

## 'Transparency' In School Budgeting

In the legislative process, entire concepts are often reduced to single words in order to achieve a certain economy of speech in the day-to-day State House banter.

"Transparency" is the term that has been coined that means something to the effect of "a series of amendments to current law with the goal of making a proposed school budget and its internal components more understandable by the average voter."

The term "transparency" has gained a sudden cachet in the State House and there is a general agreement that "transparency" will be a part of whatever school regionalization/consolidation plan ever gets political traction.

On Wednesday this week, Representative Dick Woodbury (Yarmouth) presented a bill to the Education Committee that would translate the concept of transparency into action. LD 1766, *An Act to Amend the Authorization Procedures for Certain Municipal and School Budgets*, attempts to penetrate the bureaucratic mumbo-jumbo of the statutorily-required school budget adoption articles so that the regular voter, reading the budget warrant before voting, could easily get a sense of the major moving parts of any proposed school budget.

Specifically, Rep. Woodbury's bill would open up to some sunshine the dark mysteries of the "additional local appropriations" article, which is the third of four school budget adoption articles that are mandated by statute, down to the last word. For as many years anyone can remember, local voters have been struggling with these articles which until recently were worded with all the turgidity of the fine print in an insurance policy.

LD 1766 would unpack the school budget into eight clear categories, in-

cluding system administration (superintendent's office), school administration (principal's office), instruction, special education, transportation, co-curricular, facilities, and all other. For

each cost-center category, the actual budget would be revealed, as well as the value in that category according to the

*(continued on page 3)*

### Unfunded Liabilities Update

As was reported in last week's *Legislative Bulletin*, the Labor Committee was looking at several bills that propose to address the state's unfunded liability for retiree health care costs. That liability, known as the unfunded actuarial liability (UAL) is between \$3.3 and \$5.6 billion depending upon various assumptions.

As expected, the Labor Committee rejected all legislation except for LD 1511, *Resolution, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans*. This bill as printed, proposes a constitutional amendment that would: (1) require the UAL for retiree health care benefits to be fully funded in 25 years; and (2) prohibit the creation of any additional UAL in the future.

The Committee unanimously adopted an amended version of LD 1511. There were two notable amendments. First, the Committee extended the funding period to 30 years rather than 25 years.

Second, and more importantly, the Committee removed the prohibition on the creation of any additional unfunded liabilities in the future. The Committee explained this decision as the attempt to protect the ability of future legislatures to make decisions as they see fit. The current legislature, the Committee explained, should take care of the liabilities as they exist today, and future legislatures should be free to make, and clean-up, their own liabilities.

It is not clear how this freedom to create future liabilities will work. GASB 45, the accounting directive which requires the state to account for its unfunded retiree health care liability, does not distinguish between liabilities in existence now and those that may be created in the future. Plus, distinguishing between a new liability and the liability in existence today is not as cut-and-dry as it might seem.

The constitutional amendment for Maine's pension liability contains a prohibition on the creation of new liabilities. So, if the decision stands, the state will have two different rules in the Constitution for two retiree benefits, a strict rule for pensions and a looser rule for health insurance benefits.

So, the Labor Committee's unanimous vote to address the issue at a level of constitutional enforceability should be applauded. The impact of the Committee's recommendation to allow the creation of more health-benefit UALs in the future, however, may require some more reflection.

# Binding Arbitration Instead of Court for Tax Appeals

The Taxation Committee held public hearings on Monday this week for three bills mandating changes to the property tax assessment and collection process.

One bill (LD 1144) would mandate that all municipalities use property tax bills formatted by Maine Revenue Services which would include prescribed information over and above what is already required by law, such as the specific amount of the municipality's bonded indebtedness and a break-down of the percentages of the total property tax commitment collected for the municipality, the school system and the county, respectively.

Another bill (LD 1710), would require municipalities to sell tax acquired property within 180 days of tax lien foreclosure and return to the former owner any "surplus" revenue associated with the sale.

Another bill along these lines – LD 1584, *An Act to Authorize Arbitration of Property Tax Disputes* – was the only proposal in the batch that drew any public testimony in support. LD 1584 would establish a new layer of property tax abatement appeals whereby a property owner dissatisfied with a decision of a local Board of Assessment Review could elect to take the matter to binding arbitration instead of Superior Court. The decision of the arbitrator would be final and the municipality could never get the merits of the appeal in front of a judge.

