

## LD 1 – Mapping a Moving Target

As reported in last week's Legislative Bulletin, MMA is dedicated to providing all municipalities with a carefully calculated analysis of the measure of property tax relief that they will or will not be able to deliver as a result of the enactment of LD 1, the school funding legislation referred to as "property tax reform" by legislative leadership, many legislators, and the administration of Governor Baldacci.

After the enactment of LD 1 on January 20<sup>th</sup>, we took our property tax impact map off MMA's website for a recalibration to account for the changes the Legislature made to the bill in the final days before enactment, particularly in the area of the state-mandated cost sharing distributions among the municipalities within School Administrative Districts (SADs).

Today those recalibrated property tax impact maps are being posted on MMA's website ([www.memun.org](http://www.memun.org)), along with all the back-up data and notes and assumptions related to those data.

At almost the same time, the Department of Education (DOE) has issued yet another, updated spreadsheet detailing a slightly revised distribution of school funding for FY 06, apparently in conformance with LD 1 but with updated information from the school systems regarding special education costs and school staffing data.

As a result of this new DOE spreadsheet, MMA will be recalibrating once again its property tax impact analysis and mapping project, but in the meantime, the most-recently recalibrated analysis and map will stay posted. As a general rule, the revised school funding distribution numbers in the new DOE spreadsheet do not significantly deviate

from the previously released DOE information, although some school systems will notice increases or decreases in state funding in the \$100,000 - \$300,000 range when compared to the spreadsheets that were issued when LD 1 was enacted. The most confusion created by the new spreadsheet is in the area of cost sharing allocations within SADs. In our next recalibration, we will try once again to ascertain what changes actually have occurred with SAD cost sharing arrangements because of LD 1.

Municipal and school officials should also be aware that the new spreadsheet recalculates the "100% EPS" figure for each school system, which is the number that determines whether any pro-

posed school budget exceeds or does not exceed the school "spending limits" established by LD 1. Since many communities are preparing their school budget warrants for posting, these new "100% EPS" numbers should be immediately identified.

Finally, as reported by Education Commissioner Susan Gendron in the memo that was issued to school superintendents along with this new spreadsheet, the Legislature has required the Education Committee to review the components of the EPS model, so the values in the most recent spreadsheet will remain "preliminary" until the completion of that review. That review is scheduled to be completed by March 15.

## Water Lien Tool Receives Favorable Treatment

The Utilities and Energy Committee heard testimony on LD 244, *An Act to Standardize Water Lien Provisions* on Thursday. The bill was filed by Rep. Earle Richardson (Greenville). The lead proponent of the bill was the Town Manager of Brownville, Sophia Wilson.

Until a few years ago, water districts of all types did not have the ability to secure their unpaid water bills with real estate liens. Water service could be shut off, with Public Utility Commission approval. The threat of losing water service is enough to ensure that most bills get paid. However, some consumers are transient in nature and they will just move on to another location. Manager Wilson also testified that in some instances dif-

ferent occupants at the same address would rotate who received services until they each had "maxed out" their delinquency allowance.

During the last legislative session, the ability to place liens on property was granted to some water districts but not others, notably municipal water departments. LD 244 would remedy that oversight and extend the right to all water districts. While water districts, like any creditor, could sue in civil court for collection, the amounts at stake generally did not justify such a legal proceeding.

There should be no concern that a rash of evictions will follow passage of the bill. The greatest benefit that the lien

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# Reruns on Cable TV

The Utilities and Energy Committee heard testimony last week on LD 205, *An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission*. LD 205 is a refile of LD 222 from the last legislative session. The sponsor of the bill (both times) is Representative Stan Gerzofsky (D-Brunswick).

The bill essentially does two things regarding the regulation of cable television. First, it transfers regulatory authority regarding “basic tier” service from municipalities to the Public Utilities Commission (PUC). Second, it establishes a review process that cable TV companies must follow before changing rates or services. MMA opposed the bill.

