

## Jail/Prison Unification Deal in the Making

On Monday this week, a somewhat relieved Criminal Justice Committee was informed that state and county officials were in the process of developing a compromise approach to a correctional system consolidation plan. It appears that the compromise plan will blend the best concepts of the state's plan and the counties' plan into one approach (see January 18<sup>th</sup> edition of the *Legislative Bulletin* for information on the county and state plans). The ultimate goal of the compromise plan is to reduce the cost of correctional services statewide while simultaneously improving the services provided.

However, if it was said once, it was said dozens of times throughout the public hearing on the bill that the "devil is in the details". In other words, while the concept of the deal has been outlined and agreed to by state and county representatives, none of details have yet been fully worked out. The members of the Committee and all interested parties, including municipalities, have much work to do before a final product is drafted.

Some of the most controversial issues included as part of the state's original plan, such as the closing of five county jails, are no longer part of the compromise plan. Although the compromise plan creates a statewide corrections oversight board, the counties will continue to operate the jails. Also included in the unified plan is a state take over of existing (\$10 million) debt service, as well as a freeze on property tax assessments for funding non-debt related county jail expenditures.

What follows is a synopsis of the unified state/county corrections plan. The presentation is based on the information MMA has been able to glean from the public hearing and press releases. As

soon as more detailed information is available, it will be posted on MMA's website ([www.memun.org](http://www.memun.org)).

As outlined at the public hearing by Sheriff Scott Story of Waldo County, Commissioner George Jabar of Kennebec County and Department of Corrections Commissioner Martin Magnusson, the proposed state prison and county jail unification plan includes four elements: 1) a state board of corrections; 2) a corrections working group; 3) new roles and responsibilities for the state; and 4) a financing process.

**1. State Board of Corrections.** The

Board will include nine members appointed by the Governor and subject to confirmation by the Criminal Justice Committee. Membership includes one sheriff, one county commissioner, two representatives of state agencies and five members chosen by the Governor.

The Board will be tasked with: 1) determining individual facility use, including the location of specialty units, (e.g., mental health, women's units, etc.) and staffing levels; 2) setting a yearly growth limit for each county jail's cost

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## Effort to Fix School Reorganization Law Slows Down

Once upon a time, if the engine in your car stalled there were any number of different strategies to get it going again. Maybe it was spark. Maybe it was gas. Maybe it was timing. Maybe there was a mouse nest in the carburetor. As long as you could outsmart your engine, you could get your car running again.

If your car engine stalls-out today, all you can do is have the car towed to a mechanic who will hook it up to a computer. Modern automobile diagnostic technology has outsmarted the average car owner.

The legislative effort to fix the school consolidation law appears to have stalled, but why it has slowed to a crawl is difficult to diagnose for the outsider looking in. Deadlines are coming up on us. School budget meetings need to be scheduled. It is an understatement to say that a lot of people are waiting for legis-

lative action.

The very first bill of this entire legislative session – LD 1932 – was promoted as the most immediately necessary and important fix-up bill. It was thought by some that LD 1932 would be enacted in early January by a supermajority of the Legislature in order to get the dozens of local school reorganization planning groups back on track by creating flexibility in the development of school district cost sharing arrangements.

That bill was worked and re-worked in the Education Committee until finally released by the Committee on January 16<sup>th</sup>, but it hasn't been seen since. Normally a bill reported out of committee would proceed relatively quickly onto a calendar and begin to get formally considered and debated by the full Leg-

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## JAIL (cont'd)

and approving any budget requests exceeding the set limit; 3) creating uniform policies and procedures for system-wide pre-trial, revocation and re-entry practices; 4) establishing a “certificate of need” process for future state or county capital construction projects; 5) implementing bulk purchasing of commodities and services, where appropriate; 6) developing a plan for a system-wide information management system; 7) working within a yet-to-be established timeframe to achieve system-wide cost savings through downsizing or other efficiencies; 8) focusing on re-investment strategies to achieve better outcomes for offenders; 9) assisting counties in efforts to meet national accreditation standards; and 10) setting a fixed boarding rate for the system, with the eventual goal of eliminating boarding costs entirely. The Board is also required to annually report to the Criminal Justice Committee.