Four people testified in favor of LD

1584 in addition to the bill's sponsor, Senator Doug Smith (Piscataquis Cty.). The principal supporter was Richard Bryant, a Portland attorney who has represented property taxpayers in appeal litigation. Mr. Bryant testified that the tax appeal process is inherently unfair, the people serving on Boards of Assessment Review are biased in favor of the town and the courts are unable to correct the bias. Bryant testified that a Standish man he represented in court – Henry Saunders – suffered an egregious overvaluation that was upheld by a biased

Board of Assessment Review, but Bryant was unable to get the decision overturned because of the court's narrow and limited standard of review. Relatives of Mr. Saunders also testified for the bill, as well as a resident of Fryeburg who manages property in dozens of municipalities.

LD 1584 would only apply to appeals from municipal Board of Assessment review decisions. There would be no binding arbitration process with respect to appeals that go to the county commissioners. According to the bill's proponents, the county commissioner appeal process doesn't involve the same element of inherent bias.

The Taxation Committee will take up the work session on all three of these bills, including LD 1584, on May 1<sup>st</sup>.

## Protecting Maine's Farmland

On Monday of this week, the Agriculture, Conservation and Forestry Committee held a public hearing on LD 1684, *An Act to Create the Maine Agriculture Protection Act*. Sponsored by Sen. Roger Sherman (Aroostook Cty.), LD 1684 would allow farms with at least 250 acres of cropland under one owner or a partnership to enroll in the "Agriculture Protection Act" program. The benefits associated with enrolling in the program would include tax assessments based on current use rather than fair market value, and immunity from local ordinances, provided that the farming operation was conducted under "generally accepted agricultural practices".

Municipal officials have three major concerns with the printed bill.

First, the bill appears to severely restrict local participation in the process. As proposed, if a farm enrolled in the program is operated under a set of Department-created "generally accepted" agricultural practices, the practice cannot be considered as a violation of a municipal ordinance. While state statutes currently provide farm operations certain protections under the "right to farm laws", the proposal in LD 1684 takes this protection one step further. As proposed, the Department is solely responsible for designing the standards to be met by par-

ticipating farm operations and to enforce those program standards. Nowhere in the bill is the general public provided an opportunity to participate in the creation of the standards.

Second, to encourage participation in the program, participants are extended the same property tax breaks currently provided under the farmland and open space law, with one significant difference. Under the farmland and open space law, the penalty associated with withdrawing from the program is the payment of the taxes that would have been assessed if the property had been assessed at fair market value rather than current use over the last five years, less the taxes actually paid.

As proposed in the bill, the penalty associated with withdrawing from the program is the payment of back taxes for one year only. Municipal officials believe a one-year back-tax penalty is insufficient to ensure that participants are committed to the underlying goal of protecting agricultural operations. In addition, as provided in Article IX of Maine's Constitution, the penalty associated with withdrawing from the farmland and open space law is a minimum penalty of 5 years' worth of back taxes. In other words, this relaxation of the penalty phase

*(continued on page 3)*

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

## FARMLAND(cont'd)

conflicts with the pertinent provision of Maine's Constitution.

Finally, LD 1684 shifts additional burdens onto municipalities by requiring a governmental entity, including municipalities, to prepare a written impact assessment describing how any proposed governmental action will impact a farm enrolled in the proposed program. In addition, if the impact statement illustrates that a government action will reduce the value of the farmland property, the municipality would be required to reimburse the farm owner for that loss.

As expected, the farming industry, including representatives from the Maine Potato Board, Maine Farm Bureau, Maine Dairy Industry, Maine Association of Conservation Districts and Wild Blueberry Coalition of Maine provided testimony in support of the bill. The industry representatives believe that the changes proposed in the bill would help to protect the farming industry in Maine. Apparently, one of the biggest concerns for the industry is the increase in the number of people "from away" who purchase property near operating farms for the views, but then complain about the working aspects of the farms. The claim is that as more out-of-state people move or retire into Maine, the number of complaints against farming operations will increase. The farm proponents believe that the added protection provided for in the bill will help manage those complaints.

The Commissioner of the Department of Agriculture, Seth Bradstreet, provided testimony "neither for nor against" LD 1684. Commissioner Bradstreet recommended carrying the bill over into the second legislative session to allow the interested parties more time to further develop the proposal.

