

The Municipal Impact of the “Change Package”

The major issue by far facing the Legislature this year is the task of balancing the state’s biennial budget.

When the Legislature convened in January, the biennial budget was \$95 million out of balance, and Governor Baldacci submitted a supplemental budget bill to address that shortfall (LD 2173). The municipal impacts of first stab at balancing the budget were described in the January 11, 2008 edition of the *Legislative Bulletin*.

The politically independent entity that is authorized to project the revenue that is made available to the Legislature to support any state budget – the Revenue Forecasting Committee – recently identified an additional \$95 million shortfall, pushing the net revenue shortfall to \$190 million over the biennium. Another article in this edition of the *Legislative Bulletin* identifies the changes in the various lines in the state’s revenue portfolio that contributed to this shortfall.

In response to the Forecasting Committee’s re-projection, Governor Baldacci submitted his “change package” this week, which amends the originally proposed supplemental budget to obtain the additional \$95 million in savings.

As is the case with the printed budget bill (LD 2173), the change package if enacted will undoubtedly result in significant changes throughout state government and beyond. With respect to the directly municipal issues, the major thrust of the Governor’s change package is the proposal to change the distribution of state-supplied school

subsidy over the next fiscal year.

As is increasingly becoming the case, the mechanics of any proposed school funding distribution change are mind-numbingly difficult to describe, but the results are relatively easy to illustrate.

In essence, the Governor’s change package delays the implementation of “55%” funding of K-12 education for one more year. Instead of providing \$1.017 billion in “General Purpose Aid to Education” (GPA) for FY 09, which is the amount necessary to meet the 55% obligation, the Governor’s proposal would provide \$983 million in GPA...a \$34 million reduction with respect to what was originally appropriated, and a modest \$5.5 million increase with respect to the amount actu-

ally distributed to the school systems this year.

The process of “ramping up” to provide a full 55% of the cost of K-12 education has become so tortured in its implementation, the ink is probably being wasted in this effort to convey the mechanics.

To begin with, the fundamental integrity of rationally measuring the cost of K-12 education through the “Essential Programs and Services” school funding model is coming under increasing challenge as the Legislature begins to start freezing inflation adjusters and de-funding significant components of the model (transportation, special education, facilities maintenance) on theories that educational practitioners do not believe are fairly supported by data.

To add to that, the true meaning of the term “General Purpose Aid to Education” is coming under increasing challenge as more and more special pur-

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Informed Growth Act Update

In its March 2008 quarterly newsletter, the State Planning Office (SPO) published an article about the Informed Growth Act stating that LD 1962, *An Act to Amend the Informed Growth Act*, had been “considered and rejected” by the State and Local Government Committee. Although the SPO article suggests that the bill is dead, that is not the case. Actually, LD 1962 was not rejected by the Committee but received, instead, a split 7-6 vote, with just the barest majority voting “ought not to pass”. To make the point that LD 1962 is not dead, on Thursday this week the Senate voted to support an amended version of the bill by a margin of 25 to 10.

As enacted by the Legislature in 2007, the Informed Growth Act (IGA) requires that any single retail development over 75,000 square feet undergo a complex independent economic impact assessment, paid for by the developer, purportedly to determine the economic impact the proposed development will have within the municipality and the region.

As amended in the Senate, the bill would authorize a municipality to opt out of IGA by a vote of the legislative body that is subsequently validated at a town or city-wide referendum election.

The bill is now before the House for debate.

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pose (rather than general purpose) appropriations that are not directly recognized as “aid” are folded by the Legislature into GPA, such as funding for Department of Education and Department of Corrections employees (up to 22 state employees by our count if the Governor’s change package is ultimately enacted), research contracts with the University of Maine, and other “miscellaneous” appropriations.

In any event, for the benefit of those who are still following the implementation of the “Question 1A” requirement that 55% of the cost of K-12 education be provided with state resources rather than property tax resources, the extension of the “55%” funding ramp is achieved by requiring the state to recognize for FY 09 only 97% of the Essential Programs and Services school funding model, and to provide funding for 54.03% of that 97% share.