### 2. Corrections Working Group.

The working group is a more informal group representing the Department of Corrections (DOC), county sheriffs and county commissioners. The purpose of the working group is to meet regularly to share information, discuss issues and resolve problems experienced in the daily operation of the corrections system. The draft plan does not yet provide any information describing the process that will be used to appoint the working group members.

**3. Department of Corrections Roles and Responsibilities.** As proposed in the unified plan, the DOC is responsible for: 1) managing inmate bed space inventory throughout the correctional system; 2)

carrying out the Board of Corrections (Board) directives; 3) staffing the Board; 4) recommending downsizing plans, re-investment strategies and uniform policies and procedures for pre-trial, revocation and re-entry services for the Board’s consideration; 5) inspecting and investigating county facility practices; and 6) approving placements for inmates with mental health issues.

**4. Financing.** The proposed compromised plan includes six proposals for funding the unified system.

- The state will freeze property tax assessments for jail services at the 2008 budgeted jail costs, excluding debt service, and assume the cost for future growth to the corrections system. (The “frozen assessment” to the property taxpayers in Somerset County will be adjusted in the future to include the operational and maintenance costs of that new jail facility when opened.)

- In addition, the state will assume the counties’ existing jail debt, which is estimated at \$10 million annually.

- The state will restore \$4.6 million of the \$5.6 million in FY 09 “community corrections” revenue that subsidizes county jail operations and was deappropriated in the Governor’s supplemental budget.

- Future “community corrections” funding will be transferred to the State Board of Corrections for distribution within the unified system.

- Counties will be authorized to retain any revenue generated from boarding federal inmates.

- Effective July 1, 2008, the counties will provide 100 beds to the state free of charge.

Considering that the Committee (as well as the general public) learned about the compromise during Monday’s public hearing on several “concept draft” proposals, the public hearing took an interesting twist. Rather than hearing testimony in the traditional process from the proponents and opponents of the consolidation proposals, the Committee held an open microphone event and invited all interested parties to share their thoughts and concerns on the unified plan. It appears that the outline of the compromise plan was acceptable to most, as few in the standing-room-only crowd offered any testimony. Most of the people

providing testimony expressed appreciation for the efforts of the state and county to find a middle ground and offered to assist the members of the Criminal Justice Committee throughout the process.

MMA provided comments on the proposed compromise. The municipalities’ biggest concern with the unified proposal is the extent to which property tax relief or property tax protection is clearly, actually and enforceably provided.

Of significant municipal interest is the element of the unified plan that proposes to reduce future property tax exposure by freezing the tax assessment for county jails to the amount assessed in 2008. If enacted (and not counting the proportionate adjustments in county assessment related to relative changes in municipal valuation), a municipality’s portion of the county tax bill used to fund jails would be frozen in time.

While frozen assessments are an interesting concept, municipalities have two concerns with the approach. First, global warming has taught us that what is frozen can become unfrozen in future years. There is nothing that prevents a future legislature from amending the law to shift additional correction costs onto the property taxpayers. Second, municipal officials want to ensure that the 2008 frozen assessment includes virtually all of the costs associated with county jails, including transportation costs, for example. In order for the freeze to impact the burden county jail expenditures place on property taxpayers, the freeze must address all of the costs associated with county jails and not just some of those costs.

MMA’s goal throughout this process will be to ensure that if the citizens of Maine are promised relief, that relief is delivered. Municipal officials are concerned that if the finally adopted proposal does not provide the promised relief, the municipal community will be left with the burden of explaining to frustrated taxpayers why their property tax burden for county services has not decreased.

The first work session on the plan has been scheduled for Monday, February 4th.

