

Tax Panel Brainstorming to Soften Municipal Cuts

The Taxation Committee engaged in a brainstorming session on Tuesday this week with respect to the municipal cuts that are being proposed by the Governor in the supplemental budget. Before taking Committee votes on the proposed reductions to municipal revenue sharing, the Circuit Breaker program, Tree Growth reimbursement and the Homestead Exemption “push”, the Committee is trying to explore alternative approaches.

The effort is appreciated by Maine’s town and city leaders. Last year, it seemed as though the general legislative reaction to the municipal cuts that were proposed (and ultimately enacted) was passive. Legislators were sorry about pulling \$44 million out of municipal revenue sharing, cutting Circuit Breaker benefits by 20%, the Homestead Exemption by 23%, and Tree Growth reimbursement by 15%, but they felt they had no other choice. From the municipal perspective, circumstances such as these – as financially bleak as they are – present an opportunity to give existing programs a scrutiny that does not occur in “normal” economic times. It looks as though the Taxation Committee agrees, at least for the moment.

What follows are some of the ideas that are under consideration, starting with the proposed Tree Growth reimbursement cuts and moving up to the revenue sharing cuts, which are enormous. MMA’s 70-member Legislative Policy Committee (LPC) had an opportunity to review these ideas at its meeting on Thursday this week, and the LPC feedback is included.

Tree Growth. The proposed cut to Tree Growth reimbursement for FY 2011 is \$531,250, which comes on top of a

\$937,500 cut already enacted, making the total cut for next year \$1,468,750, or nearly 25% of the appropriate reimbursement level.

After pointing out that these deep cuts to Tree Growth reimbursement should not be allowed without also looking at problems with the tax-break program, MMA presented the Taxation Committee with proposed changes to Tree Growth that are designed to get at the issue of some landowners enrolling their residential waterfront property in the Tree Growth program to dodge the waterfront property

taxes they would otherwise have to pay.

In summary, those changes would:

- Disallow the enrollment into the Tree Growth program of waterfront property between buildings located in the shoreland zone and the shore;

- Discontinue the so-called “10% discount factor” that is used in the calculation of Tree Growth acreage rates for parcels enrolled in the program that are 100 acres or less in size; and

- Remove the proprietary confidentiality that currently applies to Tree Growth forest management plans that pertain to parcels that are 100 acres or less in size so there can be greater accountability with respect to the enforceable standards that are in those plans for small parcels.

The “savings” to the state associated

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Mandatory Paid Sick Leave

The Labor Committee took approximately 6 hours of testimony on a controversial bill that would require all employers to provide paid sick leave. The legislation, LD 1665, *An Act to Prevent the Spread of H1N1*, was sponsored by the Senate President, Elizabeth Mitchell (Kennebec Cty.).

This bill requires an employer who employs more than 25 employees during a calendar year to provide at least 52 accrued hours of paid sick leave per year, and further requires an employer who employs 24 or fewer employees during a calendar year to provide at least 26 accrued hours of paid sick leave per year. The legislation includes all employers, including municipalities. The bill also provides some of the conditions and reasons for which an employee could take this leave.

Municipal officials respect the fact that the purpose of this bill is to enhance

the safety and well being of workers, their families and those with whom they come in contact. Municipalities, in general, provide some level of sick leave for many of their employees today.

That being said, municipalities oppose this legislation.

The concern with this legislation is twofold. First, the detailed provisions in the bill would appear to be inconsistent with some municipal sick leave provisions. In particular, the bill appears to apply more broadly than existing municipal policies.

Second, this bill eliminates some flexibility to manage costs at the very time municipalities need more ways to balance their tightening budgets.

Proponents

Support of the legislation was led by

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TAX PANEL (cont'd)

with this proposal will be considerably less than \$531,250. Therefore, even if enacted, this proposal won't entirely replace the cut, but it could soften it. These proposals are typically met with a barrage of objection from the landowners enjoying the benefits of the Tree Growth tax break, both large and small, but this time around the Taxation Committee has indicated that it is willing to give these ideas some real consideration.

MMA's Legislative Policy Committee expressed strong support for these programmatic changes.

Circuit Breaker. By considerably reducing the income-eligibility threshold, the Governor's Circuit Breaker proposal would take away \$5.6 million worth of property tax and rent rebate benefits from lower-income Mainers. MMA approached the Tax Committee with a couple of Circuit Breaker ideas. Again, these ideas do not have a state fiscal impact value anywhere near \$5.6 million, but they could help soften the cuts to the program and secure with the general public a better sense that this program is being utilized in a rigorously accountable manner.

