

## Tax Committee Bills Revive Last Session Issues

The Taxation Committee held public hearings this week on several bills that would directly affect municipal government. Almost all of these issues were considered in legislation last year during the first regular session, and have popped up again in the second regular session. In most cases, these bills would either exempt some type of property from taxation, require certain property to be assessed in a way to reduce its taxable value, or mandate certain administrative tasks on municipal officials. A couple of the bills were "concept drafts", which are presented to the Committee with little detail, making it difficult to know what they actually would do.

**The "90" rule.** The first "concept draft" of the week was LD 1809, *An Act to Provide Additional Property Tax Relief to Maine Citizens*. Sponsored by Rep. Glenn Cummings (Portland). LD 1809 provides no detail except the following statement: "*This bill proposes to require municipalities, beginning in fiscal year 2006-2007, to use 90% of any increase in state funding for education for property tax relief.*"

Governor Baldacci, in his "State of the State" speech on Wednesday this week, reiterated the apparent goal of this legislation by saying: "*I will support legislation to provide property tax relief as LD 1 is fully implemented to require that 90% of that full funding be returned directly to Maine taxpayers in the form of lower property taxes.*"

The wording of LD 1809 is indicative of the way legislators tend to think about the municipal world in relation to school systems. It is the municipalities that should be forced to reduce property taxes by prescribed amounts even though it is the school systems that are being

provided additional education subsidies. The concept draft fails to recognize a number of points.

Over 300 municipalities in Maine belong to one of the state's 90-odd school districts. It is the decision of the school district legislative body and not the participating municipalities that determine what might be done with any additional education aid from the state. The participating municipalities simply receive a bill every month from the school system,

just as they receive a bill from county government. For those municipalities to reduce their property taxes by 90% of any increase in educational aid would require them to reduce municipal services, such as snow plowing or solid waste removal, because the school district failed to reduce its assessment by the amount required by the Legislature.

It is clearly the case that the correct

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## Teacher Voice in Bargaining

On Thursday this week, the Labor Committee held a quick work session on LD 430, *An Act to Modify the Obligation to Bargain Under the Municipal Public Employees Labor Relations Law*. The bill, sponsored by Rep. Jackie Norton of Bangor, was submitted as a concept draft in the first session and carried over into the second session to allow the Teacher Workload Task Force to complete its work and craft the bill.

The details of the bill are now available. The "obligation to bargain" laws of Title 26 spell out the elements of a contract over which teachers can and cannot bargain. Currently, teachers can negotiate over wages, hours, working conditions and grievance procedures, but cannot negotiate over educational policies, such as the number of days worked. LD 430 proposes to relax the limitations on what can be bargained by expanding the list of issues that teachers can negotiate.

As proposed, teachers would be able to negotiate over how to spend their working hours; the length of the work year (including the scheduling and length of school vacations and the start and end of the school year); and any decision affecting teacher's work hours or workload arising from the implementation of Learning Results and No Child Left Behind, just to name a few.

Rep. Norton believes that these changes are necessary because teacher workloads and hours are on the rise. According to Norton, Maine teachers work 60 to 100 hours per week teaching students and keeping up with assessment and teaching standards.

In order to provide all the proponents and opponents of LD 430 an opportunity to speak on the proposed changes, the Labor Committee will be holding a public hearing on the bill some time in February.

## TAX (cont'd)

wording of Rep. Cumming's concept draft should be *"This bill proposes to require Maine's school superintendents, school boards and school legislative bodies, beginning in 2006-2007, to use 90% of any increase in state funding for education for property tax relief."* That concept draft would more appropriately link the increase in education aid to the local governance system with the authority to cause the property tax reduction that Rep. Cumming's apparently wants to see. It would uncommon, however, for a legislator to directly call for school budget limitations, especially in an election year.

The bottom line of this "90% rule" rhetoric is that schools which receive increased education aid would have to reduce the property tax component of the school budget for that year by \$9 for every \$1 the school budget increased. That is the obvious result of the political talk. No budget of a school that received an increase in state aid could grow more than the dollar value of 10% of the state-aid increase. The property tax side of the school budget certainly could not increase at all; in fact, it would have to be reduced by 90% of the state-aid increase. It is only in that manner that 90% of the increase in state aid could be returned in a manner to satisfy the politicians.