### Legislative Bulletin

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# Cable TV Regulation Enhanced

While the Federal Communications Commission is busy attempting to dismantle the long-standing right of municipalities to negotiate franchise agreements with the providers of television video services, the Legislature's Utilities and Energy Committee heard a bill last week which would improve the franchising process and add more protections for consumers.

The bill is LD 2133 *An Act To Establish Consistent Consumer Protections for Cable and Video Programming Customers*, sponsored by Rep. Larry Bliss (South Portland) and co-sponsored by Senator Lynn Bromley (Cumberland). It has three primary benefits for municipalities.

1. The bill makes clear that consumer protections with respect to television service apply to any corporate entity, not just "cable" companies.

Telephone companies are increasingly providing television services. The current consumer protection laws specifically refer to "cable television" services. The first purpose of the bill is to simply clarify that consumer protection provisions, including local franchising, apply to any corporate entity which provides "video services", not just the historic cable companies.

2. The bill seeks the creation of a model franchise agreement.

In an effort to streamline the franchising process, the bill would direct the Public Utilities Commission (PUC) to develop a model franchise agreement. This model would help both municipalities and the cable and telephone companies providing cable and video services. Municipalities will not have to spend money on legal fees drafting franchise provisions which are (or should be) fairly consistent and non-negotiable. The model should similarly help the private sector. A well-drafted model agreement will allow the parties to spend their time negotiating the truly negotiable and important provisions.

3. The bill amends various consumer protection statutes related to television service.

The bill amends the current consumer protection laws, particularly is-

sues regarding subscriber privacy and notices to subscribers. A real benefit to municipalities will be the resurrection of the requirement on cable/telephone companies to file a copy of their franchise agreements in one central location (the Secretary of State's Office). Right now, someone wishing to review the contracts in order to make the negotiating process more efficient would have to call around to every town to try and track them down. Since there are only a few providers of

television service in Maine, a much more streamlined and efficient process would be to have the companies submit the contracts to the State.

Lastly, the bill directs the PUC to further review the status of consumer protection provisions in Maine, and municipal officials would certainly be interested in that review.

While it has been quite disappointing to see the federal government greatly weaken the local franchising process, MMA appreciates that the state government is willing to help protect this important function.

## Personal Property Exemption and LD 1

As part of its duties to finish its work on all carryover bills, the Taxation Committee moved forward this week on LD 961, *An Act to Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities*.

The bill was introduced last year at the request of Madawaska, whose local officials were concerned that the system of calculating a town's "growth factor" under the LD 1 spending limit system could have an unfair consequence to certain industrial communities because of the year-to-year volatility in growth (and non-growth) those communities tend to go through. The printed bill would have allowed communities with a significant amount of personal property in their tax base to average their property growth factors over a two-year period.

After the Committee began digging down into the bill last week, however, it was generally agreed that the LD 1 system of calculating and applying each town's growth factor already allows for the averaging of growth factors. Under the LD 1 system, the starting point for every growth factor determination is the previous year's LD 1 limit rather than actual appropriations. Therefore, if a municipality experiences high property growth in one year (and therefore has a relatively high growth allowance under LD 1) but does not spend up to the limited amount, the municipality can essentially

bank the unspent limit and carry it forward into subsequent years.

In the course of figuring that out, the Committee was presented with another LD 1-related phenomenon that will begin affecting the same group of industrial towns. The new reality for the mill towns and other communities with a high level of personal property in their tax base is that their annually-calculated LD 1 growth factors will suddenly become significantly smaller. The reason for that impending shrinkage of growth factors is because the main source of new property value in those towns – commercial and industrial personal property – will now be exempt from taxation and therefore not count in the calculation of the LD 1 growth allowance.

In response, and in order to improve the integration between the personal property tax exemption (which begins on April 1, 2008) and the LD 1 spending limitation system, the Committee is now considering moving LD 961 forward in an amended form. The amendment would merely allow all communities with a property tax base that is made up of at least 5% personal property to include the value of newly installed or introduced personal property in their LD 1 growth factor calculation even if that property has been made exempt from taxation by the 2006 Business Equipment Tax Exemption (BETE) legislation.