Rep. Gerzofsky explained that cable TV is a vital service. While it may not rise to the level of importance of electricity or water, areas currently governed by the PUC, it is nonetheless a necessity. His particular concern was for the elderly, most especially “shut-ins” for whom cable TV constitutes a dominant aspect of their lives. Rep. Blanchette (D-Bangor) lent her support to this testimony. They were the only proponents who testified.

MMA testified in opposition as did the New England Cable and Telecommunications Association. Testifying neither for nor against were the Public Advocate Office, the PUC and the Telephone Association of Maine. These groups collectively did not take up the issue of whether cable TV was a necessity or not. The common theme in the testi-

mony of these parties is that the bill’s effectiveness is severely limited by federal law.

The Federal Telecommunications Act of 1996 prohibits almost all state and local regulation of cable television. Under some circumstances, local franchising authorities (which can be either a state or local unit of government) may regulate basic service tier rates. In Maine, local governments are the franchising authority.

The first section of the bill transfers regulatory authority over “basic tier” in Maine from the towns to the state. For Time Warner Cable, basic service tier comprises approximately 23 channels. The channels included in the basic tier, among others, are the standard broadcast networks (ABC, NBC, CBS, PBS) five public, educational and governmental access (PEG)/information channels, two CSPANs and several shopping networks (HSN, QVC, ShopNBC etc.). Federal law governs what must go into basic cable; essentially the broadcast networks and the PEG channels. The franchise authority, be it state or local, may not force the cable company to carry more channels (such as CNN or ESPN) in the basic tier.

Basic tier is the least expensive cable package and the one for which rates generally do not increase very rapidly. According to an article in the Portland Press Herald in 2003, the monthly fee for Time Warner’s basic tier was \$8.59 in 1995; today it is \$11.29. This equals an annual increase rate of approximately 3% per year (inflation has average around 2.6% per year during the same period). Thus, passing a law that gives PUC regulatory control over basic cable may appear to “do something” but given federal law and the inflationary rate of increases, the bill’s effect would be limited to appearances.

The second purpose of LD 205 is to set up a review process for the change in any rates or services by a cable television company. The review process, a bureaucrat’s dream of hearings and petitions, would result in nothing more than a strongly worded letter to the Federal

Communications Commission (FCC). The bill rightly acknowledges that if the change in services or rates is not to the liking of the franchise authority, nothing can be done about it except to complain to the FCC in the hopes that it will act.

However, the FCC is powerless to stop rate increases or force content changes as well. According to a representative of the FCC, that agency can do nothing to stop a rate increase for a tier other than the basic tier. No one can. The FCC representative stated that the bill language of LD 222 (now LD 205) is inconsistent with federal law for other than basic service. Thus, the bill will require plenty of hearings, that will lead to a PUC finding, that will result in petitions, that will be summarily rejected.

There were more particularized concerns raised as well. The PUC was concerned about its increased staffing costs. MMA expressed the municipal concern about losing existing franchise revenues.

The Committee seems interested in the issue and asked many questions about the basic tier and the current TV market in Maine. Rep. Adams (D-Portland) took note of MMA’s work over the past few years in this area, in particular the work of Jim Katsiaficas of MMA’s legal staff in preparing a 100+ page *Guide to Local Regulation of Cable Franchising*.

MMA has repeatedly asked its members if they would like to unburden themselves of their cable television franchising duties (an opportunity to send a mandate to Augusta). While acknowledging that PUC may have some advantages to local franchising, local officials believe they are in the best position to understand the priorities of the local community and respond to local concerns when they arise.

Municipal officials will continue to work with PUC, the Public Advocates Office, the Legislature and others to improve the context in which local franchise agreements are negotiated and to provide the maximum level of consumer protection possible. LD 205, like its predecessor LD 222, do not appear to significantly advance these causes.

The work session has not yet been scheduled.

## Legislative Bulletin

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## Q & A

# LD 1 Corner

*NOTE: For the next several weeks, the Bulletin will carry this Q & A column on LD 1, the property tax relief legislation enacted in January by the Maine Legislature. LD 1 contains over 80 pages of new law and changes to existing law. The purpose of LD 1 Corner is to help municipal officials better understand the impacts of this complex and far-reaching legislation.*

**Q.** Could you explain how to calculate the property growth factor under the municipal spending limitation system when there are municipal valuation changes that are not *new value*?