## TRANSPARENCY (cont'd)

Essential Programs and Services school funding model for that school.

LD 1766 does not require a separate vote for each cost center. LD 1766 does not change any school system's voting procedures in any way. It is entirely devoted to simply laying out in front of the voters the school budget information as straightforwardly as possible.

It's hard to know where LD 1766 is headed. The Education Committee opened the public hearing. Representative Woodbury presented his bill. No one spoke in support. No one spoke in opposition. Few questions were asked. The Committee's reaction to the bill is a mystery thus far. MMA spoke supportively of the bill in the "neither for

nor against category" because the Association's Legislative Policy Committee had yet to review the bill. (On Wednesday this week, the LPC voted to support LD 1766.)

A call to your legislators could help move LD 1766 and the idea of "transparency" out of the darkness and towards enactment.

# Outdoor Wood Boilers Debated

The Natural Resources Committee took over five hours of testimony Thursday on three bills dealing with Outdoor Wood Boilers. The bills are: LD 128, *Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers*; LD 1551, *An Act to Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers*, and, LD 1824, *An Act to Declare a Moratorium on the Sale and Installation of High-emissions Outdoor Wood Boilers That Do Not Meet the Current Federal Environmental Protection Agency Standards for Wood Stoves*.

Outdoor Wood Boilers have been in the news a lot lately, primarily in connection with proposed municipal moratoria on their use. Critics of the boilers point to heavy clouds of smoke from these boilers drifting on to the property of others. They were cited as the likely source of air quality problems at the Penobscot Valley Hospital in the Lincoln area.

Supporters of outdoor boilers say that they are an important heating option during periods of rising oil prices and that they rely on a renewable energy source – wood – and should be seen as environmentally friendly.

Currently, the emissions of outdoor boilers are unregulated. By comparison, indoor wood boilers must meet federal emission standards.

The primary issue for the Committee is the adoption of technical rules regulating emissions from boilers. It appears there is fairly widespread agreement that some rules should be adopted. There is a dispute as to what

those rules should say and whether they should be promulgated by the Board of Environmental Protection.

The federal Environmental Protection Agency has adopted voluntary standards and a coalition of Northeastern State environmental regulators supports tougher standards.

Proponents of the legislation generally cited the public health implications of unregulated smoke emissions and the impact on the quality of life for property owners downwind from a boiler. Proponents also pointed to the undesirability of having a "hodge podge" of municipal regulations.

Opponents of the legislation touted the cost-effectiveness of wood as a fuel source, its renewability and the benefits of becoming less reliant on foreign oil. Opponents also said that while some boilers have generated complaints, these boilers represent a very small fraction of boilers operating in Maine.

MMA supports having a single, statewide set of emission standards. Since EPA has published model standards, Maine should probably adopt these standards in order to provide uniformity in the application of highly technical standards.

For other issues such as seasonal bans, property set backs, or other zoning or moratoria matters, its not so clear Maine needs a single uniform rule. Municipalities should be allowed to adopt these kinds of operational standards based upon the unique situation in each community. Outside of the area of emissions standards, a single, statewide rule is probably not appropriate.

## LEGISLATIVE HEARINGS

*NOTE: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules and supplements are available at the Senate Office at the State House and the Legislature's web site at <http://www.state.me.us/legis/senate/Documents/hearing/ANPHFrame.htm>. If you wish to have updates to the Hearing Schedules e-mailed directly to you, sign up on the ANPH homepage listed above. Work Session schedules and hearing updates are available at the Legislative Information page at <http://www.state.me.us/legis/>.*

### **Monday, April 30**

**Agriculture, Conservation & Forestry**  
**Room 206, Cross State Office Building, 10:00 a.m.**  
**Tel: 287-1312**

LD 1668 – An Act To Create a Saco River Preservation Fund.

LD 1350 – Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey Interests of the State in Land in Lincolnville.

**Criminal Justice & Public Safety**  
**Rm. 436, State House, 9:30 a.m.**  
**Tel: 287-1122**

LD 815 – An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison.

LD 147 – An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer.

LD 351 – An Act To Allow Municipalities To Designate Safe Zones to Protect Children from Sex Offenders.

LD 1491 – An Act To Create Child Safe Zones and To Increase the Use of Electronic Monitoring of High-risk Sex Offenders.