# Quantifying the Shifts Within the School Funding Model

An article in last week's *Legislative Bulletin* focused on the way the Legislature's Essential Programs and Services (EPS) school funding model and General Purpose Aid to Education (GPA) appropriation has been changing with regard to both scope and purpose in the four years since the voters adopted the law requiring the state to provide at least 55% of the cost of public education.

For a very long time, the school funding model has been constructed of three components; the "operating allocation", the "debt service allocation" and "adjustments". The sum of those three components is the 100% EPS allocation. The particular component of the EPS allocation where the scope and purpose changes have been taking place is the "adjustments" category.

The "operating allocation" is school subsidy, plain and simple, distributed to schools by formula.

The "debt service allocation" is also delivered as school subsidy, but it is provided only to the eligible school systems as reimbursement for the debt service payments those schools have already made for approved school construction projects.

The "adjustments" component of the EPS model involve a number of very different educational services that are delivered by the state in different ways. Before the "adjustment" component of the school funding formula began to change in scope and purpose, over 75% of all "adjustments" was the state's 100% financial contribution to provide special education services to children in state custody (state agency clients).

As discussed in last week's article, the "adjustment" line has recently been expanded. The "adjustment" line still includes the financial support for state agency clients, but unlike several years ago it now also absorbs certain contracts with the University of Maine system for educational research. It also now absorbs the state appropriations for the Baxter School for the Deaf, the Limestone School of Science and Mathematics, the Jobs for

Maine's Graduate program, and what appears to be somewhere around 20 state employees in both the Department of Education and, most recently, in the Department of Corrections.

To quantify this shift, we have compared the school funding allocation in FY 05 — before the vote to provide 55% of the cost of education — and the school funding allocation proposed for FY 09.

In 2005, the "operating allocation" in the school funding model was \$1.341 billion and in 2009 it is slated to be \$1.677 billion, representing a 25% in-

crease over the 5-year period, for an average annual increase of 5%.

In 2005, the "debt service allocation" in the school funding model was \$82.9 million and in 2009 it is slated to be \$96.2 million, representing a 16% increase over the 5-year period, for an average annual increase of slightly over 3%.

In 2005 the "adjustment" line in the school funding model was \$45.3 million and in 2009 it is slated to be \$76.5 million, representing a 69% increase over the 5-year period, for an average annual increase of nearly 14%.

## Relaxing the Penalties for "Working Waterfront" Withdrawals?

The Taxation Committee was working against a deadline this week to finally report out all the carryover bills from the 2007 legislative session still in the Committee's possession.

One of those bills dealt with the issue of the special "working waterfront" property tax break program that was approved by the voters as a change to the state's Constitution in 2005 and then implemented by statute in 2006. In summary, that law allows certain coastal lands that are being used primarily to support commercial fishing activities to receive a favorable property tax treatment as a strategy to preserve Maine's "working waterfront".

As printed, LD 1298, *An Act to Amend the Definition of "Working Waterfront Land" to Include Land Used for Marine Trades*, would have provided the special property tax treatment to a broader range of coastal commercial enterprises (boat building and boat repair facilities, businesses that provide boat building or repair materials, boat storage facilities, etc.) even if those services were not primarily supporting commercial fishing activities.

MMA opposed the bill when it had

its public hearing almost a year ago because the property tax break that would be provided under the bill went significantly beyond the scope of the tax program created by the constitutional amendment. Tax exemptions always encourage additional tax exemptions, and the argument always seem to be: (1) why not deeper tax breaks? or (2) if so-and-so gets a tax break, why not me?

On Tuesday this week, the Tax Committee finally voted that LD 1298 "ought not to pass", but at the same time the Committee expressed an interest in developing what is called a "committee bill" on a related working waterfront matter.