The result of all of that is a distribution where approximately 150 of the 285 listed school systems will receive in FY 09 an actual year-to-year reduction in state financial support. A map of the state identifying where the increases and decreases in state funding will occur under the Governor’s change package is provided with this article.

Notes on the map. Several points should be made with respect to the information provided on the map.

The map is based on a spreadsheet provided to legislators that identifies the FY 09 GPA distribution to each school system (not counting “miscellaneous adjustments”) under the Governor’s proposal. The map identi-

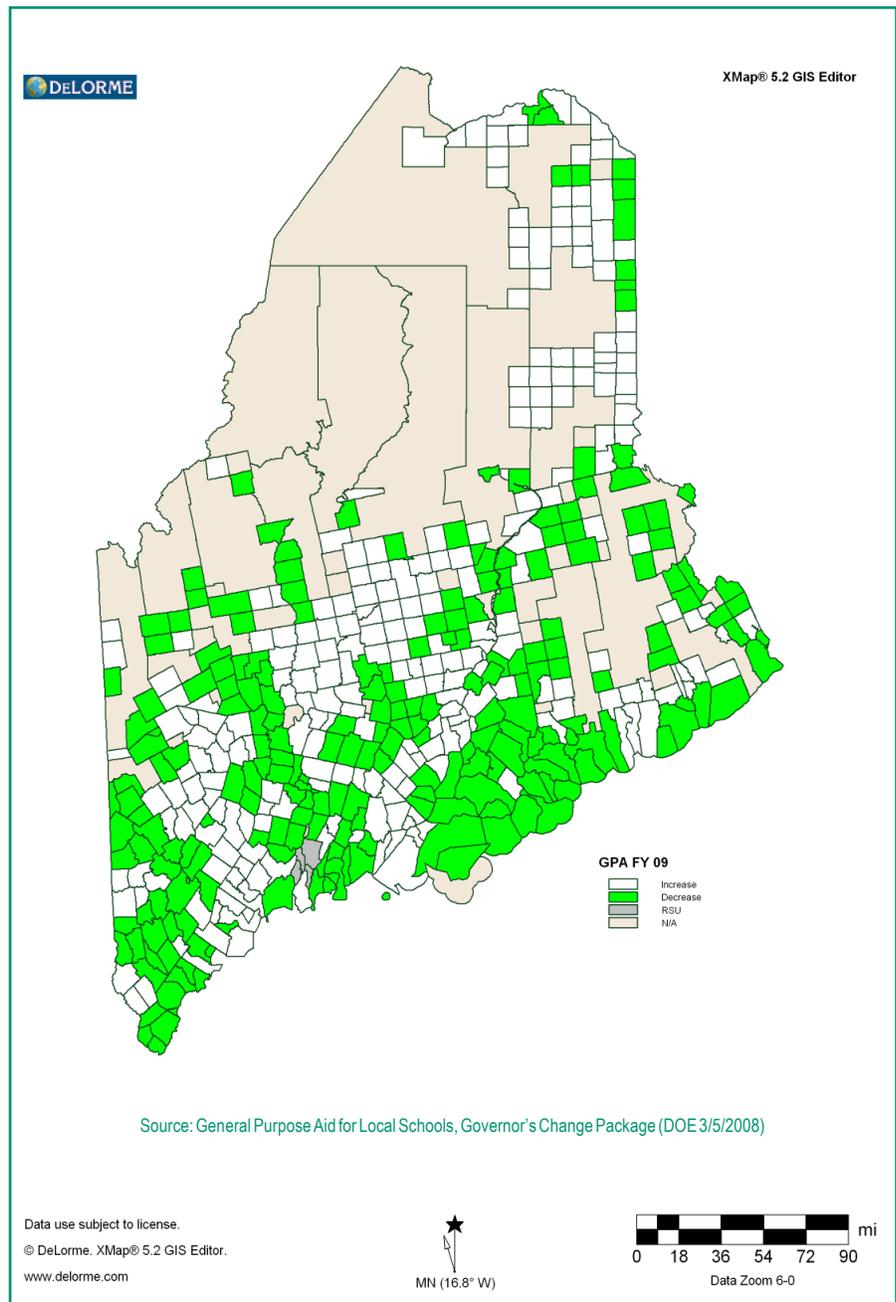
fies for each municipality whether a state subsidy increase or decrease will be provided for the upcoming school budget.

