontinues the reimbursements those companies would receive for an 18 month period. The companies (and their labor union allies) perceive the discontinuation of reimbursement as a broken promise that will constrict their bottom lines in a way that will restrict investment capital and their capacity to hire or retain employees. In addition, their status in the eyes of their parent companies among the competing states will be threatened.

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

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

The municipal analysis of the BETR-to-BETE conversion was also negative, but less narrowly focused on the discontinuation of the BETR reimbursements. Regardless of whether the BETR reimbursements are honored or not honored, the conversion of BETR property to fully exempt status creates havoc both for the municipal treasury and the business' bottom line in complex and counter intuitive ways depending on whether the BETR property is also located within a municipal tax increment financing district and further depending on how that TIF agreement is structured.

Another Michael Brennan, the City Manager of Bucksport, Dana Berry, the Town Manager of Madison, and Greg L'Heureux, the Finance Director of South Portland, tried their best to explain the deep complexities associated with up-

## Fireworks Use (cont'd)

Farmers, horse handlers, the Maine Audubon Society and the Maine Farm Bureau provided testimony supporting the repeal of the law, and as a fallback also supported the bills seeking to further restrict the use of consumer fireworks.

The proponents of the bills believe that the unanticipated use of fireworks has detrimental effects on wild and domesticated animals, children, and veterans of the armed forces. Although the proponents acknowledged that municipalities have the authority to regulate use, many find locally-developed restrictions largely unenforceable and lead to the creation of a patchwork quilt of consumer fireworks regulation.

Representatives from two of Maine's largest consumer fireworks retailers, along with the Maine Association of Agricultural Fairs and the Maine Municipal Association, provided testimony in opposition to the bills.

Industry officials opposed the proposals as a state level “taking”. The industry is concerned that simply repealing the law or significantly restricting its application will unfairly affect businesses that in good faith made investments and created jobs based on the enactment of the consumer fireworks law.

ending the BETR-to-BETE relationship all of a sudden. Sound bites are certainly easier, politically, but the municipal explanation was much more accurate and three-dimensional than simply labeling the proposal the “repeal of BETR” and leaving it at that.

**Next Steps.** The Tax Committee is charged with giving the Appropriations Committee recommendations on all the Governor's tax-related proposals and will begin a series of work sessions to conduct a detailed review beginning today (March 15). Municipal officials may begin to get a sense about the direction the Legislature is going to take on these proposals with the early recommendations the Tax Committee makes. As Portland's Mayor Mike Brennan pointed out in his testimony, *“Every city and town in the state is trying to put a budget together, and it is unfair to ask them to maneuver through this tax shift uncertainty.”*

Stay tuned.

The Maine Association of Agricultural Fairs (MAAF) opposed the various limiting (and repeal) initiatives because fireworks shows are important to the fairs. The members of MAAF are concerned that restrictions of this nature, particularly those that restrict the use of fireworks in the proximity of farm animals, would reduce attendance at Maine fairs.

MMA provided testimony in opposition to LD 111 (the ban on consumer fireworks), LD 168 (the placement of significant statewide restrictions on fireworks use), and LD 478 (local permitting for the use of consumer fireworks). Members of MMA's Legislative Policy Committee believe that restrictions on the use and sales of fireworks are more appropriately decided by the members of the local legislative body, at the town meeting or by the town or city council.

Although the variety of bills provided choices for addressing the consumer fireworks law, participants in Monday's public hearing fell squarely into one of two categories; those who want to repeal the law and those who want it to remain as is. It is now up to the members of the Criminal Justice Committee to determine how best to proceed. That Committee-level discussion will take place at 1 p.m. on Monday, March 18.

# Further Erosion of the Municipal Tax Base

In a show of dedication to the property taxpayers of Maine, several of the municipal officials who participated in Wednesday's public hearing on Governor LePage's FY 2014 – 2015 budget proposal (see accompanying article) also participated in Thursday's public hearing on the commercial vehicle excise tax proposal.

Returning to Augusta from areas as far west as Mexico and south as Alfred, 12 municipal officials shared with the members of Appropriations Committee and Transportation Committee their objections with Part 000 of the Governor's budget. Part 000 would annually appropriate for state purposes \$4.2 million in commercial vehicle excise tax revenue collected by municipalities.

The Department of Transportation's (DOT) Deputy Commissioner, Bruce Van Note, presented the proposal on behalf of Governor LePage. Mr. Van Note pointed to three reasons why the state should take for its transportation programs municipal excise tax revenue.

