

Municipal Leaders Push Back on Deep Cuts to Local Government

On Friday last week, a group of municipal officials testified before the Appropriations Committee and the Taxation Committee in opposition to deep cuts to municipal revenue sharing in Governor Baldacci's proposed supplement budget (LD 1671).

Revenue Sharing. Although completely unchoreographed, the group made a well-balanced presentation to the two committees that was forceful in tone but respectful, simultaneously data-based and passionate, and which squarely confronted the rationalization offered by the Baldacci administration suggesting that over \$200 million in direct cuts to local government over this biennium can be readily absorbed with just a little more municipal attention to efficiency.

Mexico town manager John Madigan kicked off the testimony from a data-based, real-impact perspective, demonstrating with a series of graphs the degree to which the revenue sharing cuts already enacted have begun to seriously erode that component of the overall budget and how that reduction puts immediate pressure on the property tax component.

Biddeford's Mayor Joanne Twomey kicked it into overdrive with a passionate exhortation for the Legislature to consider temporarily raising some additional broad-based tax revenue to give the towns and cities at least a fighting chance to control property tax increases.

Respectfully but without a hint of equivocation, Portland's Mayor Nick Mavodones described the extremely difficult steps the state's largest city has already taken in response to the revenue shortfalls that are being experienced, in-

cluding significant layoffs, salary freezes and broad reductions in service delivery. Adding to that, the City is now faced with over \$4 million in cuts to school aid and revenue sharing for the current year, with even deeper cuts (including slashing Portland's General Assistance reimbursement) scheduled for the next fiscal year fast approaching. The Mayor also directly addressed and refuted the implications advanced by the State Planning Office that deep cuts to municipalities are warranted to prod them toward greater efficiencies, pointing out that Maine's municipal officers are constantly trying to discover more efficient delivery systems for the benefit of their constituents, and don't need to be prodded to do their job

by Augusta.

Auburn City Manager Glenn Aho notched up that observation by describing all the collaboration that has been accomplished in the Auburn-Lewiston area and noting that those efforts are now being undermined, rather than rewarded, with the deep cuts in school subsidy and revenue sharing, and with the "push" of the Homestead Exemption reimbursement into a subsequent fiscal year. Because Auburn will have to cover the "pushed out" reimbursement for that fiscal year, the benefits of the Homestead Exemption to Auburn's residents next year will approach zero.

MMA also testified in opposition to

(continued on page 2)

Auld Lang Syne

A new year is a common time for a look back, before looking forward to the challenges and opportunities ahead. Even more-so, perhaps, with a new decade. The cyclical nature of government affairs, however, doesn't conform easily to annual or decennial reviews.

On the occasion of Governor Baldacci's final "State of the State Address" (scheduled for Thursday, January 21), and as the Legislature continues to further develop the Governor's proposed final budget, we have assembled data regarding the two significant municipal budget items: revenue sharing and General Purpose Aid for Local Schools (GPA).

The indicators compare the Governor's first full-budget year, FY 2004, with

his last, FY 2011. For the first fiscal year, actual expenditures and revenues are used. For the last fiscal year, the data comes from both the budget enacted last spring and Governor's proposed supplemental budget for FY 2011. The source for all numbers is the Legislature's Office of Fiscal and Program Review.

General Fund Revenues

While General Fund revenues over the eight-year period appear to be flat, the General Fund actually increased steadily from FY 2004 to the peak in FY 2008, and then began a steady and deepening decline. The peak revenue level in FY 2008 was \$3.087 billion. (*see TABLE 1*)

(continued on page 3)

BUDGET (cont'd)

the proposed \$27 million in municipal revenue sharing cuts which are being piled on top of the \$44 million in revenue sharing cuts enacted last spring. MMA's testimony focused on the effective doubling up of the revenue sharing cut in the Governor's proposal. The revenue sharing cut is based roughly on the notion that all state programs should be exposed to something like a 10% across-the-board cut...a "shared pain" philosophy. Revenue sharing is unlike all other programs, however, because revenue sharing funds are not appropriated by the Legislature in a fixed amount. Revenue sharing is designed as 5% of the state's sales and income taxes, therefore revenue sharing funds automatically adjust downwards when state revenues fall. The Governor's proposed \$27 million in new revenue sharing cuts comes on top of the natural reduction, and doubles the impact.

