

## Review of Proposed State Budget Begins

### First issues: Local Government Efficiency Fund, CEO Training Fees

On Monday this week the Appropriations Committee began its public-hearing review of Governor Baldacci's proposed state budget for the FY 2010-2011 biennium.

Two municipal issues were in front of the Committee on the very first day.

**The Structural Raid on Revenue Sharing.** To the deep frustration of municipal officials, the Governor is proposing to continue using the Local Government Efficiency Fund as a vehicle to move about \$2 million a year out of the municipal revenue sharing program into the state's General Fund. As established by the voters in 2004, the Efficiency Fund is capitalized solely with municipal revenue sharing dollars, but those dollars have been skimmed off by the Legislature since its inception.

(This proposal to take revenue sharing money is separate from and in addition to a direct raid of \$26 million of municipal revenue sharing resources that is also being proposed by the Governor. Public hearings regarding that direct revenue sharing raid are currently scheduled to be held on Friday, February 27.)

In addition to using the Efficiency Fund to raid revenue sharing dollars, the Governor is also proposing to restrict the use of what little Efficiency Fund money remains so that its resources would only be available to support the consolidation of administrative functions between municipalities and newly-formed "Regional School Units".

Martha Freeman, the Director of the State Planning Office, defended the Governor's proposal to the Committee by suggesting that the Governor was actually being more generous than historical legislative practice because his

proposal only raided 80% of the municipal revenue sharing dollars in the Efficiency Fund rather than the 100% the Legislature has been taking over the past several years. In addition, Ms. Freeman suggested that the very limited experience anyone has with the Efficiency Fund somehow suggests that the participating

municipalities were better at planning for efficiencies than actually implementing them. It's an unusual argument, belonging to the if-you-don't-build-it-they-won't-come category.

MMA testified in opposition to the Governor's proposal. The chronic and

*(continued on page 2)*

## PSAP Rates Announced

As reported in the January 23, 2009 *Legislative Bulletin*, the Public Utilities Commission (PUC) ordered the Department of Public Safety to amend its proposed rates for handling 9-1-1 emergency calls at its four Public Safety Answering Points (PSAP). These four state-operated PSAPs provide services to state agencies, particularly the state police, and approximately 100 municipalities in Aroostook, Kennebec and York Counties.

Last summer, the Department of Public Safety outlined a proposed 64% increase in its rates for the upcoming biennium. Following an adjudicatory proceeding at the PUC in which the Maine Municipal Association intervened as a party, the rates shown in the chart below are tentatively established.

In absolute terms for local jurisdiction customers, the \$3.63 million originally

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	FY 2008 (Current per-capita rates)	FY 2010 (Proposed per-capita rates)	FY 2010 (PUC Ordered Rates)
Answering Services	\$2.50	\$4.09	\$3.54
DISPATCHING Services			
Full-time police department:	\$5.00	\$8.18	\$7.09
	\$6.00	\$9.81	\$8.51
	\$8.00	\$13.08	\$11.34
Municipalities utilizing rural patrol	\$4.00	\$6.54	\$5.67
Full-time fire department:	\$3.00	\$4.91	\$4.25
Volunteer fire department:	\$1.50	\$2.45	\$2.13
Full-time EMS department:	\$4.00	\$6.54	\$5.67
Volunteer EMS department:	\$2.00	\$3.27	\$2.84

## **BUDGET (cont'd)**

now statutorily-codified raid on the revenue sharing program by manipulating the well-intentioned Efficiency Fund is extremely cynical and just plain wrong. If the Legislature wants to raid revenue sharing dollars, Maine's lawmakers should accomplish that result straight-up, not through the tortured dismantling of the self-funded efficiency incentive system.

Furthermore, the highly-restricted use of the Efficiency Fund as proposed by the Governor -- for the exclusive support of municipal-RSU administrative collaboration -- would provide little or no opportunity for efficiency incentives to hundreds of municipalities across the state.

Appropriations Committee members were generally stone-faced with respect to this issue. With respect to MMA's testimony, no questions were asked, no observations made. The State and Local Government Committee was sitting with the Appropriations Committee for the public hearing, and at least one member of that Committee, Rep. Terry Hayes of Buckfield, demonstrated through her questions to Martha Freeman a good understanding of how the Efficiency Fund has been manipulated by the Legislature.

