

Party-line “Report Backs” on Governor’s State Budget Proposals

After a state budget bill gets its public hearings, the legislative committees of jurisdiction work over the material presented and “report back” to the Appropriations Committee with recommendations about the various proposals in the budget.

For Maine’s towns and cities, the committee “report backs” of great interest are:

- From the **Taxation Committee** for the Governor’s proposals to eliminate the municipal revenue sharing program, gut the Homestead Exemption and Circuitbreaker property tax relief programs and create a tax exemption for all the property in the Business Equipment Tax Reimbursement program.

- From the **Education Committee** for the proposals to shift onto the school systems the “normal costs” of the Teachers’ Retirement premium, flat-fund K-12 education at the funding level budgeted for the current fiscal year less the \$12.6 million that was cut from distribution by a “curtailment” order last December, and make other modifications particularly for “low receiver” school systems.

- And, from the **Health and Human Services Committee** for the proposals regarding General Assistance, the most financially significant of which would eliminate the enhanced reimbursement system that is designed to protect the property taxpayers in cities with exceptionally burdensome General Assistance programs.

What the headline to this article highlights is that on all matters of controversy the various “report backs” reflect party-line votes.

Okay. We admit it’s not exactly an earth-shaking headline. There is limited news value in the fact that Governor LePage’s various proposals to cut hun-

dreds of millions of dollars dedicated to local government and property tax relief programs are opposed by the Democrats, who do not belong to the Governor’s political party.

The news worthiness, instead, may be on the other side. The Republicans, at least the Republican legislators on the Taxation Committee, have voted unanimously to support the Governor’s proposal to eliminate the municipal revenue sharing program. The “news” is that at least some legislators are willing to state on the record that they support the concept of breaking a 40-year old compact between the state and local governments; a compact that is grounded in the policy of sharing resources in recognition of services provided and in recognition

of local government’s lack of access to more broad-based and progressive tax resources.

Some on the panel are saying they are only lending their support to the elimination of municipal revenue sharing because there is no alternative for them to support at this point in time, and their duty is to recommend a balanced budget. Representative Don Marean of Hollis, for example, actually held his nose when he cast his vote so that his “yes” vote in the microphone sounded funny, like a cartoon character’s. At least one other panelist, however, seems more inclined to support the revenue sharing proposal outright. Senator Doug Thomas (Somerset Cty.) told the Appropriations Committee

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“Tone-to-Tone” Comp. Coverage For All Firefighters

Not Just Volunteers

The Labor, Commerce, Research and Economic Development Committee held a work session Wednesday on LD 235, *An Act to Improve Insurance Coverage for Volunteer First Responders*, sponsored by Senator Chris Johnson (Lincoln Cty.). As noted in the Feb. 22 Bulletin, this legislation puts the interests of municipal volunteer firefighters and emergency medical services providers in conflict with the interests of the state’s elected municipal leaders. The Association’s opposition was based on a very strong vote of MMA’s Legislative Policy Committee.

As originally drafted, LD 235 amends Workers’ Compensation law so that

any volunteer firefighter or volunteer emergency medical services provider who sustains an injury after receiving an electronic notification of an emergency would be automatically covered by Workers’ Compensation for medical coverage and wage replacement regardless of the nature of the activity that led to the injury and regardless of where the injury is actually sustained. The volunteer firefighter would even be covered by Workers’ Compensation for injuries sustained in the home and caused entirely by his or her own negligent actions. The proposal is nick-named “tone to tone” or “bell to

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during the report back process that if money could be found within existing state revenues to buy-back the Governor’s proposals, his first priority would be to restore the Homestead Exemption, his second priority would be to restore funding for business reimbursements under the Business Equipment Tax Reimbursement (BETR) program, and his third priority would be to restore at least a good piece of the Circuitbreaker property tax and rent rebate program. The restoration of revenue sharing didn’t make his priority list.