Tree Growth. MMA also testified in opposition to the \$531,000 in proposed cuts to Tree Growth reimbursement for the upcoming fiscal year, which would be piled on top of over \$900,000 in cuts to reimbursement enacted last spring. The Tree Growth cut is especially targeted to small rural communities which have a disproportionate amount of their land locked up in the Tree Growth program.

As part of the testimony on Tree Growth, MMA observed:

"In coastal Maine and along inland waterfronts, the Tree Growth tax program is begging for reform. Wealthy residential homeowners with waterfront lots are using the Tree Growth program as a tax dodge, pushing their obligations to contribute to the public charge onto their neighbors, and the municipal efforts to address those abuses are repeatedly rejected at the leg-

islative level...Municipal officials believe that a positive outcome of tough economic times is a new-found willingness to drill down into programs to make them more accountable. They believe it is wrong to simply cut Tree Growth reimbursement without even trying to address real problems in the program's design."

In response to that observation, some members of both Committees expressed an interest in reviewing possible ways to address that issue. On Tuesday this week, MMA presented a specific proposal to the Taxation Committee in follow-up. That proposal would make three changes to the laws governing the Tree Growth tax program.

- It would incorporate into Tree Growth law a provision that pertains to the enrollment of land in the "Open Space" tax category, which prohibits including within the Tree Growth enrollment the minimum lot upon which a structure sits, and for structures that are located within the shoreland zone, essentially prohibits the inclusion of the land between the building and the water by excluding at least the minimally-required water frontage;

- It provides that the 10% "discount factor" that is applied in the calculation of Tree Growth acreage values for the stated purpose of "reflecting the growth that can be extracted on a sustained basis" does not apply with respect to the Tree Growth parcels smaller than 100 acres in size because Tree Growth law already prohibits the enrollment of acreage that limits the growth of trees, such as ledge, marsh, open swamp, bog land, and there is no obvious barrier to the efficient extraction of growth in a sustainable manner on the smaller woodlots; and

- It removes the confidentiality provisions that apply to forest management plans prepared for Tree Growth parcels that are smaller than 100 acres in size. The key to qualifying a property for Tree Growth enrollment are the details of the parcel's forest management plan, but those plans are currently subject to proprietary confidentiality and cannot be either retained or reviewed by a board of selectmen that does not have assessing authority or virtually anyone else who is not an assessor. Proprietary confidentiality may make some sense with respect to large industrial forest land holdings, but if we are going to figure out the problem

associated with using the Tree Growth program as a tax dodge for residential property, we must first be able to review what is currently in those forest management plans. To accomplish that task, the existing impediments to that review should be removed for the smaller parcels.

Please talk to your legislators about advancing changes to the Tree Growth laws to get at the "tax dodge" problem.

General Assistance. The budget issue shifted to the General Assistance program on Monday this week, when the Appropriations Committee in conjunction with the Health and Human Services Committee accepted public testimony on the Governor's proposal to eliminate the special General Assistance reimbursement formula that applies to municipalities with a disproportionate share of GA expenditure.

If this proposal had been in place for the most recently-completed fiscal year (FY 09), it would have saved the state's budget \$1.88 million, pushing those expenditures onto the municipalities. Since the special reimbursement formula is designed as a circuit breaker to kick-in only in extraordinary circumstances, just 12 municipalities would be impacted by the proposal statewide, and over 92% of the cut to reimbursement would fall on Portland and Bangor. Based on 2009 data, Portland would lose about \$1.25 million a year, and Bangor would lose about \$490,000. Because GA expenditures are going up in this down economy, the municipal losses would probably be greater next year.

Leaders from both ends of the municipal population spectrum testified in opposition to these extremely targeted cuts. Portland City Councilor John Anton testified in opposition, explaining to the two Committees the extraordinary social service challenges a city like Portland faces. Councilor Anton refuted any suggestion that this cost shift to the City of \$1.25 million should be rationalized by lawmakers as some kind of response to inefficient administration. The standards of General Assistance are dictated by statute, and GA applications in Portland grew by 36% during the last fiscal year and are already up by an additional 40% this year. This deep cut to General Assistance reimbursement compounds the

(continued on page 6)

Legislative Bulletin

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

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

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

NEW YEAR (cont'd)

of the state budget. Twelve years later, in FY 2004, a mere 27% of the the state

EPS formula. Assuming the FY 2011 General Fund budget is approximately \$2.7 billion, GPA will constitute just under 32% of the General Fund.