**Fees for Code Officer training.** The two committees also reviewed the Governor's proposal to discontinue the no-charge Code Enforcement Officer training program and institute a new fee system instead.

Under the Governor's proposal, beginning on July 1, 2009, each municipal code enforcement officer would be charged \$165 per required training pro-

gram and \$25 for each required certification test.

The Governor's proposal expressly assesses the new fees to each individual CEO rather than the municipality. This is a strategy first employed by the Legislature with the institution of mandatory Harbor Master training programs so that the new costs associated with training certification, at least for technical reasons, would not be identified as a "state mandate" requiring state financial support.

A complete cycle of training programs for a new CEO recruit involves taking six two-day classroom programs and passing a test. The classroom programs on internal and external plumbing codes would apparently not have to be paid for with the new fees because the costs are already covered by part of the plumbing permit fees, but the new fees would be assessed for the classroom training on building standards, land use, legal issues, etc. Adding it up, the training and testing cost to the new CEO could fall in the \$700 to \$1,000 range. For the already-certified CEO, those costs would be borne over the 5-year recertification period.

The aggregate annual revenue to the state associated with imposing these new fees is about \$145,000. The fee revenue would be used to pay for a training coordinator in the State Planning Office, as well as some other associated expenses, thereby saving the state's General Fund that amount.

Two veteran Code Enforcement Officers - Roger Timmons from Windham and Claude Rounds, serving the Town of Paris - testified in opposition to the proposal and asked for the entire CEO certification program to be put on hold for a couple of years so that the training programs can be redesigned to catch up with the new uniform building and energy codes mandated by the Legislature in 2008. According to both CEOs, the implementation of the new building code program has been significantly delayed for a number of reasons including lack of state funding, and the municipalities currently do not have the resources to support the extensive training necessary to enforce the new codes. The local budgets for training and even just purchasing the new code books, which are ex-

pensive, are being slashed. To suddenly charge \$165 for every required training cost is simply not feasible.

MMA testified neither-for-nor-against the CEO training proposal. The overly-clever way of avoiding a "state mandate" designation by placing the cost on the employee rather than the employer is obviously a concern. The pertinent constitutional amendment says that the unfunded mandate law is to be "liberally construed" to effect its purpose of property tax relief, but the spirit of the mandate law is clearly being broken in this case. Just last year, for example, the costs of the new mandatory building code were downplayed considerably by legislators and the Office of Fiscal and Program Review because all of the associated training was going to be provided by the state....oh well.

But if the Legislature is going to authorize the charging of fees for CEO training, Maine's elected municipal officers would like to have more influence over the design, substance and flexibility of the training programs that are offered. The person paying the piper should be able to call at least part of the tune, and the perception of the CEO training programs among at least some of the state's selectmen, councilors and municipal managers is that there is too much of a one-size-fits-all approach, there are too many repetitive offerings which provide no substantial benefit to veteran code officials, there is a lack of special training on elements of building codes that are not enforced statewide, the actual training courses should be made more regionally available, and some CEO's are influenced through the training process to enforce state codes despite the lack of local authorization to do so.

### **Legislative Bulletin**

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

**Notice:** The Appropriations Committee is scheduled to hold the public hearing on the Governor's budget proposal to transfer \$26.5 million from the municipal revenue sharing program to the state's General Fund on:

**Friday, February 27, 2009  
State House – Room 228  
Starting at 9:00 a.m.**

# Water Works (Round I)

The Utilities and Energy Committee took testimony Tuesday on two water extraction bills. The bills are LD 55, *An Act to Prohibit the Commercial Sale of Water by a Water Utility*, and LD 238, *An Act Regarding Consumer-owned Water Utilities and Contracts for Water Extraction and for the Sale of Water*. These two bills are the first of an expected cluster of water extraction bills this session.

Both of these bills were filed in response to a proposal (ultimately withdrawn) by the Kennebunk, Kennebunkport and Wells Water District (KK&W) to enter into a long term contract to sell Poland Spring water from water sources controlled by KK&W.

LD 238 was sponsored by Representative Edward Legg (Kennebunk) and the two individuals who testified in support of the bill were both residents within the KK&W territory. There were apparently several e-mails in support of the bill submitted to the Committee as well.