Here are the salient features of the three “report backs” in more detail:

Taxation Committee. All four of the municipally related budget proposals being reviewed by the Taxation Committee – Revenue Sharing, BETR/BETE, Homestead Exemption and Circuitbreaker – were rejected. The Committee’s report asks for additional time to identify savings initiatives or revenue enhancement so that it can come back to the Appropriations Committee in May with additional recommendations. The report claims that those additional recommendations will include new initiatives to reflect *“the appropriate level of funding needed for municipal revenue sharing.”*

The strongest vote of rejection (10-2) was cast against the Governor’s proposal to eliminate the Homestead exemption for all non-elderly households. The next strongest vote of rejection (9-2) was cast against the Governor’s proposal to convert the taxable property in the Business Equipment Tax Reimbursement program (BETR) to fully exempt status. The third strongest rejection was the 9-3 vote against the Governor’s proposal to eliminate the Circuitbreaker property tax and rent rebate program for all non-elderly households and significantly limit the program for elderly households compared to current law.

There are seven Democrats, five Republicans and one legislator unenrolled in either party on the Taxation Committee, so any Committee vote to reject a gubernatorial proposal with nine or ten votes necessarily includes some Republican support.

The vote to reject the Governor’s

proposal to eliminate the municipal revenue sharing program was 6-3 against, pure party line.

The Committee’s report states that those supporting the Governor’s revenue sharing proposal *“would like the restoration of revenue sharing, along with the business equipment tax reimbursement and the homestead property tax exemption, to be a priority for funding through any replacement initiatives or if there is a General Fund ending balance based on the Governor’s biennial budget proposal.”* With respect to the proposal to reject the Governor’s Circuitbreaker program, the report reads a little differently. *“The Committee members voting “IN” on this proposal expressed discomfort, but indicated the restoration of other programs such as the homestead property tax exemption are higher priority at this time.”*

Education Committee. The several divided reports from the Education Committee also focus on the controversial elements of the Governor’s education proposals.

Teacher Retirement. By a vote of 9-4, the Education Committee rejected the Governor’s proposal to add the “normal cost” of the teacher retirement premium to the Essential Programs and Services (EPS) school funding model. The justification for this vote as stated in the report is that the majority of the Committee *“rejects shifting this State responsibility for providing funds to MainePERS for the “normal cost” of teacher retirement to local property taxpayers, including the additional requirement to pay for the administrative operating expenses for the retirement costs of their teachers.”*

The minority of the Committee is supporting the proposal to require school systems to be responsible for their teacher retirement costs, but they oppose distributing the state’s 50% share of those costs through the school funding distribution system, which provides uneven reimbursements running from zero to 70% depending on how the distribution system regards a school system’s fiscal capacity. It is unstated in the report, but presumably the Committee’s minority would support a system that more directly provides state share reimbursement to

each school system on a 50-50 basis.

School Subsidy Levels. By a vote of 9-5, the Committee is proposing to actually increase the level of state subsidy over the Governor’s proposed flat funding by \$22 million for the next school year (FY 14) and an additional \$51.4 million for FY 15. The stated intent of the Committee’s majority report on this recommendation is to *“get back on track toward achieving the statutory requirements that the State provide 55% of the state costs of funding public education”* so that the EPS model can be fully funded. The report expressly recognizes the shift to property taxpayers that results when public education is underfunded by the state.

The minority of the Education Committee is supporting the Governor’s flat funding recommendation.

Low receivers. There are several proposals in the Governor’s budget that further reduce the distribution of school subsidy to “low receiver” school districts. In some cases by a unanimous vote and in some cases by a majority vote, those proposals were rejected by the Committee. Under current law school systems with the highest level of “fiscal capacity” are nonetheless entitled to receive as at least 30% of the schools’ cost of providing special education services or 3% of the school’s EPS allocation, whichever is less. In almost all cases, the 3% of EPS allocation is less if the school provides any sort of special education program at all. The Governor’s proposals would ratchet both of these thresholds down, so that low receiving schools would be entitled to receive the lesser of either 25% of their special education costs or 2% of the school’s EPS allocation. By a majority vote, the step-down from 3% of the EPS allocation to 2% was rejected. By a unanimous vote the Committee rejected the proposal to reduce the percentage of special education threshold from 30% to 25%. Several Committee members noted that the citizens initiative adopted by the voters in 2004 required that all schools receive at least 100% of their special education costs in school subsidy. The Legislature first implemented that directive at the 84% level in 2005. Eight

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“Report Backs” (cont’d)

years later, it’s at 30%.

