

## MMA's Legislative Agenda and Sponsors

Exactly one month ago MMA's Legislative Policy Committee finalized the Association's legislative agenda for the 2011-2012 biennium. That agenda includes 16 bills that can be organized into three categories: Tax Policy and Intergovernmental Revenue (5 bills); a package of "Anti-Mandate" legislation (9 bills); and a Catch-all category (2 bills). What follows is a brief description of each bill along with its prime legislative sponsor.

The municipal community wishes to express its sincere thanks to all legislators willing to put their name to a bill in order to advance an issue of municipal concern to the Legislature for consideration.

### Tax Policy and Intergovernmental Revenue

*An Act to Re-establish the Municipal Revenue Sharing Program as a Compact between the State and Municipal Government.* This bill makes the fund that holds the municipal revenue sharing money an "irrevocable trust fund," with an established board of trustees that is separate from the Legislature, in an effort to end the legislative practice of raiding the revenue sharing account. **Sponsor: Senator Tom Saviello (Franklin Cty.)**

*An Act to Amend the Homestead Property Tax Exemption.* This bill makes the Homestead Property Tax Exemption program more straightforward by setting the face value of the exemption at \$5,000 (rather than \$10,000), with the state fully reimbursing the \$5,000 exemption rather than reimbursing only half of the \$10,000 exemption. For those communities where an unreimbursed homestead exemption makes sense, the bill also establishes a local option opportunity whereby the legislative body of any town or city could establish a locally approved homestead exemption to piggy-back on

the State's \$5,000 exemption, recognizing that the local-option component will not be eligible for state reimbursement. The maximum value of the local-option exemption would be \$10,000, making the maximum value of the combination local and state exemption \$15,000. **Sponsor: Representative Kathy Chase (Wells)**

*An Act to Limit the Motor Vehicle Excise Tax Exemption Provided to Charitable Corporations and Literary and Scientific Institution.* For reasons that are not entirely clear, the so-called "charitable" corporations and "literary and scientific" institutions that are exempt from paying any property taxes also enjoy an exemption from paying any motor vehicle excise taxes on the automobiles they own. This bill repeals that exemption for the literary and scientific institutions, which are primarily the private colleges and the prep schools. The bill also limits the exemption for the charitable corporations so that it would apply only to those vehicles that are used predominantly to transport or

deliver tangible goods to persons who are eligible for charitable services. **Sponsor: Representative Michael Celli (Brewer)**

*Resolve: To Position Maine to Become a Member of the Streamlined Sales and Use Tax Agreement By 2012.* The Streamlined Sales and Use Tax Agreement was initiated 10 years ago by the National Governors' Association and the National Association of State Legislatures. The Agreement allows any state to voluntarily conform the definitions and certain administrative provisions in their respective sales tax codes to uniform standards. With that done, and when authorized by Congress, the sales taxes can be applied uniformly and equitably to retail transactions whether they occur in bricks-and-mortar stores, over the Internet, or through catalogues. Using conforming definitions and administrative procedures does not limit the ability of any state to decide to tax or not tax certain retail transactions. Forty-four states, including Maine, are

*(continued on page 2)*

## Legislative Policy Committee Meeting Rescheduled

MMA's Legislative Policy Committee (LPC) was scheduled to meet for the first time in 2011 on Thursday, January 20<sup>th</sup> to stake-out the Association's position on each of the municipally-related bills that have been printed thus far.

The pace of bills being printed in the early weeks of a legislative session is slower this year than in the recent past. For that reason, the January LPC meeting has been pushed a little deeper into the session to make sure there will be a full agenda for the 70 assembled municipal officials to consider. The rescheduled LPC meeting will take place on:

Wednesday, January 26, 2011

MMA Building in Augusta

10:00 a.m. – 12:00 noon – Subcommittee meetings

12:00 noon – 1:00 p.m. Lunch

1:00 p.m. – 3:30 p.m. – Business Meeting

## Agenda (cont'd)

participating in the agreement; 24 states are full members. This resolve directs Maine Revenue Services to prepare a report identifying all changes to Maine's sales tax code that would need to be enacted for Maine to become a full member state with the Streamlined Sales and Use Tax Agreement, including the policy options associated with each change, and to submit that report to the Taxation Committee by September 15, 2011. On the basis of that report, the resolve further authorizes the Taxation Committee to develop legislation that would conform Maine's sales tax code to the Agreement, and cause that legislation to be submitted to the Second Regular Session of the 125<sup>th</sup> Legislature. **Sponsor: Representative Elsie Flemings (Bar Harbor)**

*An Act to More Closely Coordinate the Farmland Tax Program with the Tree Growth Tax Program With Respect to Forested Farmland.* Under current law, a person may transfer property enrolled in the Tree Growth tax program into the Farm and Open Space tax program without penalty, and the forested acreage included in that transferred parcel is treated for all taxation purposes as though it was still in the Tree Growth tax program. The affected municipality, however, loses the Tree Growth reimbursement it was receiving from the state that was associated with the forested acreage, and the landowner is under no obligation to provide a forest management plan with respect to the forested land included within the transferred parcel. This bill provides that the municipality will still receive Tree Growth reimbursement for that forested property even after such a conversion. The bill also requires the

landowner to continue to comply with the forest management plan requirements associated with the forested land being transferred. **Sponsor: Representative Phil Curtis (Madison)**