In summary, these changes would:

- Disallow Circuit Breaker benefits to homeowners to the extent their property taxes are abated at the local level. Currently, a homeowner whose property taxes are abated is still eligible to receive full Circuit Breaker benefits.

- Link the property tax rebate to the actual payment of taxes; that is, if the applicant has actually paid the taxes, there would be no change to current procedures. If the applicant needs the Circuit Breaker benefits in order to pay the taxes, however, the benefit would be issued both in the name of the applicant and the municipality

in which the applicant resides.

MMA's Legislative Policy Committee expressed strong support for these programmatic changes.

Homestead Exemption vs. Revenue Sharing. In the state budget enacted last spring, the Homestead Exemption to be applied to the qualifying April 1, 2010 assessments was reduced from \$13,000 to \$10,000 in value, saving the state about \$6 million in required municipal reimbursement. In the Governor's proposed budget, 25% of the required reimbursement payment for the FY 2011 Homestead Exemption would be distributed to the municipalities in July, 2011 instead of December 2010, pushing the \$5.3 million payment into the next biennium.

As part of its brainstorming exercise, the Taxation Committee inquired about the municipal reaction to the full elimination of the Homestead Property Tax Exemption which would free-up approximately \$22 million each year for the state budget. Under this concept, the \$22 million would be used to: (1) restore the proposed cuts to the Circuit Breaker program (worth about \$5 million); and (2) buy-back \$17 million worth of cuts to the municipal revenue sharing program. Right now, \$25 million has already been cut from the FY 2011 revenue sharing distribution, and the proposed budget would take an additional \$15 million. Therefore, this proposal -- if enacted as conceived -- would result in the revenue sharing cut for FY 2011 being \$27 million instead of \$40 million, and there would be no Homestead Exemption in FY 2010.

MMA's Legislative Policy Committee voted strong opposition to this proposal. The Homestead Exemption is an important and integral component of the state's overall program to provide property tax relief to Maine's resident homeowners. Revenue sharing provides general relief to all property taxpayers. The Circuit Breaker is targeted to low income homeowners and renters. The Homestead Exemption provides generalized relief to all Maine homeowners. If eliminated by this legislature, the Homestead Exemption will likely never be re-instituted, and there is little municipal trust that the homestead exemption revenue would actually be applied to revenue sharing as may be proposed.

Another approach: Reconsidera-

tion of the "Service Charge" legislation.

During the last legislative session, a bill was advanced by MMA that would open up the authority of municipalities to apply service charges to tax exempt organizations to cover their calculated share of municipal road/bridge expenditures and fire and police services. The bill was LD 1290, *An Act to Amend the Law Authorizing the Application of Service Charges to the Owners of Certain Real Property Exempt from Property Taxation*. With little discussion, LD 1290 was killed in Committee last spring. Now, given the financial impact of the proposed budget on local government and the property taxpayers that support local government, at least some members of the Taxation Committee believe LD 1290 should be given another look.

MMA's Legislative Policy Committee strongly supports the reconsideration and enactment of LD 1290.

Another approach: Repealing expensive mandates. In the spirit of brainstorming, the Taxation Committee also expressed an interest in reviewing unfunded mandates that would relieve municipal government of financial burdens if a particular mandate was removed or redesigned as a discretionary function. Fully aware that the most expensive unfunded mandates are found outside the Taxation Committee's jurisdiction, the Committee nonetheless expressed an interest in learning about unfunded mandates that municipal officials believe could or should be repealed or modified.

MMA's Legislative Policy Committee is very interested in helping identify municipal mandates that should be addressed. A short list would include:

- First, reject a bill currently before the Legislature that would give final approval to rules promulgated by the Department of Environmental Protection that would significantly increase the municipal cost of installing road culverts (LD 1725).

- Staying on the Department of Environmental Protection front, enact modifications to an entire group of environmental regulations governing storm drains, sand-salt shed regulation, wood waste "stump dumps", transfer station siting and licensing regulations, universal waste management, etc.