Health and Human Services Committee. This summary does no justice to the report given to the Appropriations Committee by the Health and Human Services Committee because it focuses on only one item out of the 450 line items in the 60 page report...the General Assistance (GA) recommendation.

What was originally proposed in the two year budget for General Assistance is being somewhat rewritten by the Governor’s Office, but the party-line 7-5 report rejecting the Governor’s recommendations will not likely be affected by the rewritten proposal that will be included in the “change package”.

The original proposal limited all GA payments for temporary housing at a homeless shelter to \$10 per night. It also made all individuals who have reached the 60-month lifetime benefit limit under the Temporary Assistance to Needy Families (TANF) program ineligible for GA, as well as all individuals who have been sanctioned under the TANF program for violations. The most significant element of the Governor’s proposal from a financial perspective was to limit all municipal reimbursement for GA expenditures to 50%, which dramatically cuts the reimbursement in those cities that are disproportionately burdened by GA applicants because the city is a center of social service agencies. Ever since the modern GA program was created 40 years ago, there has been a special reimbursement system for the disproportionately impacted municipalities. The Governor’s proposal would eliminate this 40 year old reimbursement policy.

The new GA proposal being advanced by the Governor eliminates the \$10 per night limitation on homeless shelter allowances. It also makes permanent two changes that were adopted in 2012, but only as temporary cost containments. As proposed, the maximum levels of assistance which act to control the distribution of all benefits would be permanently reduced to just 100% of the appropriate Fair Market Rental Values as established for each region by federal regulation rather than 110% of those values. Also, housing benefits would be limited to no more than 270 days in any year, unless housing must

be provided to avoid an emergency.

Conclusion. Now that the Appropriations Committee has received the “report back” recommendations from all the committees of jurisdiction, the baton has been passed and the focus will be on that Committee’s actions. One exception may be in the area of taxation, because the Taxation Committee has expressly asked for some time to develop, using the Committee’s own words, *“savings initiatives or revenue enhancement in our area of jurisdiction (taxation) to offset proposals in the Governor’s biennial budget that we have rejected.”*

“Tone-to-Tone” (cont’d)

bell” coverage, and the theory behind the bill is that as soon as that tone is sounded, the employee is acting on the job, so Workers’ Compensation benefits should be provided no matter what.

That is not how Worker’s Compensation law has worked or should work as a matter of public policy. Court decisions over the years, in Maine and throughout the nation, have created what might be considered a body of legal “doctrine” that governs the issue of when and where an injury that is sustained somewhere other than the actual “workplace” is covered by Workers’ Compensation. The doctrine in this case is called the “coming and going” rule, which generally holds that a regular employee is not covered by Workers’ Compensation when he or she is merely preparing to go to work or actually commuting to work, until the employee is on property under the control or maintenance of the employer. Companies providing insurance coverage for volunteer firefighters, emergency medical service providers, police personnel, etc. generally hold that Workers’ Compensation coverage kicks in for employees called out to an emergency when the employee “enters the travelled way,” that is, has established him or herself in the motor vehicle and left the home driveway. LD 235 would change that, and was developed by its supporters precisely to address the situation of a volunteer firefighter who slips and falls in his or her home or on the front steps while leaving the home or while getting

into his or her vehicle to drive to the emergency or fire station.

The Committee split its vote at Wednesday’s work session along party lines, with each party proposing separate amendments and voting “Ought to Pass as Amended.” Each proposed amendment makes two key changes. First, the amendments address the concern raised at the public hearing (and noted above) that the bill, as originally drafted, automatically requires Workers’ Compensation insurance coverage for any injury incurred after the injured volunteer receives the emergency call. The amendments attempt to ameliorate this issue by creating a “rebuttable presumption” in favor of the volunteer. This would allow municipalities to avoid liability by successfully presenting evidence to the Workers’ Compensation Board that the injury was incurred due to, for instance, negligence on the part of the volunteer. The frequently cited example was a faulty staircase at the volunteer’s home; i.e. the injury was not due to the response to the emergency, rather, it was the volunteer’s own fault because it would not have happened if he or she had properly cared for their property.

