

Legislative BULLETIN

A PUBLICATION OF MAINE MUNICIPAL ASSOCIATION

Vol. XXIX No. 5

February 2, 2007

Consolidated Hearing on Consolidating Schools

A mega public hearing covering a range of proposals to restructure K-12 public education in Maine – some specific and some conceptual – is scheduled for an all-day session on Monday, February 5 at the Augusta Civic Center.

An enormous turnout is predicted largely in response to Governor Baldacci's proposal to abolish all existing school boards and school systems and replace them with just 26 school districts, one for each of the existing vocational educational regions in the state.

A number of other proposals focused on restructuring the delivery of K-12 administrative services will get their public hearing on Monday as well, although the chances are good that the Governor's plan will draw the most attention and testimony.

MMA has been on the road at a number of public forums held throughout the state convened by local officials for the purpose of responding to the Governor's proposal and learning about other proposals on the table – alternative proposals that have largely been drowned out by the noise surrounding the Governor's plan.

There are so many reports, conflicting analyses, "concept drafts" and actual bills in the mix at this point, a fair amount of confusion and anxiety has been generated at the ground level, where the services in question are actually performed.

Here's an attempt to draw-up the score card. In a sidebar to this article is a list of the major reports and legislative proposals that are driving the current discussion on K-12 education.

Sorting the paper. There are two ways to organize the material on the table. One is on the basis of the report or legislative proposal's primary goal. According to the author of the report or the sponsor of the legislation, what is the key result that needs to be achieved and what other results are secondary? Put another way, what is the element of the proposal that if not accomplished will result in failure?

The other way to organize the material is on the basis of the report or legislative proposal's approach; that is, how do the proponents of the various plans suggest that we get from Point A (where we are) to Point B (the goal).

By organizing all the reports and proposals into those two categories, three groupings emerge, as shown in the chart below:

After all the information has been put into the hopper, and the Education Committee begins to develop its recommendation to the full Legislature on this issue, the identification of the goal and the identification of the approach will be key threshold issues. The BRAC approach is incompatible with a detailed legislative plan. The top-down mandates are incompatible with community-based decision making. These very first decisions made by the Education Committee will immediately give shape to the final product.

"BRAC" approach. The "BRAC" approach is a reference to the Base Closure Realignment Commission process whereby Congress, faced with regional political resistance to shutting down redundant military bases, delegated the responsibility of deciding which military bases should be closed to a special commission. Within that delegation was an up-front agreement that the vote on the BRAC recommendations would be a single up-or-down vote. BRAC ap-

(continued on page 2)

Category	Approach	Goal
1	BRAC-style	Consolidation of school governing systems into fixed number somewhere between 35 and 60 districts.
2	Non-BRAC but otherwise mandatory, top-down	Consolidation of school governing systems into fixed number of 26 districts.
3	Cooperative, shared roles and responsibilities	Regionalization of specific administrative functions and services, with structural reorganizations to be developed and implemented at the local level.

SCHOOL (cont'd)

proaches are designed as a way for a group other than the legislature itself to develop recommendations that are almost certainly politically unpopular and advance those recommendations in a package big enough to roll over parochial interests.

Many of the reports that are driving the current focus on K-12 education, and several of the actual bills that are now on the table before the Education Committee, recommend as a goal the consolidation of school governing units into many fewer school districts and further recommend that the way to achieve that goal must be the BRAC approach.