**A.** The “property growth factor” is a percentage derived by comparing *new value* to total municipal value in a community. The property growth factor is then added to the “average real personal income” growth factor to come up with a municipal property tax “growth limitation factor”.

As explained in last week’s Bulletin, calculating the “property growth factor” is fairly simple if *new value* is the only thing that changes in your municipal valuation. When a community conducts a revaluation, conducts a ‘factoring’ process to realign classes of property to full value, or has a significant amount of personal property which can depreciate in some years more rapidly than it is replaced, the process of separating out *new value* becomes more complicated.

Also, when the Legislature creates new property tax exemptions that have the effect of reducing a municipality’s taxable value, the calculation of new value could get confusing. Because the Legislature did exactly that with the enactment of LD 1, and the creation of a 50% unreimbursed \$13,000 homestead exemption, the calculation of *new value* next year will need to appropriately recognize the loss in taxable value because of that exemption and not allow that change to obscure the true *new value* figure. Since the calculation of a town’s

“property growth factor” this year is based on the *new value* that was created between April 1, 2003 and April 1, 2004, the effect of the just-enacted, unreimbursed homestead exemption will not apply until next year.

What is important to remember is that revaluations and any other type of inflationary adjustment to your existing property tax base are not considered *new value* under the “property growth factor” calculation. The numerator in this calculation of the “property growth factor” (i.e., the *new value*) must be assessed at the same ratio to full value as pertains to the denominator of the calculation, which is the municipality’s total taxable value.

Losses, removal, and depreciation may enter into the calculation of *new value* in all circumstances where property is being improved, rebuilt, retrofitted, or renovated. This is what normally happens in the year-to-year assessment process. If a new house is built on an empty lot, the entire value of the new house would be recorded as *new value*. On the other hand, if a new deck is constructed to replace an old deck, the *new value* would be the net difference between the value of the new deck and the value of the deck that was removed.

Assuming no revaluation or factoring has occurred, some assessors may be inclined to calculate the municipality’s new value figure in an aggregate analysis, taking into account the town’s entire taxable base for the Tax Year 2003, adjusting for all supplemental assessments, abatements, removal of property from the tax base, and exemptions, and then subtracting that adjusted total from the full Tax Year 2004 assessment. That type of analysis is relatively easy to calculate, and in a subsequent issue of the *Bulletin* we will provide an example of that approach. Other municipalities may prefer to calculate new value less depreciation and removal on more of a parcel-by-parcel basis. Either approach would appear to meet the terms of LD 1.

One example of where the loss or depreciation element of the calculation of *new value* may come into particular play is when a community has a significant amount of industrial personal property. The question is how to consider both the *new value* and all losses and depreciation within the entire personal property holdings of an industrial taxpayer.

Although the scale will be different, the approach is the same as it would be with improvements to regular homeowner or small commercial real estate; that is, you net it out, but under no circumstances can the result be a negative new value. Negative results, such as might occur when there is a large-scale reduction in the value of a paper mill, are recorded in the denominator of the calculation, under the Tax Year 2004 total municipal valuation, not in the numerator.

For example, one industrial property owner installs \$10 million worth of *new value* replacing \$1 million worth of scrap equipment. In addition, this taxpayer’s total personal property account may have depreciated by \$5 million according to the depreciation schedule. The *new value* for that property tax account would be \$4 million (\$10 million *minus* \$1 million of removed value *minus* \$5 million of depreciation). Another industrial property owner’s account could show a negative *new value* because the combination of removal and depreciation outweighs the value of improvements. In this situation, there would be no *new value* from that account. The net losses in value would be recognized in the denominator of the “property growth factor” calculation, where the town’s total taxable value is recorded.

There will be unique circumstances in some communities that may affect the methodology used in separating *new value* from the previous year’s municipal valuation. These situations may require more guidance from Maine Revenue Services or MMA’s Legal Services Department.

