

Comp Plan Review May Be Put on Diet

The State Planning Office outlined the results of its six-month review of the condition of planning in Maine on Wednesday this week to the “Community Preservation Advisory Committee” (CPAC). The review was the culmination of LD 286, *An Act to Eliminate the State Planning Office*. The bill would have abolished SPO and apportioned out its responsibilities to other state agencies.

After getting pared down to the elimination of the State Planning Office’s review of comprehensive plans, the bill was supported by a majority of the State and Local Government Committee. Following some parliamentary maneuverings, the bill was reassigned to the Natural Resources Committee, which is coincidentally chaired by the chairs of the CPAC Committee.

The Natural Resources Committee charged SPO to conduct a self-evaluation and review of the Growth Management Act and to report back its findings and recommendations. The SPO review found several things. For example, there is widespread support for planning and a sincere interest in exploring how meaningful planning could be accomplished on a regional level.

The review also confirmed what most already know about the comprehensive planning process: its long, difficult, frustrating, expensive, and its nearly impossible to satisfy local voters and SPO simultaneously.

A widely held belief is that if the comprehensive planning process could be reduced to 1-2 years from the 3-5 years it takes now, some of the commu-

nity energy and enthusiasm might still be alive to implement the plan.

To that end, SPO is poised to put its comprehensive plan review process on a diet. Currently, SPO must review every aspect of a comprehensive plan to determine if it is consistent with state goals and policies. This review is the real source of much local frustration. This is no walk in the park for SPO staffers either.

So, SPO has proposed to amend its rule which implements the comprehensive review requirement and scale back its review to only the heart

of the plan, and SPO’s particular area of expertise, and that is the “Future Land Use” chapter. A full comprehensive plan would still need to be done and SPO would still provide assistance and guidance on developing the full plan. But the consistency review would be focused on how the community drew its rural-growth zone boundaries and related issues.

If done in the manner that it was presented to the Community Preservation Advisory Committee, this has the potential of getting planning in Maine back on track.

LPC Meeting Cancelled

MMA’s 70-member Legislative Policy Committee (LPC) was scheduled to meet on Tuesday, March 7. Because so few bills of municipal interest have been printed and submitted to the Legislature since the LPC’s last meeting on February 16, there is an insufficient agenda to warrant the extensive travel associated with convening the LPC. Accordingly, the LPC Chair, Councilor Nick Mavodones of Portland, has cancelled the meeting.

There are still a number of very important municipal issues being developed within the Legislature either as carryover legislation, “concept drafts”, working group recommendations, or as significant amendments of bills previously submitted. MMA’s advocacy staff will be contacting LPC members for feedback and direction over the next six weeks as the major bills of municipal interest leave the Committee level and begin to be debated and face votes in the House and Senate.

A short list of those developing bills include:

- Governor Baldacci’s proposal to repeal the personal property tax (LD 1660, soon to appear, perhaps with a new LD number);
- TABOR (citizen initiative, yet to be printed);
- Telecommunications and broad-band access (Governor’s bill, not yet printed);
- Working waterfront “current use” tax system (LD 1972); and
- Restrictions on municipal ordinance authority and the rights of citizens to petition their local governments (LD 1481).

Judiciary Committee Continues Work on Eminent Domain Bills

The Judiciary Committee continued its review of three eminent domain bills this week. One was amended and then unanimously reported out of committee while two others continue to receive attention.

Two of the bills were introduced in the wake of the U.S. Supreme Court's *Kelo* decision; they are, LD 1870, *An Act To Clarify Laws Governing Eminent Domain* and LD 1904, *An Act To Protect Businesses from Unnecessary Eminent Domain Takings*. The third bill is a carryover from the First Session, LD 1297, *An Act to Provide Just Compensation for Established Businesses During Eminent Domain Proceedings*.

In the *Kelo* decision, the Supreme Court narrowly upheld New London's taking of private property for the purpose of redeveloping the property commercially. Many people believe that the decision was incorrect in that "public use" does not include taking property purely for economic development.

The bill reported out of committee is LD 1870, filed by Rep. Deborah Simpson (Auburn). As drafted, the bill would prohibit takings for three purposes: (1) commercial development, (2) the enhancement of tax revenue, or (3) for transfer of the prop-

erty to a third party. The third prohibition had been a concern to municipalities in that it was very broad and could have prevented transfers to nonprofits and public-private partnerships which help carry out public purposes on behalf of municipalities. The Committee narrowed down the third prohibition to individual citizens and for-profit companies before giving LD 1870 its unanimous endorsement.