Those reports include the Brookings's Report (and the underlying Public Spending Group's Report), the State Board of Education's Report, and Senator Karl Turner's bill on the subject, LD 370, *Resolve, To Reduce the Number of School Administrative Units and Gain Administrative Efficiencies*. LD 370 is a clear example of the BRAC approach. It establishes an 11-member committee made up of former school officials and, as chair, the former CEO of some publicly traded company headquartered in the state. The committee is charged with developing a plan that must: (1) abolish all existing school boards and school systems; and (2) recreate new school districts that have between 2,000 and 2,200 students, approximately 75 school districts statewide. The plan must be submitted to the Legislature by December 3, 2007 and fully implemented by June 30, 2008. Finally, the bill establishes as "legislative intent" that the plan submitted to it by the committee "become law in

Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: www.memun.org

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

A Word on the Term "School Districts"

In the current debate regarding the consolidation of Maine's school administrative units, many legislators and the Maine press seem intent on referring to all current school systems as "school districts". Over and over again, you will be told that "Maine has 288 school districts", or "The Governor is proposing to reduce the number of school districts in Maine from 288 to 26." Several of the academic reports listed in this article refer to Maine's 288 "school districts".

By definition, the term "school district" refers to a separate governing unit, made up of more than one municipality and controlled by a legislative body that is both larger than and distinct from a municipality's legislative body.

By that definition, Maine does not now have and has never had anything resembling 288 school districts. As a matter of law, Maine currently has 88 school districts, not 288. Maine has 288 school administrative units...school systems. 58 of those school systems do not even operate schools. They simply manage the tuition of school children so they can go to schools in other locations. Of the remaining 230 school systems, 88 are actually "districts" (SADs or CSDs), and the remaining 142 school systems are simply part of their municipality. The same legislative body that controls the municipality controls the school. The school is a department of the municipality.

To some, this differentiation is merely semantic. To the Maine press, many legislators and academics the distinction between a "district" and a municipal school system appears entirely irrelevant...the 100-plus non-SAD elementary schools located in the center of their communities and the K-12 school systems that are embedded within the larger town and city governments might as well be referred to, and treated as, a disconnected "district".

For whatever difference it might make, those schools are not "districts" as a matter of law, nor are those schools thought of as disconnected "districts" by the communities that support them.

substantively the same form as it is submitted."

It hasn't been printed yet, but presumably the bill to implement the State Board Report will belong to the BRAC-approach category as well.

Mandatory, top-down. As described in detail in the January 12 edition of the *Legislative Bulletin*, the Governor's plan abolishes the entire existing school governing system, appropriates all existing public school property, and requires that the entire educational delivery system be reorganized into 26 regional school districts. The goal is to expressly break down the structure of the existing school governing systems and recreate school governance on much larger regional levels in order to create financial savings.

Although Governor Baldacci's plan calls for the dramatic consolidation of all school governmental units, it does not delegate the task to a non-legislative commission. It attempts to lay out how to get from Point A to the goal of consolidated districts over the next 18 months in

some detail. Despite the attempt at detail, however, most of the more difficult work of establishing charters for 26 new school systems out of the rubble of all the abolished systems is left to "transition teams" hired by the Department of Education whose make-up, organization and specialized authority is entirely unclear.

Cooperative regionalization of specific functions. The third category of reports and proposals is substantially different from the other two categories in both approach and goal. The goal of this third category is to regionalize the delivery of K-12 administrative services, and the approach is to achieve that goal in an act of collaboration between the state and the local governments. The degree to which that goal needs to be achieved by actually consolidating existing school governments is determined by the voters who elected those governing systems. There are, after all, many ways to regionalize the delivery of certain

(continued on page 3)

Major K-12 Reports, Analysis and Legislative Proposals

REPORTS AND ANALYSIS:

Brooking's Report. Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places (GrowSmart Maine, Yarmouth, ME 2006)

Trostel Study. Maine's State-and Local-Government Payroll and Expenditure (Philip Trostel, University of Maine, Orono, ME 2006)

A Case for Cooperation. A Case For Cooperation: Making Connections to Improve Education for All Maine Students (Maine Children's Alliance, Augusta, ME 2006)

Public Spending Research Group's Report. The Cost of Local Control: School Capital Investment and the Need for Regional Approaches (Maine Public Spending Research Group 2006)

Donaldson Analysis. Pursuing Administrative Efficiency for Maine's Schools (Gordon Donaldson, University of Maine, Orono, ME 2006)

