

Fixing the Battered School Consolidation Law

Wednesday this week was the day to consider what needs to be done to fix the school consolidation law.

This entire edition of the *Legislative Bulletin* could be devoted to a description of the 17 bills given their public hearing during the course of the day, and the impassioned testimony of dozens of school officials, school board members, selectmen and plain-old citizens who expressed frustration, anger, disillusionment, betrayal and a host of other emotions related to their hip-deep interaction with the school consolidation effort.

But it doesn't make sense to devote that kind of space to the school consolidation issue, not because it isn't vitally important, but because any 2009 fix-up of the consolidation law is beyond the legal reach of the Legislature. Because a valid citizen initiative has been certified by the Secretary of State and filed with the Legislature to repeal the school consolidation law, there is nothing the Legislature can do to amend the law until the initiative question has been decided by the voters at the November 3, 2009 General Election. It is called the "competing measure" doctrine, and it stems from a provision in Maine's Constitution that restricts the Legislature from interfering with a clean vote on a petitioned issue sent out to referendum by amending the law in advance of the election, potentially in a manner that could sway the outcome of the vote.

MMA had a bill in the mix of 17 different proposals, LD 1287, *An Act to Amend the Laws Governing School Consolidation to Eliminate Penalties,*

Establish Incentives and Allow Alternative Voting Procedures. Kindly sponsored by Senator Dennis Damon (Hancock Cty.), LD 1287 was written as an emergency bill that would make just two substantive changes to the school consolidation law.

First, LD 1287 would flip the penalty system, which is currently ripping the state into two pieces, into a gentler incentive system.

The current system would forever penalize all school systems that failed to consolidate for various reasons, primarily financial. Current law takes that

penalty money and distributes it somehow. This part becomes fuzzy because the consolidation law, in another act of carelessness, never bothered to explain how the penalty revenue would be redistributed. Presumably, with no other intervention, it would go to all other school systems, including those schools that never had to even consider consolidating. The Department of Education is now suggesting that in the vacuum of statutory silence, the penalty money be distributed to a subset of school systems identified by the Department.

In contrast, LD 1287 would utilize the same type of financial system to provide a finite, 3-year financial reward to all school systems that actually

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Lawyers, Journalists and Money

Judy Meyer, an editor for the Lewiston Sun Journal, Irwin Gratz, an announcer for Maine Public Radio, and Anthony Ronzio, another editor for the Sun Journal, are the supporters of a bill that would require a municipality to pay the attorney fees for the press when a newspaper successfully sues a town or city over alleged Right to Know law violations, but would not require the press to pay the municipality's attorneys' fees when the newspaper's lawsuit is determined to have no merit.

That is their sense of fair play, and their bill – sponsored by Sen. David Hastings (Oxford Cty.) just received a strong "ought to pass" report from the Judiciary Committee.

On Tuesday last week the Judiciary Committee took testimony on LD 679, *An Act to Allow a Court To Award Attorney's Fees in Successful Freedom*

of Access Appeals. At the work session the next day, a 9-2 majority of the Committee voted to support a slightly amended version of the bill.

As the bill title indicates, the legislation allows courts to award attorney's fees; it does so in two distinct situations.

First, every day the various levels of government in Maine receive requests for access to public records. Occasionally, the government does not produce what was requested. The requestor may appeal the decision of the government in Superior Court.

LD 460 would allow a Court to require the government to pay the requestor's attorney's fees if the Court finds that the government's denial was "not for just or proper cause."

The second situation deals with actions taken in "executive sessions" of

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LAWYERS (cont'd)

public bodies. The general rule is that public bodies must meet in public only. For a few common exceptions, a public body may meet behind closed doors, or in "executive session." The typical reason for an executive session is to handle personnel matters, which must be done in private in order to protect some rights of public employees. Another reason would be for a body to discuss business transactions such as the purchase or sale of property (you wouldn't want the other party to such a transaction to know what your bottom-line price would be).

While meetings can take place in private, a public body may not take action in executive session. If such improper action is suspected, any member of the public may file an appeal of that action in Superior Court.

LD 460 also allows a Court to require the government to pay the requestor's attorney's fees if the Court agrees that the action was taken contrary to the law.