Apparently the Committee has reviewed two reports on the early implementation of the new working waterfront tax law. One of those reports was written by Maine Revenue Services (MRS) and one was written by a working waterfront advocacy group known as the Working Waterfront Coalition.

Maine Revenue Services reports that in the first year of implementation, nearly 42 acres of property were enrolled in the

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## **WATERFRONT (cont'd)**

working waterfront program. The 40 parcels of real estate were located in 15 municipalities from Chebeague Island to Steuben, and had an assessed value before enrollment of \$9.86 million. As a result of enrollment, the assessed value of those properties was reduced by 25%. The MRS report generally describes the first year implementation as successful, suggesting that the level of enrollment in the program's first year was significant, and that a consensus among assessors was that the program is accomplishing its purpose. The MRS report goes on to recommend that the program be given a chance to further establish itself before considering any changes. As an example, the implementing legislation in 2006 required MRS to track the actual sales of coastal property for working waterfront purposes in order to further develop the methodology of computing the appropriate current use values of working waterfront land, rather than a flat 25% reduction. Unfortunately, MRS was not able to track down any comparable sale comparison data.

The report of the Working Waterfront Coalition is also largely positive with respect to the first-year implementation of the new tax program. However, on the basis of comments collected by the Coalition from fishermen and town assessors, the Working Waterfront Coalition's report makes a series of recommendations to change the program, including expanding the value of the tax break and reducing the penalties that would be applied if the property is withdrawn from the program.

On the basis, apparently, of the Working Waterfront Coalition's report, and essentially rejecting the MRS go-slow recommendation, the Committee voted unanimously to seek legislative permission to develop a "committee bill" that would relax the withdrawal penalty for taking property out of the working waterfront tax program. The current penalty structure for withdrawing property from the program is the "Tree Growth" penalty structure. The Committee bill, apparently, would relax the penalty to the minimum consequences for withdrawing property from a current use tax program required by the Constitution —

the so-called "five-year back tax" penalty — which is currently applied to the withdrawal of agricultural land from the farmland program.

The penalty structure for the various "current use" tax programs correlates to the degree of commitment the property owner is willing to make when considering enrollment and the importance society places on the land remaining in that "current use".

The minimum "penalty" required by the Constitution is not a penalty at all. A current use program only works to the benefit of the larger community if the property is enrolled in the program for a long period of time, and the minimum constitutional requirement establishes as a basic rule that if a landowner enrolls property into a current use program for a period of less than five years, no property tax break will be provided (on the one hand), but there will be no downside to the taxpayer either. That a property owner can enter the program with zero downside risk can hardly be called a "penalty". The property can be enrolled in the program on speculation and withdrawn early without paying any more in taxes than would otherwise have been required.

The penalty for withdrawing land from the Tree Growth program or the working waterfront program, however, can correctly be called a penalty because the property owner is exposed to an actual financial penalty for withdrawing property from the program in the short term. Therefore, the landowner has to think carefully before enrolling the property in the first place, and will think twice before withdrawing its enrollment. For the first 10 years of enrollment, the actual penalty is 30% of the difference between the market value of the property and the assessed value of the property in the current use program. The 30% calculation is then scaled down by 1% for each year of enrollment after the first 10 years, so that after 20 years of enrollment the penalty bottoms out at 20% of the difference between the land's market value and "current use" value.

The Committee's action on Tuesday will initiate a process to develop a "committee bill" to move from a penalty to a non-penalty system for withdrawing land from the one-year old working waterfront program.

Anyone interested in obtaining a copy of the reports on the first year implementation of the working waterfront tax program should feel free to contact MMA's Laura Veilleux at 1-800-452-8786 or [lveilleux@memun.org](mailto:lveilleux@memun.org).

## **SCHOOL (cont'd)**

islature. LD 1932, however, has disappeared into some sort of procedural ether.