On the statewide level, for example, using round numbers the state's direct contribution to K-12 education is \$800 million and the property tax contribution is \$1 billion, for a \$1.8 billion total. Under LD 1809, if the state were to increase its contribution by \$100 million, only \$10 million of that increase could

be used to increase the school's budget...and not another penny from the property tax side. In fact, \$90 million of the state's increase would need to be used to reduce the property taxes. Even if the property tax share were just held flat, and not reduced by \$90 million, the total amount available for the schools would be \$1.810 billion, which represents an annual increase to public school education of one-half of 1%.

At the public hearing on LD 1809, there was a lot of discussion about how difficult it would be to actually implement this concept draft into statute. Actually, its implementation is stunningly simple. Every year, every school system's increase in state aid to education is a known number, so 90% of that increase is a known number. It could even be printed in a separate column and highlighted on the school aid spreadsheets that are distributed to legislators. One way to implement the concept draft in statute would be to write three sentences in Title 20-A (where all school budgeting law is located) that would read as follows:

Notwithstanding any law to the contrary, and with respect to any school administrative unit that receives an increase in state aid to education, the property tax assessment for school administrative districts or community school districts, and the property tax commitment attributable to the school budget adopted by any other school administrative unit, must not exceed the previous year's assessment or commitment, as reduced by 90% of the increase. For any school administrative unit that violates this section, the subsequent year's distribution of state aid to education must be reduced by 90% of the previous year's increase. The aggregated reductions required by this section must be transferred to supplement, and not supplant, the Maine Property Tax and Rent Relief Fund."

These simple three sentences could accomplish what the politicians say they want to create as a guarantee, but they do not otherwise contribute to coherent public policy and generally run rough-shod over the system the same politicians rather deliberately adopted last session. That system was the Essential Programs and Services school funding model (EPS),

implemented in LD 1 as the spending limitation system for schools.

The irony of all this is that there actually was a system similar to the "90% rule" in the LD 1 legislation before it was enacted on January 20, 2005 (one year ago today). The original bill included a growth-based system that would have required all schools to deduct from the year-to-year property tax growth allowance for education any "net new state funding". In fact, that "net new state funding" system was ultimately adopted in LD 1 for the counties and the municipalities.

For the schools, however, the Legislature made a very conscious decision not to impose that standard. It was deliberately removed from LD 1. The Legislature chose instead to impose a model-based system on the schools instead; namely, using the EPS model as the spending benchmark.

The EPS, model-based system repudiates the "90% rule" and visa versa. The moment the Legislature adopted the model-based approach, all "90% rules" were off the table because there no longer was any structural way to enforce a property tax guarantee. This is something that many legislators apparently do not understand.

Which brings the discussion back to LD 1809. In his presentation to the Taxation Committee, Rep. Cummings discussed at some length about how he got the idea about the "90% rule" from the various resolutions adopted in 2004 by municipal councils and boards of selectmen regarding their various intentions to deliver 90% of additional state funds they might receive to property tax relief. Rep. Cummings indicated to the Committee that it was common knowledge that those municipal resolutions had not been achieved.

It was not acknowledged that many of those resolutions had no opportunity to be achieved in those geographic areas where the school systems received no meaningful increase in school funding. Legislators from areas that received increases in school aid tend to believe that those increases were universally received throughout the state.

There was also no acknowledgement that the implementation of the EPS school

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### 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](http://www.memun.org)

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## TAX (cont'd)

funding model dramatically reduced any capacity to implement those intentions. When the municipal resolutions were adopted, there was no EPS model in front of the schools. The “model” school budget was the actual school budget; it was toward that actual school budget that increased state aid was anticipated. EPS, on the other hand, now provides a blanket, state-sanctioned approval of any school budget that comes in near the amount of money the new EPS model identifies as appropriate. In that new environment, the ability to dedicate any extra state aid for property tax relief, rather than the school budget, was immediately compromised.