TABLE 1

	General Fund Revenues
FY 2004 (actual)	\$2.68 billion
FY 2011 (forecasted)	\$2.72 billion
% Change	+1.5%

Contrast with Municipal Revenue Sharing

State law provides that Maine municipalities receive 5.0% of state sales and income tax revenues in FY 2011; in FY 2004, municipalities received 5.1%. The statute governing revenue sharing has had various tinkering and amendments over the past eight years. The most significant change involved the creation and subsequent destruction of the regionalism fund promoted by municipalities. But,

budget was devoted to education. Property taxes bore the brunt of that state neglect.

The result was that a citizen's initiative, Question 1A, was adopted by the voters in June 2004, obligating the state to meet its long unfulfilled promise to fund 55% of the cost of education. The fiscal impact of this initiative was first felt in FY 2006 and state aid to education peaked in FY 2008 at \$978 million (a \$250 million increase from FY 2004). As a percentage of the state-controlled model for adequate educa-

In other words, the share of the General Fund devoted to education aid will be higher than it was in 2004, but the share of K-12 education costs (as defined by the state) covered by state resources will be no higher than it was in 2004, and far below the 55% standard established in law by Maine's voters.

Data-based Decision Making

In the spirit of Auld Lang Syne, we also thought it would be a good time to dust off the research that occurred during this period regarding state and local government spending. There are some, including the State Planning Office, that suggest deep cuts to local government are warranted in order to eke-out greater efficiencies at the local level. It turns out that the objective data shows that criticism to be somewhat misplaced.

TABLE 2

	FY 2004	FY 2011 (current)	FY 2011 (proposed)
Amount	\$109.3 million	\$97.4 million	\$82.4 million
% Change		-10.9%	-24.6%

the share provided to municipalities has not effectively changed – until now. (See TABLE 2)

A poor economy cuts the amount of income and sales taxes received by the state and therefore automatically cuts the state's revenue sharing program. This is unavoidable and municipalities must accept their share of the loss. The objection is that the Governor and Legislature are artificially imposing additional cuts into the program. Revenue sharing is not simply 5% of a smaller pie caused by a bad economy; the Governor proposes to give the municipalities a smaller piece of that smaller pie. If the supplemental budget is adopted as proposed, the municipalities' share of the broad-based taxes will effectively be reduced from 5% of state sales and income tax revenue to a mere 3.4%.

tion, the Essential Programs and Services

TABLE 3

	FY 2004	FY 2011 (proposed)
Amount	\$699 million	\$852 million
% Change		+15%
Annual % Change		+2.1%

formula, the state was providing 51.6% of the cost of K-12 education. The state never reached its 55% obligation.

However, despite this significant increase in aid, education funding comprised just under 31% of the General Fund in FY 2008. Contrary to claims otherwise, education funding did not displace other state-level programs. It was merely restored to its historic average. (See TABLE 3)

The subsequent downturn in the economy has been acutely felt in aid to education. The proposed FY 2011 allotment of \$852 million represents a \$100 million reduction from the FY 2008 peak. It is also constitutes less than 44% of the cost of K-12 education according to the

Brookings Institution

The most in-depth analysis of spending in Maine as compared to spending by other states conducted in this period was done by Professor Philip Trostel of the University of Maine. He did the research

for the Brookings Institution's "Charting the Maine Course" report that was issued in 2006.

Brookings noted that "Maine local government lives up to its reputation for frugality in much of the state. Rural towns especially remain relatively cost effective in their provision of most services, in part thanks to the living tradition of volunteerism." Brookings promoted more regional efforts for municipalities, especially in fast growing, suburban municipalities in Southern Maine. It strongly supported the regionalism fund enacted as part of Question 1A, which was subsequently raided and finally eliminated by the Legislature.