- **Use of Funds.** Since unlike the State, municipalities are not obligated by a constitutional provision or law to use motor vehicle-related taxes for highway related purposes, a portion of those revenues should be allocated to and used for state roads and bridges.
- **Use of Infrastructure.** Since the truck tractors spend a vast majority of time on state roads, the excise taxes paid on those vehicles should accrue to the State. The Department believes that the change in policy will strengthen the connection between the user fee and the segment of the highway system being used.
- **Equal Partnership.** Partnerships between the state and municipalities must be a two-way street. Since DOT has long shared its revenues, to the tune of nearly \$25 million each year in state aid for local roads, municipalities should be willing to share their revenues with the state.

In less than 75 minutes, municipal officials from Alfred, Augusta, Bangor, Gardiner, Hermon, Lewiston, Mexico,

Scarborough, and South Portland provided testimony disputing each of the Department's arguments.

**Use of Funds – Municipal Perspective.** Scott Morelli, Gardiner City Manager, and John Madigan, Mexico Town Manager, disputed the claims insinuated in the Department's testimony that municipalities do not use motor vehicle excise tax revenues for roads and bridges. According to the testimony offered, in 2012 the town of Mexico collected approximately \$325,000 in motor vehicle excise tax revenue, but expended nearly \$450,000 on its public works budget. In Gardiner, road investments reached \$1.1 million, with excise tax revenues hovering at \$850,000.

Bangor's Tax Collector, David Little, also focused on the "use of funds" argument, but from the tax policy perspective. Since the time automobiles have been traveling over Maine roads, a local-level tax has been assessed, in the earliest years as a property tax on this type of personal property. For purposes of equity from community-to-community, it is only in the last 84 years has the excise been assessed in lieu of the property tax. Regardless of whether it is a personal property tax assessed at the municipally determined mill rate or at the excise tax rate set in state statute, taxes on motor vehicles have historically been linked to the property tax, which is the municipalities' sole source tax.

**Use of Infrastructure – Municipal Perspective.** Greg L'Heureux, South Portland Finance Director and Tim McCluskey, Hermon Council Chair, spoke of the damage to local roads caused by truck tractors. Although neither disputes the fact that these large vehicles spend a majority of time traveling over state roads, local roads are nonetheless used to access distribution warehouses, as is the case in South Portland, or home bases, as is the case in Hermon. The use of local roads by heavy trucks causes significant damage.

**Equal Partnerships – Municipal Perspective.** Many of those testifying in opposition to the commercial vehicle excise tax proposal pointed to examples of where municipalities have financially

partnered with the Department to make investment in state roads.

According to Mike Shaw, Scarborough Public Works Director, over the years the city has invested \$5 million in ten state road projects. In order to address the needs of a day time population that grows to over 60,000, Augusta City Councilor, Cecil Munson, shared that the City has also partnered with the state to ensure that the roads leading to the State's Capitol are in suitable condition. Roger Raymond, Hermon Town Manger, explained that town had invested \$1.2 million in a state road project, for which the debt payment is \$250,000/year. The loss to the town of Hermon under this excise tax proposal is estimated at \$547,000.

**A Parting Observation.** As a matter of chance, the municipal testimony squarely addressed the Department's reasons for moving forward with the excise tax proposal. In addition, Mayor Robert Macdonald of Lewiston and Alfred Selectman John Sylvester challenged the Legislature to resolve its funding shortfalls with state level resources. The members of the two Committees were asked to avoid the temptation of taking the easy way out by simply appropriating as their own revenues that have historically and rightfully belonged to the municipalities. Both men expressed grave concerns that once the Legislature has a taste for municipal excise taxes, it would not be long before all municipal excise tax revenue assessed and collected at the local level will be surrendered to the state to the detriment of the property taxpayers and the traveling public.

The proposal is now in hands of the members of the Transportation Committee for discussion, deliberation and creation of final recommendations for the Appropriation Committee's consideration.

## 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](http://www.mainelegislature.org/legis/bills/phwksched_ps.asp?PID=1456).

### Monday, March 18

**Appropriations & Financial Affairs**  
**Rm. 228, State House, 1:00 p.m.**  
**Tel: 287-1316**

*(In conjunction with the Joint Standing Committee on Education & Cultural Affairs)*

Part of the discussion will include General Purpose Aid for Local Schools, as well as Teacher Retirement (proposed requirement of local units funding participation)

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

LD 708 – An Act To Reduce Emergency Rescue Costs.