LD 238 would require a consumer-owned water utility that wishes to enter into an "extraordinary" contract to sell water to first conduct a public hearing on that contract and submit the issue to the voters (presumably of the district) for ratification at referendum. The concern from the supporters was that the utility trustees, who are either directly elected by the voters or appointed by locally elected municipal officials, should not be empowered to make such a significant decision without greater public input. Rep. Legg was not necessarily for or against a sale of water to a bottling company, but simply concerned that the process by which such a sale could occur lacked what he feels are appropriate procedures.

Opposition came from representatives of the Fryeburg, Kingfield, Sanford and KK&W water utilities. Also opposed were the Maine Water Utilities Association and Aqua Maine, an investor-owned (rather than a consumer-owned) private water company.

There were many arguments offered by the opponents. The first was that trustees are accountable to their district's residents and that no additional controls

were necessary. Second, that the terms of the bill are unclear in a potentially harmful way. The primary ambiguity is that the bill's intent is to require a new process for "extraordinary" contracts yet the definition in the bill of "extraordinary" seems to cover many ordinary transactions. The Public Utilities Commission (testifying "neither for nor against") indicated that the printed bill may encompass sales to "bottled water companies, sale of water to another water utility under contract, sale of water to another water utility for emergency purposes, and approved sales to a customer in another utility's territory." The Maine Water Utilities Association testified that the bill may also encompass sales to "mini-breweries, soft drink bottlers, and virtually any other processor that merely adds water to the product they market." This issue consumed much of the public hearing. Clarifying the scope of the bill is going to be a central issue for the Committee at work session.

MMA testified neither for nor against the bill because the Association's Legislative Policy Committee (LPC) had not yet reviewed the legislation. However, the requirement for a referendum vote might raise mandate issues as defined in Maine's Constitution. Referendum elections cost money, and whether or not the bill's referendum requirement is a mandate is probably related to the scope of the term "extraordinary." That is, the broader the term is used and the more routine activities that would be subject to referendum, the more likely the bill is a mandate. The narrower the term is used and the rarer the activities, the less likely the bill is a mandate. [Note: MMA's LPC reviewed the bill on Thursday, after the public hearing, and voted to oppose LD 238. The LPC did, how-

ever, indicate an openness to ensuring adequate public hearings are conducted.]

A third argument against the bill, or at least the bill's requirement of a public hearing, is that an existing rule of the PUC governs these types of extraordinary contracts. The Committee spent a good deal of time discussing this rule, which is codified as "Chapter 691." The plain language of the 15-year old rule would appear to apply to only the sale of resource "land" by a water utility and not the water itself. On the other hand, some opponents testified that Maine's Supreme Court recently decided a case in a way that expands the reach of that rule to include the sale of the water resource, even if the land itself had not been sold. Rep. Herb Adams (Portland) was surprised at this expansion since this was one of the first pieces of legislation he helped craft in his legislative career. Clarifying the reach of Chapter 691 will also be an issue at work session.

A fourth argument made against the bill was that there is both plenty of water in Maine and plenty of water regulation. In connection with LD 55, Maine's State Geologist, Bob Marvinney, testified that "Maine has abundant water resources." Dr. Marvinney, who did not testify on LD 238, provided basic water facts to the Committee in three overview documents.

Maine receives about 24 Trillion (24,000 Billion) gallons of rainfall per year. Of that, around 10% infiltrates the ground and "recharges" groundwater sources. About 50% , directly runs to surface water sources such as streams and rivers. The Portland Water District, Maine's largest water utility serving 200,000 residents, uses around 8 billion gallons annually. Dr. Marvinney also produced a table of water users in Maine (See table below).

Missing from the data is information on how much water is consumed by resi-

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Type of Water Use	2007 (gallons)	2003 (gallons)
Paper Mills	65 Billion	70 Billion
Water Utilities	30 Billion	34 Billion
Agriculture	1.7 Billion	0.9 Billion
Snow Making	0.5 Billion	0.6 Billion
Bottled Water	0.6 Billion	0.4 Billion

# Policies for Disbursement of State Revenue

On Wednesday of this week, the State and Local Government Committee voted in favor of LD 130, *An Act to Allow a Municipality Greater Flexibility to Disburse State Fees*, by a margin of 12 to 0. At its October 2008 meeting, MMA's Legislative Policy Committee voted to support the bill.

Sponsored by Sen. Perry of Penobscot County, LD 130 authorizes (but does not require) the municipal officers to develop a written policy allowing one or more officers to sign a municipal warrant authorizing the treasurer to disburse revenue collected on behalf of the state (e.g., motor vehicle registration fees, hunting and fishing licenses revenue, etc.) to the appropriate state agency.