**Q.** Our town meeting is scheduled for early April, and both the school budget and municipal budget will be adopted

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## LD 1 CORNER (cont'd)

through an open town meeting process at that time. We are now in the process of writing the warrant articles for that town meeting. How should we prepare that warrant if the town meeting elects to exceed its new spending limitations?

**A.** LD 1 establishes separate spending limitation systems for the school budget and the municipal budget.

The school spending limitation system is quite straightforward. It is comprised of: (1) the spending limitation formula; (2) the override procedures; and (3) the wording of the article to override the spending limit, if that is what the town meeting chooses to do.

**School spending limits.** The school spending limit is quite simple. Any proposed school budget that exceeds the FY 06 100% EPS allocation by one penny or more must be adopted by the special procedure to exceed the budget. The 100% EPS allocation for each school administrative unit has just been republished by the Department of Education, and those numbers are posted on the Department's website.

**Procedure to exceed the limit.** At the town meeting level, every school budget that exceeds the 100% EPS allocation must be finally approved by the voters in an "additional local appropriation" article that is worded in a particular way (see below) and adopted by a written ballot (also referred to as "paper ballot") vote, as opposed to a voice vote or show-of-hands. This process also applies at the school district (SAD or CSD) level where the budget is adopted by an open, town-meeting style vote.

**Wording of the article.** The school superintendent and school board will know where to place the pertinent article in the string of school budget articles that are required by state law. The particular article is the "additional local appropriation" article, which in old-fashioned parlance was called the "local leeway" article. If the proposed school budget exceeds the EPS allocation (at 100% of the model), the specific wording of that article required by LD 1 is:

Article X: To see if the town will vote to raise and appropriate \$\_\_\_\_\_ in additional local funds, which exceeds

the State's Essential Programs and Services funding model by \$\_\_\_\_\_?

**Municipal budget.** For municipal budgets, the new system created by LD 1 is also comprised of: (1) the spending limitation formula; (2) the process to exceed the spending limit if that is what the town meeting elects to do; and (3) a required, separate article to exceed the limit, if that is the intention of the town meeting.

**Municipal spending limits.** As described in both last week's and this week's edition of the *Bulletin*, the municipal spending limit system applies to year-to-year growth in the portion of the property tax commitment that pertains to the municipal budget, excluding school and county spending, TIF payments, and special district tax payments. The formula that defines each municipality's unique "growth limitation factor" has been described in both editions of the *Bulletin*, and will be more completely described in the March edition of the *Maine Townsman*.

**Procedures to exceed the limit.** Just as is the case with a school budget that exceeds the EPS model, any municipal budget that results in a property tax commitment (excluding school spending, the county assessment, TIF payments, etc.) that exceeds the spending limit must be finally approved by a summary article that in the words of LD 1 "specifically identifies the intent to exceed the property tax levy limit". Like the adoption of school budgets in parallel circumstances, the article must be taken up by the town-meeting voters through a written (or "paper") balloting process, rather than a voice vote or show of hands.

**Wording of the article.** As discussed above, the wording of the article to exceed the EPS-based spending limit in all *school budget* warrants is written out specifically in state law. There is no similar specific wording for the parallel warrant article for the municipal budget in LD 1.

Another difference between the school and municipal spending limit systems is that with respect to the municipal budget, LD 1 authorizes the town meeting to "exceed" its spending limit in certain "extraordinary circumstances" or to "increase" its spending limit for reasons other than any "extraordinary

circumstance". For the purpose of answering your question, we will discuss each approach separately, but it should be noted that the process for either "exceeding" or "increasing" the spending limit is the same (i.e., a written ballot vote). The only functional difference is that if the town meeting votes to "exceed" its limit because of an "extraordinary circumstance", that decision only increases the municipal spending limit for that budget year. The following year, when the town has to calculate its spending limit again, it will have to start from the base limit, without counting the appropriation related to the "extraordinary circumstance". On the other hand, if the town meeting elects to "increase" the limit without reference to an extraordinary circumstance, that increased limit becomes the new base for the next year, when the town has to calculate its new limit.