The bill specifically preserves eminent domain authority for blighted property, quasi-government entities such as utility companies and for other government purposes.

The Committee appears to be struggling a little more with LD 1904 which was filed by Representative Barbara Merrill (Appleton). Rep. Merrill's bill represents a policy perspective which most people appear to support: that eminent domain should only occur when absolutely necessary and to the least disruptive extent possible.

The problem is getting a firm handle on what the bill actually does. To the extent the bill simply restates a hundred-plus years of case law that has developed in the field of eminent domain, it would appear that the bill is unnecessary. Of greater concern is that if the bill actually changes this field of law, no one is quite sure what the changes being offered would mean.

Lastly, the carryover bill, LD 1297, would increase the compensation payments to properties which are taken. There are two types of proposed increases. The first are so-called relocation benefits, which municipalities currently are not required to pay. The benefits can range from \$10,000 - \$50,000.

The more radical element in the bill would force the state or municipi-

palities to pay more to a business which had its real estate taken by eminent domain. Specifically, payments would have to be made for any damage to an entity's "goodwill." Very few states provide this kind of benefit. In addition to the expense and technical difficulties raised by this proposal there is a very significant policy shift which underlies the bill.

Currently, eminent domain awards are rooted in the idea of an exchange: the government has taken something and then pays something in return. The proposal in LD 1297 is that the government has damaged something and should pay compensation. While not a crazy idea, it is a radical step. And there are those who would like this bill to be but the first step. Next, for some, would be requiring damage payments for zoning, environmental protection or other government regulation for health, safety and welfare. Many government actions can be characterized as damaging to private pecuniary interests but in the public good.

If Maine had some history of abuse or even widespread use of eminent domain, a radical solution may deserve consideration. But the facts simply don't support that. Eminent domain in general is infrequent, and at the municipal level, is indisputably rare.

It is hoped that the Legislature will recognize that Maine municipalities have been very responsible stewards of their eminent domain power. Some fairly significant eminent domain legislation will emerge from this legislature. To the extent it is reasonable, there will be municipal support; but if it goes to far in an attempt to solve problems that don't exist in Maine, municipalities will be opposed.

Legislative Bulletin

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

Non-mandatory Mandates

A new state mandate was enacted into law during the last legislative session, but it was not enacted as a mandate, which leaves the enforceability of the law in limbo.

Explaining it all is a mouthful.

To add to the confusion, the Department of Environmental Protection and now the Board of Environmental Protection have embedded the non-mandatory mandate (over MMA's objections) into the new "Minimum Shoreland Zoning Guidelines". All municipalities are going to have to become compliant with the new Minimum Guidelines by January 1, 2008.

To further add to the confusion, MMA was not opposed to the enactment of the new mandate, even if unfunded. We are, however, opposed to not enacting it as a mandate properly – either with or without funding — and we are opposed to further creating a regulatory mandate on the basis of an improperly enacted mandate.

This is not the first time the Legislature has decided to enact a mandate without following the constitutional standards. A couple of years ago, the Legislature enacted a bill to require all schools to implement "gifted and talented programs" without acknowledging the requirement as a mandate. In both cases the Legislature decided to enact the law while ignoring the constitutional procedures and despite clear direction by the Legislature's legal staff to follow those constitutional requirements.

To top it all off, the state's Attorney General's Office reviewed the DEP proposal in light of MMA's objection, and determined there is nothing wrong with asserting in state rules that certain obligations are mandatory even though they are not. The Attorney General's Office takes that position that the DEP and the Board of Environmental Protection were obligated to embed the non-mandatory mandate into the DEP rules.

Unpacking the issue. At the center of the issue is a bill that came before the Natural Resources Committee last session (LD 1161) that as originally submitted would have required any applicant for a permit before the DEP to show proof of notification to abutters, municipalities and the municipal planning board before the application can be processed.

After the public hearing on the bill, the Natural Resources Committee flipped the bill around. Instead of requiring that municipalities be notified of certain state proceedings, the new version of LD 1161 requires municipalities to notify the state of certain local proceedings. Specifically, the bill requires all municipalities to provide formal notifica-

tion to the DEP whenever a person files a shoreland zoning variance request. The municipality must provide the notice to DEP at least 20 days prior to the board of appeals taking action on the variance request, and it must include with that notice the application and all supporting documentation provided by the applicant.