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

LD 605 – An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events.

**1:00 p.m.**

LD 700 – An Act To Require Elevators To Be Accessible for Ambulance Stretchers.

LD 739 – Resolve, To Establish a Task Force To Study Economic Development in Rural Areas.

**Maine’s Workforce & Economic Future**  
**Rm. 211, Cross State Office Building, 9:00 a.m.**  
**Tel: 287-4143**

LD 90 – An Act To Strengthen Maine’s Workforce and Economic Future.

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

LD 319 – An Act To Provide Tax Fairness to Small Businesses in the State.

LD 346 – An Act To Require the Collection of Sales Tax by any Business Making Sales to Persons in Maine.

LD 435 – Resolve, To Require the State Tax Assessor To Develop Agreements with Online Retailers for the Collection of Sales and Use Tax.

LD 719 – An Act To Ensure Access to Information in the Property Tax Abatement and Appeals Process.

LD 762 – An Act To Facilitate Collection of Property Taxes on Personal Property.

### Tuesday, March 19

**Agriculture, Conservation & Forestry**  
**Room 206, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1312**

LD 500 – An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production.

LD 745 – An Act To Promote Sustainable Food Policies.

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

LD 795 – An Act To Amend the Net Energy Billing Program To Allow Participation by Certain Municipal Entities.

LD 796 – Resolve, To Enhance Economic Development by Encouraging Businesses Adjacent to Electric Power Generators To Obtain Power Directly.

**Health & Human Services**  
**Room 209, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1317**

LD 625 – An Act To Exempt Certain Business from Being Considered Campgrounds.

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

LD 206 – An Act To Protect Title to Real and Personal Property of Public Employees.

LD 395 – An Act To Allow a Pet Owner To Collect Noneconomic Damages for the Death of a Pet.

LD 550 – An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed.

### Wednesday, March 20

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

LD 383 – An Act To Increase Public Awareness Regarding School Budget Elections.

LD 417 – An Act To Ensure That All Voters Are Able To Vote in Regional School Unit Budget Elections.

LD 521 – An Act To Change the Budget Approval Process for Alternative Organizational Structures.

LD 638 – An Act To Require That School Budget Referenda Be Held on the Same Day as Primary Elections.

LD 666 – An Act To Limit the Amount a School Administrative Unit May Spend without Voter Approval.

LD 742 – An Act To Amend the Regional School Unit Budget Validation Process.

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

LD 876 – Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment.

LD 744 – Resolve, Regarding a Fire and Police Protocols Pilot Program for E-9-1-1 Call Processing.

## LEGISLATIVE HEARINGS (cont.)

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

LD 695 – An Act To Amend the Site Location of Development Laws.

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

LD 415 – An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device.

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

LD 787 – An Act To Encourage Municipal Infrastructure Improvement.

LD 878 – An Act To Provide a Preference for Maine Bidders on State Contracts.

### Thursday, March 21

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

LD 307 – An Act To Exempt Persons Who Have Served in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License.

LD 541 – An Act To Amend the Laws Governing Complimentary Hunting, Trapping and Fishing Licenses for Disabled Veterans.

### Friday, March 22

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

LD 614 – An Act To Adjust Fuel Taxes to Improve Sustainability.

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

LD 403 – Resolve, To Establish a Task Force on the Establishment of So-called Complete Streets Design Guidelines.

LD 565 – Resolve, To Establish a Task Force To Study the Feasibility of Imposing Tolls in Interstate 95.

LD 721 – An Act To Provide Transparency in Public-private Partnerships for Transportation Projects.

LD 763 – Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study Regarding the Need for a Passenger Transit Service Linking Municipalities from Portland North to Lewiston and Auburn.

LD 764 – Resolve, Directing the Department of Transportation To Conduct a Traffic Study To Consider Whether To Open Water Street in Augusta to 2-way Traffic.

## 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).)

### Agriculture, Conservation & Forestry

LD 500 – An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production. (Sponsored by Rep. Bear of the Houlton Band of Maliseet Indians.)

This bill allows any member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Aroostook Band of Micmacs to enter and collect or harvest wood or wood fiber from any public or publicly controlled or managed property in the state for the purpose of using the wood or wood fiber for fuel, personal shelter construction or traditional woodcraft production.

### Appropriations & Financial Affairs

LD 940 – An Act To Reestablish State-municipal Revenue-sharing as a Compact between the State and Municipal Governments. (Sponsored by Sen. Alfond of Cumberland Cty; additional cosponsors.)