**Overriding the limit for an "extraordinary circumstance".** The "extraordinary circumstances" provided in LD 1 are: (1) catastrophic events such as natural disaster, terrorism, fire, war or riot; (2) unfunded or underfunded state or federal mandates; (3) citizens' initiatives or other referenda; (4) court orders or decrees; or (5) loss of state or federal funding. If the board of selectmen intends to ask the town meeting to override the spending limit for one or more of these "extraordinary circumstances", the following article should be placed as a summary article at the end of all the articles that raise and appropriate funds for any municipal purpose.

*Article Z. To see if the town will vote to [or "Shall the town...." for a referendum question] exceed the property tax levy limit established for (name of town) by State law, due to extraordinary circumstances outside the control of the municipal legislative body; namely, (here set forth the reason or reasons related to one or more of the five criteria set out in LD 1, for example: "...the catastrophic loss of the town hall due to fire (Article X)" or "...in order to construct a federally mandated storm water treatment system (Article Y)".*

**Increasing the spending limit without reference to an "extraordinary circumstance".** Because the town meeting

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(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).)

### **Agriculture, Conservation & Forestry**

LD 188 – An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas. (Sponsored by Rep. Saviello of Wilton; additional cosponsors.)

This bill would provide that certain rules regulating timber harvesting practices in shoreland areas in the unorganized territories of Maine will become operative when at least 50% of all the municipalities in Maine either: (1) repeal the timber harvesting standards in their local shoreland zoning ordinances, which has the effect of giving over enforcement jurisdiction to the Department of Conservation's Maine Forest Service (MFS); or (2) repeal and replace their tree harvesting standards in the shoreland area with standards identical to the state rules, which has the effect of creating joint municipal and MFS enforcement of those rules in the municipality.

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

LD 285 – An Act To Prohibit Convicted Sex Offenders from Establishing Residency In Certain Municipalities. (Sponsored by Rep. Vaughan of Durham; additional cosponsors.)

This bill would prohibit certain registered sex offenders from taking up residence in a municipality without a police department or other law enforcement agency capable of responding to a call within 5 minutes.

### **Labor**

LD 184 – An Act To Improve Prevailing Wage Standards in Maine. (Sponsored by Rep. Clark of Millinocket; additional cosponsors.)

This bill would establish that in publicly funded construction projects under the jurisdiction of the federal Davis-Bacon Act or other federal law, the minimum wages and benefits to be provided to the construction workers must be the higher of the federal or state rates.

### **Legal & Veterans Affairs**

LD 147 – Resolution, Proposing an Amendment to the Constitution of Maine To Revoke the Voting Privileges of Persons Convicted of Certain Crimes. (Sponsored by Sen. Courtney of York Cty., additional cosponsors.)

This resolution would send out to the voters a proposed constitutional amendment in November that would revoke the voting rights of any person convicted of murder or any Class A, B or C crime.

LD 270 – An Act To Prohibit Same-day Voter Registration. (Sponsored by Sen. Courtney of York Cty.; additional cosponsors.)

This bill would repeal Maine's "same-day" voter registration law and replace it with a requirement that new voters register no later

than the Friday preceding the election for which the person is registering to vote.

LD 323 – An Act To Limit the Time a Campaign Sign May Be Displayed. (Sponsored by Rep. Edgcomb of Caribou; additional cosponsors.)

This bill would prohibit the display of any campaign signs, posters or stickers intending to influence voter opinion on an issue in any local or state election more than 30 days prior to election.

### **Natural Resources**

LD 271 – An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills. (Sponsored by Sen. Cowger of Kennebec Cty.; additional cosponsors.)

Current law provides that the state and municipalities are authorized to recover costs related to cleaning up hazardous waste spills. This bill would extend that authority to county government.

### **State & Local Government**

LD 240 – An Act To Update Certain Provisions Pertaining to County Government. (Sponsored by Rep. Plummer of Windham; additional cosponsors.)

This bill would make housekeeping changes to the laws governing county government, such as defining "county official" to distinguish that term from "county officer", and removing outdated references to the Legislature's approval of county budgets.

### **Taxation**

LD 115 – An Act Enabling Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes. (Sponsored by Rep. Rector of Thomaston; additional cosponsors.)