Although not the most significant unfunded mandate in the world, the new notification mandate clearly falls within the definition of a "state mandate" in Maine's Constitution. The Legislature's Office of Fiscal and Program Review (OFPR) correctly identified the amended version of LD 1161 as such.

The Legislature has two choices with respect to bills identified as state

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Tabor Tally Challenged

As was reported in the February 24th edition of the *Legislative Bulletin*, the Secretary of State, Matthew Dunlap, certified last week that Mary Adams had collected enough signatures to require the Legislature to either adopt or send to the voters for adoption a citizen initiative seeking to establish the so-called Taxpayers Bill of Rights (TABOR) spending restrictions for all governments in Maine.

However, the Secretary's controversial decision to certify all of the submitted signatures, with over 4,000 being submitted after the statutory deadline, has received much media attention and has raised many questions. As a result, on Friday of last week Kathleen McGee of Bowdoinham filed a lawsuit in Superior Court challenging the Secretary's decision to verify and include in the final tally the signatures that were submitted after the statutorily defined October 21, 2005 deadline.

As provided for in Title 21-A, Section 905(2), any voter, within 5 days of a decision, can challenge the Secretary of State's certification of submitted petitions by appealing that decision in Superior Court. The law ensures that the issue is settled in a timely matter by requiring the trial over the challenge of the Secretary's decision to be conducted within 15 days of the decision, which for the TABOR petition was on February 21, 2006. The court is required to issue its written decision within 30 days of the start of the trial.

The challenge of the Secretary's decision is relevant because without the after-deadline signatures, the TABOR promoters do not have enough valid signatures to send the issue to the Legislature and the voters. If the Court uses all of the time available to make a final determination, it is possible that the interested parties will have to wait until late March to learn if the people of Maine will vote on the TABOR restrictions in 2006.

Harbor Master Bill Returns (Again)

This week, the Marine Resources Committee unanimously supported a bill that would require all municipal harbormasters to complete a “basic” training requirement. The bill, which does not yet have an LD number, is modeled on the final amended version of LD 1603, *An Act to Establish Harbor Master Standards and Training Requirements* which died between the chambers in June 2005. LD 1603, was modeled on LD 1680 from the 121st Session, which mandated that Harbormasters receive training and also failed to pass the Legislature.

Usually bills that are rejected in the First Legislative Session can not be reconsidered in the Second Session but an exception is apparently being made in this case.

Sponsored by Sen. Dennis Damon of Hancock County, the bill mandates that within one year of appointment, or reappointment, a harbormaster must complete the basic harbormaster course offered annually each spring by the Harbormasters’ Association.

The bill received support from the Harbormasters’ Association, the US Coast Guard, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Army Corps of Engineers, and the Bureau of Parks and Lands. Each of these state and federal agencies explained how they rely on local harbormasters as their “eyes and ears” on any number of state and federal issues, from environmental concerns to homeland security. The bill was supported unanimously by the Committee, including a two-hands-up vote from Senator Nancy Sullivan (York Cty.).

The bill requires that the local harbormaster, not the municipality, pay for the training. This “employee pay” provision was inserted specifically to avoid the bill being labeled a state mandate. Previous versions of the bill have had mandate preambles. These caused procedural hurdles to passage, such as the state paying 90%

of the cost of the training. The expectation of the Committee is that an “employee pay” provision will allow the bill to be treated as a regular bill, not a municipal mandate.

It’s odd that a bill with such widespread Committee, state agency and federal government support needs to rely on an “employee pay” provision to avoid a mandate designation. A mandate designation doesn’t prohibit the state from enacting a law; it merely provides that if the state feels so strongly that something be done, that the costs should be covered with state resources. The aggregate price tag of the bill is relatively small in state budget numbers, around \$10,000. However, this is too much for the state to commit to such an important goal.

Municipalities have not been concerned with the cost of the mandate, which is fairly low (\$50-\$100).

Supporters Pull Teacher Voice Bill

The March 2nd public hearing on LD 430, *An Act Modify the Obligation to Bargain Under the Municipal Public Employees Labor Relations Law*, took an unexpected turn as the bill’s sponsor, Rep. Jackie Norton of Bangor, asked the Labor Committee to vote “ought not to pass” on the bill.

LD 430 was originally submitted in the first session (2005) as a concept draft bill and subsequently carried over into the second session (2006) to allow the proponents (i.e., the teachers’ union) the time necessary to craft a substantive proposal. As a result, the proponents had drafted an amendment to the bill expanding the areas over which teachers could negotiate. Current bargaining laws limit the issues over which teachers can negotiate to “working condition” issues, such as wages, hours, and grievance procedures. The amended bill would have allowed teachers to bargain over

The objection has not been to the training, which appears to be very thorough and well done. In fact, it is certainly not uncommon for municipalities with active harbors to send their harbormasters to the training and pay for it.