Heritage Analysis. Education Service Districts (Stephen Bowen, Maine Heritage Policy Center, Portland, ME 2007)

State Board Report. The Learning State: Maine Schooling for the 21st Century (State Board of Education Select Panel on Revisioning Education in Maine, Augusta, ME 2006)

PROPOSALS:

LD 499, Governor Baldacci's Proposed Biennial Budget, K-12 consolidation in Section MM

LD 370, *Resolve to Reduce the Number of School Administrative Units and Gain Administrative Efficiencies*, sponsored by Sen. Karl Turner (Cumberland Cty.)

LD 464, *An Act to Reform Education by Encouraging Regional Approaches*, sponsored by Sen. Elizabeth Mitchell (Kennebec Cty.).

LD (no number yet), Coalition Plan. *An Act to Ensure Responsible Government Spending, Investment and Educational Efficiencies*. Sponsored by Senate President Senator Beth Edmonds (Cumberland Cty.). Implementation of the recommendations of A Case for Cooperation, developed by a coalition including Maine Municipal Association, Maine Education Association, Maine State Chamber of Commerce, Maine Service Center Coalition, and Maine Hospital Association.

LD (no number yet). Sponsored by Sen. Peggy Rotundo (Androscoggin Cty.). A bill to implement recommendations of State Board Report.

services or governmental functions without abolishing established, democratically-elected governing systems. Witness the longstanding tradition in Maine of mutual aid fire protection. Witness the transformation in Maine of solid waste disposal or emergency service dispatching or town-by-town assessing (now more often contracted to the private sector) or specialized environmental response (HazMat). All local services. All operating or transformed into regionalized approaches without consolidating a single local governing body in the state.

A Case for Cooperation, the Donaldson analysis, and the Heritage analysis represent the reports that espouse the cooperative, shared-roles approach, along with the goal of regionalized services rather than governance. With respect to legislative proposals in this category, there is the MMA/MEA/Maine State Chamber Coalition's proposal and LD 464, sponsored by Sen. Elizabeth Mitchell. In the same manner as the Coalition's proposal, LD 464 would implement the recommendations of the Case for Cooperation report.

Anyone interested in obtaining either website connections or actual copies of these reports, analyses and proposals should feel free to contact MMA's Laura Veilleux at 1-800-452-8786 or lveilleux@memun.org.

Setbacks Scrapped

Last Tuesday, the Natural Resources Committee voted unanimously that LD 78, *An Act to Protect Neighborhoods from Scrap Metal Pollution* ought not to pass. The bill, sponsored by Representative Charles Harlow (Portland), would have created two new set-back requirements in Maine's junkyard and automobile graveyard statute.

The two set-backs would have prohibited junkyards or automobile graveyards (including salvage yards) from storing any junk, solid waste, vehicles or scrap within 1,000 feet of a waterbody or 700 feet of a residence. There are currently different setbacks from highways, public facilities and wells and other drinking water supplies.

The sponsor explained that his primary motivation is a proposed removal of New England Metal Recycling from one part of the City of Portland to a different part. His aim was to establish setbacks that would have prohibited the removal as it is proposed.

The only other person who testified in favor of the bill was a woman who indicated that she believes an abutter to her property is illegally operating a recycling business. She did not identify her home town.

There were 22 opponents of the bill, including Maine Municipal Association. MMA accepts the bill's concept that zoning-type setbacks are legitimate tools to address quality of life issues. The objection is that the Legislature has already empowered municipalities to adopt these types of zoning setbacks. Many municipalities, including the City of Portland, recognize that the setbacks in state law are minimums designed to protect public health and the environment. Municipalities don't believe that there is one standard for quality of life setbacks that can be placed in state law.