This bill would authorize municipalities to establish by referendum vote a municipal land bank. Those municipalities establishing the land bank would be further authorized to impose, with voter approval by referendum vote, an assessment on real estate transfers occurring within the municipality that would effectively supplement the real estate transfer tax, the revenue from which would accrue to the municipality's land bank. The supplemental assessment on real estate transactions occurring within the municipality could not exceed 1.5% of the taxable base of the property subject to the local tax. The revenue that accrues to the municipal land bank could only be used for conserving land, maintaining or improving recreation and environmental education in the municipality, or protecting the physical, historical, social or economic character of the community.

LD 264 – An Act To Repeal the Property Tax Exemption for State and Municipal Property. (Sponsored by Sen. Perry of Penobscot County.)

This bill would repeal the property tax exemption that is provided to municipal and state property.

### **Transportation**

LD 131 – An Act To Delay the Fiscal Sustainability of the Highway Fund. (Sponsored by Rep. Marley of Portland; additional cosponsor.)

This bill would delay until 2007 the semi-automatic increase of the excise tax on motor fuels (the "gas tax"), which without the delay would go into effect this year.

LD 153 – An Act To Require Enforcement of the Low-emission Vehicle Program. (Sponsored by Sen. Cowger of Kennebec Cty., additional cosponsors.)

For the purposes of registering a motor vehicle, this bill would

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require proof that the registrant has satisfied the Secretary of State that the vehicle is California-emission certified. The bill provides how that proof may be established and lists six exemptions to the general rule, including “emergency vehicles”.

**LD 172 – An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds.** (Sponsored by Rep. Wheeler of Kittery by request; additional cosponsors.)

This bill would require the operators and passengers of motorcycles, motor-driven cycles and mopeds to wear helmets.

**LD 243 – An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights.** (Sponsored by Rep. Davis of Falmouth; additional cosponsor.)

This bill would permit municipal and volunteer firefighters and emergency services personnel to use any combination of two flashing red or white lights while en route to or at the scene of fires or other emergencies provided those personnel have completed a state-certified emergency vehicle operators training course.

**LD 360 – An Act To Create a Retired Firefighter License Plate.** (Sponsored by Rep. Jackson of Ft. Kent; additional cosponsors.)

This bill would direct the Secretary of State to issue a special registration license plate for retired firefighters, with part of the additional \$20 registration fee dedicated to a special fund for programs that offer fire prevention and fire safety training.

**LD 371 – An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties.** (Sponsored by Sen. Savage of Knox Cty., additional cosponsors.)

Under current law, 6% of the fines collected for traffic infractions must be deposited in the Law Enforcement Agency Reimbursement Fund, which is used to reimburse municipalities and counties at a flat rate of \$50 per day when a law enforcement officer attends court to assist in the prosecution of the motor vehicle infraction. Any balance in the fund at the end of the fiscal year is transferred to the state’s General Fund. This bill would require that the remaining balance in the fund be distributed among the municipalities that provide direct law enforcement services on a population-based formula, and to the counties on the basis of the populations of the municipalities that do not provide direct law enforcement services.

**LD 439 – An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Alternative Roadways.** (Sponsored by Rep. Craven of Lewiston; additional cosponsors.)

This bill would require that 1% of the Department of Transportation’s annual Highway Fund allocation must be spent on “alternative roadways”, which are defined as a paved or unpaved vehicle way upon which pedestrians may travel and human-powered vehicles may be operated.

**LD 498 – An Act To Amend the Laws Relating to Changeable Signs.** (Sponsored by Rep. Glynn of South Portland; additional cosponsors.)

This bill would amend the law that places certain restrictions on the use, location, and display activity of “changeable signs” located on local and state roadways. Specifically, this bill would authorize a municipality to adopt an ordinance governing changeable signs located within the municipality that is more or less stringent than the minimum standards established in current law, provided the municipality will administer and enforce the ordinance. The municipal ordinance may not control the standards that apply to changeable signs located on the interstate highway system.