Beginning July 1, 2015, this bill restructures 2 funds that are the depositories of state-municipal revenue sharing resources prior to distribution to municipalities as irrevocable trusts and renames the funds.

### Criminal Justice & Public Safety

LD 708 – An Act To Reduce Emergency Rescue Costs. (Sponsored by Sen. Dutremble of York Cty; additional cosponsors.)

This "concept draft" bill proposes to direct the Maine Emergency Medical Services bureau within the Department of Public Safety to establish a protocol that authorizes emergency medical services personnel to identify patients that need follow-up care but do not have a condition serious enough to need an ambulance, and provide those patients with a voucher to receive free transport to and from the medical services provider of their choice.

### Education & Cultural Affairs

LD 944 – Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws. (Emergency) (Sponsored by Sen. Langley of Hancock Cty; additional cosponsors.)

This emergency resolve directs the Commissioner of Education to establish a task force to review the effect of unfunded education mandates on school administrative units and career and technical regions in the state and to evaluate the efficacy of current education laws. The task force membership is made up of nine representatives

## **HOPPER (cont.)**

of the various school organizations, and some of the specific charges to the task force include reviewing (1) previously created reports on the subject; (2) school mandates enacted since those reports were written; (3) requirements on the schools that have been imposed but not implemented due to lack of funding; (4) whether unfunded mandates contribute to the better performance of students or to prevent students from dropping out; (5) alternative funding mechanisms for financing mandates that may be used in other states; and (6) unfunded mandates that lack a significant public purpose. The task force report must be submitted to the Legislature by January 10, 2014.

**LD 961 – An Act To Ensure Safe School Grounds.** (Sponsored by Rep. Nelson of Falmouth; additional cosponsors.)

This bill restricts the use of pesticides on school grounds by allowing their use only (1) to control stinging or biting insects to control an urgent threat to the health of students or staff; (2) when the presence of animals or insects have been identified as a public health nuisance by the Department of Health and Human Services or local health officer; (3) on athletic fields if there is a 14-day waiting period after application of the pesticides; or (4) on agricultural fields in accordance with the manufacturer’s instructions.

**LD 994 – An Act To Change the State’s Share of Education Costs Including Teacher Retirement Costs.** (Emergency) (Sponsored by Sen. Sherman of Aroostook Cty.)

This bill puts the entire state cost of the teacher retirement premium, including both the “normal costs” and the costs of the unfunded actuarial liability, into the Essential Programs and Services “total allocation” and requires the local school administrative units to pay those costs. The bill also reduces the required state share of K-12 public education, which now would include with this bill the entire cost of the teachers’ retirement premium, from 55% to 52%.

**LD 1002 – An Act Regarding the Required Local Contribution in the School Funding Formula.** (Sponsored by Rep. Carey of Lewiston.)

This bill modifies the law that reduces state funding distributed to a school system that does not raise the total amount of its required share by not applying the total mill rate effort as required under the school funding formula. The bill relieves any school that fails to apply the full mill rate effort from that financial reduction in state funds if the majority of students attending the school come from municipalities receiving so-called “Rev II” revenue sharing funds from the “Disproportionate Tax Burden Fund”.

### **Energy, Utilities & Technology**

**LD 774 – Resolve, Regarding a Fire and Police Protocols Pilot Program for E-9-1-1 Call Processing.** (Sponsored by Rep. Hobbins of Saco; additional cosponsor.)

This resolve authorizes the Public Utilities Commission to conduct pilot programs at public safety answering points (PSAPs) to examine the benefits of and resources needed to implement a statewide fire and police “quality assurance” protocol program for E-9-1-1 call processing at PSAPs. The PUC’s report on the pilot program must be submitted to the Legislature by December 31, 2014.

**LD 965 – An Act To Improve Maine’s Underground Facility Damage Prevention Program.** (Sponsored by Rep. Beaulieu of Auburn; additional cosponsors.)

This bill establishes a 15-member Dig Safe Advisory Board, which will collaborate with the Public Utilities Commission (PUC) for the purpose of improving the protection of underground facilities. The bill also requires that persons who own underground facilities and who are not members of the “Dig Safe” underground facility damage prevention system (municipalities and public water and wastewater utilities) register their facilities with the PUC, provide the commission with current 24-hour contact information for the purposes of notification regarding excavations and mark the location of their facilities when notified of an intention to excavate in the right of way within their jurisdictions.