

## PUC Addresses PSAP Rates

When a 9-1-1 emergency call is made in Maine, the call is answered at one of 26 Public Safety Answering Points (PSAP). Typically, the PSAP is a county sheriff's department or a municipal police department. For approximately 100 municipalities in Aroostook, Kennebec and York Counties, the state Department of Public Safety operates the PSAP answering the 9-1-1 calls.

Approximately 5 years ago, the Legislature mandated that Maine reduce the total number of PSAPs statewide from 46 to 26. As a result of that state-imposed consolidation, many county and municipally operated PSAPs were closed and the state became the service provider. The state was already operating 4 PSAPs (in Houlton, Orono, Augusta and Gray) to handle emergency calls for the State Police. Adding more calls would require additional costs and so the state imposed charges on the municipalities to which it was now providing 9-1-1 answering service.

As explained in the October edition of MMA's Maine Townsman, the Legislature passed a bill last session requiring the Public Utilities Commission (PUC) to review those charges. In the course of that proceeding, the Department of Public Safety outlined a proposed 64% increase in those charges for the upcoming biennium.

MMA "intervened" in the PUC proceeding, which is a way of formally participating in the process of developing information for the PUC to consider. Even though the state agencies, such as the State Police, are responsible for funding approximately 80% of the costs to operate the four state PSAPs (as approximately 80% of the calls are for state

agencies), MMA felt the PUC should be aware of municipal concerns with the increase.

MMA argued that some of the reasons for the 64% rate increase were unjustified from a rate-setting perspective and asked that the rates be reduced. In particular, MMA made three arguments.

**Retroactive pay.** First, MMA opposed charging municipalities for a portion of a retroactive pay award granted to the state dispatchers who work at the state PSAPs. The approximately 60 dispatchers who work at these four facilities filed for a "reclassification" of their job category in 2007. The state Bureau of Human Resources granted that reclassification largely as a result of the increased workload created by the state-imposed consolidation. There were both

retroactive and going-forward financial consequences associated with this reclassification. The retroactive consequence covered the period from 2007 to 2009. The prospective consequence was an ongoing pay raise that will cost approximately \$766,000 per year over-and-above the contracted pay increase that would occur without the reclassification.

MMA argued that since the state had contracts with municipalities for services during the 2007-2009 period, it should be bound by those contracts. The Department shouldn't be allowed a "do-over" by making up the money it needs to fund the retroactive pay award through its 2009-2011 rates.

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### Proposed PSAP Rates Before PUC

	FY 2008 (Current per-capita rates)	FY 2010 (Proposed per-capita rates)
Answering Services	\$2.50	\$4.09
DISPATCHING Services		
Full-time municipal department:	\$5.00	\$8.18
	\$6.00	\$9.81
	\$8.00	\$13.08
Municipalities utilizing rural patrol	\$4.00	\$6.54
Full-time municipal department:	\$3.00	\$4.91
Volunteer municipal department:	\$1.50	\$2.45
Full-time municipal department:	\$4.00	\$6.54
Volunteer municipal department:	\$2.00	\$3.27

## 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).)*

### **Appropriations & Financial Affairs**

LD 91 - An Act To Fund the Maine Downtown Center. (Sponsored by Rep. Watson of Bath; additional cosponsors.)

This bill appropriates from the state's General Fund \$75,000 for FY 2010 and \$75,000 for FY 2011 for the purpose of capitalizing the Maine Downtown Center.

LD 153 - An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Board. (Sponsored by Rep. Flood of Winthrop; additional cosponsors.)

This bill sends out to the voters a proposed \$30 million bond issue to recapitalize the Land For Maine's Future Program over a two-year period.

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

LD 185 - An Act To Ensure Public Safety during High-speed Chases by Law Enforcement Officers. (Sponsored by Rep. Beaudoin of Biddeford; additional cosponsors.)

This "concept draft" bill proposes to prohibit law enforcement officers from engaging in high-speed chases.

### **Education & Cultural Affairs**

LD 158 - An Act To Allow an Alternative Organizational Structure To Act as a Fiscal Agent for Each Member or Municipality in That Alternative Organizational Structure. (Sponsored by Rep. Schatz of Blue Hill; additional cosponsors.)

This bill requires that a plan to consolidate school systems under the Alternative Organizational Structure system (AOS) must designate a fiscal agent for each of the member school systems and authorizes the AOS to be that fiscal agent.

LD 159 - An Act To Provide an Administrative Structure for a School Administrative Unit That Does Not Join a Regional School Unit or an Alternative Organizational Structure. (Sponsored by Rep. Schatz of Blue Hill; additional cosponsors.)

This bill establishes an administrative structure for any school system that is not in conformity with the school consolidation law after July 1, 2009. The bill requires those school systems to hire a superintendent and enter into collaborative agreements with other school systems for administrative, instructional and non-instructional functions.