(continued on page 4)

Public Voice vs. Public Choice

Enabling voters to decide whether the county register of deeds will be appointed or elected was the center of debate at a State and Local Government Committee public hearing held on Wednesday of this week. LD 130, *An Act to Allow County Commissioners to Appoint Register of Deeds*, sponsored by Rep. Randy Hotham of Dixfield, proposes to allow county commissioners to appoint the register of deeds, provided that the voters of the county approve by referendum replacing the existing election process with an appointment process.

Although stated in many different ways, the issues of control, qualifications and professionalism dominated the testimony provided by both the proponents and opponents of LD 130.

Oxford County Commissioner, David Duguay, was prompted to move forward with the legislation after an Oxford County constituent questioned, partially in jest, why the voters of the county were assigned the task of “hiring/electing” the register of deeds without knowing if the person was qualified. Commissioner Duguay believes that LD 130 addresses that concern by enabling the voters of the county to determine, through a referendum, whether it is the voters or the commissioners who are best qualified to “hire” the register of deeds. In addition, Commissioner Duguay believes that the legislation actually protects the register of deeds by eliminating the need for a high-performing registrar to “apply” for the job every four years.

Somerset County Commissioner, Philip Roy, the Maine County Commissioners Association (MCCA) and the Maine Municipal Association (MMA) also provide testimony in favor of LD 130. Generally, the county and municipal officials support the bill because it provides the voters with the opportunity to decide how county government will be run. Commissioner Roy added to the support by mentioning a need to address a qualification misperception. While Roy believes that the register of deeds is doing a fantastic job for the residents of Somerset County, changes need to be made to ensure that county governments

look, feel and act more professionally. He believes that this misperception can be changed if the elected county officers are provided with the tools necessary to appoint well-qualified employees.

Opponents of the bill included the Maine Register of Deeds Association (MRDA), Maine Register of Probate Association (MRPA), Kennebec County Register of Deeds, Beverly Bustin-Hatheway, and Penobscot County Commissioner, Stephen Stanley.

MRDA led off for the opponents by questioning why the commissioners believe they need more control over the deeds process. Currently, the county commissioners set wages, hours and approve all contracts. MRDA believes that rather than shifting more control, the commissioners and registrars need to improve the lines of communication.

MRDA also believes that the registrars need to maintain a level of independence, by being directly accountable to the voters of the county rather than the commissioners. Without that level of independence, the registrars contend that they will lose the ability to challenge the decision of the county commissioners without the fear of retribution.

In addition, MRDA does not think the legislation is necessary because any county can choose to appoint the register of deeds by adopting a charter.

Register Bustin-Hatheway, echoed the importance of maintaining a level of independence by preserving the registrars’ “public voice”. Bustin-Hatheway believes the preservation of the public voice and the right to directly represent the people is most important. This public voice allows the registrar to speak up and speak out without needing to get the permission of the county commissioners. In response to the allegation that the LD 130 would lead to the appointment of more qualified registrars, she suggested that in a democracy qualification for office is not important, what is important and necessary, however, is on-the-job training and education.

Adding to the “training” versus “qualification” debate was testimony provided by Penobscot County Commissioner, Stephen Stanley. Commis-

sioner Stanley believes that in America we elect people to certain positions not because of their qualifications, but because we trust that the people elected will learn as they go in order to appropriately represent their constituencies. He pointed to his election to both the Maine Senate and the House of Representatives, despite his background as a paper maker, as evidence. Commissioner Stanley also believes that the charter process is available to any county that is interested in appointing the registrar.

From a staff perspective, we find the testimony in opposition to LD 130 confusing. If the registrars believe that they serve at the will of the people, why do they object to providing these same people with a simple process for determining how county government should be operated? Municipal officials support LD 130 because it puts the peoples’ public choice ahead of registrars’ public voice. We encourage the State and Local Government Committee to keep this important distinction in mind as it debates the merits of the bill.

The work session for LD 130 is scheduled for Wednesday, February 7th at 10 a.m.