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

LD 903 – An Act To Assist Maine Military Families.

LD 1546 – An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours.

LD 1672 – An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers.

**Legal & Veterans Affairs**  
**Room 437, State House, 10:00 a.m.**  
**Tel: 287-1310**

LD 1498 – An Act To Prohibit Out-of-state Corporations from Contributing to State and County Elections.

**1:00 p.m.**  
LD 1561 – An Act To Eliminate the Placement of Campaign Signs on Public Property.

LD 1871 – Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election.

**State & Local Government**  
**Room 216, Cross State Office Building, 10:00 a.m.**  
**Tel: 287-1330**

LD 1793 – An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland.

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

LD 528 – An Act To Improve the Business Equipment Tax Exemption.

LD 1225 – An Act To Make Technical Changes to the Repeal of the Personal Property Tax on Business Equipment.

LD 738 – An Act To Assist Communities Affected by Base Closures.

LD 739 – Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Study and Develop a Tax Increment Financing Program To Fund the Washington County Development Authority.

LD 1182 – An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts.

LD 1414 – An Act To Support Farms and Limit Sprawl.

LD 1647 – Resolution, Proposing an Amendment to the Constitution of Maine To Reduce Taxes for Affordable Housing.

LD 1298 – An Act To Amend the Definition of “Working Waterfront Land” To Include Land Used for Marine Trades.

### **Tuesday, May 1**

**Business, Research & Economic Development**  
**Room 208, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1331**

LD 1469 – An Act To Enhance Accountability in Future Tax Increment Financing.

LD 1794 – Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine.

**Education & Cultural Affairs**  
**Room 202, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 1785 – An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12.

LD 1123 – An Act Relating to the Wells-Ogunquit Community School District.

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

LD 980 – An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons.

LD 1179 – An Act To Provide Regional Coordination and Planning for Public Health Programs and Activities.

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

LD 1834 – An Act To Authorize the Use of Timber Harvesting Revenues for Land Management.

LD 1858 – An Act To Protect Inland Water Access.

**Insurance & Financial Services**  
**Room 427, State House, 1:00 p.m.**  
**Tel: 287-1314**

LD 911 – An Act To Provide Health Care Insurance to Volunteer Public Safety Personnel.

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

LD 906 – An Act To Clarify Municipal Responsibility in Providing Emergency Service during a Declared Emergency.

*(continued on page 5)*

## HEARINGS (cont'd)

LD 1817 – An Act To Strengthen and Clarify Maine’s Motor Vehicle Laws.

### *Wednesday, May 2*

**Business, Research & Economic Development**  
**Room 208, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1331**

LD 289 – An Act To Revise the Definition of Service Dog.

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

LD 1655 – An Act To Improve Home and Commercial Building Energy Efficiency.

### *Thursday, May 3*

**Business, Research & Economic Development**  
**Room 208, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1331**

LD 607 – An Act To Improve Electrical Safety.

LD 1188 – An Act Regarding Local Plumbing Inspectors.

### *Friday, May 4*

**Criminal Justice & Public Safety**  
**Rm. 436, State House, 9:30 a.m.**  
**Tel: 287-1122**

LD 1031 – An Act To Amend the Fingerprinting Law.

LD 1085 – An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property.

LD 1183 – An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board.

LD 1197 – Resolve, To Prepare for any Statewide or Regional Emergency.

LD 1291 – Resolve, To Create the Commission to Aid Municipalities in Consolidating Public Safety Organizations.

LD 1449 – An Act To Provide Outreach and Training on Dementia-related Protocols for Law Enforcement Officers.

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

LD 1435 – An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services.

**Legal & Veterans Affairs**  
**Room 437, State House, 10:00 a.m.**  
**Tel: 287-1310**

LD 1828 – An Act To Allow a Casino in Oxford County.

**State & Local Government**  
**Room 216, Cross State Office Building, 9:00 a.m.**  
**Tel: 287-1330**

LD 1464 – An Act To Expand the Duties of the State Planning Office To Provide Additional Services to Municipalities.

LD 1614 – An Act To Transfer All Registry of Deeds and Probate Functions to the Secretary of State and Courts.

LD 1735 – An Act To Facilitate and Promote Regional Cooperation.

LD 1840 – An Act To Define the Process for a Municipality to Secede from a County.