### Addressing State Mandates

*An Act to Regulate Municipalities and Schools in the Same Manner as All Other Boiler Operators.* This bill would repeal an archaic requirement for the municipalities and schools to have their boilers inspected by the State. No other businesses or places of public accommodation are required to have their normal-sized boilers inspected by the State. **Sponsor: Representative James Gillway (Searsport)**

*An Act to Correct, Clarify, and Amend the Laws Governing the Enforcement of the Statewide Uniform Building Codes.*

A number of clarifications and fix-ups need to be enacted in order to smooth-out implementation of the state's uniform building code. One primary concern to municipalities is that there won't be a sufficient number of "Third Party Inspectors" available to meet the private-sector inspection capacity necessary to keep this process from becoming a very significant municipal mandate. Among other changes, this bill eases that pressure by allowing municipal code enforcement officers to provide third party inspection services in communities that they are not serving. **Sponsor: Senator Tom Saviello (Franklin Cty.)**

*An Act to Build Accountability into the General Assistance Law.* Municipal officials do not believe that General Assistance (GA) resources should be provided to individuals who recently forfeited by their inappropriate behavior the same resources that were being provided through another social service program. That is already the case under Maine law for GA recipients already in the program, but it is not the case for the first time applicants. This bill would make the consequence of forfeiting public assistance resources the same for both "repeat" and "first time" GA applicants. **Sponsor: Representative Meredith Strang-Burgess (Cumberland)**

*An Act to Amend the Requirements for Status for Publishing Municipal Legal Notices.* This bill would allow municipalities to meet their legal noticing

requirements by placing those notices in the less expensive "shopper notes" newspapers – rather than the daily newspapers – provided the alternative newspapers are distributed to all residents either for free or at a subscription cost below the subscription cost of the dailies. The bill also allows for certain electronic notification systems to meet the legal noticing requirements. **Sponsor: Representative Teresea Hayes (Buckfield)**

*Resolve: To Amend the Department of Environmental Regulations Regarding Snow Dumps, Chapter 573.* This bill would provide an exemption from the requirement to get a license from the Department of Environmental Protection for snow dump operations when the snow dump is controlled by a municipality for the primary purpose of removing accumulated snow from public right of ways for the safety and convenience of the traveling public. **Sponsor: Representative Sheryl Briggs (Mexico)**

*An Act to Allow Municipal Treasurers to Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signature.* Current law allows municipal treasurers to use facsimile signatures on certain forms that are filed in the county registries, but there is no express authority to use facsimile signatures on other forms that must be filed. Because some county registrars are refusing to file any forms with facsimile signatures unless the law expressly authorizes facsimile signatures, this bill creates the express authorization. **Sponsor: Representative Alan Casavant (Biddeford)**

*An Act Regarding InforME-based Credit Card Transactions.* This bill directs the board that governs the Information Resource of Maine system (InforME) to take the necessary steps so that when a customer pays his or her motor vehicle excise tax through the InforME-based "rapid renewal" system, the "convenience fee" or "merchant fee" that is incurred by that transaction is borne by the customer rather than the municipality. **Sponsor: Representative Dennis Keschl (Belgrade)**

*An Act To Provide for Legislative Review of Rules Promulgated by the Board of Environmental Protection Regarding Landfill Gas and Odor Management at*

(continued on page 6)

### Legislative Bulletin

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# Joint Standing Committees of the 125th Legislature

\* Prime sponsor of a MMA bill;  
♦ Sponsors the distribution of the *Legislative Bulletin* to the full Senate or House;  
★ Current or former members of MMA's Legislative Policy or Executive Committee

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(continued on page 4)

# Joint Standing Committees of the 125th Legislature

- \* Prime sponsor of a MMA bill;
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Asst. Min. Leader: Teresea Hayes (Buckfield) \*

# Norman Nelson



Norman Nelson, selectman in the Town of Machias and highly respected representative to MMA's 70-member Legislative Policy Committee, died on Tuesday, December 14, 2010 after a short illness. He was believed to be the oldest elected official in Maine, serving as selectman until his death at the age of 92.

Norman's life was the exemplar of service to community. For all but his earliest childhood years, and right up until the end, Norman served his communities of Roques Bluff and Machias, Washington County, the State of Maine and the United States of America. He volunteered in the U.S. Army and landed at Normandy on D-Day, served two terms in the state's House of Representatives, represented Washington County as the delegate to state Democratic conventions, served a four-year term as a Washington County Commissioner, and was a long-time selectman in the towns of Machias and Roque Bluffs.

Norman also served his communities in several other capacities, including as police officer, fire chief, emergency medical technician, school bus driver, school board member and planning board member. He also served on several other boards and committees in his community and county.