The increase or decrease is based on the actual amount distributed for FY 09 versus the actual amount distributed for FY 08.

With respect to multi-municipal school districts, it is presumed that an increase or decrease to the school district will translate to an increase or decrease to all municipalities within the district.

End of “transition funding”. For a handful of school systems, the amount of school subsidy distributed in FY 08 was actually more than they would have received by the pure distribution formula because they have been receiving “transition funds” for the last several years...a type of cushion funding provided outside the distribution formula...and all “transition” funding is ending in FY 09. Accordingly, some of those school systems are experiencing a decrease in actual funding be-

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Legislative Bulletin

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Where did the \$190 Million Go?

The central issue before the Legislature this second session has been addressing shortfalls in the FY 2007-08 and FY 2008-09 biennial budget that was adopted in June, 2007. While the exact amount of that shortfall is still unknown, the release of the March Revenue Forecasting Committee estimate is probably the most precise target for Legislators to use when conducting their work. That estimate concludes that Maine's revenues will fall \$195 million short of what was estimated last year.

Below is a table of outlining the budget drop of \$190 million which was compiled by MMA from data on the Revenue Forecasting Committee's website. <http://www.maine.gov/legis/ofpr/rfcmain.htm>

As will be noted, approximately \$115 million of the \$190 million shortfall is due to drops in sales and corporate taxes and real estate transfer taxes. It is probably fair to say that these drops coincide with broader economic conditions nationally.

There is an additional \$37 million drop related to specific issues at the Department of Health and Human Services.

There is a \$29 million drop due to lower than expected "unclaimed property" revenues. It would appear that this is due to the failure to collect revenues associated with unused retail "gift cards" that was budgeted for this first time last year.

There is an \$18 million drop in cigarette revenues. It is unclear if this drop is related to the economy or increased taxes on tobacco in Maine.

The total revenue shortfall is ap-

proximately \$205 million. Higher-than-estimated revenues in other categories offset approximately \$15 million of that shortfall.

Most of that additional revenue is in the catch-all "Other" category and not itemized in the table. One reason that contributes to the availability of addi-

tional state revenue in the catch-all category is due to reductions in municipal revenue sharing disbursements that parallel proportionately the drop in state sales and income tax revenues. Other reasons include increases in gambling and liquor related revenues and increases in State fines and fees.

	Pre-December 2007	March 2008	Difference
Sales and Use Tax	2,055,803,776	1,985,593,650	(70,210,126)
Corporate Income Tax	409,317,899	371,340,000	(37,977,899)
Unclaimed Property Transfer	48,214,928	19,550,738	(28,664,190)
HHS Targeted Case Mgmt	47,219,788	25,077,912	(22,141,876)
Cigarette and Tobacco Tax	326,271,966	308,194,682	(18,077,284)
HHS Services	23,348,166	8,135,460	(15,212,706)
Real Estate Transfer Tax	39,880,144	32,550,508	(7,329,636)
Estate Tax	97,683,143	94,087,122	(3,596,021)
Investment Income	(2,078,253)	(3,072,664)	(994,411)
Individual Income Tax	2,796,111,005	2,795,425,005	(686,000)
Service Provider Tax	104,634,652	104,634,652	-
Public Utilities Tax	33,941,384	33,941,384	-
Insurance Companies Tax	153,921,427	153,921,427	-
Lottery Transfer	99,668,500	99,668,500	-
Liquor Taxes and Fees	40,165,050	40,595,050	430,000
Gambling	20,515,034	21,352,923	837,889
Other	4,992,860	18,672,186	13,679,326
Total:	6,299,611,469	6,109,668,535	(189,942,934)

LPC Meeting Cancelled

MMA's Legislative Policy Committee (LPC) was previously scheduled to meet next week on Thursday, March 13, 2008.

That meeting has been cancelled. The LPC has essentially caught up with the task of reviewing the new legislation submitted to the Legislature this year and so pulling all the LPC representa-

tives to Augusta next week is unnecessary.