**(In conjunction with the Joint Standing Committee on Business, Research & Economic Development)**

LD 1007 – An Act To Promote County-based Economic Development Efforts.

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

LD 527 – An Act To Expand Property Tax Benefits for Retired Citizens.

LD 1412 – Resolution, To Amend the Constitution of Maine To Protect Senior Property Owners.

LD 1557 – Resolution, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older.

LD 1559 – Resolution, Proposing an Amendment to the Constitution of Maine To Freeze Property Tax Bills for Certain Residents 65 years of Age or Older.

LD 1770 – Resolution, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases.

LD 1708 – An Act To Exempt Persons 65 years of Age or Older Whose Income Is Below the Poverty Line from Paying Property Taxes on Their Homes.

LD 1601 – Resolution, Proposing an Amendment to the Constitution of Maine To Create a Longtime Resident Tax Cap Program.

LD 1433 – An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes.

LD 1613 – An Act To Reduce Property Taxes through a Municipal Tax Deferral Program.

LD 1784 – An Act To Authorize Municipal Property Tax Deferral Programs.

**Transportation**  
**Room 126, State House, 9:00 a.m.**  
**Tel: 287-4148**

LD 1330 – An Act To Promote School Zone Safety.

LD 1709 – Resolve, To Establish a Pilot Project for the Enforcement of Laws Regarding Traffic Control Devices.

(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).)

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

**LD 289 – An Act To Revise the Definition of Service Dog.** (Sponsored by Rep. Robinson of Raymond; additional cosponsors.)

This bill creates a definition of a “service dog” to cover all the specially-trained dogs that assist people with disabilities. The bill also requires documentation of minimum training standards for service dogs and dogs trained to assist in law enforcement and search and rescue efforts in order to receive an exemption from licensing fees.

**LD 607 – An Act To Improve Electrical Safety.** (Sponsored by Sen. Rotundo of Androscoggin County.)

This bill requires that electrical work performed by a nonlicensed individual be inspected by a licensed electrician or municipal code enforcement officer.

**LD 1469 – An Act To Enhance Accountability in Future Tax Increment Financing.** (Sponsored by Rep. Berry of Bowdoinham; additional cosponsors.)

This “concept draft” bill proposes that any new tax increment financing project would be subject to higher standards for approval by the Department of Economic and Community Development, including an annual reapproval process based on performance benchmarks.

**LD 1794 – Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine.** (Sponsored by Sen. Schneider of Penobscot Cty; additional cosponsors.)

This resolve directs the Department of Economic and Community Development to establish an employee dedicated to providing community development assistance, including regional economic development assistance, to municipalities in all areas of the state, with a special emphasis on preserving downtown areas.

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

**LD 1031 – An Act To Amend the Fingerprinting Law. (Emergency)** (Sponsored by Sen. Mitchell of Kennebec County.)

This bill allows an applicant for an employment position with a public school to have his or her local law enforcement agency or county sheriff take the necessary fingerprints and send them to the State Bureau of Identification, rather than requiring the fingerprints to be taken by the State Police, as is the case with current law.

**LD 1085 – An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property.** (Sponsored by Rep. Gerzofsky of Brunswick.)

This bill makes a number of changes with respect to the way law enforcement agencies are required to manage abandoned, lost or stolen property. Specifically, the bill decreases the amount of time an owner is allowed to claim these types of property in the possession of a law enforcement agency, and allows the law enforcement agency to advertise its possession of such property on its publicly accessible website rather than in a newspaper. The bill also allows law enforcement

agencies to donate such property to charity or dispose of it as waste rather than necessarily holding a sale of the property at public auction.

**LD 1197 – Resolve, To Prepare for any Statewide or Regional Emergency.** (Sponsored by Sen. Marraché of Kennebec County.)

This resolve directs the Maine Emergency Management Agency to develop a plan to implement statewide and regional preparedness drills for any emergencies, including nuclear attacks.

**LD 1449 – An Act To Provide Outreach and Training on Dementia-related Protocols for Law Enforcement Officers.** (Sponsored by Rep. Grose of Woolwich; additional cosponsors.)

This bill directs the Commissioner of the Department of Public Safety to convene a task force of state, regional and local law enforcement officials to develop an outreach and training program designed to advance the search and rescue procedures to follow when a person with dementia or other cognitive impairment is missing.