Under existing state statute (unless otherwise controlled by municipal charter or local ordinance) the municipal treasurer is prohibited from disbursing revenues without a warrant signed by a majority of the municipal officers. There are currently two exemptions in existing law. One exemption authorizes the municipal officers to adopt a written policy allowing the disbursement of employee wages and benefits by a warrant signed by one or more municipal officers. The other exemption allows for the adoption of a single-signatory policy regarding the disbursement of payments for the school warrant.

LD 130 proposes to add a third exemption to the list. Some state agency officials argue that the meeting schedules of municipal officers to authorize financial transactions, which is sometimes every other week, is impacting the timely disbursement of fees revenue to state agencies. A review of the information provided by municipal officials to MMA for its database, shows that 323 communities have adopted twice-a-month or monthly council or select board meeting schedules that include the function of approving the financial disbursements.

Since a majority of the municipal officers must sign the warrant to disburse the fees to the state, that action is normally taken during regularly scheduled

selectmen's meetings. If for example the municipal officers only meet on the second and fourth Tuesdays of the month, the fees collected on behalf of the state agency in January are held by the community until mid-February. State agency officials believe that LD 130 would provide the municipal officers with a tool for disbursing state revenues in a more timely manner.

MMA's Legislative Policy Committee agreed.

## **WATER (cont'd)**

dents via drinking water wells. Approximately 40% of Maine homes use wells.

As far as regulation is concerned, in 2007, Maine concluded a multi-year effort to develop so-called "flow rules", and to establish both a Water Resources Planning Committee and an Agricultural Water Management Board.

Testifying neither for nor against the bill, but expressing concerns, was a Poland Spring representative. While Poland Spring indicates it will follow any regulations the state establishes, the testimony was that a referendum was unnecessary and would essentially turn the industry's regulation over to a non-scientific process.

Also testifying neither for nor against, but clearly in support of legislation such as this, were two representatives of an organization called the Alliance of Democracy, Defending Water for Life. This organization opposes the corporate takeover of water and is raising alarms about what they term a Global Water crisis. These representatives spoke to future bills which will be heard this session that more directly address these issues.

LD 55, sponsored by Representative John Martin (Eagle Lake), was taken up by the Committee after several hours of testimony on LD 238. Rep. Martin testified that he submitted the bill in response to the KK&W issue but that the bill's language does not reflect his exact intent. As drafted the bill would prohibit many "commercial" sales of water by a

water utility. Rep. Martin clarified that his goals are to ensure that there is an adequate review process in place before such a commercial sale takes place and that in his opinion, Chapter 691 (as described above) does not go far enough. Rep. Martin also indicated that State General Fund revenues are used to draw-down federal funds to support infrastructure investments by water utilities. Accordingly, he testified that the state General Fund, and not just local ratepayers, should benefit from any significant commercial sales of a water resource.

There was much testimony against LD 55 from most of the same opponents of LD 238, as well as from the Public Advocate's Office. Most of that testimony focused on the fact that commercial sales benefit ratepayers by keeping rates low and allowing infrastructure investments to be made.

Who has control over water supplies is not just the stuff of legislation. Over the many years, special agent James Bond has faced many diabolical masterminds. In the latest 007 movie, Quantum of Solace, the arch villain attempts to seize control of Bolivia's water supply and then abuse this monopoly power to raise water rates.

Maine probably doesn't need James Bond. Water rates are governed by the Maine PUC and water extraction is regulated from many state agencies including the Drinking Water Program at DHHS and the Department of Environmental Protection. The task for the Utilities and Energy Committee is to see if this is enough.

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

proposed to be raised has been reduced to \$3.08 million. While the originally-proposed rates have been reduced, the FY 2010-2011 rates still represent a nearly 42% increase over the current rates.

It should be emphasized that these are tentative rates because a further increase could be ordered by the PUC if the Legislature approves the Department's proposal to hire four additional staff. In the current biennial budget now being reviewed, the Department has requested that the Legislature authorize the hiring of four new staff positions to serve various functions related to the PSAPs. The budgeted costs for these four positions is

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## IN THE HOPPER

*(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the Legislative Bulletin to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, [www.memun.org](http://www.memun.org).)*

### **Agriculture, Conservation & Forestry**

LD 414 - An Act To Improve the Safety of Snowmobile Trails. (Sponsored by Rep. Connor of Kennebunk; additional cosponsors.)