**LD 510 – An Act Concerning Dismantling of Railroad Track.** (Sponsored by Speaker Richardson of Brunswick; additional cosponsors.)

Current law prohibits the state from dismantling any state-

owned railroad track until a review of the proposed dismantling is accomplished by regional economic planning and transportation advisory groups and express approval has been provided by the Legislature. This bill would establish the same requirements for any owner of abandoned railroad track, including county or municipal government.

**LD 529 – An Act To Allow Vehicles Owned by Sanitary or Sewer Districts To Use Municipal License Plates.** (Sponsored by Sen. Savage of Knox County.)

This bill would direct the Secretary of State to issue municipal license plates for any vehicle owned by a sanitary or sewer district.

### **Utilities & Energy**

**LD 276 – An Act To Provide Fair and Equitable Local Calling Service for the People of the State.** (Sponsored by Sen. Courtney of York Cty.; additional cosponsors.)

This bill would require the Public Utilities Commission to ensure that local telephone exchange carriers offer a flat-rate unlimited calling area option that includes calls made within contiguous exchanges and in abutting municipalities.

**LD 327 – An Act To Implement Energy Conservation Standards for Affordable Housing.** (Sponsored by Rep. Eder of Portland)

This bill would establish as the primary consideration in the determination of buildings eligible for affordable housing grants to be the sum of the building’s mortgage and energy costs.

**LD 407 – An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety.** (Sponsored by Sen. Hobbins of York Cty.; additional cosponsors for the Department of Public Safety)

This bill would move the Emergency Services Communication Bureau from within the Public Utilities Commission to within the Department of Public Safety.

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## **HEARINGS (cont'd)**

Government. (Sponsored by Rep. Plummer of Windham; additional cosponsors.)

*Thursday, February 10*

### **Appropriations & Financial Affairs**

**Room 228, State House, 1:00 p.m.**

**Tel: 287-1635**

**LD 468 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.**

With the Joint Standing Committee on Health & Human Services.

### **Transportation**

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

**Tel: 287-4148**

**LD 131 – An Act To Delay the Fiscal Sustainability of the Highway Fund.** (Sponsored by Rep. Marley of Portland; additional cosponsor.)

**LD 258 – An Act To Repeal Gasoline Tax Indexing.** (Sponsored by Rep. McKenney of Cumberland; additional cosponsors.)

Draft Highway Budget Bill (LD number not assigned as yet) – An Act Making Unified Appropriations and Allocations for the Expenditures of State government Highway Funds, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005.

# 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://janus.state.me.us/legis/session/>.*

## **Monday, February 7**

### **Agriculture, Conservation & Forestry**

**Room 206, Cross State Office Building, 1:00 p.m.**

**Tel: 287-1312**

LD 188 – An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas. (Sponsored by Rep. Saviello of Wilton; additional cosponsors.)

### **Appropriations & Financial Affairs**

**Room 228, State House, 9:00 a.m. (all day)**

**Tel: 287-1635**

LD 468 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

With the Joint Standing Committee on Health & Human Services.

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

**Room 436, State House, 10:00 a.m.**

**Tel: 287-1122**

LD 285 – An Act To Prohibit Convicted Sex Offenders from Establishing Residency In Certain Municipalities. (Sponsored by Rep. Vaughan of Durham; additional cosponsors.)

### **Legal & Veterans Affairs**

**Room 437, State House, 1:15 p.m.**

**Tel: 287-1310**

LD 147 – Resolution, Proposing an Amendment to the Constitution of Maine To Revoke the Voting Privileges of Persons Convicted of Certain Crimes. (Sponsored by Sen. Courtney of York Cty; additional cosponsors.)

LD 323 – An Act To Limit the Time a Campaign Sign May Be Displayed. (Sponsored by Rep. Edgecomb of Caribou; additional cosponsors.)

LD 270 – An Act To Prohibit Same-day Voter Registration. (Sponsored by Sen. Courtney of York Cty; additional cosponsors.)

## **Tuesday, February 8**

### **Appropriations & Financial Affairs**

**Room 228, State House, 1:00 p.m.**

**Tel: 287-1635**

LD 468 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

With the Joint Standing Committee on Health & Human Services.