- Support the proposed rulemaking

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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

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the Maine Women's Lobby. They argue that 41% of Maine workers, approximately 200,000 individuals, don't have access to paid sick leave. Consequently, these individuals either go to work sick, which is detrimental to themselves, co-workers and the public, or they take an unpaid day-off, losing wages during a difficult economic time. They further argue that some workers risk losing their jobs if they miss work due to being ill or caring for another who is ill. Finally, they assert that women are disproportionately impacted because women have more jobs in the sectors that don't provide paid sick leave – namely, retail, child care and nursing homes.

Academic backing for the proposal was provided by Kevin Miller of the Institute for Women's Policy Research, a Washington D.C. think-tank that supports paid sick leave. In his 26-page analysis of LD 1665, Miller argues that while the bill will cost Maine employer's some \$56 million dollars in increased costs, employers will save \$93 million due to less turnover of employees, for a net savings to employers of \$37 million.

The paper asserts that 16% of "local government" employees lack paid sick leave.

The majority of proponents who provided written testimony were non-profit groups. They included, the Maine State Employees Association/SEIU, Physicians for Social Responsibility, the Maine Council of Senior Citizens, Legal Services for the Elderly, the AFL-CIO, the National Association of Social Workers, the Maine Coalition to End Domestic Violence, the Family Planning Association of Maine, the Maine People's Alliance, the Maine Nurse's Association, the Disability Rights Center, the American Cancer Society and the Maine Public Health Association (the same individual filed testimony for both groups), the Maine Children's Alliance, the Maine Center for Economic Policy, the Bishop of Portland, Maine Equal Justice Partners, the Maine Coalition Against Sexual Assault, and the Maine Fair Trade Campaign.

The proponents mostly focused on the Hobson's Choice they believe many workers in Maine face. They must either go to work sick (or leave a sick child at home unattended) or don't go to work

at all (and either lose a day's pay or get fired). In turns, they said that women, the elderly and the poor are most impacted by this legislation.

Opponents

Opponents of the legislation were led by the Maine State Chamber of Commerce. The primary argument made by the Chamber was that no state in the country provides mandatory paid sick leave and Maine should not be the first. The so-called "business environment" in Maine is in part determined by the level of regulation imposed by the state government. First-in-the-nation legislation like LD 1665 would only serve to hurt Maine's business environment, it was argued.

The Chamber's testimony hit on two other themes. First, the legislation purports to exempt employers who currently offer paid sick leave, but because of the broad manner by which sick leave is provided in the bill, many if not most employers who currently offer paid sick leave wouldn't qualify for the exemption and would have to change their policies. For example, many employers limit paid sick days to illnesses of the worker or the worker's immediate family. The bill, however, includes siblings, in-laws, grandparents and grandchildren, without regard to whether the worker is actually a caregiver for these other individuals. The Chamber also noted that the bill does not provide employers with any opportunity to police the use of sick days (e.g., request a doctor's note for sudden illnesses) which is contrary to many current employer policies.

The second primary argument of the Chamber was that many employers just can't afford to provide paid sick leave. Even if the legislation could be amended to recognize existing paid sick leave policies as sufficient to be exempted, the real impact of LD 1665 is on those employers who don't provide any paid sick leave today or don't provide it to all employees.

The opponents of the legislation included many trade groups such as: the Maine Innkeepers Association, the Maine Tourism Association, the Maine Restaurant Association, the Maine Merchants Association, the Maine Retail Lumber Dealers Association, Maine Pulp & Paper Association, the Maine Campground Owners Association, the Maine Aggregate Association, the Maine

Motor Transport Association, Associated General Contractors, Associated Builders and Constructors, Maine Public Service Corporation, the Maine Grocers Association, the National Federation of Independent Businesses, and the Androscoggin, Penobscot Bay and Southern Midcoast regional chambers of commerce.

Individual business owners who provided written testimony in opposition included: Hammond Lumber Company, Robbins Lumber, Cianbro, contractors including RJ Grondin and Sons, Sargent Corporation, and Ray Labbe & Sons, Nappi Distributors, Downeast Energy, Renys, Pike Industries, D&G Machine Products, Lafayette Hotels (23 hotels in Maine including the Senator), the Nonantum Resort, KrisWay Truck Leasing, Volk Packaging Corporation, Prehung Doors Inc., North East Welding and Fabrication, Shaws, Hannaford, Haven's Chocolates, Kittery Trading Post, MMG Insurance, Unum Insurance, and restaurants such as the Great Impasta, Dimillos, Barnacle Billy's, Three Dollar Deweys, Cole Farms, and others.