### **Legislative Bulletin**

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

LD 160 - An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure. (Sponsored by Rep. Schatz of Blue Hill; additional cosponsors.)

Current law requires the Education Commissioner to provide each school board with the school's estimated state school subsidy by February 1. This bill amends that law to further require the Commissioner to inform the school boards of newly-formed Regional School Units (RSU) and Alternative Organizational Structures (AOS) the amount to be allocated to the RSU or AOS and to each participating municipality within the RSU and AOS.

LD 174 - An Act Regarding School Consolidation. (Emergency) (Sponsored by Sen. Bryant of Oxford County; additional cosponsors.)

In the context of the school consolidation law and for the purpose of determining how many students a school system serves, this emergency bill allows school systems to count as "resident students" those students who reside in the unorganized territories but attend the school.

LD 188 - An Act To Establish a Moratorium on School Administrative Regionalization. (Emergency) (Sponsored by Rep. McFadden of Dennysville; additional cosponsors.)

This bill extends the deadline for complying with the school consolidation law from July 1, 2009 to July 1, 2010.

LD 190 - Resolve, Directing the Department of Education To Convene a Stakeholders Group To Analyze the School Funding Formula. (Emergency) (Sponsored by Rep. Johnson of Greenville; additional cosponsors.)

This resolve directs the Department of Education to convene a stakeholders group to analyze the school funding formula, focusing specifically on the financial shifts caused by the school funding formula and how those financial shifts support overall educational excellence and affect disadvantaged segments of the public educational system. The report of the stakeholders group must be submitted to the Legislature by November 1, 2009.

### **Health & Human Services**

LD 114 - An Act To Amend the Laws Regarding Overnight Parking of Recreational Vehicles. (Sponsored by Rep. Perry of Calais; additional cosponsors.)

This "concept draft" bill proposes to amend the laws to resolve the problems presented by the overnight parking of recreational vehicles in shopping center parking lots, including but not limited to the issues of waste disposal associated with the overnight stays.

LD 155 - An Act To Ban Smoking on Public Beaches and in Public Parks. (Sponsored by Rep. Knight of Livermore Falls; additional cosponsors.)

This bill prohibits smoking in all public parks and public beaches.

### **Judiciary**

LD 103 - An Act To Ensure Protection from Harassment for Purchasers of Real Property through Auction. (Sponsored by Rep. Crockett of Augusta; additional cosponsors.)

This bill requires any owner of real property who is selling that property at auction, and any auctioneer of that property, to provide an opportunity for any person owning personal property located within the property to be auctioned to claim and remove the personal property within a fixed period of time.

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## 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/>.*

### **Tuesday, January 27**

#### **Taxation**

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

**Tel: 287-1552**

LD 35 - An Act To Require Municipalities To Enforce the Collection of the State Excise Tax on Motor Vehicles, Aircraft and Watercraft Owned by Maine Residents and Registered outside the State.

LD 51 - An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption.

LD 57 - An Act To Exempt Small Privately Owned Windmills from the Property Tax.

LD 87 - An Act To Allow the Same Homestead and Veterans' Exemptions to a Person Who Has a Life Lease as Are Allowed to Those Who Have a Life Estate.

#### **Transportation**

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

**Tel: 287-4148**

LD 61 - An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009.

#### **Utilities & Energy**

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

**Tel: 287-4143**

LD 73 - An Act To Protect the Right To Use Solar Energy.

LD 113 - An Act Regarding Construction and Excavation near Burial Sites.

### **Wednesday, January 28**

#### **Legal & Veterans Affairs**

**Room 437, State House, 1:00 p.m.**

**Tel: 287-1310**

LD 3 - An Act To Designate Registered Voters Not Enrolled in a Political party as Independent Voters.

LD 28 - An Act To Promote the Integrity of Citizens' Initiatives.

LD 116 - An Act To Allow Political Signs on Private Property Only.

#### **State & Local Government**

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

**Tel: 287-1330**

LD 34 - An Act To Clarify the Election of Municipal Charter Commission Members.

### **Thursday, January 29**

#### **Business, Research & Economic Development**

**Room 208, Cross State Office Building, 2:30 p.m.**

**Tel: 287-1331**

LD 47 - An Act To Allow the Town of Baldwin To Be Eligible for Full Pine Tree Development Zone Benefits.

LD 58 - Resolve, To Suspend Certain Maine State Housing Authority Rules for Low-income Home Energy Assistance Program Grant Applications.

#### **Health & Human Services**

**Room 209, Cross State Office Building, 1:15 p.m.**

**Tel: 287-1317**

LD 19 - An Act To Amend the Laws Regarding Public Rest Rooms

#### **Taxation**

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

**Tel: 287-1552**

Review of reports due to committee, potentially including:

*Review of Law Governing Municipal Service Charges for Tax Exempt Property and*

*Report From the Working Group on Tree Growth Tax Law Issues*

## **HOPPER (cont'd)**

#### **Natural Resources**

LD 207 - An Act Concerning Regulation of Borrow Pit Excavations. (Sponsored by Rep. Johnson of Greenville; additional cosponsors.)