The proponents made four general arguments. First, most other states have some kind of attorney's fee provision concerning freedom of access disputes. Second, Maine law has dozens of attorney's fee provisions, many of which entitle the government to collect attorney's fees. Third, since there is no other public watchdog of the government in these respects, the public shouldn't have to dig into their own pockets to enforce Maine's laws. Fourth, this issue is not about journalists and lawyers, its about the average "moderate income" citizen.

There were four proponents of the bill, three journalists and their contract

lobbyist.

There were two opponents, Harry Pringle, an attorney representing the Maine School Management Association, and MMA.

Attorney Pringle noted that the Legislature has taken several steps to improve awareness and understanding of Maine's Freedom of Access statutes in the past few years. Included among those steps are mandatory training of elected officials, the creation of a Right to Know Advisory Committee (RTK Advisory Committee), and the establishment of a publicly available website explaining Maine's Freedom of Access Statute. He also pointed out that while one of the statutory duties of the RTK Advisory Committee is to serve a resource for the Legislature regarding legislation on access issues, LD 679 was not reviewed by the RTK Advisory Committee.

He also explained that a significant portion of the difficult and challenging public records requests come from lawyers, prior to litigation as a form of discovery and from the press. While this is not a problem, lawyers and the for-profit media don't need the taxpayers to subsidize their lawsuits. The taxpayers already have to pay for the government's legal fees. They shouldn't also have to pay the fees of the press and their lawyers.

Compiling and reviewing all the records that can be requested by a journalist or a lawyer can be quite time consuming. Yet, the Legislature has capped the fees governments can charge at no more than \$10 per hour (and the first hour of government work is free to the requestor). An argument should be considered that if the taxpayers are going to bear the risk of paying a requestor's attorney's fees, the government should be allowed to charge more than \$10 per hour in the course of preparing a response to a record request.

Furthermore, the bill is unfair in that it is a "one-way street." Only a requestor is allowed attorneys fees. If the government prevails, and the requestor was frivolously pursuing clearly non-public records, the government may not have its (taxpayer-funded) attorney's fees covered.

Lastly, there was no outcry of support from the public. At the same time that this bill was heard, dozens of duel-

ing optometrists and ophthalmologists packed the Business, Research and Economic Development Committee on a bill; dozens of average citizens appeared at a hearing on who owns groundwater; and the next day both the Education Committee and the Joint Select Committee on Maine's Energy Future had crowds so large they had to use spill-over space in multiple committee rooms to accommodate the public.

This bill is like all of its predecessors, including a similar bill filed and unanimously rejected four years ago. Its about the press and its lawyers.

Judy Meyer, managing editor at the Lewiston Sun Journal, testifying in support of the bill on behalf of the Maine Freedom of Information Coalition, noted that the American Bar Association has found that recovering attorney's fees are good public policy. Well, who are the taxpayers to disagree with that assessment?

Mr. Ronzio testified that "Putting a fiscal penalty on violators would sharpen FOAA's teeth and remind all public officials, on every level of government, that complying with its provisions is a necessity." Its obvious that this bill is not about helping average citizens; its about giving the press the authority to impose penalties on towns. What is most troubling about this testimony is the press' twisted understanding of what "complying" with the FOAA requires. Recently the press went so far as to identify small towns that are closed on Wednesday's as "non-compliant" with FOAA. They weren't, and empowering the press to start handing out penalties is bad policy.

The press serves an important role in society. Government must have its actions watched and publicized. The fact that governments and the press clash over a particular record is not the sign of a problem. The answers to questions raised by records requests are frequently not black and white. Sometimes a Court will find that the government mistakenly withheld a record. Other times, a Court will find that the press was not entitled to a document it wanted to see.

The system is working. LD 679 ought not to pass, especially in its current one-sided form.

Legislative Bulletin

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Building Code Fix-Ups

On Tuesday, the Business Research and Economic Development Committee took testimony on several bills that would amend the statewide building code law that was enacted last session.

A bill to exempt residential housing from the uniform building code mandate was killed on the spot. A second bill deals with the somewhat specialized issue of allowing municipalities to adopt more stringent energy codes than what might be provided in the uniform statewide code if they so choose (LD 997, *An Act to Clarify the Limits of the Maine Uniform Building and Energy Code*). That bill is still on the table.