It’s a “dual messaging” technique. Send out two messages that directly conflict to either: (1) cover all your bases; or (2) ensure failure. One message is: “These dollars are for property tax relief.” The other message is: “These dollars are for our childrens’ education.” When they are the same dollars, the two demands cannot be met.

**Assessing changes.** The first bill of the week that would affect an assessing change is LD 1857, *An Act To Clarify Municipal Valuations of Resort Property*. Sponsored by Rep. Bob Duplessis of Westbrook, the bill was presented to the Committee by Rep. Ted Koffman of Bar Harbor. According to Rep. Koffman, the people of Mt. Desert Island are very interested in LD 1857. The bill would require resort properties known as time-share estates to be assessed as though they are not time-share estates. According to the bill, time-share estates would have to be assessed as though they were condominiums under single ownership. The result is acknowledged by the proponents of LD 1857 to significantly reduce the taxable value of resort property. According to the eight owners, managers, operators and marketers of resort properties from Ogunquit, Bethel, Southwest Harbor, Rangeley and Ellsworth who testified, the bill is necessary to encourage resort development in Maine, which will be less competitive with other resort locations if not afforded a property tax break. The proponents of LD 1857 agree that even though the actual sales data for

time share estates may support the municipal valuation, they believe the sales data should be seriously discounted to reflect the “marketing costs” not associated with the property’s value.

MMA testified in opposition. At issue is the “just value” of a time-share estate. Time-share estate managers have every right to challenge assessments they believe to be unfair. The normal route of appeal is to assessment review boards and the courts. The resort owners, however, have historically shown a preference for the Legislature. A number of years ago, the resort owners advanced legislation that allowed them to exclude from the transfer tax declaration of value statements any part of a time-share sales “attributable to vacation exchange rights, vacation services or club memberships”. (See 36 MRSA § 4641). Why those soft costs are still affecting the self-declarations of value of each time-share estate was not explained at the public hearing. In any event, to mandate the assessment of time-share estates as though they are a different type of real estate clearly would deviate from a “just value” assessment. Without a change to the Constitution, the Legislature would create a conflict in law if it required property to be assessed in noncompliance with the “just value” standard.

**Low income housing.** The second bill affecting assessing changes was LD 1796, *An Act To Ensure the Continued Viability of Affordable Housing*, sponsored by Sen. Perry (Penobscot County). This bill deals with the valuation methodology that should be used in assessing affordable housing projects developed with federal tax credits. These projects have complicated financing structures and below market rents and are accordingly pose complicated appraisal challenges. MMA opposed the bill.

LD 1796 seeks to force assessors to ignore the existence of the tax credits while appraising the property. The fundamental problem with this kind of statute is that it deals with means and not ends. That is, the Maine Constitution requires assessors to establish a valuation equal to fair value. To the extent that the proposed bill would force assessors to ignore a relevant factor, the bill has a good chance of being held unconstitutional. Apparently Maine Revenue Ser-

vices independently reached the same conclusion.

Nevertheless, local officials want to be sure that these properties are not being erroneously assessed due to their complexity and are willing to work with interested parties on the issue. However, they cannot support opening the floodgates to all kinds of bills that would exclude factors which might be relevant in the constitutionally mandated task of establishing true value.

**Administrative mandates.** The Committee also heard a bill mandating certain administrative changes. LD 1836, *An Act To Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property* is a perennial bill. Sponsored by Rep. Margaret Craven of Lewiston, the bill would exempt the seller of real estate from any taxes incurred after the date of sale. The bill, like its predecessors in years past, takes the position that the proration agreements that are privately negotiated between buyer and seller should somehow be publicly enforced. As written, the bill doesn’t accomplish its intent because it fails to recognize the structure of property tax law that establishes as of the fixed date of assessment (April 1) the status of the property as well as the “owner of record”. The entire annual tax obligation is established on the basis of that property status and that owner, and the subsequent lien preparation, lien notice, lien filing and lien enforcement procedures are also based on that information.