The second aspect of the amendment proposed by each party expands the scope of the bill beyond volunteers, to *all professional* firefighters and emergency response providers. From the municipal perspective, this is a significant departure from the original bill, broadening its application to municipalities that were not initially impacted. With this amendment, all municipalities are now exposed to the financial consequences of LD 235, not just the smaller communities that rely on volunteer fire departments.

Finally, Representative Volk’s (Scarborough) amendment, supported by the Republicans on the Committee, limits the bill to injuries incurred once the firefighter or emergency responder reaches a public way. The expanded Workers’ Compensation coverage would therefore be more in line with current practice and the bill would no longer be “tone-to-tone”.

At this time, it is unclear how expanding this bill’s scope to cover both volunteers and professionals will impact its likelihood of passage. We will monitor closely and keep you apprised of developments.

Newspapers Ask To Be Mandated To Do What They Think They Should Do Anyway

And Other Updates from the State and Local Government Committee

Wanted: *A 149-year-old statewide association of newspapers and journalists seeks legislation requiring the development of an on-line legal notice website. The legislation must mandate a service that currently can be provided voluntarily by any newspaper in the state. The notices on the website must be posted the same day printed in the newspaper; be presented in a clear and conspicuous manner; and be the dominant subject matter of the website. The desirable legislation must also require the establishment of a publically accessible and searchable repository of the legal notices. If interested, please call...*

On Monday of this week, the State and Local Government Committee held a public hearing on LD 1344, *An Act to Modernize the State's Legal Notice Requirements*. Sponsored by Rep. Peggy Rotundo of Lewiston on behalf of the Maine Press Association, the bill would mandate that all legal notices published in a newspaper be published and archived on-line and at no additional cost to subscribers. The additional costs will likely be borne by the municipalities.

Representatives from the state's largest daily and weekly newspapers provided testimony in favor of the bill and described the initiative as a major achievement within the newspaper industry. One newspaper representative referred to the effort as a "breakthrough" allowing the newspapers to work collaboratively to provide an important service at no cost to government. In a nutshell, the newspaper lobby is asking the Legislature to mandate that they provide a service they can currently provide voluntarily.

While municipal officials support any genuine effort of the newspaper industry to provide access to legal notices in a format that reaches the largest number of readers, they question the need for the self-imposed mandate. If the creation of the on-line service is worthwhile, then the Maine Press Association should work with its members to immediately implement the service rather than wait for legislative direction and approval. It's an act of self-pandering.

Municipal officials are also concerned with the ability of the financially struggling newspaper industry to provide the mandated service "at its own expense." Municipal officials believe that it is the property taxpayers who will ultimately fund the mandated service through increases in the costs of publishing the legal notices.

In the last decade, MMA has advanced and supported initiatives to make the publication of the legal notices more effective and efficient for the property taxpayers by eliminating the monopoly that the state's largest daily and weekly newspapers have on the legal notice publication requirements. Municipal officials have long expressed concerns about having to publish notices in the "newspaper of general circulation" to meet the letter of the law but then having to publish those same notices in local weekly newspapers, at cheaper rates, because that is where they are better read by the public. Municipal officials believe that by mandating the newspapers to provide the service without identifying a new source of revenue, LD 1344 further frustrates municipal efforts to reduce the cost of providing adequate public notice.

Other Issues. In addition to the public hearing on the newspaper bill on Monday, the State and Local Government Committee held hearings and work sessions on four other bills of municipal interest.

Contracts with Business in Known Terrorist States. LD 1338, *An Act to Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist*

States, would prohibit the state, municipalities and state colleges from conducting business with businesses that have ties to federally designated terrorist states. Currently Cuba, Iran, Syria and Sudan have been federally designated as terrorist states. The bill was sponsored by Rep. Terry Hayes of Buckfield because she believes that Maine taxpayer dollars should not be used to economically support countries that inflict harm on the United States.

MMA provided testimony in opposition to the bill. Municipal officials are concerned that as presented, LD 1338 would make the normal task of procurement more difficult because tracking the business activity "ties" of all companies that do business with municipal governments sounds like a daunting task. However, municipal officials would be interested in supporting the objective of LD 1338 if the approach was informative or educational in nature. Rather than prohibiting municipalities from entering into business agreements with businesses that have affiliations with terrorist states, a state agency could be directed to keep a list of identified corporations and post that list on the website for use by municipalities in their procurement activities.