The objection is to the state telling municipalities how to train their employees. The underlying assumption is that municipal officials are incapable of making responsible training decisions regarding their own employees. A common response of the proponents of mandatory training is that this is nothing new...the state mandates training for many local employees. If a policy decision is made once by the Legislature, it will be cited as precedent over and over again. This is the third time this bill will be reviewed in three years. In all the discussions, it is still unclear why the judgment of elected local government officials should be held in such low esteem in Augusta that they must be repeatedly told what to do.

“education policy” issues, including the length of the teacher’s working day and impacts that student assessment systems have on teacher workload. Education policy matters are currently established by the school board, subject to impact bargaining, but are not directly negotiable.

In her testimony, Rep. Norton made it clear that until teachers are provided authority to bargain over issues of teacher workload, bills similar to LD 430 would continue to surface. While Rep Norton expressed frustration with the existing process and believes that the laws need to be amended to ensure that overworked teachers get their due, she conceded that now was not the time for the amendment. Instead, she challenged the interested parties, including representatives of the teachers’ union and superintendents and school

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MANDATES (cont'd)

mandates. It may either agree to provide the funding to cover at least 90% of the municipally-incurred costs, or it may enact the mandate with a two-thirds vote in both the House and Senate, thereby avoiding any obligation to pay for the new mandate.

In the case of LD 1161, the Legislature did neither. Because the bill was identified as a mandate by the Legislature's Office of Fiscal and Program Review, LD 1161 was placed on the "Appropriations Table", which is where bills with fiscal implications to the state's treasury are held before the final decisions are made about their fate. On the last day of the legislative session last year, LD 1161 was simply pulled off the "Table" and enacted without any appropriation of funds and without any two-thirds vote to exempt the appropriation of funds. In short, the Legislature decided to ignore the fact the bill was a mandate even though it had been clearly identified as such.

When that happens, a section of Maine law kicks-in. 30-A MRSA §5685(4) applies to all state mandates enacted after 1992 and it reads: "A local unit of government is not bound by any mandate unless funded or exempted from state funding in accordance with this section and the Constitution of Maine, Article IX, Section 21."

When MMA's Legislative Policy Committee reviewed the proposed Committee amendment to LD 1161 last spring, it voted to support the mandatory requirement. The LPC's reasoning was that the interjection of a state-level perspective on local shoreland zoning variance requests could provide helpful information in the appeal process. If asked to help, MMA would have tried to secure the necessary two-thirds vote to enact the new requirement with the funding exemption. MMA wasn't asked, and the Legislature decided to enact the law disregarding the constitutional procedures.

The folks at DEP who develop Maine's shoreland zoning guidelines decided to pick up the new law and embed the requirements within the recently-promulgated Minimum Shoreland Zoning Guidelines. At the public hearing on the proposed rules, in addition to other comments, MMA pointed out that the proposed regulatory mandate had no legal foundation.

In its formal response to that concern, the DEP noted that: "*The Department as been advised by the Attorney General's office that the requirement for the board of appeals to send variance applications is valid and is in effect.*" This is certainly a less thorough explanation than the municipalities might deserve given the nature of the inquiry presented to both the DEP and the Board of Environmental Protection.

In a more detailed response, the Assistant Attorney General who advises the DEP disagrees with the Office of Fiscal and Program Review that LD 1161 represents a "state mandate" because the financial impacts were of small consequence.

(Note: There is no "de minimus" financial impact exception from the definition of "state mandate", and in this circumstance it is Office of Fiscal and Program Review's determination of the bill's nature that counts, not the AG's.)

The AAG further suggests that both DEP and the Board of Environmental Protection had no choice but to embed the non-mandatory mandate into the Minimum Guidelines because the new notification obligations "are required by law".

The AAG's interpretation is fairly subjective about which law should be applied, or how much of all the pertinent law should be considered. The same body of law that now requires the notification also suspends the requirement, which leaves a number of unanswered questions with regard to real-life application.

The bottom line is that it didn't have to happen, it was an act of legislative carelessness, the Legislature's legal staff got it right from the beginning but the Legislature ignored them,

and several other state agencies appear indifferent to the issue. There is a process to make sure this ambiguous result does not occur. It's too bad it wasn't followed.