SETBACKS (cont'd)

Other opponents included four legislators, including a sponsor, Representative James Campbell (Newfield). Most of them noted the existing local control authority to handle this issue. Representatives of the City of Portland, New England Metal Recycling, a host of other recyclers big and small, and automobile enthusiasts who frequent these businesses all testified in opposition.

The Department of Environmental Protection testified “neither for nor against” the bill. However, it stated that it sees “no reason to support” the proposed setbacks.

The Committee, apparently out of consideration for the many attendees who had traveled to the State House, decided not to delay consideration of the bill until a future work session. Instead the Committee immediately moved into work session and took the vote not to support the legislation.

Taxation Committee Kicks Into Gear

Three bills of municipal interest were presented to the Taxation Committee on Thursday this week, each of which represents a slender sample or micro-example of major public policy themes the Committee will be dealing with over the next five months.

Excise tax rebates. LD 227, *An Act to Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases*, would require municipalities to prorate the value of excise tax credits in the circumstance of motor vehicle transfer registration. In addition, whenever the transferred credit exceeds the new vehicle's excise tax, LD 227 would require the municipality issue a rebate for the difference. The bill is sponsored by Rep. Abigail Holman (Fayette). MMA's Legislative Policy Committee voted to oppose the bill for several reasons, including: (1) a general recognition that the current full-credit system (rather than a prorated system) is generally fair; (2) the issues involved in converting to a proration system, which in many cases would seem to reduce the value of the credit; and (3) the issues involved in developing and administering a required rebating system from the town's excise tax account.

The work session on this bill is in just three days (Monday, February 5), and the Committee seems inclined to dismiss the municipal concerns and mandate the rebate system.

Property tax exemptions. LD 81, *An Act to Update the Property Tax Exemption for Parsonages*, is sponsored by Rep. David Farrington of Gorham. LD 81 would expand the current property tax exemption for parsonages from \$20,000 to \$100,000. MMA testified in opposition in the bill and attempted to explain to the Committee how the incremental expansion, extension, and creation of property tax exemptions – from the large exemptions enacted in 2005 (the unreimbursed exemption for homesteaders) and 2006 (for business equipment) to the smaller exemptions like for the parsonages – are pushing the property tax burden around the table from the exempt to those not enjoying the exemption in a game of ping pong. From the

municipal perspective, except for the pure church property, all properties should be exposed to the obligation to contribute to the public charge, just as all property owners are currently exposed without special exemption from their utility bills.

The work session on LD 81 will also be conducted in three days, on Feb. 5.

County taxes. LD 82, *An Act to Create a Study Commission to Evaluate the County Tax Structure*, would establish a study group to examine different ways to apportion the county assessments among the municipalities. Since time immemorial, the assessing system has been based on municipal valuation.

Model Radon Code Proposed

The Maine Indoor Air Quality Council, the American Lung Association, and the State Toxicologist within the Department of Health and Human Services all urged the Natural Resources Committee to adopt a model radon code for use during the construction of new residential properties. The vehicle for this is LD 109, *An Act to Require a Model Radon Standard for New Residential Construction*.

This bill, like previous model code bills relating to general construction, rehabilitation and energy efficiency, preserves the home rule authority regarding whether or not to adopt a code. However, it prohibits the future adoption of any code other than the model. The model code is a 34-page publication of the American Society for Testing and Materials, International (ASTM). Copies of the code were distributed to the Committee. However, reproduction of the materials was restricted by ASTM. Anyone who is interested in reading the code should contact the Natural Resources Committee, or the Maine Indoor Air Quality Council. Alternatively, the code is available for sale on the ASTM website (for around \$50.00).

The hearing focused on the danger and prevalence of radon in Maine. Radon is radioactive gas that comes from bedrock. Given Maine's rocky geography, it has some relatively high radon

LD 82 would ask a study group to look at other assessing systems, such as population or median income or some combination of value, population and income.