General Purpose Aid to Education

Throughout the 1990's, the portion of the state's General Fund devoted to education aid fell. In FY 1992, education spending consumed approximately 33%

(continued on page 4)

NEW YEAR (cont'd)

For state government, Brookings rang the bell of alarm. “*Maine needs to launch a major, top-to-bottom review of state government, given its large size, its relatively high costs, and the potential fiscal savings located there.*”

The Trostel research that substantiated these statements from Brookings consisted of an analysis of U.S. Census data for all states for fiscal year 2002. The professor’s research, all 133 pages and 52 tables, is available on the internet. (<http://www.growsmartmaine.org/brookings/payroll.pdf>).

For convenience sake, MMA staff has provided an abridged version of the Trostel research and it is available on the MMA website (<http://www.memun.org/public/MMA/svc/SFR/BudgetCuts.pdf>).

The bottom-line conclusions are:

- State spending is too high when compared with national and peer state averages.
- Education spending is too high when compared with national and peer state averages.
- Municipal spending, is typically below national and peer state averages.

Of particular importance to municipalities was Professor Trostel’s consistent finding that the number of municipalities in Maine do not contribute to unnecessary cost in the delivery of local government

services based upon the objective data. That is, the number of municipalities delivering a service does not correlate to higher costs. This directly contradicts the new campaign by the State Planning Office to suggest to the public that there is a correlation.

Maine Heritage Policy Center

The Maine Heritage Policy Center, a conservative think tank that promotes lower spending and taxes also did an analysis in 2008 of state and local government spending using fiscal year 2006 data.

The findings of that report, “Maine Spends Too Much...But Where?” were consistent with the Trostel research.

“*Maine ranks #5 in state spending burden.*”

“*Maine ranks #41 in local spending burden.*”

“*The one area of concern in local spending is the high portion spent on education, where...Maine ranks #19.*”

The research attributed all K-12 education spending in Maine to the local spending burden. So the significant state aid to education was not counted as state spending.

The MHPC broke out government spending into its component parts, including administration. Maine state government had the 13th highest expenditures in the country on government administration; Maine local government spending

on administration was 35th in the nation.

Federal Reserve Bank of Boston

Finally, the Federal Reserve Bank of Boston did an analysis in 2005 of state and local employment levels among New England states versus the national average. The report, *New England Fiscal Facts*, Summer 2005, used 2003 Census data.

The results again pointed to concerns with state government and relative frugality by local government.

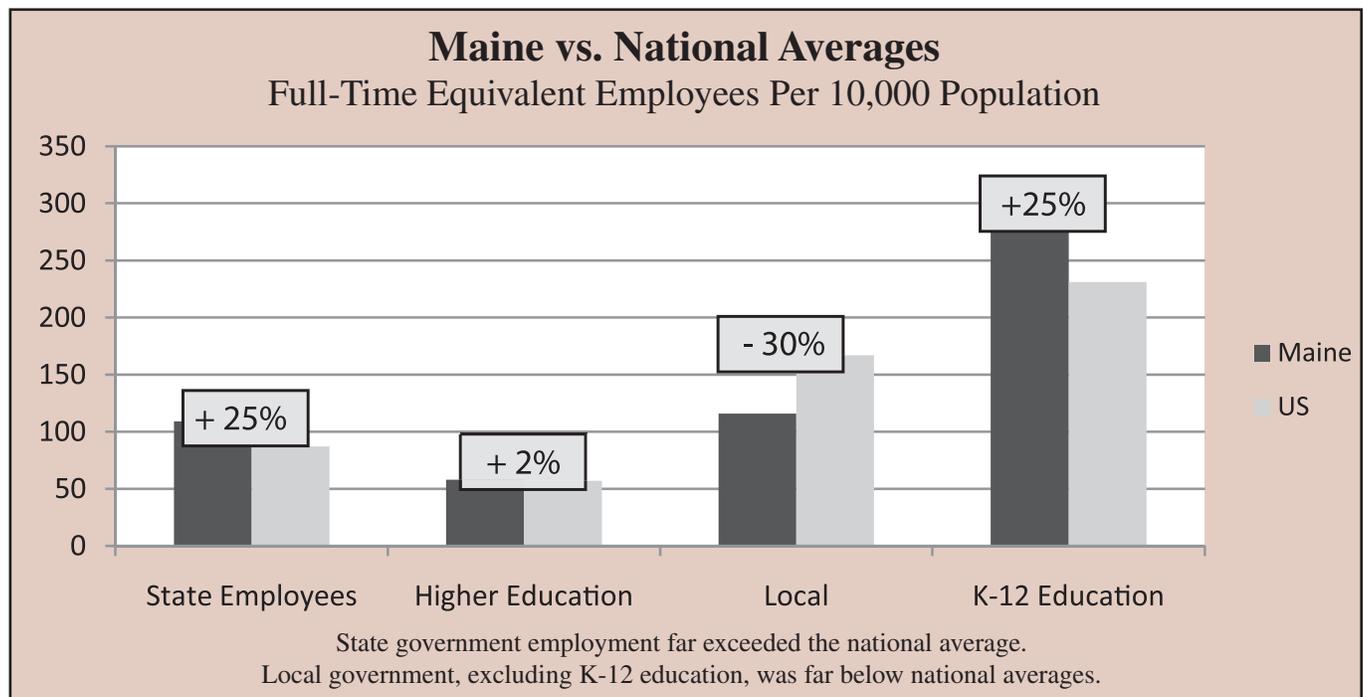
State government employment far exceeded the national average. Local government, excluding K-12 education, was far below national averages. (See chart below)