MMA testified against LD 1836, because to accomplish what the bill intends to accomplish would require every tax collector to begin from scratch a new notice and lien procedure for the purchasers of any real estate that would begin on whatever day of the year the property is sold. The frustrating aspect of this legislation is that the execution and enforcement of the privately negotiated proration agreements could be and should be much more effectively managed by the real estate professionals who oversee them. Instead, the legislative proposals always seem to lean toward municipal mandates to protect what the seller of the real estate can easily protect for him or herself.

# Efficiency Fund & Charts of Accounts

On Wednesday of this week, the State and Local Government Committee held public hearings on two bills of municipal interest. Both bills were sponsored by Rep. Chris Barstow of Gorham on behalf of the Intergovernmental Advisory Committee (IAC). The IAC is a 19-member commission that includes representatives from all levels of government. The IAC was created by the Legislature in 2004 for the main purpose of improving the way in which all levels of government provide services. Both of the bills seek to advance the efficiency mission of the IAC. One bill, LD 1712, proposes to restore the funds that provide municipalities and counties access to revenue for exploring service delivery cost savings. The other bill, LD 1713, proposes to enhance municipal and county cooperation and service delivery efficiencies by developing a standard “chart of accounts” for municipalities and counties.

## **Efficiency Fund**

LD 1712, *An Act to Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services*, takes the first step in remedying the mistake the Legislature made last year as it balanced its Part III budget by raiding the Fund for the Efficient Delivery of Local and Regional Services. The Efficiency Fund was one of the core elements of the School Finance and Tax Reform Act of 2003, developed and supported by municipal officials. As developed by MMA and approved by statewide referendum on June 8, 2004, 2% of the funds municipalities receive from the state through the Revenue Sharing program is set aside to help fund the study and implementation of municipal proposals for providing municipal services collaboratively, effectively and efficiently. The Local Government Efficiency Fund was defunded by the Legislature last June. LD 1712 repeals the section of the budget bill that redirected \$2.3 million in FY 06 and \$2.5 million in FY 07 in efficiency funds to the state coffers.

Proponents of the bill included the Department of Administrative and Financial Services, Maine County Commissioners Association, Maine School

Management Association (MSMA) and MMA. The proponents of the bill were uniform in their belief that the Legislature and the Governor should find the revenues to support the efforts of municipalities, counties and other regional service providers to explore ways to provide service more efficiently and effectively.

The one odd piece of testimony in support of the bill came from the Maine School Management Association. MSMA stated support for the bill, but they do not believe that any of the General Fund revenue dedicated to K-12 education should be used to replenish the fund, which wasn't even being proposed. For reasons that aren't clear, the school superintendents and school boards were urging the Committee to look for a second time to municipal Revenue Sharing program as a potential source of revenue for the bill. For some reason, the schools want to bill the municipal revenue sharing account twice for the same program. As would be expected, municipal officials strongly disagree. One of the reasons MMA's Legislative Policy Committee (LPC) voted to support the bill in the first place is because it is structured in such a way that it does not seek an additional contribution from municipalities to subsidize the Efficiency Fund a second time around. Once is enough.

No other testimony, either in opposition or “neither for nor against”, on LD 1712 was offered at the public hearing.

## **Chart of Accounts**

LD 1713, *Resolve, to Direct the State Planning Office to Establish a Working Group to Standardize Accounting Standards at All Levels of Government*, directs the State Planning Office (SPO) to establish a working group for the purposes of developing a standard accounting format to allow municipalities and counties to enter into cooperative regional efforts. As printed, the bill focuses on standardized accounting procedures. In his remarks, Rep. Barstow clarified that the bill needed to be amended to focus on the development of a standardized chart of accounts.

Only three organizations testified

on the bill, each testifying in a separate category.

Robert Howe, testified in favor of the bill on behalf of the Maine County Commissioners' Association. Commissioners believe that a standardized chart of accounts will lead to more accurate comparisons of financial data between municipalities and counties. Howe believes that requiring municipalities and counties to adopt uniform charts of accounts will benefit the taxpayers by making financial comparisons easier, while at the same time not robbing municipalities or counties of their uniqueness.

MMA provided testimony in opposition to the bill. Municipal officials' opposition to the bill fell into two different categories. One category of opposition was based on a concern with the end goal of LD 1713. Some municipal officials view the bill as yet another avenue for the state to micromanage municipal operations. Those municipal officials are concerned that at the end of the day, the Legislature will adopt a “one size fits all” procedure that will be costly to municipalities.