MMA asked the Committee to consider expanding the study to allow a review of more fundamental issues associated with county assessments. A simple study of assessment methodology is likely to get hung up in competing theories of "fairness" and the paralysis of political parochialism. If the study would additionally examine the public policy that currently requires Maine's jail operations to be funded almost entirely on the back of Maine's property taxpayers, a good deal more might get accomplished in the area of real, structural property tax relief.

levels nationally. Mainers are exposed to radon by simply breathing. According to the State Toxicologist, radon is the leading cause of lung-cancer for non-smokers.

The purpose of a radon code is twofold. First, it would establish a safety level and require that all new homes be tested for radon so that the occupants would understand their exposure risk. Existing Maine law related to home sales would require these test results to be shared with any subsequent purchaser.

The second purpose of a radon code is to establish standard mitigation measures that can be taken during construction. Testimony from the above mentioned groups and comments by Natural Resources Committee member Representative Jim Hamper (Oxford), who once practiced in the field of radon mitigation, observed that the installation of mitigation measures during construction is cheaper and easier than after construction is completed.

MMA testified neither for nor against the bill as did the Maine Modular Home Builders Association. MMA has a history of supporting model building codes that promote safety, standardization and home rule. This bill appears to satisfy those goals. However, very little was actually said about the code and the

(continued on page 8)

(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.)

Education & Cultural Affairs

LD 343 – An Act Regarding School Transportation. (Sponsored by Rep. Finch of Fairfield; additional cosponsors.)

This bill requires that rules adopted by the Department of Education concerning seat belts or child safety seats for school buses are major substantive rules, thereby requiring final legislative approval before becoming effective.

LD 464 – An Act To Reform Public Education by Encouraging Regional Approaches. (Sponsored by Sen. Mitchell of Kennebec Cty; additional cosponsors.)

This "concept draft" bill would implement the recommendations in a report regarding restructuring and regionalizing K-12 administrative services entitled *A Case for Cooperation*.

LD 465 – An Act To Prohibit School Administrative Units from Advocating in Political Activity. (Sponsored by Sen. Turner of Cumberland Cty; additional cosponsor.)

This bill prohibits members of a school board or employees of a school administrative unit from engaging in political activity that is intended to influence a voter's opinion or expressly advocates for or against a candidate or ballot question. The bill establishes a fine of \$100 to \$500 for committing that offense.

LD 470 – An Act To Add Ten Days to the School Year. (Emergency) (Sponsored by Sen. Mills of Somerset Cty.)

This emergency bill adds 10 days to the (current) 180-day school year.

LD 482 – Resolve, To Conduct an Objective and Independent Review of Essential Programs and Services. (Sponsored by Rep. Pieh of Bremen; additional cosponsors.)

This "concept draft" resolve proposes to require that an objective and independent review of the Essential Programs and Services school funding model be conducted.

LD 484 – An Act To Adjust the School Funding Formula with Regard to Unorganized Territories. (Sponsored by Rep. Carter of Bethel; additional cosponsors.)

This "concept draft" bill proposes to adjust the school funding formula to require the unorganized territories to pay their share of educating K-12 students from those areas.

Legal & Veterans Affairs

LD 300 – Resolution, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Certain Incarcerated Felons. (Sponsored by Rep. Hanley of Gardiner; additional cosponsors.)

This resolution would send to the voters a proposed amendment to the Constitution to revoke the voting privileges of a person in a correctional facility of the Department of Corrections who is convicted of murder or a Class A or Class B crime.

LD 434 – An Act To Allow a Voter To Preserve the Confidentiality of That Voter's Presence at the Polls. (Sponsored by Sen. Plowman of Penobscot Cty; additional cosponsor.)

This bill allows a voter to request that an election clerk not announce that voter's name when obtaining a ballot at the polling place.

Natural Resources

LD 301 – An Act Relating to Alternate Directors for Public Waste Disposal Corporations. (Sponsored by Rep. Austin of Gray; additional cosponsors.)

This bill allows a municipality participating in a public waste disposal corporation to elect one or more alternate directors to serve in the absence of the director elected by the municipal officers.