Just by his presence alone, Norman Nelson was a bright light on the Legislative Policy Committee. The man was the embodiment of that inherent sense of civic duty that is often attached to people deep into municipal government but is sometimes now regarded as being old-fashioned or out-of-step with new cultural priorities. If those of us who staff MMA's Legislative Policy Committee had to identify a hero, a person of Norman Nelson's make-up would be our pick.

## 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 17 – An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State. (Sponsored by Rep. Davis of Sangerville; additional cosponsors.)

This bill repeals the law creating the Land Use Regulation Commission (LURC) effective July 15, 2010. In the interim, the bill directs the Commission to develop a comprehensive proposal to implement the transition of all responsibility for land use planning in the unorganized territories to the respective counties. The transition plan developed by the Commission must provide for: (1) the completion of all large-scale projects currently before the Commission; (2) the transfer of all information regarding all other Commission activities to the appropriate counties; (3) the assumption by the State of all costs incurred by the counties associated with any current projects that are not to be completed by the Commission; (4) the authority for the counties to assess their unorganized territories for the costs associated with providing land use services to those areas, provided those assessments are no greater than the current LURC assessments; and (5) the authority for the counties to assess service fees on any towns that choose to use the county's land use regulatory services, provided those fees are no greater than currently assessed by LURC. The Commission's proposal must be submitted to the Legislature by December 2, 2011.

### **Criminal Justice & Public Safety**

LD 8 – An Act To Increase the Maximum Distance from a School within Which a Sex Offender May Not Reside That May Be Set by

Municipal Ordinance. (Sponsored by Sen. Courtney of York Cty; additional cosponsors.)

This bill amends the law governing municipal sex-offender residency ordinances by expanding the maximum amount of distance between a sex offender's residence and a public school or playground that can be required by ordinance. Under current law, that maximum setback is 750 feet. This bill would expand the maximum setback to 2,500 feet.

LD 35 – An Act Relating to Concealed Firearms Locked in Vehicles. (Sponsored by Rep. Cebra of Naples; additional cosponsors.)

This bill provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible.

### **Education & Cultural Affairs**

LD 18 – An Act To Extend the School Year. (Sponsored by Rep. Edgecomb of Caribou; additional cosponsors.)

This bill expands the public school year from 180 days to 185 days. No less than 2 days of that 5-day increase must be used for instruction. 3 days of the increase may be used for in-service education of teachers, administrative meetings, parent-teacher conferences, etc.

### **Taxation**

LD 9 – An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation. (Sponsored by Sen. Courtney of York Cty; additional cosponsors.)

This bill captures all General Fund revenue that accrues to the state each year in excess of the previous year's General Fund revenue as adjusted by the State's "LD 1" growth factor, and places that revenue in the Tax Relief Fund for Maine Residents. Whenever that Fund exceeds \$1,000,000, this bill directs the State Tax Assessor to submit legislation to reduce the state income tax. That reduction can be achieved by reducing the income tax rate until the rate of 4.5% is reached and/or increasing to \$30,000 the income threshold below which no income taxes are owed.

## Agenda (cont'd)

*Solid Waste Facilities.* This bill would establish certain solid waste management rules that are in the process of being promulgated by the Department of Environmental Protection as “major substantive” rules. As developed in an early draft, the rules would have a significant financial impact, both direct and indirect, on Maine’s towns and cities. By establishing the rules as “major substantive” rules rather than “routine technical” rules, the Legislature will have the final say on the adoption of the regulations, and in that process the financial impacts to the municipalities will be more publically articulated. **Sponsor: Representative Bernard Ayotte (Caswell)**

*An Act to Provide Municipalities with Reciprocal Rights to Rent Space for Street Lights on Utility Poles Located in Municipal Rights of Way.* This bill would provide municipalities with: (1) a right to rent the appropriate space on utility poles to attach municipally owned street lights; (2) an opportunity to have greater say in the style of streetlight and the nature of lighting provided; (3) a direct influence with respect to the efficiency of the lighting provided; and (4) much greater flexibility when deciding to change where and when the street lighting is provided. **Sponsor: Representative Lance Harvell (Farmington)**

### The Catch-All Bills

*An Act Regarding Maine’s Freedom of Access Law.* This bill adds an excep-

tion to the definition of “public record” within Maine’s Right to Know law to make it clear that parties engaged in litigation are bound by the Maine Rules of Court governing discovery and cannot use Maine’s Freedom of Access Law to end-run those rules. **Sponsor: Senator Larry Bliss (Cumberland Cty.)**

*An Act to Provide Municipalities the Same Rights as the State With Respect to Restricting Firearms in their Capitol Areas.* This bill gives the legislative body in each municipality the home-rule right to adopt an ordinance restricting the carrying of firearms in that town or city’s essential municipal offices and places of legislative assembly, just as the State has reserved those restrictions for itself in its Capitol Area. **Sponsor: Senator Roger Katz (Kennebec Cty.)**