The focus of this article is on the more comprehensive and clarifying “fix-up” bill in the cluster of building code legislation that was developed by MMA’s Legislative Policy Committee.

Last session, the Legislature decided to establish a single, statewide building, energy, radon and ventilation code known as the Maine Uniform Building and Energy Code, or MUBEC. The law directed a new board, the Technical Building Code and Standards Board (the Board), to adopt the MUBEC by January 1, 2010. However, the Board has not received the funding it needs to hire staff. Accordingly, the Board has requested that the adoption date be moved back. The law enacted last year also requires some level of code enforcement in municipalities over 2,000 in population. Enforcement will either be done by municipal building inspectors, or by private, certified third-party inspectors.

The MMA bill, sponsored by Rep. Jayne Giles (Belfast), is LD 652, *An Act To Clarify the Maine Uniform Building and Energy Code*. This bill is part of MMA’s legislative agenda for the 124th Legislature. This bill addresses several distinct issues.

First, the law adopted last session prohibits local building code ordi-

nances that are “inconsistent” with the state building code. Section 1 of LD 652 clarifies what inconsistent means. The yet-to-be-adopted statewide building code will be based upon national model codes. It is likely that the state building code (MUBEC) will not include every single provision included in the national codes. The question raised is whether municipalities can essentially fill-in-the-blanks by adopting the national standard(s) that the state chooses not to adopt. The bill would allow municipalities to do so; if the Legislature is inclined to oppose this allowance, it should amend the law to more clearly explain what “inconsistent” ordinances means.

This section of the bill received the most opposition from those who testified. The opponents’ claim is that section 1 of LD 652 opens the “Pandora’s box” of non-uniformity where each municipality is allowed to make a decision that varies from state uniformity. While uniformity has its place, public safety and energy efficiency are important policies as well and where the state code is arguably deficient, allowing local action is worth consideration.

Second, LD 652 adds a cross-reference in the law which clarifies that when a property is inspected by 3rd-party inspectors, the municipality does not have to redundantly enforce the building code with municipal inspections.

Third, LD 652 incorporates the understanding that a municipality has no obligation to validate or review for accuracy any inspection reports submitted by a certified 3rd-party inspector to the municipality. This understanding is only contained in a statement read into the Legislative Record and should be included in the statutes as well.

These two sections received support from several members of the public and no opposition.

Fourth, LD 652 requires the State Planning Office to publish a list by

January 1, 2010 of those municipalities that must begin enforcement of the MUBEC by July 1, 2010 and in doing so, specifies that life safety and fire codes are not considered building codes for the purposes of determining an enforcement date. Municipalities over 2,000 in population are obligated to enforce the MUBEC. However, exactly when that obligation begins depends upon whether these municipalities have “building codes” today. If they do, enforcement is to begin in 2010; if not, enforcement is to begin in 2012. Because some municipalities have locally adopted fire codes, but label them “building codes” it is unclear if these are 2010 or 2012 communities. The bill would categorize these communities as 2012 communities. Either way, one would think it’s not too much to ask the state to identify the communities that the state believes must begin enforcing the mandatory code at the earlier deadline.

The State Planning Office opposed this section. The SPO felt that towns should be able to figure out for themselves whether they should begin enforcement in 2010, 2012 or not at all.

Fifth, LD 652 directs the Technical Building Codes and Standards Board to review issues regarding the 3rd-party inspector concept and make any recommendations that will enhance the viability of this enforcement option. When the statewide code bill was enacted last year, the issues that will be faced by 3rd-party inspectors, such as their exposure to liability, etc., received almost no attention, but the Legislature can’t simply assume that these 3rd-party inspectors will simply materialize without fully understanding the rules of the game.

Lastly, the bill makes a minor change to correct inconsistent effective dates that were enacted last year. On that point, the Building Code Board has formally requested that the Legislature extend their deadline to adopt the Building Code and the portion of LD 652 dealing with deadlines provides lawmakers a vehicle to do so.

The bill was scheduled for a work session on Friday, April 3.