This bill establishes that every entity receiving snowmobile trail funds from the state, including a municipality, must ensure that all trail markings and signs are erected and maintained according to guidelines published by the Department of Conservation and that no ropes, chains, lines or similar materials are used to cross a snowmobile trail or otherwise placed so as to create a hazard. Violations result in both financial penalties and loss of access to snowmobile trail funds.

LD 415 - An Act Relating To Interference with Navigation on Inland Waters. (Sponsored by Rep. Pendleton of Scarborough; additional cosponsors.)

This bill prohibits the use of swim line-floats or regulatory markers for the purpose of protecting swimmers by anyone other than a governmental entity or commercial campground that has obtained permission from the Director of the Bureau of Parks and Lands. The bill also establishes as a Class E crime the act of willfully mutilating, defacing or destroying any notice, monument or marker lawfully erected within or at the border of a public facility.

LD 517 - An Act To Authorize the Employment of Animal Control Officers by Animal Shelters. (Sponsored by Rep. Cleary of Houlton; additional cosponsors.)

This bill authorizes animal shelters to employ animal control officers (ACO) who are trained and certified in the same way as municipal animal control officers. The bill also authorizes municipalities to contract with animal shelters to provide those communities with ACO services.

### **Appropriations & Financial Affairs**

LD 280 - An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses. (Sponsored by Rep. Schatz of Blue Hill; additional cosponsors.)

This bill sends out to the voters a \$2.5 million bond proposal for the purpose of repairing traditional meeting houses in the state, such as grange halls, town halls and community houses.

LD 439 - An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy. (Sponsored by Rep. Cain of Orono; additional cosponsors.)

This bill sends out to the voters a proposed \$200 million research and development bond issue, to be distributed at the rate of \$50 million a year over a four-year period.

LD 472 - An Act To Authorize a General Fund Bond Issue for Energy Conservation. (Sponsored by Sen. Bartlett of Cumberland County; additional cosponsors.)

This bill sends out to the voters a proposed \$50 million bond, the proceeds of which would be administered by the Maine State Housing Authority to provide low interest loans for energy conservation projects in private homes.

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

LD 440 - An Act Regarding Exceptions to the Maine Uniform Building and Energy Code. (Sponsored by Rep. Crockett of Bethel; additional cosponsors.)

This bill exempts single family and 2-unit residential buildings from the building code standards of the Maine Uniform Building and Energy Code.

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

LD 550 - An Act To Protect Maine Residents from Home Fires and Carbon Monoxide. (Sponsored by Sen. Diamond of Cumberland County; additional cosponsors.)

This bill requires all newly-constructed single family and multi-apartment dwellings constructed or sold in the state to have both smoke detectors and carbon monoxide detectors that meet certain specifications and are installed in certain locations within those residential units.

### **Education & Cultural Affairs**

LD 475 - An Act Regarding the Reorganization of Regional School Units and Allowing a Municipality To Opt Out of an Existing School Structure. (Sponsored by Sen. Rosen of Hancock County; additional cosponsors.)

This bill reconstitutes the law that allows a single municipality to engage in a process to withdraw from one school district and join another.

LD 551 - An Act To Improve the Essential Programs and Services Funding Formula. (Sponsored by Rep. Finch of Fairfield)

This "concept draft" bill proposes to enact measures designed to improve the essential programs and services funding formula.

### **Inland Fisheries & Wildlife**

LD 457 - An Act Regarding Nuisance Beaver. (Sponsored by Sen. Nutting of Androscoggin County.)

This bill requires the Commissioner of the Department of Inland Fisheries and Wildlife to authorize a municipality to remove a beaver by hunting if the municipality has demonstrated that the beaver-related activities have repeatedly jeopardized the integrity of a public road.

### **Judiciary**

LD 445 - An Act To Improve Tribal-State Relations. (Sponsored by Rep. Priest of Brunswick; additional cosponsors.)

This bill provides that the Interlocal Agreement Act, which allows municipal, county and quasi-municipal entities to formally partner on the delivery of specified services, expressly includes any of the federally recognized Indian tribes or their political subdivisions, including the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Aroostook Band of Micmacs.

### **Labor**

LD 496 - An Act To Amend the Employment Practices Laws. (Sponsored by Rep. Tuttle of Sanford.)