### **Education & Cultural Affairs**

**LD 1785 – An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12.** (Sponsored by Rep. Norton of Bangor; additional cosponsors.)

This bill requires every school administrative unit to place an automatic external defibrillator in each of the school unit's school buildings. The bill also requires school personnel to develop procedures to govern the use of and training with respect to those defibrillators.

### **Inland Fisheries & Wildlife**

**LD 1834 – An Act To Authorize the Use of Timber Harvesting Revenues for Land Management.** (Sponsored by Sen. Bryant of Oxford Cty; additional cosponsors.)

This bill repeals the requirement that the state pay 50% of the net profits that it receives from the sale or lease of natural products on wildlife management areas managed by the Department of Inland Fisheries and Wildlife. The bill also stipulates the use of such revenue that is derived from the IF&W-managed land that was purchased in part with federal funds.

### **Labor**

**LD 903 – An Act To Assist Maine Military Families.** (Sponsored by Sen. Schneider of Penobscot Cty; additional cosponsors.)

This bill applies the family military leave requirement, which currently applies to employers with 50 or more employees, to employers with 15 or more employees.

### **Legal & Veterans Affairs**

**LD 1561 – An Act To Eliminate the Placement of Campaign Signs on Public Property.** (Sponsored by Rep. Finch of Fairfield; additional cosponsors.)

This bill repeals the authority to place campaign signs on public property.

**LD 1871 – Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election. (Emergency)** (Sponsored by Rep. Crockett of Augusta; additional cosponsors.)

This emergency resolve authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in June of 2007.

*(continued on page 7)*

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

### **State & Local Government**

LD 1464 – An Act To Expand the Duties of the State Planning Office To Provide Additional Services to Municipalities. (Sponsored by Sen. Courtney of York Cty; additional cosponsors.)

This bill would require the State Planning Office to provide within existing resources the following services to municipalities: legal opinions, counsel on personnel matters, general assistance advice, a “job bank”, and opportunities for cooperative purchasing.

LD 1614 – An Act To Transfer All Registry of Deeds and Probate Functions to the Secretary of State and Courts. (Sponsored by Rep. Robinson of Raymond; additional cosponsors.)

This bill transfers the functions of the County registers of deeds to the Secretary of State and the functions of the County registers of probate to the state’s court system.

LD 1735 – An Act To Facilitate and Promote Regional Cooperation. (Sponsored by Rep. Saviello of Wilton; additional cosponsors.)

This bill exempts from taxation the property of regional councils (Regional Planning Commissions and Councils of Governments). The bill also requires the minutes of commission meetings to be posted on the Internet and made available on request to the municipal officers and planning boards of the municipalities participating in the regional councils.

LD 1840 – An Act To Define the Process for a Municipality to Secede from a County. (Sponsored by Sen. Weston of Waldo Cty.)

This bill establishes a process for a municipality to secede from one county and join another. The process involves: (1) the voters of the seceding municipality petitioning the municipal officers to initiate the secession process; (2) a referendum vote in the seceding municipality to initiate the secession process; (3) presentation of the secession plan to the Legislature; and (4) a referendum vote in the seceding municipality to finally approve the secession.

### **Taxation**

LD 738 – An Act To Assist Communities Affected by Base Closures. (Sponsored by Rep. Gerzofsky of Brunswick; additional cosponsors.)

This “concept draft” bill proposes to relax restrictions on the creation of new state tax increment financing districts to allow a municipality that has lost a military base to establish a tax increment financing district.

LD 1182 – An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts. (Sponsored by Rep. Adams of Portland.)

This bill amends the tax increment financing laws to permit their application to the development of municipal arts districts.

LD 1225 – An Act To Make Technical Changes to the Repeal of the Personal Property Tax on Business Equipment. (Sponsored by Sen. Perry of Penobscot County.)

This “concept draft” bill proposes to make minor technical changes to the law enacted last year creating a property tax exemption for certain business-related personal property.

LD 1412 – Resolution, To Amend the Constitution of Maine To Protect Senior Property Owners. (Sponsored by Rep. Edgecomb of Caribou; additional cosponsors.)

This resolution would send out to the voters a proposed amendment to the state Constitution that would generally require municipalities to cap the assessed value of the residential property of a primary resident when that property owner becomes 65 years old. Until such a time as that property is transferred to another person,

the taxable value of the property would be capped. The resolution would allow municipalities to opt out of the general requirement.