The three most significant issues facing the Legislature over the next month that could impact municipal government are the county/state corrections unification legislation, the school consolidation legislation and the municipal and property tax impacts associated with the supplemental state budget.

For the remainder of this legislative

session, MMA's advocacy staff will be communicating with the Association's Legislative Policy Committee on those three issues (and any other legislative matters that may arise) through the *Legislative Bulletin* and issue-specific "action alerts".

From the staff level, many thanks go out to MMA's 70 LPC representatives for their continuing service to the towns and cities of Maine.

Fines for Truck Weight Limits

On Tuesday this week, the Transportation Committee held a public hearing on LD 2209, *An Act to Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products*. The bill, sponsored by Rep. Doug Thomas of Ripley, provides vehicle operators transporting unprocessed agricultural or forest products a permanent exemption from the fines assessed for exceeding axle weight limits, provided that the gross vehicle weight limit is not exceeded.

Under existing law, a vehicle operator can be fined for exceeding an axle weight limit, even though the gross vehicle weight limit is not exceeded. It is this provision in the law that concerns many of the proponents of the bill, which included several representatives from the agricultural and forest products industry.

The trucking industry representatives believe that the current law puts the agricultural industry at a disadvantage because their vehicles are loaded “out in the field” where there are no scales available to ensure that the axle weight limits are being met. In addition, some agricultural industries, such as potato and wood chip haulers, find it nearly impossible to meet axle weight limits because their loads are essentially fluid and shift among the axles during transportation. Furthermore, some proponents of the bill believe that only the gross vehicle weight is necessary, as it is the gross weight that has an impact on safety and road and bridge infrastructure damage. These proponents believe that the axle weight limits serve no purpose other than providing the state with an avenue for collecting revenues.

The opponents of the bill included the Maine Department of Transportation (MDOT) and the Maine Municipal Association. According to MDOT, axle weight limits are important, as roads and bridges have to be designed, built and maintained to carry heavy axle loads. Heavier axle loads require the construction of more expensive roads and bridges. According to the Department, each vehicle trip compresses and bends the pavement, which

leads to rutting and cracking. Extensive road tests over the past fifty years have shown that the relationship between axle weight and pavement damage is exponential. For example, an axle weight increase of 10% can increase pavement damage by an estimated 46%.

Considering that municipalities are responsible for maintaining and repairing 13,900 miles of Maine’s 22,600-mile road infrastructure, it should come as no surprise that municipal officials are also concerned with the bill. While municipal officials understand that when “out in the field” it is difficult for an operator to precisely know if an axle limit is exceeded, that limit serves an important function by ensuring that the state’s bridge and road infrastructure is not overburdened. Municipal managers and pub-

lic works officials have shared accounts that an improperly loaded vehicle can cause significant and costly damage to local roads. Taking into account the toll this winter has had on both road conditions and on public works budgets, municipal officials believe the exemption proposed in LD 2209 will place significant pressure on local roads and budgets, both of which are already stretched to the limits.

The Maine Better Transportation Association (MBTA) provided testimony “neither for nor against” the bill. MBTA believes that if the change in LD 2209 is adopted by the Legislature, then additional funds need to be appropriated and dedicated to the Highway Fund to offset the cost of the road and bridge repairs that will occur as a result of the proposed exemption.

A work session on the bill is scheduled for this Friday, March 7th.

Emergency Meds & Rec Programs

On Wednesday this week, the Health and Human Services Committee unanimously voted to support an amended version of LD 2084, *Act to Protect Vulnerable Children by Allowing the Use of Emergency Medication*.

As originally drafted, every community that operated a municipal recreational program would have been mandated to ensure that municipal recreational employees were trained to administer medication to any child enrolled in a recreation program. The expectations of the bill were that the recreational employees would administer asthma inhalers, epinephrine pens, and other medications not specifically listed in the bill. Under that version of the bill, municipal officials felt that LD 2084 exposed municipalities to liability by suggesting that on-site medical care would be provided to all recreational program participants, which is clearly beyond the municipality’s fiscal capacity. Municipal officials that rely on volunteers to run programs were concerned that these “medically” related responsibilities would be too onerous for their volunteer supervi-

sors, thereby eliminating a very valuable resource for these community programs.