PSAP Consolidation – Back to the Future

The Utilities and Energy Committee took testimony on two bills recently that deal with Public Safety Answering Points (or PSAPs). A PSAP receives (and may dispatch) emergency 9-1-1 calls. There are currently 26 PSAPs in Maine with four operated by the state and the remaining 22 split between counties and municipalities.

There are only 26 PSAPs in Maine as a result of a state-imposed consolidation four years ago when there were approximately 48 PSAPs. Now that these consolidated PSAPs have been operating for a few years, there are some legislators, particularly in the Kennebec County area, who are expressing concerns.

The reason for the concerns are in large part a result of the fact that many Kennebec County municipalities are receiving their services from a state-operated PSAP in Augusta. As was explained in the January 23rd, and February 13th *Legislative Bulletins*, the state-operated PSAPs are increasing the rates they charge municipalities by 42%. (The State originally proposed a 64% increase but it was lowered in response to a PUC review in which MMA participated.)

In the face of such significant cost increases, central Maine legislators are interested in reviewing the issue.

Rep. Ken Fletcher (Winslow) sponsored LD 555, *An Act to Promote Public Safety Answering Point Efficiency*. In general, this bill directs the Public Utilities Commission (PUC) to prepare a report on PSAPs. That report would: (1) identify the optimum configuration of PSAPs in Maine including the appropriate number of PSAPs, system costs, maintenance, training, back-up systems, and staffing ratios; and (2) review whether it makes more sense to fund the PSAP system through surcharges on telephones rather than fees to municipalities (which simply raise revenues from taxable property owners). Essentially, LD 555 seeks to define the most optimal 9-1-1 system and

then explore funding it in a new way.

Municipalities support this legislation. The link between property taxpayers – which excludes hospitals, colleges, governmental facilities and hundreds of non-profit organizations – and the 9-1-1 system is less sensible than the connection between telephone users and the system. Legislation exploring alternative funding methods is encouraging. Also, as the PUC rate case this fall highlighted, determining what a PSAP should cost is a worthy exercise regardless of what method of financing is used.

The second bill, LD 597, *An Act To Amend the Laws Governing Public Safety Answering Points*, is a “concept draft” filed by Rep. David Cotta (China). This bill would establish certain statutory requirements before any further consolidation of public safety answering points could take place. The requirements include both pure financial “costs and benefit” analyses, particularly for the affected municipalities, and analyses of the service itself.

Municipalities also support this legislation. It would probably be unfair to say that the Legislature didn’t analyze any of these issues prior to the PSAP consolidation enacted 4 years ago. However, we now have actual Maine data that provides a very useful context for any further PSAP consolidation discussions. Lastly, Rep. Cotta’s bill requires the local approval of any further consolidation. Thus, instead of simply imposing a new structure on citizens, LD 597 would seek local input on any consolidation approach conceived by the Legislature. Rep. Cotta’s approach to thoroughly review state-mandated consolidations before they are enacted is welcome.

The Emergency Services Communications Bureau (ESCB) is a bureau within the Public Utilities Commission charged with managing the 9-1-1 network in Maine. The ESCB recently indicated that it is seeking to take the very first steps to explore a major upgrade to the current E-9-1-1 system.

The upgrade would be to implement Next Generation or “NexGen” technology for emergency calls. The tentative goal is to begin the process of implementation in July 2012. Between now and then a significant amount of groundwork, research and study will need to take place.

NexGen utilizes an Internet Protocol or “IP” based system. This allows for a variety of expansions to the current system. An obvious example would be that an IP system allows for the E-9-1-1 system to receive more types of emergency calls, such as text messaging, pictures and videos.

This potential NexGen upgrade is relevant to LD 555 and LD 597, both of which deal with the process to fund and consolidate PSAPs and/or dispatch centers. The last round of consolidation of PSAPs in 2004 stemmed in large part from the increased costs associated with the technological upgrade to an “Enhanced” 9-1-1 or the E-9-1-1 system. E-9-1-1 allowed the PSAP receiving an emergency call to automatically identify the address of the caller.

The state is responsible for providing the infrastructure associated with the E-9-1-1 system and upgrades to new technology can be expensive to distribute to many locations. However, we have seen that the ongoing operational costs resulting from consolidation might be more expensive than anticipated.