State law regulating gravel or "borrow" pits currently applies to excavated areas of 5 acres or more that exist on a single parcel or on combined parcels that are under common ownership or operation. This bill would limit the state regulation to borrow pits that are located on a single parcel provided they are 5 acres in size or larger.

LD 208 - An Act To Require a Municipality That Abuts a Body of Water To Contribute to the Cost of Upkeep of Municipally Owned Dams on That Body of Water. (Sponsored by Rep. Jones of Mount Vernon; additional cosponsors.)

This bill requires the apportionment of maintenance and repair costs for municipally-owned dams among the municipality that owns the dam and all the municipalities that abut the body of water contained by the dam.

#### **State & Local Government**

LD 209 - An Act To Abolish the Intergovernmental Advisory Commission. (Sponsored by Rep. Hayes of Buckfield; additional cosponsor.)

This bill abolishes the Intergovernmental Advisory Commission (IAC). The IAC is a 19 member panel created by legislation enacted in 2004 and made up of legislators and representatives of state, county, regional and local government. The IAC is charged by statute with "working on ways to improve communication, cooperation and efficiencies within all 3 branches of government and provide state assistance to encourage regionalization and cost-effective service delivery."

#### **Taxation**

LD 166 - An Act To Exempt Persons of 65 Years of Age or Older with Income below the Poverty Line from Property Taxes on Their Homes. (Sponsored by Rep. Beaudoin of Biddeford; additional cosponsors.)

This bill provides a property tax exemption with respect to every "homestead" owned by a person 65 years of age or older with an income below the federal poverty level.

LD 195 - An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price. (Sponsored by Rep. Knight of Livermore Falls; additional cosponsors.)

Under current law, the motor vehicle excise tax rates are applied to the Manufacturer's Suggested Retail Price (MSRP) or "list price". This bill would apply the current excise tax rate structure to 90% of the MSRP.

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## **PSAP (cont'd)**

The Public Utilities Commission rejected MMA's argument but it did order the Department to reduce the impact of a portion of the retroactive pay award by funding it with some of its surplus account.

**Orono PSAP.** Second, MMA argued that local governments should not be obligated to fund any portion of the costs associated with the Orono PSAP. The Orono PSAP does not provide services to municipalities and so those costs should not be included in municipal rates. The Public Utilities Commission accepted this argument. Of particular importance, future costs associated with a possible relocation of the Orono PSAP will also not be imposed on municipalities.

**Potential staff increases.** Third, MMA argued that rate increases for expenditures that are contingent upon legislative authorization should only be approved by the PUC following legislative approval, not before. The Department has proposed hiring four additional PSAP staff in the upcoming biennium (and these four positions are in the Governor's biennial budget). Given the Governor's current hiring freeze and the \$840 million structural gap, the Legislature may not approve all four positions and so increased rates can wait until the Legislature is consulted. The PUC also agreed with MMA on this issue.

The Department's initial proposal was to charge municipalities approxi-

mately \$3.6 million for the upcoming biennium. It appears that the PUC order will reduce the charges to municipalities by \$300,000 to \$500,000 (depending upon whether the Legislature approves all four proposed new positions).

While this represents real savings for municipalities over what might have been, the rates charged to municipalities in 2009-2011 will still be significantly higher. Even though the increase will not be 64%, property taxpayers are going to have a difficult time accepting a 40% or 50% increase. As a result some

local governments relying on the state PSAPs are exploring their options with other service providers such as counties or other municipalities.

Finally, MMA appreciates that the Legislature asked for the PUC review and that the PUC did such a thorough job reviewing the rates. MMA also appreciates the efforts of the Department staff and those of the Attorney General's Office who participated in the rate case. All parties provided a tremendous amount of information and explanation for how the state rates were created.

### **Thank you...**

MMA thanks Representative Sheryl Briggs and Senator Earle McCormick for their willingness to allow for the distribution the Legislative Bulletin in the House and Senate chambers, respectively. Their willingness to make sure state legislators are kept informed of our communications with our membership is much appreciated. We also apologize to Representative Briggs for misspelling her first name with respect to the last two distributions of the Bulletin in the House. That error has been corrected.

## **HOPPER (cont'd)**

### **Utilities & Energy**

LD 199 - An Act To Facilitate Wind Power Siting. (Sponsored by Rep. Cebra of Naples; additional cosponsors.)

This bill amends current law regarding the state-level review and approval of wind energy developments to make the respective state reviewing agencies (the Department of Environmental Protection in the organized areas of the state and the Land Use Regulation Commission in the unorganized areas of the state) the exclusive reviewing authorities, and prohibits any other state agencies or local or regional governments from requiring any approval, consent, permit, certificate or other condition for the construction and operation of a wind energy development.