Current law allows a public employer to deduct service fees owed by an employee to a collective bargaining agent from the employee's pay. This bill requires the employer to deduct the fees.

### **Legal & Veterans Affairs**

LD 512 - An Act To Facilitate Voting by Maine Residents

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

in the Military Who Are Deployed Overseas. (Sponsored by Rep. Willette of Presque Isle; additional cosponsors.)

Current law requires the Secretary of State to furnish each municipality sufficient absentee ballots and return envelopes to cover a state election not less than 30 days before the election. This bill requires the absentee ballots to be furnished to the municipalities no less than 60 days before the election.

**LD 530 - Resolution, Proposing an Amendment to the Constitution of Maine To Reduce the Number of Signatures Required and Prohibit Payment for Signatures in the Citizen's Initiative Process.** (Sponsored by Rep. Wheeler of Kittery; additional cosponsor.) (By Request)

This resolution sends out to the voters a proposed amendment to the state's Constitution that would reduce the number of signatures required to present a citizen initiative to the Legislature from 10% of the number of voters who voted at the most recent gubernatorial election to 3%. The proposed amendment would also prohibit any petition circulator from receiving any pay or compensation for circulating the petitions.

**LD 547 - An Act To Amend the Laws Concerning Write-in Candidates for Elected Office To Increase Fairness.** (Sponsored by Sen. Bowman of York County) (By Request)

This bill makes a number of changes to the election laws dealing with write-in candidates for state-level elections. The bill: (1) repeals the requirement that a vote for a write-in candidate must include the candidate's municipality of residence; (2) authorizes the use of stickers for the purpose of voting for a write-in candidate; (3) requires write-in candidates to inform the Secretary of State of their write-in candidacy at least 45 days prior to the election rather than just 3 days; and (4) requires the Secretary of State to formally notify municipal election clerks of all write-in candidates so their names can be posted on the notification ballots in the same manner as non write-in candidates.

**LD 548 - An Act To Provide Information to Maine Voters About the Cost and Fiscal Impact of Citizens' Initiatives.** (Sponsored by Sen. Schneider of Penobscot County; additional cosponsors.)

This bill requires the Secretary of State to work with the Office of Fiscal and Program Review to determine the fiscal impacts of any citizen initiative presented by petition to the Secretary. If it is determined that the initiative has fiscal implications beyond the actual cost of conducting the referendum vote to either approve or reject the initiative, the bill requires the persons responsible for advancing the initiative to describe how the costs of the initiative will be paid for.

### **Natural Resources**

**LD 348 - An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways.** (Sponsored by Sen. Damon of Hancock.)

This bill removes the requirement that a permit be obtained from the Department of Environmental Protection under the Natural Resources Protection Act with respect to several circumstances, including any activity associated with the release of water from an abandoned dam when ordered by the DEP and any activity associated with the breach or removal of any dam when ordered by the Commissioner of the Department of Defense, Veterans and Emergency Management.

**LD 460 - Resolve, To Evaluate Climate Change Adaptation Options for the State.** (Sponsored by Sen. Simpson of Androscoggin County; additional cosponsors.)

This resolve directs the Department of Environmental Protection to convene a stakeholder group made up of representatives of the business community, non-governmental organizations and state government to study the impacts of climate change on, among other systems, built infrastructure including coastal and inland flooding

effects on roads and facilities, the heat effects in urban centers, beach scouring, water supplies and drinking water, emergency response systems, etc. The Department is directed to report the findings and recommendations of the stakeholders group back to the Legislature by February 27, 2010.

**LD 515 - An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases.** (Sponsored by Rep. Driscoll of Westbrook; additional cosponsors.)

This bill establishes that municipal emergency response costs in the circumstance of a release of natural gas into the ambient air are subject to reimbursement under the statute governing municipal recovery for costs associated with hazardous material emergency response.

**LD 535 - An Act To Allow the Temporary Placement of Structures To Protect Property from Natural Disasters.** (Sponsored by Rep. Chase of Wells; additional cosponsors.)

This bill allows an owner or occupier of property to erect a temporary structure without a permit to protect the property from a natural disaster, occurrence or event provided the temporarily erected structure is removed within seven months. The authority to erect these protective structures overrides any state or municipal law that would require the construction to be permitted.