So, the technological spur for past consolidations may return and spur further consolidations. The concepts of LD 555 and LD 597 can be incorporated into the possible multi-year transition to NexGen. That is, the costs associated with technology upgrades may argue for more consolidation, but the costs associated with the ongoing operations may counter that argument. Representatives Cotta and Fletcher are seeking to establish an appropriate process to analyze and make difficult consolidation decisions. As we go back to the future of PSAP consolidation, this seems very sensible.

Informed Growth Act Center of Attention

Once again, the Informed Growth Act (IGA) was at the center of the State and Local Government Committee's attention as it held public hearings on five IGA-related bills on Wednesday this week. Since its adoption by the Legislature in 2007, the Committee has annually endured marathon public hearings to gather testimony from people on all sides of the issue seeking to amend or attempting to block any amendments to the existing law.

As enacted, the IGA requires that all retail developments of over 75,000 square feet undergo an impact assessment, paid for by the developer, to determine whether or not the proposal will have a positive or negative impact on the municipality and the region. The municipal role in the IGA process is three-fold: 1) to require the completion of an impact study of the proposed development produced by an independent third party; 2) to hold a public hearing on the results of the impact study; and 3) to determine whether or not to permit the proposed development based on the information gathered in the impact study and at the public hearing.

Much of Wednesday's public hearing focused around three IGA bills. LD 242, *An Act to Repeal the Informed Growth Act*, sponsored by Sen. David Hastings of Oxford County, would simply repeal the law. LD 448, *An Act to Modify the Informed Growth Act*, sponsored by Rep. Steve Beaudette of Biddeford and LD 918, *An Act to Amend the Informed Growth Act to Provide a Local Management Option*, sponsored by Rep. Seth Berry of Bowdoinham, are two bills that would exempt municipalities that adopted local ordinances addressing large-retail developments from the requirements of the state law.

While it appears that Sen. Hastings' bill has resonated with many members of the State and Local Government Committee, it is likely that one of the municipal exemption bills

will also be supported by the Committee. The question is which proposed amendment to IGA will find favor with the Committee: LD 448 or LD 918?

The issue being addressed in the exemption bills is important to municipalities. Prior to the enactment of the IGA, municipalities were authorized to regulate large-scale retail development according to a process that best fit the needs of the community. With the enactment of the IGA, that flexibility was replaced with the "one size fits all" approach as defined in the IGA statute.

In an attempt to address the "one size fits all" rigidity of the IGA, the law was enacted with an imprecise exemption that seemed to provide municipalities with some level of local control. As provided, municipalities that adopt economic and community impact studies that apply to large-scale retail developments are exempt from the provisions of the IGA. On closer scrutiny, the exemption seems to be available only if the municipality adopts the state law, word-for-word, which is not an exemption at all.

At the public hearing, both Rep. Beaudette and Rep. Berry provided amendments to give more detail to their printed bills.

As proposed by Rep. Beaudette (LD 448) a municipality would be exempt from the requirements of the IGA if the municipality: 1) adopts a large-scale retail development impact ordinance; and 2) requires a study of community economic impacts which with some flexibility may include an examination of job creation; retail wages; sales revenue retained and reinvested in the community; municipal revenues generated; municipal services and maintenance costs caused by the development's construction and operation; public subsidies, including tax increment financing; impacts on utilities, and any other factors the municipality identifies. This amendment also requires that the study be conducted by a qualified preparer and that

the results of the study be presented and discussed at a public hearing, as is currently required in the existing law.

In contrast, Rep. Berry's proposed amendment (LD 918) would require the municipality seeking an alternative to IGA to essentially adopt the IGA statute in its word-for-word entirety.

Municipal officials support amending existing law to provide municipalities with the authority necessary to develop review standards and to determine how those standards will be used to interpret the impacts a proposed large-scale development. Based on this interest, municipal officials strongly support the exemption amendment language included in LD 448. The proposed amendments to LD 918 provide no real alternative to the one-size-fits-all IGA approach.

The work session on these bills has been scheduled for Monday, April 13th at 1 p.m.

CONSOLIDATION (cont'd)

consolidated. That financial reward – a 2% reduction in the required mill rate effort – would be effectively paid for by means of a slightly higher "mill rate effort" all other school systems. After three years, the required local mill rate would be become uniform across the state again.