And since everyone acknowledged that LD 1932 was just a starting point in the fix-up process, the Education Committee also spent a couple of solid weeks in January working on fix-up bill #2 and perhaps fix-up bill #3, which were designed to follow LD 1932 through the legislative process. The follow-up bill (or bills) to LD 1932 was going to deal with all the additional technical and procedural changes that need to be enacted in order to give any proposed school reorganization plan a fighting chance at success. The municipalities, for example, were closely following the development of corrective legislation regarding the school budget referendum procedures (the so-called "budget validation" process) that the Legislature has mandated take effect this spring. Those changes are not in LD 1932, but they might be in a follow-up bill.

It is not clear how long it will take for the follow-up bill to be completed. The deadline originally established has passed. The Committee spent this week holding public hearings and work sessions on other legislative proposals unrelated to the school consolidation law, and only picked up its work on the school consolidation fix-up matters late Thursday afternoon.

During a couple of weeks in mid-January, the Committee poured over any number of lists of all the proposals to fix the school reorganization law in various ways. The most recent list identifies about 100 elements of the 2007 law (including many duplicate issues) that at least some legislators or other interest groups have suggested need to be fixed. The Committee has rejected some of those ideas outright, addressed others in LD 1932, and proposes to address additional issues — including the municipal concerns with

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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 4**

#### **Appropriations & Financial Affairs Room 228, State House, 10:00 a.m. Tel: 287-1316**

LD 2173 – An Act To Make Supplemental Appropriations and Allocations 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 Years Ending June 30, 2008 and June 30, 2009.

With the Joint Standing Committee on Criminal Justice and Public Safety

#### **Legal & Veterans Affairs Room 437, State House, 1:00 p.m. Tel: 287-1310**

LD 2130 – An Act To Implement the Recommendation of the Legislative Youth Advisory Council To Allow Youth To Preregister To Vote upon Reaching 16 Years of Age.

### **Tuesday, February 5**

#### **Appropriations & Financial Affairs Room 228, State House, 1:00 p.m. Tel: 287-1316**

LD 2173 – Governor's Supplemental Budget.

With the Joint Standing Committee on Natural Resources

3:00 p.m. With the Joint Standing Committee on Education & Cultural Affairs

#### **Taxation Room 127, State House, 1:00 p.m. Tel: 287-1552**

LD 2140 – An Act To Protect Sellers in Residential Real Estate Transactions.

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

LD 2041 – An Act To Decrease Energy Costs on Swans Island and Frenchboro.

### **Wednesday, February 6**

#### **Appropriations & Financial Affairs Room 228, State House, 1:00 p.m. Tel: 287-1316**

LD 2173 – Governor's Supplemental Budget.

With the Joint Standing Committee on Health & Human Services

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

LD 1931 – An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process.

LD 1996 – An Act to Allow changes of Beneficiaries under the Maine Public Employees Retirement System.

LD 2055 – An Act To Improve the Elections Process under the Maine Labor Relations Board Laws.

LD 2132 – An Act To Amend the Family Medical Leave Laws To Include Siblings.

LD 2150 – An Act To Clarify Retirement Programs for Participating Local Districts.

### **Thursday, February 7**

#### **Appropriations & Financial Affairs Room 228, State House, 1:00 p.m. Tel: 287-1316**

LD 2173 – Governor's Supplemental Budget.

With the Joint Standing Committee on Health & Human Services

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

LD 1952 – An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection.

LD 2046 – An Act Concerning Certain Excavations.

LD 2018 – An Act To Require the Accurate Designation of Floodplain Areas.

LD 2160 – An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution.

### **Friday, February 8**

#### **Appropriations & Financial Affairs Room 228, State House, 9:00 a.m. & 1:00 p.m. Tel: 287-1316**

LD 2173 – Governor's Supplemental Budget.

With the Joint Standing Committee on Health & Human Services

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## **SCHOOL (cont'd)**

the technical problems associated with implementing the poorly written school budget validation process — in one of the follow-up committee bills. That list also identifies a couple of dozen issues that the Committee intends to include in the follow-up bills, although those particular solutions are characterized as “yet to be determined”.