**LD 536 - An Act To Enhance Maine's Electronic Waste Recycling Law.** (Emergency) (Sponsored by Rep. Hinck of Portland; additional cosponsors.)

Among other changes to the law regarding the mandatory recycling of certain electronic wastes, this bill expressly includes digital picture frames, desktop printers and video game consoles as products that must be recycled.

### **State & Local Government**

**LD 448 - An Act To Modify the Informed Growth Act.** (Sponsored by Rep. Beaudette of Biddeford; additional cosponsors.)

This bill exempts a municipality from implementing the specific requirements of the Informed Growth Act with respect to proposed big-box development if the municipality has adopted requirements for determining the economic and community impacts of the proposed development.

**LD 463 - An Act To Allow Nonresident Property Tax Owners To Vote on Municipal Budget Matters.** (Sponsored by Sen. Sherman of Aroostook County; additional cosponsor.)

This bill allows a person who is not a resident of the municipality and, therefore, not a registered voter to vote in a municipal election regarding budget matters provided the person owns taxable property in the municipality.

### **Taxation**

**LD 380 - An Act To Require Residents of the Unorganized Territories To Pay Excise Taxes To Agents and Not Directly to the Secretary of State.** (Sponsored by Rep. McFadden of Dennysville; additional cosponsors.) (By Request)

This bill repeals the law that allows the State Tax Assessor to appoint the Secretary of State as an agent for the purpose of collecting excise tax for the unorganized territory. As a consequence, this bill effectively requires all residents of the unorganized territories to pay their excise taxes to state agents.

**LD 404 - An Act To Promote Property Tax Relief for Maine's Senior Citizens.** (Sponsored by Rep. Shaw of Standish; additional cosponsors.)

Under current law, the household income used for the calculation of the Circuit Breaker property tax and rent rebate benefit is calculated according to certain statutory standards which make that income calculation deviate from the "adjusted gross income" used for federal IRS purposes. This bill requires the "adjusted gross

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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/>.*

### **Monday, February 16th HOLIDAY**

#### **Tuesday, February 17**

##### **Appropriations & Financial Affairs**

**Room 228, State House, 1:00 p.m.**

**Tel: 287-1316**

LD 353 - Governor's proposed biennial budget

**2:00 p.m.** With the Joint Standing Committee on Health & Human Services

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

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

**Tel: 287-1331**

LD 271 - An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts.

##### **Inland Fisheries & Wildlife**

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

**Tel: 287-1338**

LD 88 - An Act To Permit Personal Watercraft on Lake St. George in Liberty.

##### **Taxation**

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

**Tel: 287-1552**

LD 212 - Resolve, To Study and Develop a Tax Increment Financing

Program To Fund the Washington County Development Authority.

LD 313 - An Act To Add a Fuel Oil Benefit to the Circuitbreaker Program.

LD 349 - An Act To Authorize Arbitration of Property Tax Valuation Disputes.

### **Wednesday, February 18**

##### **Appropriations & Financial Affairs**

**Room 228, State House, 9:00 a.m.**

**Tel: 287-1316**

LD 353 - Governor's proposed biennial budget.

With the Joint Standing Committee on Health & Human Services

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

**Room 437, State House, 10:00 a.m.**

**Tel: 287-1310**

LD 235 - An Act To Modify the Citizen Initiative Process.

LD 350 - Resolution, Proposing an Amendment to the Constitution of Maine Regarding Early Voting.

### **Thursday, February 19**

##### **Appropriations & Financial Affairs**

**Room 228, State House, 1:00 p.m.**

**Tel: 287-1316**

LD 353 - Governor's proposed biennial budget

With the Joint Standing Committee on Health & Human Services. (The Joint Standing Committees on Criminal Justice & Public Safety, Education & Cultural Affairs, Judiciary and Insurance & Financial Services are also invited to participate.)

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

income" figure to be used for any household in which all the income-earners in the household are 65 years of age or older.

LD 459 - An Act To Provide Tax Relief for Maine Residents Deployed for Military Service. (Sponsored by Sen. Perry of Penobscot County; additional cosponsors.)

This bill authorizes municipalities to waive the motor vehicle excise taxes for any resident of the municipality who is deployed for military service for a period of more than 30 days.

LD 493 - An Act To Provide Sensible Options for Tax Increment Financing Proceeds in Small Towns. (Sponsored by Sen. Rosen of Hancock County; additional cosponsor.)