LD 1414 – An Act To Support Farms and Limit Sprawl. (Sponsored by Rep. Piotti of Unity; additional cosponsors.)

This bill allows municipalities to return to a farmer the property taxes paid on the farm property every year in return for a 30-year easement protecting the property from development.

LD 1433 – An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes. (Sponsored by Rep. Harlow of Portland; additional cosponsors.)

This bill would authorize a municipality to implement a tax deferral program established for primary residents of the municipality who are at least 65 years of age. Under the terms of the program, the property tax bill of the eligible homeowner would be fixed at the level of the property tax bill when the person reaches the age of 65. At the time the property is sold, the qualifying homeowner dies, or the property is otherwise withdrawn from the program, the deferred property taxes, without the accumulation of interest, would need to be paid within 30 days. Municipalities would also be authorized to levy a 2% surcharge on all property taxes for the exclusive purpose of funding the administration of this program.

LD 1557 – Resolution, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older. (Sponsored by Rep. Wheeler of Kittery; additional cosponsors.)

This resolution sends out to the voters a proposed constitutional amendment that would cap the assessed value and tax rate of all residential property of Maine residents 65 years of age or older.

LD 1559 – Resolution, Proposing an Amendment to the Constitution of Maine To Freeze Property Tax Bills for Certain Residents 65 years of Age or Older. (Sponsored by Rep. Tuttle of Sanford.)

This resolution sends out to the voters a proposed constitutional amendment that would cap the tax imposed on Maine residents 65 years of age or older who have owned their property for at least 10 years.

LD 1601 – Resolution, Proposing an Amendment to the Constitution of Maine To Create a Longtime Resident Tax Cap Program. (Sponsored by Rep. Chase of Wells; additional cosponsors.)

This resolution sends out to the voters a proposed constitutional amendment that would allow homeowners who have lived in their property for 10 years to enroll in a program whereby the assessed value of their residential property would be capped until it is sold or transferred, at which point financial penalties would be applied and the assessed value of the property would spring back to its just value.

LD 1613 – An Act To Reduce Property Taxes through a Municipal Tax Deferral Program. (Sponsored by Rep. Giles of Belfast; additional cosponsor.)

This bill creates a homestead property tax deferral program under which a base assessed value of the property is established by going back to the property’s 1996 just value adjusted by 50% of the inflation rate. For the homestead enrolling in the program, taxes would be capped at the taxes applied to that adjusted 1996 just value base, with the difference between that limited tax assessment and the full-value tax obligation being deferred and captured as a lien on the estate.

LD 1647 – Resolution, Proposing an Amendment to the Constitution of Maine To Reduce Taxes for Affordable Housing. (Sponsored by Rep. Cressey of Cornish.)

This resolution would send out to the voters a proposed amendment to the constitution that would require affordable housing to be assessed at 50% of its just value.

*(continued on page 8)*

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

LD 1708 – An Act To Exempt Persons 65 years of Age or Older Whose Income Is Below the Poverty Line from Paying Property Taxes on Their Homes. (Sponsored by Rep. Beaudoin of Biddeford; additional cosponsors.)

This bill exempts from property taxation the homestead property of a person 65 years of age or older whose income is below the federal poverty level.

LD 1770 – Resolution, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases. (Sponsored by Rep. MacDonald of Boothbay; additional cosponsors.)

This resolution sends out to the voters a proposed constitutional amendment that would prohibit increases in the taxes assessed against the homestead property of Maine residents 65 years of age

or older provided the assessed value of the property is not greater than 150% of the median assessed housing value in the state.

LD 1784 – An Act To Authorize Municipal Property Tax Deferral Programs. (Sponsored by Rep. Brautigam of Falmouth; additional cosponsors.)

This bill authorizes municipalities to adopt ordinances that would govern the general process of deferring property tax collections.

### **Transportation**

LD 906 – An Act To Clarify Municipal Responsibility in Providing Emergency Service during a Declared Emergency. (Sponsored by Rep. Burns of Berwick; additional cosponsors.)

This bill requires municipalities to make private roads passable during declared emergencies. The bill authorizes the municipalities to seek reimbursement from the residents of the private way after the private roads have been made passable.