TEACHER (cont'd)

boards, to meet and find a way to address the issue collaboratively.

On the request of Rep. Norton, the Labor Committee unanimously voted "ought not to pass" on LD 430. The Committee also voted to send a letter to representatives of the Maine Education Association, Maine School Management Association and the law firm of Drummond, Woodson, MacMahon and Associates (a firm specializing in education law), asking the interested parties to meet to try to find a solution to the problem.

LEGISLATIVE HEARINGS

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

Monday, March 6

Appropriations & Financial Affairs

Room 228, State House, all day

Tel: 287-1316

LD 1968 – An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007. (Emergency) (Governor's Bill) (Sponsored by Rep. Brannigan of Portland; additional cosponsor.)

More details should be available Friday afternoon (3/3) at the website at <http://www.maine.gov/legis/ofpr/afaschedule.htm>

Legal & Veterans Affairs

Room 437, State House, 10:00 a.m.

Tel: 287-1310

LD 2033 – Resolution, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification. (Reported by Sen. Gagnon of Kennebec Cty. for the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process And Minor Party Ballot Access.)

Tuesday, March 7

Appropriations & Financial Affairs

Room 228, State House, all afternoon

Tel: 287-1316

LD 1968 – Governors FY 06–07 Supplemental Budget.

Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.

Tel: 287-3125

LD 1742 – An Act To Amend the Law Governing Warrant Funding for Education. (Sponsored by Sen. Schneider of Penobscot County; additional cosponsors.)

LD 1766 – An Act To Further the Implementation of the Essential Programs and Services Funding Model. (Sponsored by Sen. Mitchell of Kennebec County; additional cosponsors.)

Natural Resources

Room 214, Cross State Office Building, 1:00 p.m.

Tel: 287-4149

LD 141 – An Act To Ensure Proper Disposal of Debris and Protection of the Environment. (Sponsored by Sen. Martin of Aroostook Cty; additional cosponsors.)

Transportation

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

Tel: 287-4148

LD 1159 – An Act To Promote Transportation Investments within

Downtowns and Urban Compacts. (Sponsored by Rep. Fisher of Brewer; additional cosponsors.)

Utilities & Energy

Room 211, Cross State Office Building, 1:00 p.m.

Tel: 287-4143

LD 2018 – An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills. (Sponsored by Rep. Kaelin of Winterport; additional cosponsor.)

LD 2019 – An Act To Amend the Charter of the Kennebunk Light and Power District. (Emergency) (Sponsored by Rep. Babbidge of Kennebunk; additional cosponsors.)

Wednesday, March 8

Appropriations & Financial Affairs

Room 228, State House, all day

Tel: 287-1316

LD 1968 – Governors FY 06–07 Supplemental Budget.

Criminal Justice & Public Safety

Rm. 436, State House, 9:30 a.m.

Tel: 287-1122

LD 2016 – An Act To Extend the Corrections Alternatives Advisory Committee. (Emergency) (Governor's Bill) (Sponsored by Rep. Blanchette of Bangor; additional cosponsors.)

State & Local Government

Room 216, Cross State Office Building, 1:00 p.m.

Tel: 287-1330

LD 2024 – An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Contracting Process. (Reported by Rep. Lerman of Augusta for the Study Commission Regarding Liveable Wages.)

Thursday, March 9

Appropriations & Financial Affairs

Room 228, State House, all afternoon

Tel: 287-1316

LD 1968 – Governors FY 06–07 Supplemental Budget.

Labor

Room 220, Cross State Office Building, 1:00 p.m.

Tel: 287-1333

LD 2032 – Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers. (Reported by Rep. Lerman of Augusta for the Study Commission Regarding Liveable Wages.)

Natural Resources

Room 214, Cross State Office Building, 3:00 p.m.

Tel: 287-4149

LD 2035 – An Act Regarding Storm Water Program Administration. (Reported by Rep. Koffman of Bar Harbor for the Joint Standing Committee on Natural Resources.)

Friday, March 10

Appropriations & Financial Affairs

Room 228, State House, all day

Tel: 287-1316

LD 1968 – Governors FY 06–07 Supplemental Budget.

IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the *Legislative Bulletin* to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, www.memun.org.)

Criminal Justice & Public Safety

LD 2028 – An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory. (Emergency) (Reported by Sen. Nutting of Androscoggin Cty. for the Joint Standing Committee on Criminal Justice and Public Safety.)