Conclusion

In these tough budgetary times, the need for savings is great. Calls for “doing more with less”, “increasing efficiency” and “eliminating waste” should be heeded.

But when state government leaders feel the urge to lecture local government leaders on the subject of efficiencies, all of these data should be placed on the table.

State government would be wise to focus its energies finding savings in the areas it controls. The Brookings Institution, the Maine Heritage Policy Center and the Federal Reserve Bank of Boston all provide data to help focus that effort.



Nonprofit Gambling – Pushing the Limits of the Property Tax Exemption Law

On Wednesday this week, the Legal and Veterans Affairs Committee voted to table further action on LD 1437, *An Act to Permit Video Gaming for Money Conducted by Nonprofit Organizations*. The reason for the tabling motion was to allow a group of interested parties to restructure the proposal to focus on keno, rather than on video gaming.

As originally drafted, the bill would enable certain nonprofit organizations, including veteran and fraternal organizations, to offer their membership and/or the general public money-making video gambling opportunities, such as video poker. Under existing law, video gaming machines can only be used for entertainment purposes with the “payouts” limited to credits to play more games. As proposed, LD 1437 would enable eligible organizations that receive appropriate state licenses to use video gaming to generate revenue for the organizations and provide cash “payouts” to the successful gamblers.

As currently written, the bill interacts with municipal government in two ways: 1) a state license to provide the “for-cash” gaming opportunities could only be issued if the municipal officers approve the initial application; and 2) the bill requires the state to invest 10% of its share of the gaming proceeds into the municipal revenue sharing program. According to testimony provided at the public hearing on LD 1437 last spring, it is estimated that the municipalities’ share of the state proceeds would be \$2 million.

Since 2006, the Legislature has been transferring money out of the revenue sharing program every year – from a few million dollars a year to over \$40 million a year. Accordingly, municipal officials have no reason to believe that the promised share of the proceeds would actually materialize in the near future. A stronger municipal benefit would be to remove the tax exempt status of these “non profit” organizations if they elect to provide money-making gambling

opportunities within the community.

At the work session, MMA was asked to clarify the municipal opposition to the bill and its connection with the law governing tax exempt property. Municipal officials oppose LD 1437 because they believe that by authorizing nonprofit organizations to raise revenue through video gaming, the mission of the organizations, which are directly linked to the property tax exemptions received, is significantly changed. As provided for under the tax exemption law, charitable organizations are exempt from paying any property taxes because of the charitable work they perform for their members, residents, community and the state. The applicable standard is that the exempt property be owned and used solely by the exempt institutions for their charitable purpose.

By enabling these organizations to raise funds through gaming, municipal officials believe that their core mission is significantly changed. This money-making gaming opportunity would provide these organizations with access to a significant amount of revenues, raising questions as to why they should continue to benefit from a property tax exemption.

Even though these institutions are provided a tax exemption, their property is still served and protected with property tax resources. The streets to these facilities get plowed, the fire department is at the ready, the police come out when called. The financial burden of protecting exempt property is shifted to other taxpayers. Because of this shift to the non-exempt property taxpayers, municipal officials take seriously the laws that provide property tax exemptions and have fought for decades to have those laws amended to ensure that only those organizations that are actually providing charitable services benefit from the exemption.