LD 340 – An Act To Require the Replacement of Trees Cut in Shoreland Areas. (Sponsored by Rep. Hill of York; additional cosponsors.)

This bill requires that the mitigation plan required of any person who removes a tree or trees in the shoreland zone in violation of the shoreland zoning ordinance must require the replacement of the removed vegetation with trees of similar size and species.

State & Local Government

LD 336 – An Act To Reauthorize the Community Preservation Advisory Committee. (Reported by Sen. Dow of Lincoln Cty. for the Community Preservation Advisory Committee.)

This bill extends the life of the Community Preservation Advisory Committee, which is scheduled to be sunsetted on June 1, 2008. This bill extends CPAC's life until June 1, 2016.

Taxation

LD 302 – An Act To Create an Alternative Fuel Vehicle Income Tax Credit and an Alternative Fuel Vehicle Rebate. (Sponsored by Rep. Cebra of Naples; additional cosponsors.)

This bill provides an income tax credit for persons who purchase an alternative fuel vehicle or convert a motor vehicle to use an alternative fuel. The bill also provides a similar rebate to governmental entities, including municipalities, and nonprofit entities that would qualify for a credit if they were subject to the income tax.

LD 395 – An Act To Use National Standards To Determine Maine's Relative Tax Burden for Purposes of Budget Caps. (Sponsored by Rep. Holman of Fayette; additional cosponsors.)

This bill changes the way the state's overall tax burden is calculated under the "LD 1" spending limitation law. Under current law, the State Tax Assessor is directed to adjust Maine's total tax collections to reflect certain tax rebate programs such as the Circuit Breaker and Business Equipment Tax Rebate programs. This bill would not allow those adjustments to the state's total tax revenue for the purpose of determining the state's tax burden.

Transportation

LD 447 – Resolve, To Improve the Registration Process for Commercial Motor Vehicles. (Sponsored by Sen. Bartlett of Cumberland Cty; additional cosponsors.)

This resolve directs the Bureau of Motor Vehicles to implement the municipal registration of commercial motor vehicles with a gross weight of less than 6,000 pounds.

Utilities & Energy

LD 369 – An Act To Require High-speed Internet Access for All Maine Residents. (Sponsored by Rep. Knight of Livermore Falls; additional cosponsors.)

This bill requires telephone utilities in Maine to provide high speed Internet access to any Maine resident who requests it except for residents of the unorganized territories.

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 5

**Appropriations & Financial Affairs in conjunction with
Education & Cultural Affairs
Capitol Room & Pine Tree Room, 2nd Floor, North Wing,
Augusta Civic Center, 9:00 a.m. (All day)
Tel: 287-3125**

Governor's school district regionalization initiative contained in Part MM of the 2008-2009 biennial budget bill and on other school district regionalization initiatives sponsored by legislators. (*Members of the public presenting written testimony should bring 40 copies of their testimony to the public hearing.*)

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

LD 287 – An Act To Limit Campaigning at Polling Places. (Sponsored by Rep. Savage of Falmouth; additional cosponsors.)

LD 300 – Resolution, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Certain Incarcerated Felons. (Sponsored by Rep. Hanley of Gardiner; additional cosponsors.)

LD 310 – An Act To Ensure the Integrity of Maine's Electoral Process by Requiring Physical Ballots. (Sponsored by Rep. Burns of Berwick; additional cosponsors.)

Tuesday, February 6

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

LD 302 – An Act To Create an Alternative Fuel Vehicle Income Tax Credit and an Alternative Fuel Vehicle Rebate. (Sponsored by Rep. Cebra of Naples; additional cosponsors.)

LD 80 – An Act To Make Changes to the Maine Residents Property Tax Program. (Sponsored by Rep. McKane of Newcastle; additional cosponsors.)

LD 179 – An Act To Make Changes to the Maine Residents Property Tax Program. (Sponsored by Sen. Sullivan of York Cty; additional cosponsors.)