### **Labor**

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

**Tel: 287-1333**

LD 184 – An Act To Improve Prevailing Wage Standards in Maine. (Sponsored by Rep. Clark of Millinocket; additional cosponsors.)

### **Natural Resources**

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

**Tel: 287-4149**

LD 271 – An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills. (Sponsored by Sen. Cowger of Kennebec Cty; additional cosponsors.)

### **Taxation**

**Room 127, State House, 1:00 p.m.**

**Tel: 287-1552**

LD 56 – Resolution, Proposing an Amendment to the Constitution of Maine To Facilitate the Repeal of the Taxation of Personal Property Valued at \$1,000 or More. (Sponsored by Rep. Barstow of Gorham; additional cosponsors.)

LD 264 – An Act To Repeal the Property Tax Exemption for State and Municipal Property. (Sponsored by Sen. Perry of Penobscot County.)

LD 320 – An Act To Limit Property Acquired by Municipalities due to Tax Delinquency. (Sponsored by Rep. McKane of Newcastle; additional cosponsors.)

LD 115 – An Act Enabling Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes. (Sponsored by Rep. Rector of Thomaston; additional cosponsors.)

### **Transportation**

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

**Tel: 287-4148**

LD 172 – An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds. (Sponsored by Rep. Wheeler of Kittery by request; additional cosponsors.)

LD 243 – An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights. (Sponsored by Rep. Davis of Falmouth; additional cosponsor.)

### **Utilities & Energy**

**Room 211, Cross State Office Building, 1:30 p.m.**

**Tel: 287-4143**

LD 276 – An Act To Provide Fair and Equitable Local Calling Service for the People of the State. (Sponsored by Sen. Courtney of York Cty; additional cosponsors.)

## **Wednesday, February 9**

### **Appropriations & Financial Affairs**

**Room 228, State House, 9:00 a.m. (all day)**

**Tel: 287-1635**

LD 468 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007.

With the Joint Standing Committee on Health & Human Services.

### **State & Local Government**

**Room 216, Cross State Office Building, 10:00 a.m.**

**Tel: 287-1330**

LD 240 – An Act To Update Certain Provisions Pertaining to County

*(continued on page 6)*

## **LD 1 CORNER (cont'd)**

process is active, interactive and unpredictable, a board of selectmen can never know with certainty whether the municipal budget being proposed will be increased or decreased by the town meeting, and therefore will not know in advance whether the town meeting will raise and appropriate sums in excess of the property tax levy limit. For that reason, MMA is recommending the following wording of the general “override” article. This article would be placed after all other articles that propose to raise and appropriate funds for any municipal purpose. Before the article is taken up by the town meeting, the selectmen or treasurer should provide an explanation to the town meeting regarding the impact of the town meeting’s actions on the municipality’s “property tax levy limit”. It certainly will not be possible at that time to define the exact amount of the final property tax commitment, and

therefore it will not be possible to identify the exact dollar amount that the town meeting appropriations might exceed the defined “property tax levy limit”. The property tax levy limit itself, however, should be a known number, and an approximation of the degree to which the final commitment will be over or under that “levy limit” could be provided.

Article X. To see if the town will vote to [or “Shall the town...” for a referendum question] exceed the property tax levy limit of \$\_\_\_\_\_ established for (name of town) by State law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that exceeds that property tax levy limit.

If the town meeting has made decisions in such a way that when this article is reached there is clearly no need to “override” the property tax levy limit, the town meeting moderator should be asked for the procedure to “pass over” or “indefinitely postpone” the article.

## **WATER LIEN (cont'd)**

has is that liens appear during title searches conducted before a property transaction. Almost all buyers/lenders insist that liens must be taken care of before they will buy or mortgage a property. In essence, the market compels payment of the lien. Manager Wilson testified that this system works well for her delinquent property tax bills and sanitary district bills which always get paid at closings. Her water bills, however, were ignored and she would have to write them off. LD 244 closes that loophole.

The Committee conducted its work session and the bill received a unanimous ought to pass vote.