However, at the direction of the bill’s sponsor, Rep. Lisa Miller of Somerville, an amendment to LD 2084 was crafted to address the concerns of the interested parties. The version of the amendment adopted by the Committee enables, but does not require, municipal recreation employees to receive training to administer asthma inhalers and epinephrine pens.

While one version of an amendment would have provided municipalities an explicit immunity from liability for administering asthma inhalers and epinephrine pens, on the advice of the Judiciary Committee, the Health and Human Services Committee decided to exclude that provision from the adopted amendment. According to the Judiciary Committee, the Maine Tort Claims Act adequately ensures that municipalities and volunteers of recreation programs can receive training on emergency procedures and the administration of medication and carry out those procedures without incurring liability.

The Emperor Wears No Tax Reform

On Tuesday this week, the Education Committee was reviewing the school-by-school impacts of the subsidy distribution decision the Committee made in response to the state budget shortfall. The spreadsheet the Committee was reviewing showed that 150 of the 285 listed school systems were going to experience actual year-to-year reductions in state financial support for public education next year, with some school systems losing as much state aid as 50% of last year's state subsidy, representing 20% of total school budget.

At the same time, the Transportation Committee was reviewing a proposal to relax truck weight limits for logging and farm trucks, with most participants in that discussion reminding themselves that Maine's state and local roads are being hit with a one-two-three punch of significantly tightening road revenues, rapidly escalating costs of construction, and a punishing winter.

And in another room, the Appropriations committee was preparing to integrate a new and additionally negative state revenue forecast into the Committee's ongoing effort to balance the state budget. Although not a focus of attention to the state appropriators, that new forecast identifies an \$11 million reduction in municipal revenue sharing over the FY 08-09 biennium compared to the revenue forecast of just 10 months ago.

At the very same time as all that was happening, the Taxation Committee unanimously approved a two-tiered expansion to the veterans' property tax exemption.

Instead of a \$6,000 exemption in assessed value, qualifying veterans would begin receiving a \$7,000 exemption beginning April 1, 2009. The value of that exemption was just increased from \$5,000 to \$6,000 last year, so the value of the exemption would be increased by 40% over a two year period if this legislation is enacted.

Instead of a \$50,000 exemption in assessed value, qualifying disabled veterans would begin receiving a \$55,000 exemption beginning April 1, 2009. The value of that exemption was increased from \$47,500 to \$50,000 the year before last, so the value of the exemption would be increased by 16% over a three year period if this legislation is enacted.

The annual cost of the increased exemptions is a third of a million dollars to the state and a third of a million dollars to the municipalities.

One of the benefits of comprehensive tax reform was to modernize and expand the state's sale tax base and restructure the income tax base in order to help stabilize state revenues during cyclical economic downturns. The task involves removing, re-evaluating and

restructuring the system of exemptions and special exclusions in the state's tax code that have been created and expanded over the years. It is a task that begs for a comprehensive rather than incremental approach.

Over the last decade, the Legislature has consistently rejected at least a half-dozen concerted tax reform efforts that were advanced in all manner of economic cycles, positive, neutral and negative.

Similarly, the economic climate seems to have no effect on the legislative propensity to bequeath tax exemptions. Exemptions are easy and presumably yield at least a narrow political value. In contrast, reform is difficult and requires both vision and the political capacity to manage the tax code and not be managed by it.

Septic Systems and Clam Flats

Under current law, if a particular septic system is suspected of failing, the state can direct the local plumbing inspector to investigate and address the situation.

However, if a shoreland area has been closed because of persistent water quality problems, and it is likely that the source of the water problems is a failing septic system or systems in the area, tracking down the failure can seem like searching for a needle in a haystack. A very dirty haystack. Cleaning up this situation is the goal of LD 2160, *An Act to Protect Shellfish Waters and Shellfish Resources from Coastal Pollution*.