Preferential Treatment of Maine Businesses. As sponsored by Sen. Seth Goodall of Sagadahoc County, LD 1357, *An Act to Support Maine Businesses through State Purchasing*, would require all towns and cities to award construction contracts or purchases of services to a Maine-based bidder as long as the Maine-based bid wasn't more than 2.5%

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MMA's Website Tracking the 2014-15 State Budget

MMA is tracking the progress of the proposed 2014-15 state budget through our website, www.memun.org. The link to that information is found at the top of the home page of that website, identified as "*Tracking the 2014-15 State Budget*." The information on that website will be updated throughout the legislative session. Currently, the website contains a great deal of information about the impact of the Governor's proposals on Maine's towns and cities and the state's property taxpayers (both statewide and town-by-town), municipal resolutions that have been adopted in opposition to this massive tax shift, news articles and editorials on the subject, etc. The recommendations of the various legislative committees of jurisdiction (Taxation, Education, Health and Human Services) are now posted on the website as well.

Moving the PUC Into the Sewer Rate Business

The Energy, Utilities and Technology Committee held a public hearing on Thursday regarding LD 1342, *An Act To Ensure Just and Reasonable Sewer Utility Rates*, sponsored by Representative Treat (Hallowell). This bill authorizes the Public Utilities Commission (PUC) to regulate rate changes proposed by sewer and sanitary districts upon receiving a petition signed by at least 15% of the customers of a sewer utility, or 1,000 customers, whichever is less, with only one signature allowed per account. The bill directs the PUC, upon receiving a valid petition, to suspend, investigate and review the proposed rate change according to the same procedures the PUC uses to investigate rate change complaints for the utility services already under the PUC's jurisdiction (electricity, gas, telephone, and water utilities). LD 1342 authorizes the PUC to finally establish the sewer rate change.

The sponsor spoke in favor of the bill, as did former Representative Susan Farnsworth and Public Advocate Dick Davies. They provided the following key arguments in favor of the bill:

- The PUC is a more appropriate venue for review of sewer rate setting than Maine courts, which are slow, costly, and not necessarily sophisticated in the intricacies of utility rate-making. The PUC would be more familiar with the issues, quicker, less expensive, and perceived as more responsive and fair.
- Sewer rates have been more expensive than water rates.
- The PUC already handles water, so it makes sense to treat sewer utilities the same, at least for the purposes of appeals.
- Sewer districts would be required to file explanatory documents with the PUC at the time their rates are set, which would make a PUC appeal quicker since a basic level of evidence would be readily available for examination.
- Consistent oversight via the citizen petition process outlined in the bill will encourage better governance at the sewer districts.

Ten people spoke in opposition LD 1342, including Leonard Blanchette, General Manager for the Brunswick Sewer District; Dan Wells, Superinten-

dent of the Winthrop Sewer District; Michael Hanson, Superintendent of the Sanford Sewer District; Ed LaFlamme, Superintendent of the Warren Sewer District; Steven Levy, Executive Director of the Maine Rural Water Association; John Melrose of Eaton Peabody on behalf of the Maine Wastewater Control Association; an Engineer for the Auburn Water and Sewer District, and Jeff McNelly, Executive Director of the Maine Water Utilities Association. These opponents made the following arguments:

- The PUC may go beyond merely investigating the ratemaking to actually revising the rates. This revision would likely be downward, but it very well could increase the rates.
- Rates are currently set in the context of a long-term master plan for sustaining the infrastructure, and the PUC may not be able to appreciate these additional considerations.
- Sewers are the single most expensive infrastructure for municipalities to build and maintain.
- State and federal regulations obligate sewer districts to meet certain standards, and PUC rate reductions could make it impossible to meet requirements.
- Sewer districts are non-profit and are only trying to pay their bills. Relatedly, sewer services have been continually undervalued and there are rarely complaints that rates are unjust or unreasonable.
- The Legislature's initial intent was for sewer districts to reflect self-rule and be responsive to citizens at the local level, not the state level.
- The PUC does not in fact have expertise in sewer specifics. Appeals will thus not be as cut and dry as they have been made out to be, and they could very well be as costly as an appeal through the judicial branch if the appeal involves complex issues.
- In a sewer district with few users, 15% percent may be a very small number of people, so appeals to PUC could be relatively easy to instigate and therefore numerous.
- If a new appeals process is created, the Department of Environmental Protection may be a more appropriate venue

than the PUC.