The primary issues raised by these businesses were their need for flexibility in providing a mix of benefits, their belief that the bill title was unduly exploitative of H1N1 and the business "unfriendliness" of Maine in general and this bill in particular.

Municipal Issues

The first municipal concern is that the bill appears to cover all workers. Most full-time municipal workers have access to paid sick days. In fact, according to sources cited by proponents of LD 1665, 98% of full-time state and local government workers nationwide have access to paid sick days.

However, only 42% of part-time, state and local government employees have paid sick days nationally and there is no reason to believe Maine is different on this point.

According to the U.S. Census Bureau, Maine local governments employed approximately 26,000 part-time workers in 2008, of which 9,000 were in education and the remaining 17,000 were in non-education local government.

These part-time positions include seasonal workers like life guards at public beaches or maintenance workers at public golf courses, weekend staff at a public

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by the Department of Education that would more closely align special education procedures and protocols with the established federal requirements. This is a time of “shared sacrifice”, and the adoption of these rules is a way to programmatically and financially share the sacrifice in a responsible way.

- Take a serious look at the municipal ideas to improve the accountability of the General Assistance program.

- Strike the expensive requirement in the “school budget validation referendum” law that requires the referendum election to be held within 14 days of the open-meeting budget adoption. That often forces a special referendum that is uncoordinated with the primary election in June or another efficient election opportunity. It is a command-and-control scheduling requirement from Augusta that makes no sense.

- Allow schools to purchase the laptop computers for their students outside of the contract the state has with one single provider.

- Completely back-off on comprehensive plan compliance review at the State Planning Office level.

- Back off on the Labor Department overview/oversight of fire department operations.

- Require the state, rather than the municipalities, to respond to complaints of suspected rabies in wild (“undomesticated”) animals.

- Allow municipalities to order the euthanasia of animals picked up by Animal Control Officers, determined to be strays and found to be in need of expensive medical treatment.

- Allow municipalities to publish legal notes in less expensive but widely circulated “shopper notes” newspapers rather than daily newspapers. This particular cost-saving idea was recently enacted by the Legislature only to be vetoed by the Governor.

- Although not a mandate issue, stop interfering with local government labor-management relations by providing special benefits to favored local government constituencies. The law setting minimum teachers’ salaries is an example, as is the bridge health insurance benefit for firefighters who retire before normal

retirement age. It doesn’t matter that the state covers the costs. The state-local intergovernmental financing system is a squishy balloon. When the state pays for employee benefits it cannot afford, the municipalities end up paying in other ways.

- Although not exactly a mandate issue, end the practice of the state charging municipalities for boiler inspections that the state never actually conducts. It’s a \$50 per boiler fee for essentially filing a piece a paper the municipalities must provide certifying an inspection has occurred which is actually conducted and paid for by the municipalities through their insurance companies. The state should consider waiving all fees it charges municipalities so as to provide in-kind support for the service being provided. For example, the state charges municipalities a licensing fee for establishing snow dumps so Maine’s roadways can be cleared of snow.

If the Legislature is serious, this list could be easily expanded.

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library and seasonal snowplow drivers. Also included are stipend positions such as some code enforcement officers, building inspectors, animal control officers, harbormasters and others. Other non-full time municipal workers include board members such as planning or zoning board members or “event” workers such as election clerks.

It is not clear if all of these workers are covered by the terms of LD 1665. The definition of “employee” in the bill is fairly broad and the testimony of proponents was that part-time employees are included in the bill.

There are two difficulties to municipalities if all these part-time workers are given paid sick days. The first difficulty is the direct cost (approximately \$1 million per year) to pay the covered employees for their sick leave. (See sidebar analysis of cost.)

An unknown, indirect cost would be any wages paid to replacement workers that might fill-in on the sick days being taken.

A second difficulty for municipalities is that the hours of many of these municipal workers are not tracked. Obviously,

the part-time workers who are paid hourly have their hours tracked. But the hours of those that are given an annual stipend are not. It would be expensive from an administrative standpoint to begin tracking the hours worked by these individuals simply for purposes of granting 1 hour of sick leave for every 40 or 80 hours worked (or every 90 seconds or 180 seconds of paid leave per hour worked). Under the bill, the accrued sick leave carries-over from year to year and so the municipal tracking system would need to indefinitely keep these hours on the town’s books.