Municipal officials also identified two problems with the bill as it is written. First, municipal officials question why the state is excluded from the standardization discussion. If service delivery cost savings are truly the end goal, then municipal officials believe that the state should be included in those efforts in order to ease the transition of service delivery changes between regional and state entities. Second, municipal officials expressed an interest in developing a charge to the governmental stakeholders in this effort that ensured an equal voice from all parties.

Sue Inches provided testimony “neither for nor against” LD 1713 on behalf of the State Planning Office (SPO). While, SPO supports the bill's goal to assist municipalities and counties in entering into cooperative regional efforts, they believe that the bill needs to be amended in three ways. First, as drafted the bill directs SPO to coordinate the study, and SPO is requesting an appropriation to secure some outside expertise in accounting. Second, SPO believes that the bill

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# Rate of Growth Ordinances

The Natural Resources Committee discussed a carryover bill, LD 1535, *An Act to Make Improvements to the Laws Regarding Local Land Use Ordinances*, on Thursday afternoon but was unable to come any closer to a decision. The original bill dealt with many issues associated with local land use planning and the state's Growth Management Act. As of Thursday, the bill has been essentially reduced to one issue: rate of growth ordinances.

Rate of growth ordinances have been adopted in approximately 30 Southern Maine municipalities in an effort to manage the tremendous growth pressures they have been facing. The ordinances typically establish a limit on the total number of building permits that will be issued each year.

Current law does not allow every municipality to adopt a rate of growth ordinance. Only communities which have adopted a comprehensive plan may adopt a rate of growth ordinance. Further, a rate of growth ordinance must be consistent with that comprehensive plan. These state-imposed conditions are meant to insure that a town does not substitute a rate of growth ordinance for good planning.

However, many legislators and interest groups, as well as the State Planning Office, have a generally unfavorable view of these ordinances. Their belief is that since rate of growth ordinances restrict the supply of housing in a particular municipality, that restriction has two negative consequences. First, prices are driven up negatively impacting affordable housing; second, these ordinances contribute to regional sprawl since people are forced to move to the "next" town to find a house.

Neither of these assertions is supported by research, studies or facts. While appealing on the surface these arguments are merely assertions. For example, many of the communities which have adopted these ordinances are rural communities. The fact is that these restrictions in rural areas are forcing families to move closer

in to the service centers they use. Thus, in some cases growth caps can help reduce regional sprawl, just the opposite of what the critics allege.

Nevertheless, municipal communities agree that regional sprawl and affordable housing are important issues and they are willing to limit home rule authority in ways that would minimize any potential impact rate of growth ordinances have on these goals. However, they have been used for decades and municipalities can not agree to every restriction that someone wants to impose on these ordinances because of a hunch.

Unfortunately, the opposition to these ordinances borders on the extreme. For example, during the recent discussion at the Natural Resources Committee, Representative Bob Daigel (Arundel) asserted that these ordinances are analogous to the racially restrictive covenants that were unfortunately all too common prior to the civil rights movement. He and others assert that supporters of growth ordinances simply want to keep other people out of their communities.

Municipal officials don't have the benefit of Representative Daigel's ability to read other peoples' minds. They can't say for sure what motivates people to support these ordinances. They'd like to believe that Mainers simply want to manage growth instead of being managed by it. In any event, over two dozen communities such as Wells, York, Dayton, Hollis, Acton, Lebanon, Limington, Alfred, Scarborough, Falmouth, Bremen and North Yarmouth have adopted these ordinances. Municipal officials don't believe that the voters of these Maine communities are selfish and parochial citizens who just want to exclude others, no matter what certain legislators say.

In making his point, Representative Daigel employed the most frequently used and most misleading description of growth ordinances – the drawbridge. He asserted that supporters of growth ordinances simply want to "raise the drawbridge" to their communities so that no one else can move in. A more inaccurate

simile could not be found. Municipalities which have rate of growth ordinances still see their populations grow at several times the statewide average.