Second, LD 1287 would let the local voters choose to go back to a direct referendum process to adopt their school budgets rather than the convoluted, multi-step "school budget validation referendum" process.

MMA, the Small Schools Coalition, and a couple of regular folks followed Senator Damon and testified in support of LD 1287.

But testifying in support of a bill that is going to sit on a shelf for at least a year is like breathing into a brown paper bag.

The likely result of all the effort will be: (1) all the fix-up bills will be put into a manila folder and filed away until 2010; (2) a bill with a generic title will be carried over to next year as the vehicle to pick up the issues on the other side of the vote to repeal the school consolidation law; and (3) everyone will wait until November 3rd to see in what direction we'll be going.

Agriculture, Conservation & Forestry

LD 1286 – An Act To Amend State Dog Licensing Laws. (Sponsored by Sen. Nass of York County; additional cosponsors.)

This bill repeals the laws that require the licensing of individual dogs. Instead, all dog owners would pay a \$5 surcharge when they get each of their dogs vaccinated and the surcharge would go to the state's Animal Welfare Fund. The municipal duty to provide dog kennel licenses is not repealed by this bill.

Criminal Justice & Public Safety

LD 1242 – An Act To Streamline the Regulatory Process for Commercial Building Construction Projects. (Emergency) (Sponsored by Rep. Haskell of Portland.)

According to a set of procedures and certain standards of qualification, this bill allows qualifying municipalities to be delegated the authority to review business development plans for the fire safety codes that under current law are only reviewable for that purpose by the State Fire Marshal's Office.

Judiciary

LD 1207 – An Act To Base the Value of Eminent Domain Takings on Going Concern Value. (Sponsored by Rep. Giles of Belfast.)

This bill amends the laws governing the criteria for determining just compensation in eminent domain proceedings at the state or municipal level to require compensation for the "going concern" value of any business that has been in existence at least 3 years and whose property is the subject of the eminent domain proceeding.

Legal & Veterans Affairs

LD 1112 – An Act To Establish a Recall Procedure for Elected Officials. (Sponsored by Rep. Joy of Crystal; additional cosponsors.)

This bill establishes a procedure to recall from elected office any elected official in the state at all levels of government.

LD 1195 – An Act To Allow Noncitizen Residents To Vote in Municipal Elections. (Sponsored by Sen. Alford of Cumberland County; additional cosponsors.)

This bill authorizes municipalities to adopt ordinances that allow persons who are not residents of the United States to vote in a municipal election.

LD 1345 – Resolution, Proposing an Amendment to the Constitution of Maine To Increase the Required Number of Signatures for a Direct Initiative or a People's Veto and To Limit a Direct Initiative to One Subject. (Sponsored by Rep. Campbell of Newfield; additional cosponsors.)

This bill would send out to the voters a proposed constitutional amendment that would increase the number of required signatures to advance an initiated bill from 10% of the number of voters who voted during the most recent gubernatorial elections to 20%. The amendment would also limit initiated petitions to contain only one subject.

Natural Resources

LD 1311 – An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters. (after deadline) (Sponsored by Rep. Duchesne of Hudson; additional cosponsors.)

This bill allows a municipality to expend resources and services to repair a private road, private way or bridge provided a number of criteria are met, including: (1) the private way is in the watershed of a Great Pond which is listed by the Department of Environmental Protection (DEP) as a body of water most at risk or impaired; (2)

the municipality or DEP determines the private road, way or bridge is contributing to the degradation of the waterbody's water quality; (3) the repair complies with certain best management practices; and (4) the road or bridge is maintained by a properly-formed road association.

State & Local Government

LD 1220 – An Act To Create Incentives for the Consolidation of Municipal Services. (Sponsored by Sen. Mills of Somerset County.)

This bill creates an ongoing "challenge grant" system whereby three or more municipalities would be provided grant funds in response to the consolidation of their public works departments. The challenge grant funds would be provided out of the Local Government Efficiency Fund and would be awarded on the basis of the population of the participating municipalities, with supplementary grant funds if the combined population exceeds 60% of the county in which the participating municipalities are located.