Another municipal concern is that the bill expressly overrides collective bargaining agreements and all other labor contracts agreed to by both employers and employees in good faith. Leave from work, whether it is sick leave, vacation time, or generic “personal time” is the subject of negotiations between employers and workers, both unionized and otherwise. Some employers undoubtedly provided less sick benefit than this bill would provide. The bill completely disregards the fact that these employers may have granted other compensation (e.g., higher wage) instead of paid sick time. The effect of this legislation would be to deprive employers of the benefit of the bargain.

Similarly, there are undoubtedly employees who would rather have a higher wage rate instead of a lower wage with broader benefits, such as paid sick days. The bill does not provide workers with any opportunity to freely opt-out of its provisions. Thus, while the bill was characterized as providing a mandate on employers it is equally a mandate on all employees as well, including those part-time workers who feel they don’t need paid sick days but would rather have other benefits in lieu of paid sick days.

Flexibility

A second issue for municipal employers, and possibly the more important concern, is that this bill creates greater inflexibility from the perspective of benefits management.

Municipalities are facing significant revenue constraints as is the state. As just one example, state revenue sharing in FY 2008 was approximately \$132 million dollars. Pursuant to the Governor’s

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Calculating the Municipal LD 1665 Impacts

The proponents did not provide a municipal-specific estimate of the impacts of LD 1665. However, Mr. Miller's research that was offered by the Maine Women's Lobby in support of this bill, did provide important source documents and projections that can be used to help estimate a municipal impact.

17,042 workers	Part-time municipal workers in Maine	U.S. Census Bureau (2008)
58%	Part-time, state & local government workers nationally without access to paid sick days	U.S. Bureau of Labor Statistics, National Compensation Survey, (2009)
9,884 workers	Part-time municipal workers in Maine without access to paid sick days	Calculation
9,000 workers	Part-time municipal workers in Maine without access to paid sick days who would qualify for paid sick leave under LD 1665	MMA assumption that 10% of eligible would not qualify for various reasons (Miller assumes 3.5% of all workers would not qualify).
2.0 days	Days of sick leave taken per year per part-time, municipal worker ¹	Miller (p. 6) assumes 2.4 days per worker; MMA adjusts this down to reflect that not all part-time municipal workers will work a sufficient number of hours to earn 2.4 days/year. (See footnote 1)
135,000 hours	Total hours taken per year (9,000 employees X 2.0 days X 7.5 hours)	Calculation
\$7.50/hr	Maine Minimum Wage, assumed wage rate for part-time municipal employees	MMA assumption
\$1,012,500	Annual Cost to Municipalities from LD 1665	MMA Estimate

Not included in this estimate are any administrative costs that might result from municipalities having to begin tracking hours worked for the first time.

Also not included in this estimate are the costs associated with the approximately 9,000 part-time educational workers in local government according to the U.S. Census.

¹MMA believes the average part-time, municipal worker would earn 2.0 days of paid sick leave at the accrual rates provided in the bill. MMA does not know the average number of hours per week worked by part-time, seasonal and other non full-time employees. Assuming they work 15 hours per week; a worker in a larger municipality (those over 25 employees) would accrue 2.8 days of paid sick leave; in smaller municipalities (those under 25 employees), a worker working 15 hours per week would accrue 1.4 days of paid sick leave. The average municipality in Maine has approximately 30 full-time-equivalent employees (excluding school employees) according to the U.S. Census Bureau. Accordingly, MMA estimates that the average part-time worker in municipal government in Maine would earn and use 2.0 days per year.

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proposed supplemental budget, revenue sharing will be \$82 million in FY 2011. This \$50 million reduction is a cut of almost 40% to the biggest state aid program for municipal government (non-school) purposes. Aid to education will be approximately \$100 million lower in FY 2011 than it was in FY 2008.

Municipalities are currently drafting their budgets for FY 2011. The FY 2011 budget season is going to provide challenges municipalities haven't endured in decades. They will need as much flexibility as possible to patch together budgets while still providing important public services. Many municipal expenses are mandated and can

not be curtailed locally. Municipalities don't have as many budget tools at their disposal as does the state. Accordingly, municipalities do not want to lose any discretion or flexibility where they have some now, including the management of employee benefits.

The work session for LD 1665 has not yet been set.

Election Law Changes

On Wednesday this week, the Legal and Veterans Affairs Committee held public hearings on two election bills of municipal interest. One bill proposes to make significant changes to the way uniformed service and overseas voters request and are provided absentee ballots. The second bill amends existing laws to provide municipalities more flexibility in the appointment of election day wardens, ward clerks and deputy wardens.