**Transportation
Room 126, State House, 1:00 p.m.
Tel: 287-4148**

LD 232 – Resolve, To Direct the Department of Transportation to Establish the Elton R. Brooks Memorial Rest Area and Boat Launching Facility. (Sponsored by Sen. Raye of Washington Cty; additional cosponsor.)

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

LD 267 – An Act To Ensure Proper Funding of the Public Utilities Commission. (Emergency) (Sponsored by Rep. Bliss of South Portland; additional cosponsor.)

Wednesday, February 7

Appropriations & Financial Affairs

**Room 228, State House, 9:00 a.m.
Tel: 287-1316**

LD 499 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing 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.)

**With the Joint Standing Committees on Marine Resources and
Inland Fisheries & Wildlife**

**Labor
Room 220, Cross State Office Building, 10:00 a.m.
Tel: 287-1333**

LD 75 – An Act To Prohibit Credit Checks for Purposes of Employment. (Sponsored by Rep. Barstow of Gorham; additional cosponsors.)

LD 105 – An Act To Promote Hiring of Seasonal Workers. (Sponsored by Rep. McKane of Newcastle; additional cosponsors.)

LD 124 – An Act To Allow the Recovery of Reasonable Attorney's Fees. (Sponsored by Rep. Harlow of Portland; additional cosponsors.)

**State & Local Government
Room 216, Cross State Office Building, 1:00 p.m.
Tel: 287-1330**

LD 142 – Resolve, To Improve the Professional Development of County Officials. (Sponsored by Rep. Barstow of Gorham; additional cosponsors.)

LD 202 – An Act Requiring the Municipal Clerk to Inspect Municipal Election Ballots. (Sponsored by Rep. Blanchard of Old Town; additional cosponsors.)

LD 214 – An Act To Initiate the Intergovernmental Advisory Commission's Blueprint for Government. (Reported by Rep. Barstow of Gorham for the Intergovernmental Advisory Commission.)

Thursday, February 8

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

LD 499 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing 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.)

**With the Joint Standing Committees on Transportation and
Natural Resources**

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

LD 208 – An Act To Eliminate Tax Increment Financing for Retail Businesses. (Sponsored by Rep. Simpson of Auburn; additional cosponsors.)

LD 237 – An Act To Amend the Maine Tree Growth Tax Law. (Sponsored by Sen. Plowman of Penobscot Cty; additional cosponsors.)

LD 172 – An Act To Increase the Property Tax Exemption for Veterans. (Sponsored by Rep. Nass of Acton; additional cosponsors.)

(continued on page 8)

RADON (cont'd)

operation of the code at the hearing. It focused on radon and the threats posed by radon.

Outstanding questions include: (i) the costs associated with the testing and the mitigation measures (ii) complexity of adopting and understanding the code (iii) any conflicts between this proposed code and the other statewide codes, particularly the plumbing and residential construction codes, and, (iv) the comparison of this model code to the version of a radon code that is an appendix to the Maine Model Building Code (the IRC).

There was no testimony in opposition to the bill. Assuming there are no major problems on these issues support, from the Committee appeared likely.

HEARINGS (cont'd)

LD 313 – An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing. (Sponsored by Rep. Cain of Orono; additional cosponsors.)

LD 261 – An Act To Define More Clearly Procedures by Which a Municipality Assesses Property. (Sponsored by Rep. Tuttle of Sanford; additional cosponsors.)

Friday, February 9

Appropriations & Financial Affairs

Room 228, State House, 10:00 a.m.

Tel: 287-1316

LD 499 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing 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.)

With the Joint Standing Committee on Criminal Justice & Public Safety

Transportation

Room 126, State House, 9:00 a.m.

Tel: 287-4148

LD 86 – An Act To Require the Collection of Information on Vehicle Accidents on Private Property. (Sponsored by Sen. Bartlett of Cumberland Cty; additional cosponsors.)