At Wednesday’s work session some members of the Committee indicated that they shared the municipal frustra-

tion with the existing exemption laws but do not believe that there is the time necessary in this legislative session to address broad tax exempt policy changes. They also were not convinced LD 1437 is the appropriate vehicle for such policy level changes.

While time might be limited in this session to make significant long-term policy changes, municipal officials believe short-term solutions are achievable. One place to start would be to require nonprofit organizations that choose to provide cash gaming opportunities to pay their property taxes. Either LD 1437 or the supplemental budget bill appear to provide the perfect vehicle for reform. And there is probably no more relevant bill to address this issue than the bill that provides non-profit tax exempt organizations with a money-making gaming authority.

Taking into account the effort currently being undertaken by the Appropriations Committee to find the revenues necessary to balance the state’s FY 10/ FY11 General Fund budget, this is the perfect opportunity to make responsible public-policy changes.

Mobile Service Bars. At its Wednesday work session, the Committee also voted unanimously to support an amended version of LD 1596, *An Act Regarding Mobile Service Bars at Municipal Golf Courses*. As sponsored by Sen. Joe Perry of Penobscot County, the bill would allow a restaurant or lounge leasing property on a municipally-owned golf course to provide mobile bar services. Under existing law, the mobile bar services must be provided by a golf course employee. This bill would enable a business that is already contracted by the municipality to provide restaurant/lounge-related services to provide the mobile bar service as well.

The Committee amendment adds an emergency preamble to the bill making the law effective as soon as it is signed by the Governor.

Update on Taxation Carryovers

On Tuesday this week the Taxation Committee made decisions on several carryover bills of municipal interest.

Killed – LD 588. Restructuring the motor vehicle excise tax. LD 588, sponsored by Rep. Don Pilon of Saco, would restructure the motor vehicle excise tax in a revenue-neutral way, by holding the rate of the tax at 20 mills regardless of the year of registration, and incrementally reducing each year the percentage of the manufacturer’s suggested retail price (MSRP) to which the 20-mill rate would be applied.

Based on the observation that municipalities do not need any more administrative mandates to deal with in this tough economy, the Committee unanimously voted “ought not to pass” on LD 588.

Still alive – LD 195. Cutting the motor vehicle excise tax. LD 195 would cut municipal excise tax revenue by 10% each year, or by over \$20 million annually, by applying an across-the-board 10% reduction to the value of the MSRP against which the various excise tax rates are applied.

Two members of the Taxation Committee, Rep. Gary Knight of Livermore Falls and Rep. Kathy Chase of Wells, voted “ought to pass” on LD 195. The seven remaining members of the Taxation Committee who were present voted “ought not to pass” on the bill.

Because it is a divided report, it will likely be debated on the floor of the House and the Senate. You should contact your legislators and urge them to oppose yet another cut to municipal revenue, coming on top of the more than \$200 million in direct cuts to municipal government over this biennium that have been enacted and are being proposed.

Killed – LD 622. Restructuring Revenue Sharing. In summary, LD 622 would restructure the Revenue Sharing II distribution system by limiting Rev. II participants to municipalities designated as Service Center Communities under State Planning Office regulation or “Census Designated Places” according to U.S. Census standards. Under current law, the threshold qualification for a municipality to receive Rev. II is to have a full value mill rate over 10 mills.

Based on the observation that municipal revenue sharing has been cut and is being proposed for additional cuts of unprecedented proportions, and this is therefore not the time for further changes to the program, the Taxation Committee voted unanimously that LD 622 “ought not to pass”.

Still very much alive – LD 1121. Local Option Elderly Tax Deferral Program. Sponsored by Rep. Kathy Chase of Wells, LD 1121 creates an authority for a municipality to develop and adopt by ordinance a program that would allow a homeowner 70 years of age or older to have his or her property taxes deferred for an indefinite period provided the applicant has lived in the homestead property for at least 10 years and has an income that is less than 300% of the federal poverty level. The right to this property tax deferral would expire when the applicant dies or no longer owns or resides in the property (unless the absence is related to health issues). When the municipality establishes the applicant no longer qualifies for the deferral, the deferred taxes plus interest would be owed within the next 45 days. If unpaid, the tax lien paperwork would have to be filed and then enforced 18 months later.