This bill allows municipalities to participate jointly in Tax Increment Financing arrangements (TIF) if the participating municipalities establish a tax base sharing agreement. This bill further provides that for municipalities or multi-municipal applicants with populations under 1,500, the allowable program costs under a TIF agreement can include the more general costs of constructing or improving municipal and regional facilities to provide governmental services.

LD 500 - An Act to Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts. (Sponsored by Sen. Schneider of Penobscot County; additional cosponsors.)

This bill expands the allowable costs under a Tax Increment Financing agreement (TIF) to include the costs of constructing or improving facilities or buildings that are leased by the state or municipal governments and located in approved downtown TIF districts.

LD 539 - An Act To Amend the Laws Governing the Allowable Use of Tax Increment Financing Funds. (Sponsored by Rep. Clark of Millinocket; additional cosponsors.)

This bill amends the law governing the allowable program costs under a Tax Increment Financing agreement to include costs related to the planning, design, maintenance, grooming and improvements of new or existing recreational trails.

LD 545 - An Act To Amend the Tax Exemption Regarding Leased Property. (sponsored by Sen. Bliss of Cumberland; additional cosponsor.)

Under current law, both the real and personal property that is leased by a hospital is exempt from property taxation. This bill removes the exemption for real property that is leased by a hospital.

LD 553 - An Act To Amend the Laws Governing Abatement of Property Taxes due to Infirmity or Poverty. (Sponsored by Rep. Casavant of Biddeford; additional cosponsors.)

This bill amends Maine's poverty abatement law in three ways. The bill: (1) clarifies that the determination of eligibility for a poverty abatement does not have to issued until the property taxes are actually past-due and the time is approaching for the initial lien to be filed; (2) authorizes the calculation of eligibility to take into account the

*(continued on page 8)*

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

value of assets owned by the applicant as long as the utilization of that asset value would not impair the ability of the applicant to continue living in the primary residence; and (3) authorizes a determination of eligibility to result in a formal waiver of foreclosure rather than an abatement.

### **Transportation**

LD 382 - An Act To Clarify the Meaning of Prudent Speed. (Sponsored by Rep. Fitts of Pittsfield.)

This bill requires a law enforcement officer who is summoning a person for "imprudent speed" to record on the summons the reason the officer considered the driver's speed imprudent and what maximum speed the officer would consider prudent.

### **Utilities & Energy**

LD 334 - An Act To Clarify the So-called Dig Safe Law. (Sponsored by Rep. Sykes of Harrison.)

This "concept draft" bill proposes to clarify the so-called Dig Safe law to assist property owners and others in recognizing appropriate dig safe conditions.

LD 396 - An Act Regarding Installation of Solar Energy Systems under the Solar and Wind Energy Rebate Program. (Sponsored by Sen. Nutting of Androscoggin County.)

This bill allows a property owner to qualify for a certain alternative energy installation rebate to cover some of the cost of installing a solar photovoltaic system or a solar thermal system if the owner-installed system is inspected by the municipal electrical inspector, in the first instance, or the municipal plumbing inspector for solar thermal systems. Current law requires the certification to be accomplished by third-parties certified by a North American board of certified energy practitioners.

LD 555 - An Act To Promote Public Safety Answering Point Efficiency. (Sponsored by Rep. Fletcher of Winslow; additional cosponsors.)

Among other amendments to the law governing the duties of the E-9-1-1 Council and the Emergency Services Bureau within the Public Utilities Commission, this bill requires the preparation of a report to the Legislature regarding the optimum configuration of PSAPs in the state, as well as the benefits and consequences of expanding the statewide E-9-1-1 surcharge on all telephone bills in order to fund all PSAP system costs.

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

\$640,000.

Since the State Police and other state agencies are the primary users of the PSAP services of the Department, the state agencies, via the General Fund, would absorb most of the costs associated with these positions. However, municipalities and other local jurisdictions would be responsible for approximately 25% of the costs, or \$160,000 in the aggregate. These new-position costs represents approximately 5% of the total municipal amount. Accordingly, as municipalities are deciding on whether to renew their agreement with the Department and correspondingly establishing their budgets, it is advisable to add 5% to your community's estimated costs as a contingency in the event the Legislature authorizes these four new positions.

A proposed breakdown of the amount due from each local jurisdiction currently receiving services from the Department is posted on MMA's website ([www.memun.org](http://www.memun.org)) as "PSAP Rates".