LD 1313 – An Act To Restructure the State Planning Office. (Sponsored by Rep. Joy of Crystal; additional cosponsors.)

This bill directs the State Planning Office (SPO) to develop a reorganization plan so that the only duties of the SPO would be to perform planning services for state agencies. All other SPO duties would be dissolved or transferred to other state agencies.

Taxation

LD 1233 – An Act To Provide Property Tax Relief to Senior Citizens. (Sponsored by Rep. Weaver of York; additional cosponsors.)

This bill creates a local-option elderly tax deferral program. If the program is adopted by the voters, a homesteader who is 65 years of age or older could apply to the municipal assessor to receive the program's benefits. If eligible, that homeowner's property taxes, in terms of dollars and not assessed value, would be frozen at the dollar value of when the homesteader turned 65 years of age or purchased the residence, whichever came later. During the period of time the homesteader's property taxes are frozen, a record would be kept of the unpaid taxes and the municipality would have a non-foreclosing lien on the property to recapture the unpaid taxes when the property is eventually sold or transferred.

LD 1253 – An Act To Establish a Local Option Sales Tax. (Sponsored by Rep. Crockett of Augusta; additional cosponsors.)

This bill authorizes municipalities to adopt, by referendum vote, a local option sales tax. The local option sales tax rate could be up to no more than 3% on those items that are part of the state's sales tax base. The participating municipality would be authorized but not required to adopt a maximum single-transaction local sales tax limit of no more than \$100. The revenue generated by the local option sales tax would be transferred to the state, accounted for, and then redistributed. 50% of the revenue would accrue to the participating municipality, 25% to the county in which the municipality is located, and 25% to the state's General Fund. The bill requires the locally-received revenues to be used for property tax relief.

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. (Sponsored by Sen. Marraché of Kennebec County; additional cosponsors.)

This bill amends the law governing the authority of municipalities to assess service charges to certain tax-exempt institutions by: (1) narrowing the type of services that may be considered in the

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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, April 6

Agriculture, Conservation & Forestry
Room 206, Cross State Office Building, 9:30 a.m.
Tel: 287-1312

LD 914 – An Act To Combat Childhood Obesity through the Creation of Recreational and Athletic Fields.

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

LD 726 – An Act To Improve the Process for Issuing Concealed Weapons Permits.

LD 1066 – An Act To Establish the Independent Review Board for Police Involved in Fatal Shootings.

LD 1076 – An Act To Create a Statewide Training Protocol for Responding to Mental Health Crises.

LD 1166 – An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness.

Education & Cultural Affairs
Room 202, Cross State Office Building, 9:00 a.m.
Tel: 287-3125

LD 698 – An Act To Allow School Budget Validation Referenda To Be held on a Saturday.

LD 750 – An Act To Exempt Certain Municipalities from the Requirement To Hold Referenda on School Budgets.

1:00 p.m.

LD 817 – An Act Concerning Teacher Salaries.

Legal & Veterans Affairs
Room 437, State House, 9:00 a.m.
Tel: 287-1310

LD 1169 – An Act To Amend the Election Laws.

LD 1170 – An Act To Ensure the Accuracy of Maine Election Results.

LD 1112 – An Act To Establish a Recall Procedure for Elected Officials.

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

LD 1100 – An Act To Preserve Government Documents.

LD 1145 – Resolution, Proposing an Amendment to the Constitution of Maine To Amend the Time Frame for Towns To Certify Citizen Initiative and People's Veto Signatures.

LD 1147 – Resolve, To Allow the Secretary of State and the InforME board To Facilitate the Payment of Outstanding Parking Tickets When Registering a Motor Vehicle.

Taxation
Room 127, State House, 10:00 a.m.
Tel: 287-1552

LD 1121 – An Act To Protect Elderly Residents from Losing Their

Homes Due to Taxes or Foreclosure.

LD 404 – An Act To Promote Property Tax Relief for Maine's Senior Citizens.

LD 765 – An Act To Allow Towns To Establish Their Own Homestead Exemption Programs.

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.

LD 1087 – Resolution, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 years of Age or Older.

Tuesday, April 7

Health & Human Services
Room 209, Cross State Office Building, 1:00 p.m.
Tel: 287-1317

LD 757 – An Act To Improve the Transparency of Certain Hospitals.