MMA’s Legislative Policy Committee opposes this “local option” tax deferral program as an unnecessary product of Augusta’s over-management of local affairs. Under current law, municipalities are perfectly capable of managing those situations where a property owner acting in good faith is unable to pay his or her property taxes and is exposed to foreclosure. There are a number of strategies currently available, including both formal and informal waiver of foreclosure, that effectively result in a deferral of a person’s property tax obligation. Maine’s municipal leaders feel that they don’t need Augusta to nanny them on this issue.

The Taxation Committee, on the other hand, seems interested in advancing this new “local option”. In fact, there does not seem to be a “local option” that exempts, defers, eliminates, or otherwise reduces property tax revenues or collections that the Legislature does not support. Curiously, local option proposals that would

serve to provide municipalities with access to revenue other than the property tax are guaranteed to be rejected by the Legislature. It seems to be a one-way street.

Because the wording of LD 1121 is still being finalized, the Committee vote on LD 1121 has been delayed. If you have concerns about the new local option elderly tax deferral program, you should clearly communicate those concerns to your legislators and with the members of the Taxation Committee.

Still on the table:

LD 71. Increasing the veterans’ property tax exemption.

LD 1253. Establish a local option sales tax.

BUDGET (cont’d)

school subsidy and revenue sharing cuts also proposed for the City next year.

The Chair of the Maine Affordable Housing Coalition testified in opposition to the GA reimbursement cuts, as did a representative of the three Indian townships, explaining how a loss of \$50,000 in reimbursement may not seem very significant to lawmakers in Augusta but can make all the difference to a small rural community.

MMA also testified in opposition to the Governor’s General Assistance proposal, taking its cue from the municipal officials across the state who believe the circuit-breaker reimbursement mechanism to be appropriate and necessary, and strongly oppose the cut to reimbursement even though it is so highly targeted to just a few towns and cities it does not directly affect their budgets.

In addition, the municipal officials would like to apply the same program-review principle to the General Assistance program as might be applied to the Tree Growth program; that is, before wholesale shifts are made with respect to what level of government finances this program, all outstanding programmatic issues should be addressed to make sure the design of the program is fully accountable to the taxpayers that support it. MMA suggested that the stakeholders be charged with conducting that review. We are waiting to hear from the Department of Health and Human Services as to when or if those discussions will take place.

Resolving Road-naming Disputes

On Monday this week, the State and Local Government Committee held a public hearing on LD 1513, *An Act To Authorize Municipal Officers To Resolve Road-naming Disputes*. As sponsored by Rep. Veronica Magnon of Stockton Springs, the bill would clarify that the municipal officers are the final arbiter over road-naming disputes.

The bill was sponsored on behalf of the town of Stockton Springs which has just undergone a lengthy and costly legal battle over a road-naming issue. In Stockton Springs, residents on a private road wanted to use an offensive term as part of the road name, which the selectmen opposed. Fortunately, the dispute has been successfully resolved. In order for other communities to avoid these divisive confrontations, the sponsor and

the proponents of LD 1513 believe that there should be a safety net in state law clarifying that the municipal officers are ultimately responsible for resolving such disputes.

MMA provided testimony in “conditional” support for the legislation. MMA raised a concern that as drafted the bill could adversely impact existing ordinances governing the road-naming process and road-naming disputes. In an unintentional way, the printed version of LD 1513 steps a little bit on municipal home rule authority.

Taking into account that the intent of the proponents of LD 1513 was to provide a safety net rather than a preemption of home rule authority, at the public hearing MMA offered a friendly amendment to the bill. As proposed, the amendment would

simply clarify that “unless otherwise provided by local ordinance or charter” the municipal officers are the final arbiter over road-naming disputes.

No one offered any testimony in opposition to the bill.

The Public Utilities Commission (PUC) provided testimony “neither for nor against” LD 1513. In their role in the E-911 process, the PUC has developed working relationships with several local road-naming committees and has developed a model ordinance for municipalities to consider when creating a local process. The PUC offered their expertise and resources to the Committee’s efforts on LD 1513.

The work session on LD 1513 is scheduled for Wednesday, January 20th at 1 p.m.