It doesn't make sense to stall the process of repairing the school consolidation law. It has been estimated that there are 1,500 school officials, municipal officials and general public representatives all across the state who have already invested countless hours of planning committee time trying to comply with the school consolidation law enacted last year. Those people have a lot of other pressing projects to work on; they are not a group of people who should be asked to waste their time or be constantly bombarded with conflicting messages. Some of those planning committees are continuing to meet, but there is little that can be done until the law is straightened out, and most planning groups have become wary about investing any more effort in the process until the necessary corrections are made to the law.

## 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 2171 – An Act To Amend the Animal Welfare Laws. (Sponsored by Rep. Pieh of Bremen; additional cosponsors.)

This bill makes a number of changes to Maine's animal welfare laws. Among the changes that are most pertinent to the duties of animal control officers and other municipal officials, this bill: (1) requires dogs to be vaccinated for rabies within 30 days after the dog reaches 3 months in age (rather than 6 months in current law); (2) infuses the concept of "unprovoked" assault and "unprovoked" threatened assault with respect to actions against dangerous dogs; (3) establishes additional standards with respect to the care of animals that are impounded or confined, including removing the animal daily from indoor facilities for the purpose of providing outdoor exercise and requiring aboveground floors in all outdoor shelters; (4) establishes definitions for such terms as "adequate care", "cruelty", "domestic violence" (at it pertains to the treatment of animals), "humanely clean conditions", and "neglect"; (5) expands the definition of the crime of "impeding the performance" of an animal welfare officer; (6) establishes more detail and procedural authorities with respect to the crime of leaving an animal in an unattended motor vehicle or other similar enclosure; and (7) establishes more detail with respect to four types of animal-related domestic violence, including assault against, criminal threatening against, reckless conduct against and the terrorizing of a companion animal.

### **Labor**

LD 2177 – An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters. (Sponsored by Sen. Edmonds of Cumberland Cty; additional cosponsors.)

This bill allows law enforcement officers and firefighters to carry service credit and compensation from a prior retirement plan to a new retirement plan within the Maine Public Employees Retirement System provided they pay the additional cost of doing so.

### **Natural Resources**

LD 2169 – An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management. (Sponsored by Sen. Bartlett of Cumberland Cty; additional cosponsor.)

This bill amends Maine's stormwater management law to provide that disturbed areas of 5 acres or less that are associated with utility substations are required to meet only the basic standards of the Department of Environmental Protection's stormwater management rules. The bill also would send out to the voters a proposed \$1.7 million bond proposal to capitalize improvements to drinking water facilities (\$850,000) and waste water treatment facilities (\$850,000).

### **Transportation**

LD 2176 – An Act Relating To Studded Tires. (Sponsored by Sen. Diamond of Cumberland Cty; additional cosponsors.)

This bill creates an exception to the law that prohibits the use of studded tires on roadways between June 1 and September 30 for certain tires that feature retractable studs, flanges, cleats or spikes provided the retractable protuberances are actually retracted during the summer month no-stud time period.

### **Utilities & Energy**

LD 2179 – An Act To Promote Residential and Commercial Energy Conservation. (Sponsored by Sen. Bartlett of Cumberland Cty; additional cosponsors.)

This bill establishes a system for the regulation and enforcement of building energy efficiency standards. The system applies to the construction of all residential and commercial building construction if the building includes space that is designed to be heated or air conditioned. The building energy code standards that must be applied are the model code standards adopted by the Public Utilities Commission. Municipalities are authorized but not required to appoint energy code enforcement officers. In the absence of a municipal or other governmental energy code officer, the builder must obtain approval of the construction plan from a private energy code officer. Municipalities would be required under this bill to adopt a special "high performance design fee" into their building code fee rate structure, which would be waived if the building plans surpass certain energy efficiency standards.