This emergency bill would appropriate \$300,000 in FY 07 for the purpose of creating a computer crimes unit within the Maine State Police Crime Laboratory. The computer crimes unit would be staffed with six full-time positions, four of which already exist. According to the bill's emergency preamble, the purpose of the bill is to combat the serious problems of child pornography and the related crime of child sexual abuse. According to the bill's summary, the computer Crimes Unit will both replace and continue the work of the Maine Computer Crimes Task Force by working cooperatively with both the Attorney General's Office and local law enforcement agencies.

LD 2044 – An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters. (Emergency) (Reported by Sen. Strimling of Cumberland for the Task Force to Study Maine's Homeland Security Needs.)

This bill would implement a number of recommendations of the Task Force to Study Maine's Homeland Security Needs. Among those recommendations, this bill would: (1) require the State Board of Education to approve school construction projects only if they have been designed to include backup energy generators or the wiring for portable energy generators so that the schools can be used as public shelters; (2) direct the Statewide Radio Network Board to develop protocols and procedures for radio frequency coordination throughout the state during major emergencies, with those protocols being developed with the participation of, among other groups, the Maine Sheriff's Association, the Maine Fire Chiefs' Association, the Maine Chiefs of Police Association, and representatives of local public works and utilities; and (3) direct the Director of the Maine Center for Disease Control and Prevention to study the qualifications and duties of local health officers and develop recommendations for enhancing the roles of local health officers in emergency preparedness plans.

Labor

LD 2032 – Resolve, To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Plans To Increase Wages to Maine Workers. (Reported by Rep. Lerman of Augusta for the Study Commission Regarding Liveable Wages.)

This bill represents one of several separate recommendations of the Study Commission Regarding Liveable Wages. This bill would direct the Department of Labor, in consultation with the Departments of Health and Human Services and Education, to develop a 5-year plan to increase the wages of all state workers and health care workers to a liveable wage, and a 10-year plan to increase the wages of all municipal, county, school system, university system and community college system employees to a liveable wage.

Legal & Veterans Affairs

LD 2033 – Resolution, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification. (Reported by Sen. Gagnon of Kennebec Cty. for the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process And Minor Party Ballot Access.)

This resolution would send out to the voters proposed amendments to Maine's Constitution regarding the citizen initiative signature gathering process. The proposed amendments would: (1) repeal the requirement that all valid signatures be gathered within one year from the written issuance date on the petition; and (2) establish as "invalid" any signatures on petitions that are submitted to the municipal clerks for certification after the two deadlines established in the Constitution for submitting petitions to the "First" or "Second" legislative session.

Natural Resources

LD 2035 – An Act Regarding Storm Water Program Administration. (Reported by Rep. Koffman of Bar Harbor for the Joint Standing Committee on Natural Resources.)

This bill would direct the Department of Environmental Protection to expand coverage of the multi-sector general permit for industrial storm water discharges to include publicly owned facilities that have storm water discharges associated with an industrial activity. The bill would also establish a base permit fee for those newly regulated facilities of \$300.

LD 2037 – Resolve, Regarding Source Water Protection Recommendations. (Reported by Sen. Cowger of Kennebec Cty. for the Joint Standing Committee on Natural Resources.)

This resolve would direct the Drinking Water Program (Program) within the Department of Health and Human Services to establish a process to allow public comment on recommendations described in a report dated February 2006 regarding source water protection issues that was submitted to the Natural Resources Committee. The resolve also directs the Program to submit another report regarding source water protection issues, along with any legislative recommendations and based in part on the public comments received, to the Natural Resources Committee to the Natural Resources Committee by February 1, 2007.

State & Local Government

LD 2024 – An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Contracting Process. (Reported by Rep. Lerman of Augusta for the Study Commission Regarding Liveable Wages.)

This bill represents one of several separate recommendations of the Study Commission Regarding Liveable Wages. The purpose of this bill would be to prohibit all state departments and agencies from achieving cost savings in the award of grants, contracts or bids where the winning bid is advantaged by the bidder's failure to provide liveable wages to his or her employees. Specifically, the bill requires the State Purchasing Agent to adopt routine technical rules that establish the basis for determining the cost differentials between bidders who do and do not provide liveable wages to their employees.

LD 2030 – An Act To Authorize the Deorganization of the Town of Cooper. (The Majority of the Joint Standing Committee on State and Local Government pursuant to Resolve 2005, chapter 78, section 5, Reports the same Ought to Pass.)

This bill would authorize the deorganization of the Town of Cooper, subject to local approval of the deorganization by referendum vote.