LEGISLATIVE HEARINGS

NOTE: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules and supplements are available at the Senate Office at the State House and the Legislature’s web site at <http://www.state.me.us/legis/senate/Documents/hearing/ANPHFrame.htm>. If you wish to have updates to the Hearing Schedules e-mailed directly to you, sign up on the ANPH homepage listed above. Work Session schedules and hearing updates are available at the Legislative Information page at <http://www.state.me.us/legisl/>.

Monday, January 18 – Holiday

Tuesday, January 19

Criminal Justice & Public Safety
Rm. 436, State House, 1:00 p.m.
Tel: 287-1122

LD 1610 – An Act To Establish the Silver Alert Program.
Inland Fisheries & Wildlife
Room 206, Cross State Office Building, 1:00 p.m.
Tel: 287-1338

LD 1614 – An Act To Prohibit the Use of Personal Watercraft on Wilson Pond.

Wednesday, January 20

Insurance & Financial Services
Room 427, State House, 10:00 a.m.
Tel: 287-1314

LD 1649 – Resolve, To Increase the Financial Stability of Low-income Families in Maine.

Legal & Veterans Affairs
Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 1627 – An Act To Improve Access to Data in the Central Voter

Registration System.

LD 1667 – An Act To Amend the Election Laws and Other Related Laws.

LD 1579 – An Act To Facilitate Voting by Uniformed Service and Overseas Voters.

State & Local Government
Room 216, Cross State Office Building, 9:30 a.m.
Tel: 287-1330

LD 1554 – An Act Regarding Document Fees at County Registries of Deeds.

LD 1569 – An Act To Clarify the Informed Growth Act.

Thursday, January 21

Transportation
Room 126, State House, 12:00 p.m.
Tel: 287-4148

LD 1501 – An Act To Dedicate Surplus Transportation Funds to Highway Maintenance and Paving.

LD 1639 – An Act To Stimulate the Maine Economy and Promote the Development of Maine’s Priority Transportation Infrastructure Needs.

LD 1641 – An Act To Direct Funds from the Highway Fund to the Highway and Bridge Light Capital Program.

Friday, January 22

Natural Resources
Room 214, Cross State Office Building, 1:00 p.m.
Tel: 287-4149

LD 1631 – An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products.

LD 1633 – An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State’s Remediation and Closure Program.

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.)

Criminal Justice & Public Safety

LD 1610—An Act To Establish the Silver Alert Program. (Sponsored by Rep. Rotundo of Lewiston; additional cosponsors.)

This bill requires all law enforcement agencies to adopt written policies regarding missing adults with disabilities and requires the Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards for such policies by January 1, 2001. All law enforcement agencies are required under the bill to certify to the Board of Trustees that their "Silver Alert" policies are consistent with the minimum standards by June 1, 2011 and that all of their law enforcement officers have receive orientation and training with respect to the policies by June 1, 2012.

Insurance & Financial Services

LD 1649 – Resolve, To Increase the Financial Stability of Low-income Families in Maine. (Sponsored by Sen. Simpson of

Androscoggin County; additional cosponsors.)

This resolve directs the Commissioner of Professional and Financial Regulation to establish the "Bank on ME" working group, composed of municipal officials and representatives of state and federal financial institutions, community organizations and state agencies. The working group is responsible for developing and implementing collaborative voluntary initiatives that increase the financial stability of low-income families by increasing awareness of and access to basic financial services.

Legal & Veterans Affairs

LD 1667 – An Act To Amend the Election Laws and Other Related Laws. (Sponsored by Sen. Sullivan of York County; additional cosponsors.)

This bill, submitted by the Secretary of State's Office, makes a number of technical and minor substantive changes to the state's election laws. Among those changes, the bill: (1) clarifies that certain restrictions on the offices a registrar of voters may hold apply only with respect to the electoral division in which the registrar is appointed; (2) allows the election warden, ward clerk and deputy wardens to be registered voters of the county rather than registered voters of the municipality which they serve; (3) removes the requirements that the fiscal impact statement for direct initiatives of legislation must be posted with the sample ballots at least 7 days before election day and posted in each booth on election day; and (4) clarifies that any member of the public may inspect absentee ballot envelopes and applications before they are processed according to the procedures and times as established in law.