

Legislative BULLETIN

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Second Session Begins Hope Springs Eternal

The second regular session of the 121st Maine Legislature officially began on Wednesday this week. The Maine press dutifully reported on the opening session with the same stories and the same start-of-session catch phrases that were used last year and the year before that and ten years ago and probably ten years before that.

“Lawmakers face daunting challenges.” “Hard work ahead for state solons.” “Budget shortfalls clash with increased need for services.” “Education funding, property tax relief and budget shortfalls challenge Maine lawmakers.”

Municipal leaders have been wondering if the Legislature truly recognizes the structural issues associated with state financial support for public education, property tax relief and tax reform that are in desperate need of direct attention.

The time for questioning the Legislature’s true intentions or questioning its capacities are just about over. The next three months will tell the tale. At the end of this three-month session the Legislature’s detailed and specific strategy to address all three inextricably interrelated issues – school funding, property tax relief and tax reform – will either be fully articulated in the form of new law or laying in broken pieces on the ground. Three months, and all will be known.

Meanwhile, quite a gaggle of legislators - 44% of all 186 Representatives and Senators – are taking their lead on this issue with LD 1824, *An Act To Provide Property Tax Relief to*

Maine Homeowners. Sponsored by House Speaker Pat Colwell (Gardiner), LD 1824 would repeal both the “Homestead” property tax exemption (which exempts the first \$7,000 of a “homestead’s” assessed value) and the Maine Residents Property Tax Program (often referred to as the “Circuit Breaker” program), and replaces both with a combined “Homestead Property Tax Relief Program” which would be designed as follows:

1. All Maine homesteaders, as currently defined, would be eligible for a property tax rebate in the form of a check in the mail that must expressly include a statement that it is “Property tax relief provided by the Maine State Legislature”. The check-from-Augusta would be calculated as the municipality’s full-value mill rate multiplied by the first \$14,000 of the homestead’s equalized assessed value. This would replace the existing \$7,000 up-front homestead exemption.

2. Municipalities would be

granted the “local option”, if adopted by local referendum, of providing what appears to be clearly unconstitutional property tax breaks to Maine resident property owners who have lived in their homes for 20 years or more and whose income impairs their ability to pay their taxes. The authority would allow freezing the property tax rate for eligible homeowners or limiting the actual tax increases to the rate of inflation. Further authority would be provided to allow the municipality to capture the value of the aggregate tax break through an undescribed lien process that would be perfected upon the sale or transfer of that resident’s property.

3. Maine resident property owners and renters meeting certain income standards would be also eligible for an additional rebate structured on the same general eligibility standards of the current “Circuit Breaker” program, with some amendments to those standards.

4. For calendar year 2004, applications for benefits under this combined rebate program would have to be filed by June 1, 2004. In subsequent years, applications must be filed between January 1 and April 15th. There

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Looking for E-Subscribers

In an effort to reduce the cost of providing the *Legislative Bulletin* to municipal officials, MMA wants to remind hard-copy *Bulletin* readers that we would be delighted to send them an *E-Bulletin* instead. Relying on the *E-Bulletin* rather than hard copy saves the Association money and you receive the *Bulletin* at least a day or two earlier. The choice is entirely up to you, but if you currently receive a hard copy via the mail and would prefer an electronic copy, please let us know. The electronic copy is e-mailed early Friday afternoon.

We are also interested in knowing about people who may have signed up for the electronic version in the past but it was not e-mailed to them, or those who signed up to be removed from the hard copy distribution but are still receiving a mailed copy. Let Laura Veilleux know if any of these situations apply. Laura can be reached at 1-800-452-8786 or by e-mail at lveilleux@memun.org.

Licensing Building Contractors

One of the first issues to be taken up by the Business, Research and Economic Development Committee this legislative session will be the carryover bill LD 1551, *An Act to License Home Building and Improvement Contractors*. A public work session is scheduled for Tuesday, January 13, 2004, two days prior to the next meeting of MMA's Legislative Policy Committee.

Since LD 1551 was a "carryover" fill from last session, the Attorney General's Office (the prime mover of the legislation) has held a series of stakeholder meetings that included representatives of the construction trades, insurance companies, code enforcement officers and MMA, among others.

As municipal officials may recall, the intent of the original bill was to regulate residential construction due to the relatively high number of consumer complaints about home contractors the AG's Office has been receiving. The basic thrust of the bill was to require home contractors to be licensed as are plumbers and electricians.

The primary concern from a municipal perspective was the bill's preemption of existing building codes in towns that currently have codes and the imposition of a statewide building code in all communities, including those that currently do not have a code. A potential benefit was the bill's provision that the state would be respon-

sible for enforcement of the code.

Due to the high costs of enforcement, the bill's promise of state enforcement was removed during the stakeholder process. The bill provides only that in cases of consumer complaint to the state licensing board, a state inspection may possibly occur. Consequently, MMA asked for the code mandate to be removed on the premise that the "adoption" of a state code without a coherent enforcement plan would create the same kind of *effective* unfunded state mandate that was created when the Legislature adopted the chimney building code twenty years ago with no plan (and zero state resources) to enforce it.