To this point, there have been two solutions. The first and preferred method is for the homeowner to discover the problem. However, that is not always the case. In fact, testimony at the public hearing alleged that there are currently 150,000 acres of shoreland area closed to shellfish harvesting due to water quality problems.

The second method is for either

state or local officials to go door-to-door in the suspected area and search for the problem.

LD 2160, as amended, will provide additional tools to prevent ongoing septic system failures from contaminating public lands.

First, the bill requires that the parties to a home sale undertake a greater effort to discover problem at the time of a transaction. During a home purchase, many elements of a property are inspected. While details on this part of the bill are still being finalized, it appears that under the terms of the bill, purchasers of properties in the shoreland area would be required in certain circumstances to have a certified inspector review the septic system.

Second, the state would like more municipal assistance in ferreting out these failing systems. The state's door-to-door effort, known as a sanitary survey, is a very labor intensive process. So, the next element of LD 2160 directs

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tween FY 08 and FY 09 that either exists or is greatly exacerbated not because of the formula *per se*, but because the transition funding system has come to an end, as anticipated.

Eliminating the caps on distribution increases. For another handful of school systems, the amount of school subsidy distributed in FY 08 was actually less than they would have received by the pure distribution formula because an artificial 15% cap on the year-to-year distribution increase for any individual school was imposed by the Legislature last year in order to “save” some state revenue to use in another way. Some of those school systems are experiencing an increase in actual funding between FY 08 and FY 09 that exists not because of the formula *per se*, but because last year’s capping system kept this year’s subsidy level artificially low.

Debt change impacts. Finally, another handful of school systems have within their FY 09 school subsidy either an increase in school subsidy related to first-year reimbursements for debt service for state approved school construction or an on-paper reduction in school subsidy because their debt service obligations have just come to an end, and those debt service impacts may be suggesting an increase or a decrease in school subsidy which doesn’t fairly describe the real impact.

All that being said, the map generally reflects the flow of school subsidy throughout the regions of the state for the upcoming school budgets under the Governor’s change package.

In general, the map shows that school subsidy moves more easily to the densely populated parts of the state along the I-95 corridor, as well as areas of the state that have not (at least relatively speaking) been experiencing large increases in state valuation.

In contrast, school subsidy is retreating from the areas of the state that have been experiencing significant spikes in state valuation; a phenomenon that is exacerbated where student enrollment is declining.

School consolidation fix-up law.

In a rather unusual move, the Governor’s change package also includes the text of the school consolidation “fix-up” bill (LD 1932) favored by the Governor, even though the actual version of LD 1932 containing elements the Governor doesn’t like is currently in the process of being enacted by the Legislature by strong margins.

The Governor’s preferred version of LD 1932 does not include the provisions developed and ultimately approved by the full Legislature that expand the flexibility of the school reorganization process to allow the so-called “super school union” form of school organization.

There is a certain thumb-in-the-eye element to this part of the change package, at least to the Legislature’s rank-in-file. By including his preferred, more-limited version of LD 1932 in the budget bill, the Governor is setting up the distinct possibility that he will veto the legislatively-supported version of LD 1932. Under that scenario, the Governor could veto the version of the bill he doesn’t like while at the same time embedding the elements of the school consolidation fix-up bill that he supports into the budget. Once within the budget, the specific policy issues associated with the approach to fixing the school consolidation law could get blurred and merged with hundreds of other policy issues, and potentially fall away in relative significance or become subject to the inevitable horse trading that occurs whenever a controversial budget is presented for approval.

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that if the state commits to spending state resources investigating a shellfish harvesting area that is closed due to water quality violations, the local plumbing inspector can be required by the state to participate in that effort. While this creates a compelled partnership, and a municipal mandate, MMA’s Legislative Policy Committee was supportive of the approach.

However, both state and local officials believe that the primary responsibility for investigating privately-owned septic systems that may be polluting a shellfish harvesting area rests

with the property owners. Accordingly, if the state and municipal officials agree not to conduct sanitary survey, the state will compel the property owners to have their systems inspected by a third-party.

This is a multi-step process. First, the municipality will provide to the state the mailing addresses of the properties in the area identified by the state as likely contributing to a water quality problem. The state will then notify the property-owners of the potential that their system may be failing and their obligation to inspect. Hopefully, most homeowners will provide information about their septic systems.