- Past sewer rate issues have been sorted out at the local level, and consumers will not benefit from another layer of regulation.

Paulina Collins, Legislative Liaison for the Public Utilities Commission, testified neither for nor against this legislation. Her testimony came across as slanted toward opposition, however, as she noted the responsibility for sewer infrastructure management is largely a matter of local control. She added that the PUC cannot predict how many appeals it will get, but that the low number of appeals cited by proponents seemed optimistic. Ms. Collins also explained that the PUC had limited sewer jurisdiction in the past and has had no role in sewer regulation since 1975.

MMA's testimony briefly recapped points made by previous opponents. MMA pointed to the present difficulty in covering sewer district costs to highlight how the potential added cost of numerous PUC appeals could very well outweigh the cost of infrequent court appeals, thereby depleting already razor-thin municipal resources. MMA also reiterated the three current means of redress: The rate-setting hearing itself, election of sewer district trustees (or those who appoint them), and the current court appeals process. Finally, MMA noted its discomfort with removing local authority to the state level when home rule in this field has worked well for decades.

When questioned by Senator Cleveland, Public Advocate Davies noted there had been few sewer rate appeals to underscore the lack of a burden this legislation would place on the PUC. In doing so, Mr. Davies begged the question of why a new appeals process was necessary. Senator Cleveland also asked how the PUC would find the resources to take on a new area of appeals, and Mr. Davies suggested exploring whether the complainants themselves would be willing to pay. This raised some eyebrows amongst committee members, as well as in the audience. The work session on LD 1342 is scheduled for 2:00 p.m. on Wednesday, May 1st in Room 211 of the Cross State Office Building.

LEGISLATIVE HEARINGS

Monday, April 29

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

LD 1320 – An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions.

11:00 a.m.

LD 1432 – An Act To Revise the Laws of the Maine Criminal Justice Academy.

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

LD 215 – An Act To Protect Landlords When Tenants Fail To Pay Utility Bills.

LD 1115 – Resolve, Directing the Public Utilities Commission To Convene a Stakeholder Group To Study Reimbursement for Installation of Utility Poles.

Environment & Natural Resources
Room 216, Cross State Office Building, 9:00 a.m.
Tel: 287-4149

LD 1059 – An Act To Protect Maine’s Environment and Natural Resources Jeopardized by Mining.

LD 1324 – An Act To Protect Local Communities When a Mining Project is Terminated.

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

LD 882 – An Act To Amend the Laws Governing Confidentiality of Health Care Information To Enhance Public Safety.

1:00 p.m.

LD 846 – An Act To Improve and Modernize the Authority of Local Health Officers.

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

LD 1273 – An Act Pertaining to the Closing of Municipal Roads for Community Use.

LD 1280 – An Act Authorizing the Deorganization of the Town of Bancroft.

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 317 – An Act Regarding the Business Equipment Tax Reimbursement Program and the Business Equipment Tax Exemption Program.

LD 1120 – An Act To Improve Maine’s Tax Laws.

LD 1255 – Resolve, To Provide Greater Depth and Transparency to the Review of Foregone Revenue Identified in the Biennial Tax Expenditure Report.

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Other Updates *(cont’d)*

greater than the “lowest responsible bid.”

While municipal officials strongly support Maine businesses, they oppose LD 1357 because it potentially obligates property taxpayers to pay more than necessary for products and services. As an example, a municipality – perhaps a municipality located on Maine’s border with New Hampshire – could be required to pay an extra \$25,000 on a \$1 million road project. Taking into consideration the burdens currently placed on the property taxpayers, as well as the measures in Governor LePage’s biennial budget to appropriate for state government spending purposes over \$400 million of resources dedicated under current law to reduce property tax burdens, municipal officials strongly object to mandates that could potentially increase the cost of municipal projects.

Public Review of Performance Evaluations. By a margin of 8 to 3, the State and Local Government Committee voted “ought not to pass” on LD 1021, *An Act to Establish as a Public Record the Performance Evaluation of a Municipal Employee*.