Uniformed Service and Overseas Voters. As sponsored by Rep. Michael Willette of Presque Isle, LD 1579, *An Act to Facilitate Voting by Uniformed Service and Overseas Voters*, proposes to make two municipally-significant changes to existing election laws.

First, as a result of the enactment of the federal *Move Act*, starting with the November 2010 general election all states must provide an electronic process for accepting absentee ballot requests and transmitting absentee ballots to men and women in the armed services and other overseas voters. Two sections of LD 1579 incorporate that federal mandate into Maine statutes.

Second, in his testimony, Secretary of State Matt Dunlap acknowledged the pressure the federal mandate places on municipalities. As a result, the bill also proposes changes to existing laws to authorize the Secretary of State to issue, receive and count the absentee ballots provided to and received from uniformed service and overseas voters. This service would be provided to any municipality that does not have the necessary infrastructure to accept and provide absentee ballots electronically.

With respect to the implementation of the federal *Move Act*, municipal officials believe that the federal mandate will shift additional responsibilities onto local election officials. However, Maine's town and city leaders understand that it is a federal mandate and appreciate the state's effort to take every measure to make this process as easy and cost efficient as possible for municipalities.

That being said, there are questions about how the Secretary of State's authority to count the ballots received from uniformed service and overseas voters

will impact the reporting of local level election results. If the Legislature enacts this provision of the bill, the expansion of state responsibility may need to be clearly limited to federal level elections and require the development of policies for the timely sharing of election results.

Appointment of Wardens, Ward Clerks and Deputy Wardens. The Legal and Veterans Affairs Committee also heard public testimony on LD 1667, *An Act To Amend the Election Laws and Other Related Laws*. Sponsored by Sen. Nancy Sullivan of York County, LD 1667 is largely housekeeping in nature but it does propose a change to existing law that has long been supported by municipal election officials.

As proposed, municipalities could appoint election day wardens, ward

clerks and deputy wardens from a pool of volunteers that reside within the county, rather than within just the municipality.

This amendment achieves two goals. First, it enables municipalities to expand the pool of eligible election workers. Second, it provides greater uniformity among the various pools of election employee volunteers from which municipalities may draw. Under existing law, municipalities are authorized to appoint deputy registers that are citizens of the state of Maine and election clerks that are residents of the county. Municipal officials support LD 1667 because it makes sense to give municipalities the same opportunity when appointing other election day staff, such as the wardens, deputy wardens and ward clerks.

Work sessions on both of these bills have been scheduled for Tuesday, January 26th at 1 p.m.

Informed Growth Again?

On Wednesday this week, the usual cast of characters gathered before the State and Local Government Committee to once again debate a proposed change to the Informed Growth Act (IGA). As enacted by the Legislature in 2007, the IGA law requires proposed retail store development that is 75,000 feet or greater in size to undergo a comprehensive economic impact study as part of the local permitting process. Since its enactment just over two years ago, six bills have been submitted seeking to amend or repeal the law.

As sponsored by Rep. Steve Beaudette of Biddeford, LD 1569, *An Act to Clarify the Informed Growth Act*, limits the application of the IGA to new developments only and further clarifies that a change of use permit does not trigger the need for the comprehensive study. At the public hearing it was clarified that the driving force behind the proposed change is the need to promote and encourage the reuse of vacated stores. In these tough economic times, businesses are looking for all possible efficiencies and would like to relocate in existing vacant buildings rather than building new. Several business organizations were on hand at the public hearing to lend support for

the proposed change.

A representative from the Maine Free Trade Campaign and Eleanor Kinney, a self-described citizen activist, provided testimony in opposition to the bill. The opponents believe that the proposed change is not a clarification to existing law, but rather a substantial change that serves to weaken the IGA. The opponents believe that all "new-to-the-community" large scale retail developments, including those that locate in an existing building, should undergo the comprehensive economic study required by the IGA. They believe that the existing review provides transparency and allows for more public involvement in the process.

At the public hearing, both the proponents and opponents expressed an interest in working together to amend the bill to address the issues and concerns raised at the public hearing. The opponents of LD 1569 were tasked with taking a stab at drafting an amendment that meets the needs of the business community and addresses the concerns of the IGA proponents.

The outcome of the amendment effort will be reviewed by the State and Local Government Committee at its work session on February 3, 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/legis/>.