For example, the average York County population growth from 2000-04 was 6.7%. Here are the growth rates of some of the "drawbridge" towns in York County – Alfred: 8.1%, Waterboro: 17%, Kennebunkport: 10.5%, Acton 14.2%, Limerick: 17%, Newfield: 19.7% (highest in the County during this period). In fact only one of the seventeen York County communities with rate of growth averages has had a population growth rate below the county average from 2000-04. It is simply impossible to support such a bogus "drawbridge" simile with facts. To describe communities that experience consistent double digit population growth as having raised the drawbridge is absurd.

Maine's highest court said the following about growth ordinances:

*"Indeed, the [rate of growth] ordinance would appear to be the very kind of municipal planning tool that the Legislature had in mind when it set forth its goals for the Planning and Land Use Regulation Act. It signifies the Town's attempt to 'effectively plan for and manage future development' and satisfies the State's goal for allowing 'orderly growth and development.' The stated goal of allowing municipalities flexibility in establishing comprehensive plans is intended to encompass growth limitation ordinances of this sort."*

We agree. So do some Committee members like Representative Henry Joy (Crystal) who recognize the need for guidance but not more SPO mandates.

Despite the fact that many communities have had used these ordinances for decades, Representative Daigel and others have proposed to limit the duration of these ordinances to no more than three years.

Local officials are willing to enact further restrictions on local control and the home rule right to adopt rate of growth ordinances. However, they are not willing to accede to the entirely unreasonable demands of those critics who compare supporters of rate of growth ordinances to selfish racists.

The next work session is scheduled for Friday, January 27<sup>th</sup>.

# Improving Health through Transportation Mandates

On Tuesday of this week, the Transportation Committee held a public hearing on LD 1731, *An Act to Require that New Road Construction or Repair Include Sidewalks or Bikeways or Both*. The bill, sponsored by Rep. Margaret Craven of Lewiston, would require that sidewalks or bikeways be included as part of a construction or reconstruction project on any state, state-aid or town highway, unless it was found that the inclusion of a sidewalk or bikeway would endanger public safety, disproportionately increase the cost of a project relative to the need, or be deemed unnecessary.

Rep. Craven supports LD 1731 because it plays a role in her continuing efforts to improve public health and fight obesity in the state of Maine. She believes that by providing more opportunities, in the form of sidewalks and bikeways, Maine people would become motivated to get out and exercise. Rep. Craven also suggested that her bill would provide other benefits to communities and the state, including generating more pedestrian traffic for businesses, reducing traffic congestion and exposure to harmful exhaust fumes, and providing people a sense of community. When Rep. Craven was asked by a member of the Transportation Committee if her bill placed a mandate on municipalities, she responded that she hoped it would, but also hoped that the state would assist communities in covering some of the new costs.

No testimony was provided for or against the bill at the public hearing. However, several organizations testified “neither for nor against” the bill. Testifying on behalf of the Department of Transportation, Dan Stuart, Bike and Pedestrian Coordinator, stated that the Department was currently in the process of developing the policies necessary to address the concerns raised in the bill. Stuart also mentioned that there are federal laws in existence that require the Department to provide alternative modes of transportation. Central Maine Power’s (CMP) David Allen raised concerns with the bill’s potential impact on the utility

company’s ability to locate and maintain their lines. Allen is concerned that if wider shoulders are required on all state and state-aid projects, CMP’s ability to locate utility polls within the state’s right of way would become more challenging. Once outside of the Department’s right of way, CMP would have to contend with landowner disputes and potential eminent domain issues.

MMA also provided testimony “neither for nor against” LD 1731, because the Legislative Policy Committee (LPC) had not yet taken an official position on

the bill. However, at its meeting on Wednesday, the LPC voted to officially oppose the bill, primarily because it places another mandate on municipalities. Considering that municipalities are under the pressure of the spending limitations enacted through LD 1, municipal officials are not supportive of initiatives that seek to force municipalities to spend limited revenues on state mandates rather than on expenditures approved by the local legislative body.

A work session on LD 1731 has been scheduled for this Friday, January 20<sup>th</sup>.