Sponsored by Rep. Deane Rykerson of Kittery, the bill would make available for public review the performance evaluations of municipal employees. As detailed in

an article published in the April 5, 2013 edition of the Legislative Bulletin, the bill was submitted to address an issue that arose in Kittery over the determination that the performance evaluation of the police chief conducted by an independent agency was confidential. MMA provided testimony in opposition to the bill raising several objections, including the fact that the bill targeted municipal employees only, rather than all public sector employees. (Note: The Legislature’s discrimination against municipal employees is not uncommon. See the accompanying article on expanding Workers’ Compensation law for municipal firefighters rather than all “first responders”.)

After discussing the merits of LD 1021, a majority of the Committee voted against the measure. Two minority reports were advanced. One report amends LD 1021 to make the performance evaluations conducted by independent third party contractors available for public review. The other minority report requires certain evaluations of managers and department heads to be available for public review.

Firearms in Municipal Buildings. Rather decisively, the Committee passed up an opportunity to allow municipalities to enact ordinances preventing the carrying

of firearms in certain municipal buildings according to the same principles the state employs for its public buildings.

LD 1122, *An Act Allowing Municipalities to Enact Firearms Policies in Local Government Buildings*, sponsored by Rep. Matthew Moonen of Portland, would allow, but not mandate, local legislative bodies to enact ordinances prohibiting the carrying of firearms in “essential municipal offices”, defined as the office of the municipal clerk, treasurer, tax collector, assessor, manager or administrator and in “place of legislative assembly”, which includes areas where the town meeting or council assembles to adopt budgets, laws and ordinances. The bill simply provides municipalities with the same level of protection the state has extended to legislators, state agency employees and the general public who convene in the state’s capitol area.

Expressing concerns with “stepping on” Second Amendment rights, which this bill clearly does not do, as well as with the unsubstantiated claim that mass confusion would arise as the result of the enactment of a “hodge podge” of town office firearm prohibitions across the state, the Committee voted “ought not to pass” on LD 1122 by a margin of 8 to 3.

LEGISLATIVE HEARINGS (cont.)

1:15 p.m.

LD 1463 – An Act To Examine Best Practices Relating to Tax Expenditures.

Tuesday, April 30

Energy, Utilities & Technology

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

Tel: 287-4143

LD 1396 – An Act To Create the Lisbon Water District.

Inland Fisheries & Wildlife

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

Tel: 287-1338

LD 600 – An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band.

Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

LD 1228 – An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2013-14.

Transportation

Room 126, State House, 1:00 p.m.

Tel: 287-4148

LD 362 – An Act To Prohibit Use of Public Funds for a Private Transportation Study.

LD 870 – Resolve, Regarding a Study by the Department of Transportation of the Most Efficient Options for Improving East-west Transit and Transportation.

LD 985 – Resolve, To Repeal the Requirement That the Department of Certain Documents.

LD 1209 – An Act To Prohibit the Use of Public Resources for a Privately Owned East-west Highway.

LD 1269 – An Act To Require an Independent Analysis of the Impact of and a Review Process for an East-west Highway prior to Development.

LD 1304 – Resolve, Establishing the East-west Highway Study Commission To Oversee Further Study or Planning for an East-west Highway.

Wednesday, May 1

Marine Resources

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

Tel: 287-1337

LD 946 – An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields.

Thursday, May 2

Energy, Utilities & Technology

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

Tel: 287-4143

LD 1251 – An Act to Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market.

LD 1442 – An Act To Establish a Pilot Natural Gas Utility District in Maine.

Environment & Natural Resources

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

Tel: 287-4149

LD 1335 – An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine.

Judiciary

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

Tel: 287-1327

LD 313 – An Act To Create the Maine Online Privacy Protection Act.

LD 1377 – An Act To Protect Cellular Telephone Privacy.

Labor, Commerce, Research & Economic Development

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

Tel: 287-1331

LD 1198 – An Act to Protect Earned Pay.

LD 1420 – An Act To Return to Building Code Requirements in Effect Prior to the Adoption of the Maine Uniform Building and Energy Code.

Friday, May 3

Criminal Justice & Public Safety

Rm. 436, State House, 10:00 a.m.