Inland Fisheries & Wildlife
Room 206, Cross State Office Building, 1:00 p.m.
Tel: 287-1338

LD 823 – An Act To Increase Snowmobile Registration Fees.

LD 414 – An Act To Improve the Safety of Snowmobile Trails.

LD 1301 – An Act To Require Snowmobile Safety Training.

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

LD 935 – An Act To Rate Energy Efficiency and Carbon Emissions of Buildings.

Wednesday, April 8

Agriculture, Conservation & Forestry
Room 206, Cross State Office Building, 1:00 p.m.
Tel: 287-1312

LD 1133 – An Act To Implement the Recommendation of the Commission To Study the Protection of Farms and Farmland.

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

LD 962 – An Act To Protect Family Caregivers.

LD 981 – Resolve, To Establish a Study Commission To Examine the Issue of Eminent Domain.

Maine's Energy Future
Room 334, State House, 1:00 p.m.
Tel: 287-4143

LD 1236 – Resolve, Regarding Legislative Review of the Proposed Plan Dated March 19, 2009 Submitted by the Maine State Housing Authority for the Use of Federal Energy Stimulus Funds.

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

LD 1334 – An Act To Ensure Continued Access to Emergency Information in the State by Allowing Governments To Build Federally Licensed Television Translators.

Thursday, April 9

Labor
Room 220, Cross State Office Building, 1:00 p.m.
Tel: 287-1333

LD 409 – An Act To Increase Leaves of Absence for State Employees
(continued on page 8)

HEARINGS (cont'd)

and Officials Who Are Members of the National Guard or Reserves of the United States Armed Forces.

LD 496 – An Act To Amend the Employment Practices Laws.

LD 1185 – An Act To Require Cause for Employment Termination.

Natural Resources

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

LD 1017 – Resolve, To Improve Recycling in Maine.

LD 1156 – An Act To Amend the Laws Governing the Recycling of Televisions.

LD 1171 – An Act To Institute Voluntary Emissions Standards for Outdoor Wood Boilers.

LD 1218 – An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms.

Friday, April 10

Natural Resources

Room 214, Cross State Office Building, 10:00 a.m.
Tel: 287-4149

LD 1267 – An Act To Establish a Groundwater Withdrawal Program to Recognize Groundwater as a Public Trust Resource.

LD 1269 – An Act To Clarify the Laws Regarding Significant Groundwater Wells.

LD 1310 – Resolve, To Establish the Blue Ribbon Commission To Examine the Legal and Policy Implications of Groundwater Extraction.

Transportation

Room 126, State House, 10:00 a.m.
Tel: 287-4148

LD 992 – An Act To Increase Highway Safety by Requiring Daytime Headlight Use.

LD 1094 – An Act To Enhance Safety at Construction Sites by

Regulating Open Trenches.

LD 1131 – An Act To Clarify the Law Regarding the Passing of School Buses by Bicyclists.

HOPPER (cont'd)

application of service charges to include just fire protection, police protection and road-related services; (2) developing a methodology for calculating the appropriate service charge for each service; and (3) expanding the list of tax-exempt institutions that may be subject to service charges to include exempt institutions owning at least \$1 million worth of property or generating at least \$1 million worth of income annually.

Transportation

LD 1174 – An Act To Allow the Use of Cameras To Enforce Traffic Violations. (Sponsored by Rep. Pilon of Saco; additional cosponsors.)

This bill allows for the installation of cameras to record traffic moving violations on either the state or municipal level and further allows that recorded evidence to be used to prosecute the motor vehicle owner for any recorded violation under a rebuttable presumption.

LD 1234 – An Act To Regulate the Use of Traffic Surveillance Cameras. (Sponsored by Rep. Cebra of Naples; additional cosponsors.)

This bill prohibits the municipal or state use of a traffic surveillance camera to prove or enforce a violation of the motor vehicle laws.

LD 1316 – An Act To Limit the Transport of Water for Export. (Sponsored by Rep. Schatz of Blue Hill; additional cosponsors.)

This bill prohibits any newly created transportation infrastructure, including a road, a railroad, pipeline or port facility, to be used to transport water to any port.