## GA Burial Issues Laid to Rest

On Tuesday of this week, the Health and Human Services Committee unanimously voted “ought to pass as amended” on a carryover bill, LD 1036, *An Act to Amend the Laws Governing the Burial or Cremation of Certain Persons*. As sponsored by Sen. Arthur Mayo (Sagadahoc Cty.), a retired funeral director, the bill would have made two changes in the way General Assistance (GA) administrators process applications for public assistance with a burial or cremation.

Under existing law, municipalities have a maximum of 10 days in which to make a decision over funding a burial or cremation. During that time, GA administrators can review the assets of the decedent’s estate as well as the financial capacity of any relatives that could assist the property taxpayers in paying for the burial. Currently that pool of relatives includes parents, grandparents, children, grandchildren and siblings. As originally proposed in LD 1036, the amount of time municipalities would have to respond to a funeral director’s request would be reduced to just 48 hours. In addition, LD 1036 would limit the relatives of the decedent that could be asked to help cover the burial expenses to just parents and children.

After hearing the issues raised from both the proponents (Maine Funeral Directors’ Association) and opponents

(Maine Welfare Directors’ Association and MMA) of the bill, the Health and Human Service Committee voted to carry over the bill into the second session (2006) in order to provide the interested parties an opportunity to work out their differences. As result, a group of individuals representing municipalities, the Department of Health and Human Services and the Maine Funeral Directors’ Association met and developed the amendment that was unanimously supported by the Committee.

The amendment to LD 1036 makes two changes to the existing GA laws. One change reduces the number of days GA administrators have to make a decision over funding a burial or cremation from 10 days to 8 days. The eight-day compromise addresses the time concerns raised by both the GA administrators (i.e., having the time necessary to verify all records to determine whether the municipality will help pay) and by the funeral directors (i.e., problems associated with delaying a decision to embalm or cremate).

The second change expands the timeframe funeral directors have to notify the GA administrator of the receipt of the body of a person who is eligible for general assistance. Currently, the funeral directors must notify the GA ad-

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## LEGISLATIVE HEARINGS

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

### *Monday, January 23*

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

LD 1881 – An Act Amending the Animal Welfare Laws. (Sponsored by Rep. Piotti of Unity.)

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

LD 1781 – An Act To Require Mandatory Training for Law Enforcement Officers and Prosecutors Regarding Interaction with People with Developmental Disabilities, Including Autism Spectrum Disorders. (Sponsored by Sen. Bartlett of Cumberland County; additional cosponsors.)

LD 1879 – An Act To Enhance Firefighter Safety. (Sponsored by Rep. Duplessie of Westbrook; additional cosponsors.)

### *Tuesday, January 24*

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

LD 1875 – An Act To Improve Substance Abuse Rehabilitation Services. (Sponsored by Rep. Millett of Waterford; additional cosponsors.)

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

LD 1777 – Resolve, To Direct the Department of Environmental Protection To Consolidate the Management of Solid Waste. (Sponsored by Sen. Cowger of Kennebec County; additional cosponsors.)

LD 1795 – An Act To Ensure the Long-term Capacity of Municipal Landfills. (Emergency) (Sponsored by Sen. Cowger of Kennebec County; additional cosponsors.)

LD 1937 – An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford. (Sponsored by Sen. Hobbins of York County; additional cosponsor.)

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

LD 1793 – An Act To Prevent Noise and Air Pollution in the Town of Oakland. (Sponsored by Sen. Mitchell of Kennebec County; additional cosponsors.)

### *Wednesday, January 25*

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

LD 1780 – An Act Concerning Members of School Administrative

Districts' Finance Committees. (Sponsored by Sen. Bryant of Oxford County; additional cosponsors.)

LD 1867 – An Act To Amend the Elementary School Closing Process for School Administrative Districts and Community School Districts. (Sponsored by Rep. Stedman of Hartland; additional cosponsors.)

### *Thursday, January 26*

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

LD 1696 – An Act To Clarify the Assessment of Costs to Maintain a Private Way or Bridge. (Sponsored by Sen. Diamond of Cumberland County; additional cosponsors.)