Monday, January 25

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

LD 1700 – An Act Concerning Statewide Communications Interoperability.

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

LD 1729 – An Act To Form a Western Maine Regional School Unit.

LD 1732 – An Act To Allow a Municipality To Withdraw from a Regional School Unit.

LD 1733 – An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization.

LD 1734 – An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009.

LD 1739 – An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum.

Tuesday, January 26

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

LD 1686 – An Act To Allow Minor Capital School Improvement Projects To Be Permitted Costs under Essential Programs and Services.

LD 1705 – An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties.

LD 1735 – An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs.

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

LD 1722 – An Act To Strengthen Protection from Abuse and Protection from Harassment Laws.

Transportation
Room 126, State House, 1:00 p.m.
Tel: 287-4148

LD 1678 – Resolve, To Authorize the Placement of a Sign at Saddleback Mountain.

LD 1670 – Resolve, Directing the Department of Transportation To Review the Fiscal Impact on the State of the Closure of the Railroad Track between Madawaska and Millinocket.

Wednesday, January 27

State & Local Government
Room 216, Cross State Office Building, 1:00 p.m.
Tel: 287-1330

LD 1718 – An Act To Amend the Laws Relating to Government Records.

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

LD 1645 – An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities.

LD 1697 – An Act To Protect Universal Service.

Thursday, January 28

Transportation
Room 126, State House, 1:00 p.m.
Tel: 287-4148

LD 1503 – An Act To Establish Emergency Zones on Public Ways To Minimize Accidents.

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

LD 1717 – An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses.

Friday, January 29

Natural Resources
Room 214, Cross State Office Building, 9:00 a.m.
Tel: 287-4149

LD 1699 – An Act To Update and Modernize Maine's Floodplain Mapping.

LD 1716 – An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge.

LD 1725 – Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection.

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.)

Education & Cultural Affairs

LD 1732 – An Act To Allow a Municipality To Withdraw from a Regional School Unit. (Sponsored by Rep. Miller of Somerville; additional cosponsors.)

This bill authorizes municipalities to withdraw from their Regional School Unit (RSU) according to procedures similar to those that were formerly in place for withdrawal from School Administrative Districts. In order to withdraw without incurring financial penalties for being non compliant with the school reorganization law, the withdrawing municipality must join another RSU within two years of withdrawal.

LD 1735 – An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs. (Emergency) (Sponsored by Rep. Rotundo of Lewiston; additional cosponsors.)

This emergency bill provides that if the state is able to fund only a percentage of its 55% share of the cost of the components of the Essential Programs and Services school funding model, local school systems that raise at least the same percentage of their required local contribution may not be penalized by further reduction in state subsidy.

LD 1739 – An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum. (Sponsored by Rep. McFadden of Dennysville; additional cosponsors.)

This bill removes the requirement that school budgets be adopted by a referendum vote under the so-called school budget validation referendum procedures.

Labor

LD 1558 – An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters. (Sponsored by Sen. Jackson of Aroostook County; additional cosponsors.)

This bill provides an accidental death benefit to the beneficiary of a professional firefighter who dies from cardiovascular injury or disease or pulmonary disease while in the line of duty, provided the firefighter was a member of the Participating Local District Retirement Program administered by the Maine Public Employees Retirement System and the injury or disease that caused the firefighter's death is the result of a condition that developed within six months of the firefighter having been in service as a professional firefighter for a municipal fire department. The bill makes the death benefit retroactive to November 1, 2004.

Transportation

LD 1736 – An Act To Improve Safety on Maine's Primary and Secondary Roads, Reduce Road Maintenance Costs and Improve the Environment and the Economy by Allowing Certain Heavy Commercial Vehicles on the Interstate Highway System in Maine. (Emergency) (Governor's Bill) (Sponsored by Sen. Damon of Hancock County; additional cosponsors.)

Federal law was enacted with an effective date of December 16, 2009 which provides Maine an exemption from the federal 80,000 lb. truck weight limit on federal interstate highways for a one-year trial period, thereby allowing trucks with a gross vehicle weight of 100,000 lbs. or less to operate on those interstates. This emergency bill parallels the federal law by allowing tractor trailer vehicles with a gross vehicle weight up to 100,000 lbs. to operate on the Maine Interstate Highway System for as long as federal law exempts the state from the 80,000 lb. federal limit.