Tel: 287-1122

LD 1229 – An Act To Regulate and Tax Marijuana.

Health & Human Services

Room 209, Cross State Office Building, 9:00 a.m.

Tel: 287-1317

LD 389 – An Act To Bring Fairness to General Assistance Programs by Changing the Method of Municipal Reimbursement.

LD 598 – Resolve, Directing All Relevant Agencies of State Government To Work in Concert with a Plan To End and Prevent Homelessness To Ensure That Resources Are Available To End Homelessness in the State.

LD 678 – An Act To Allow Random Drug Testing for Recipients of Certain Public Benefits.

LD 892 – An Act Regarding Municipal General Assistance.

LD 967 – An Act Regarding Residency Requirements for General Assistance.

LD 1030 – An Act To Require That Electronic Benefits Transfer System Cash Benefits Are Used for the Purpose for Which the Benefits Are Provided.

LD 1064 – Resolve, To Establish the Task Force on Independence from Public Assistance.

11:00 a.m.

LD 1416 – An Act Regarding Responsibility of General Assistance for a Person Who Is Released from Prison.

LD 1443 – An Act To Make Convicted Drug Felons Ineligible for TANF Assistance.

Inland Fisheries & Wildlife

Room 206, Cross State Office Building, 10:00 a.m.

Tel: 287-1338

LD 857 – An Act To Examine Fees Charged by Municipalities Concerning Outdoor-related Activities.

LD 879 – An Act To Increase State Wildlife Revenues and Grow the Hunting and Fishing Industries.

Transportation

Room 126, State House, 9:00 a.m.

Tel: 287-4148

LD 429 – An Act To Authorize a GARVEE Bond for the Repair of Deficient Arterial State Highways and Bridges.

LD 1168 – Resolve, To Establish the Commission To Study How To Improve Maine's Transportation Infrastructure.

LD 1257 – An Act To Create Corridor Transit Districts.

LD 1365 – An Act To Promote New Models of Mobility and Access to Transportation.

IN THE HOPPER

Health & Human Services

LD 846 – An Act To Improve and Modernize the Authority of Local Health Officers. (Sponsored by Rep. Cooper of Yarmouth.)

This “concept draft” bill proposes to direct the Maine Center for Disease Control and Prevention to update its manual for local health officers to reflect the health inspection rules adopted by the Center. The bill also requires the Center to provide annual training for, and regularly communicate with, local health officers. The bill also proposes to repeal the prohibition on local health officers entering licensed establishments for purposes of inspection, simplify and modernize the training for certain municipalities to select a local health officer, and repeal the requirement that a municipality appoint a local health officer.

LD 967 – An Act Regarding Residency Requirements for General Assistance. (Sponsored by Rep. Beaudoin of Biddeford; additional cosponsors.)

This bill amends the municipal general assistance requirements to establish criteria to determine the degree of residency in a municipality necessary to be determined potentially eligible for general assistance, including the requirement that a person be registered to vote in that municipality or have a Maine driver’s license or have registered his or her automobile in the municipality, if applicable. This bill also permits a municipality to establish a durational residency requirement of up to 6 months before a person who is not a resident of the State may apply for general assistance.

LD 1064 – Resolve, To Establish the Task Force on Independence from Public Assistance. (Emergency) (Sponsored by Rep. Newendyke of Litchfield; additional cosponsors.)

This emergency resolve creates a nine-person task force charged

with studying the state’s public assistance programs and developing recommendations designed to encourage recipients of public assistance to become independent from the various local, state and federal welfare programs. The nine members of the task force include 5 legislators and 4 members appointed by the Governor, one representing the Department of Health and Human Services, one representing low income residents, one representing employers, and one representing the Governor. The task force report must be presented to the Legislature by December 4, 2013.

LD 1416 – An Act Regarding Responsibility of General Assistance for a Person Who Is Released from Prison. (Sponsored by Sen. Gratwick of Penobscot Cty; additional cosponsors.)

This bill provides that if an applicant for General Assistance has been released from a correctional facility within 45 days of application, the municipality of responsibility for the General Assistance provided for the 12 months of payments of benefits is the municipality that was on record as the residence of the applicant when committed to the correctional facility

Legislative Bulletin

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