LD 1750 – An Act To Amend Certain Transportation Laws. (Sponsored by Sen. Damon of Hancock County; additional cosponsors.)

### *Friday, January 27*

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

LD 1880 – An Act To Promote Youth Involvement in County and Local Government. (Sponsored by Rep. Cain of Orono; additional cosponsors.)

**1:00 p.m.**

LD 1788 – An Act To Confirm the Authority of the City of Saco To Acquire Extraterritorial Facilities. (Sponsored by Sen. Hobbins of York County; additional cosponsor.)

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## **GA BURIAL (cont'd)**

administrator of a request for local assistance within one business day of receiving a body. If the funeral director misses the deadline, then the municipality is not responsible for assisting with the cost of the burial or cremation. The funeral directors believe, and the GA administrators agree, that extending that deadline to three business days would provide funeral directors enough time to determine whether it will be necessary to notify the municipality.

Although the original bill proposed to limit the list of the relatives that could be asked by the municipalities to help with the cost of a burial or cremation, the interested parties agreed to omit that proposed change from the amended bill.

## **EFFICIENCY (cont'd)**

should focus on developing a standardized chart of accounts, rather than developing a standardized accounting system. Finally, SPO believes that the bill should be amended to include other state agencies and associations with accounting expertise to participate in the crafting of the standard.

The work sessions for LDs 1730 and 731 are scheduled for Monday, January 23<sup>rd</sup>.

### Education & Cultural Affairs

LD 1780 – An Act Concerning Members of School Administrative Districts’ Finance Committees. (Sponsored by Sen. Bryant of Oxford County; additional cosponsors.)

Under current law, the membership of the finance committee of a board of directors for a school administrative district (SAD) is set at three. This bill would change that number to a minimum of three directors.

### Taxation

LD 1751 – An Act Concerning Technical Changes to the Tax Laws. (Sponsored by Sen. Perry of Penobscot County; additional cosponsors.)

This bill would make several technical changes to the tax laws. Among other changes, the bill would: (1) clarify that the Pine Tree Development Zone income tax credit cannot be carried forward indefinitely to offset future income in years beyond the Pine Tree Development Zone time period; (2) clarify the definition of “income” for the purposes of the Maine Residents Property Tax Program; and (3) clarify the procedure for payment of claims under the Business Equipment Tax Reimbursement program (BETR).

LD 1797 – An Act To Clarify the Qualifications for the Maine Residents Property Tax Program. (Emergency) (Sponsored by Sen. Sullivan of York County; additional cosponsors.)

Current law prohibits residents who rent out their homes for any period of time from qualifying for the Maine Residents Property Tax Program, also known as the “Circuit Breaker” program. This emergency bill would allow a resident that rents out that resident’s home for less than one month a year to qualify for Circuit Breaker benefits.

LD 1965 – An Act To Ensure the Ability of Municipalities to Provide Assistance to Their Citizens. (Emergency) (After Deadline) (Sponsored by Sen. Nutting of Androscoggin County.)

This bill would amend the LD 1 spending limitation system as it applies to municipalities by expressly excluding local appropriations made to support the General Assistance program from the calculation of a municipality’s “property tax levy”.

### Utilities & Energy

LD 1708 – An Act To Allow the Buckfield Village Corporation To Be Dissolved and Combined with the Town of Buckfield. (Emergency) (Sponsored by Rep. Hanley of Paris.)

This bill would allow the Buckfield Village Corporation to be dissolved and combined with the Town of Buckfield.

LD 1736 – An Act To Amend the Charter of the Boothbay Harbor Sewer District. (Emergency) (Sponsored by Rep. Bishop of Boothbay.)

This bill would amend the charter of the Boothbay Harbor Sewer District so that the district would include the Town of Boothbay. The bill would also increase the district’s debt limit.

LD 1740 – An Act To Establish the Athens Standard Water District. (Sponsored by Sen. Mills of Somerset County; additional cosponsor.)

This bill would establish the Athens Standard Water District.

LD 1744 – An Act To Create the Washburn Water and Sewer District. (Sponsored by Sen. Martin of Aroostook Cty)

This bill would establish the Washburn Water and Sewer District.