However, for those that refuse, the state will provide any needed administrative warrants for third-party investigations of the properties. The municipality will have the greatest burden by being responsible to contract with these third-party inspectors and then recover the costs from the homeowner.

This is not an appealing prospect. Costs for multiple inspections can mount quickly and for homeowners who are unable to pay, the municipality could ultimately absorb the cost. The municipality’s financial ability to pay will be a factor in establishing the schedule for third-party inspections.

However, municipalities will be able to control the amount of times the third-party inspection process is utilized. The municipality will always be able to require that the state-local sanitary survey process be utilized instead. If the state refuses to proceed with a joint sanitary survey, the state would not be able to compel the third-party inspection process.

Obviously, the goal is cleaning up polluted clam flats and returning them to productive use. In a recent sanitary survey effort conducted by the DEP in the St. George/Cushing area, the DEP testified that it inspected 400 systems in the shoreland area. Of those, 42 had illegal discharges and another 16 systems were failing. This is a high rate of system failure.

LD 2160 is one more effort to protect the resource and MMA supports the system of shared state and local responsibilities.

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, March 10

Judiciary

Room 438, State House, 1:00 p. m.

Tel: 287-1327

(Postponed from 2/27 & 3/06)

LD 2198 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials.

Legal & Veterans Affairs

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

Tel: 287-1310

LD 2236 – An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance.

Tuesday, March 11

Appropriations & Financial Affairs

Room 228, State House, 8:30 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. (Emergency) (Governor's Bill)

(Sponsored by Rep. Fischer of Presque Isle; additional cosponsors.) (All portions **except** those related to the Department of Health and Human Services (which will be heard on Wednesday), Part LLL (already the subject of a public hearing as L.D. 1932) and The Governor Baxter School for the Deaf (to be heard on Wednesday starting at 9:30 a.m.) Anyone who will require an ASL Interpreter in order to testify on any portion of this Change Package is invited to do so on Wednesday morning.)

Natural Resources

Room 214, Cross State Office Building, 1:30 p.m.

Tel: 287-4149

LD 2235 – An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions.

Transportation

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

Tel: 287-4148

LD 2239 – Resolve, To Name a Road in Dexter after Harold Alfond.

Wednesday, March 12

Appropriations & Financial Affairs

Room 228, State House, 9:30 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. (Emergency) (Governor's Bill) (Sponsored by Rep. Fischer of Presque Isle; additional cosponsors.) (Portions of the Governor's Proposed Change Package to the Supplemental Budget on initiatives affecting the Governor Baxter School for the Deaf, testimony on any portion of the Change Package from individuals requiring an ASL Interpreter and all portions related to the Department of Human Services.)

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.)

Natural Resources

LD 2249 – An Act To Protect Lake Water Quality. (Reported by Rep. Koffman of Bar Harbor for the Joint Standing Committee on Natural Resources.)

This bill authorizes municipalities to adopt ordinances that would implement the assessment of annual lake water quality fees to the landowners on private roads in lake watersheds when those private roads do not meet certain road construction and maintenance standards established in the ordinance. The fees would be based on the estimated costs of upgrading the private road to the established

standards, and the collected fees would have to be held separately and dedicated to the purpose of upgrading the private road. This bill also requires, beginning in 2013, that all contractors conducting excavation activities in a shoreland area employ a person on-site during the excavation that is certified in erosion control practices by the Department of Environmental Protection.

Transportation

LD 2244 – An Act Concerning Traffic Safety Cameras. (Sponsored by Rep. Pilon of Saco; additional cosponsors.)

This bill authorizes municipalities to install traffic light violation monitoring cameras to observe and record violations of traffic control devices. The bill also establishes that evidence of traffic violations obtained from those cameras is prima facie evidence that the owner of the vehicle committed the violation as a "rebuttable presumption", with four possible circumstances that would successfully rebut the presumption (rental car, dealer's car, stolen car, etc.). The bill also requires that 50% of the traffic fine revenue generated as a result of the installed monitoring cameras be returned to the municipality that installed the device.