Further, as a public policy matter the level of government that wants authority to impose regulation should accept the responsibility for enforcement. It only makes sense that towns that have codes will need the ability to choose, modify and amend those codes based upon actual enforcement experience and local needs.

The stakeholder group was divided on this issue. The strongest proponents for retaining the state code provision were the home builders. While they offered many reasons for wanting a uniform state code, they made it clear that a uniform code must be part of the bill if the licensing provision were to have any chance of support from the construction community. Accordingly, the bill was trapped between municipal and contractor concerns.

The amended bill is an attempt at compromise. There will be no preemption of local codes or mandate of a code statewide. There will be a model building code based upon the International Code Council's residential building code ("IRC"). The bill has a very limited preemption of local control in that towns that currently have no code will only be permitted to adopt the state model code in the future. This limitation is less restrictive when you consider that the national code that Maine's municipalities have historically relied

upon, BOCA, has merged into the ICC and no longer offers a separate code.

Thus, any municipality that does not have a code now really has little choice but to adopt the IRC. The bill's limitation will essentially restrict "homegrown" codes. Nevertheless, municipalities will still have the ability to amend the IRC in order to accommodate local needs or delete provisions of the model state code that the town chooses not to enforce.

The bill proposes to make licensing of home contractors in Maine contingent upon a critical mass of Maine's "code towns" adopting the state model code. There are approximately 80 towns with adopted comprehensive building codes, approximately 10 have already adopted the IRC or are in the process. The Maine Building Officials Association supports adoption of the IRC and expects many more "code towns" to adopt the IRC soon.

Once that critical mass (defined as 75% of the population of code towns and 2/3 of code towns) is met licensing will become effective. Since there is a couple years of work to be done on both the licensing front (creation of a state board, establishment of a test, and adoption of a state code) it is expected that the number of towns that have adopted the IRC will increase between now and when the state is actually ready to implement home contractor licensing.

SESSION (cont'd)

would be no requirement that the recipients of the benefits show proof that the property taxes were paid before receiving the benefit, nor would there be any requirement that the rebate benefit be actually used to pay the property tax.

5. The annual fiscal note to pay for the increased "homestead" rebate program, increased Circuit Breaker benefits and increased state bureaucracy (to individually calculate, process and mail out well over 300,000 homestead checks every year) will easily exceed \$50 million, making proper state funding of Maine's public schools a complete impossibility.

But hope springs eternal.

Legislative Bulletin

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

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

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

(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.)

Agriculture, Conservation & Forestry

LD 1742 – An Act To Amend the Laws Regarding Humane Agents and Dog Licenses. (Sponsored by Rep. Smith of Monmouth.)

This bill would make several changes to the laws regarding animal welfare. Of interest to municipalities, the bill would reduce the amount of money the municipality's dedicated Animal Welfare Fund would receive from \$3 to \$1 for each dog or wolf hybrid capable of producing young that is licensed through the new state Internet licensing project.

Appropriations & Financial Affairs

LD 1776 – An Act To Authorize a General Fund Bond Issue in the Amount of \$150,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and To Access \$50,000,000 in Matching Contributions from Public and Private Sources. (Sponsored by Rep. Richardson of Brunswick; additional cosponsors.)

This bill would send out to the voters a proposed bond issue in the amount of \$150 million to finance the acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation purposes.

Business, Research & Economic Development

LD 1692 – An Act To Enhance Pine Tree Development Zones. (Sponsored by Sen. Hall of Lincoln County; additional cosponsors.)

This bill would make two changes to the law governing Pine Tree Development Zones: (1) a business certified as a qualified Pine Tree Development Zone business would be further exempt from the stranded cost portion of that business's utility bill in addition to the other tax breaks that it would receive; and (2) the existing requirement that a municipality's legislative body expressly ratify or approve a proposed change to a Pine Tree Development Zone "development plan" would be repealed.

LD 1801 – An Act To Control Adult Entertainment Establishments. (Sponsored by Rep. Paradis of Frenchville; additional cosponsors.)

This bill is a "concept draft" that would prohibit the operation of adult entertainment establishments within a specified radius of churches, schools, public parks, and recreational zones. The concept draft would also require state licensing of all adult entertainment establishment owners, managers and employees.

LD 1818 – An Act To Amend the Economic Development Laws. (Sponsored by Sen. Bromley of Cumberland County; additional cosponsors.)

This bill would make a number of changes and updates to the law governing programs overseen by the Department of Economic and Community Development. These include changing the name of

the community industrial building program under the Maine Rural Development Authority (MRDA), clarifying the MRDA conflict-of-interest language and modifying the financial commitment required by the MRDA of a municipality.

Criminal Justice & Public Safety

LD 1683 – An Act Creating the Central Maine Regional Public Safety Communication Center. (Sponsored by Sen. Daggett of Kennebec County; additional cosponsors.)

This bill would create the Central Maine Regional Public Safety Communications Center as a regional agency established to provide emergency communications services to state, county and municipal public safety agencies in central Maine. The entities and municipalities allowed to participate in the center are the Maine State Police, the Kennebec County Sheriff's Office, and the municipalities of Augusta, Gardiner, Oakland, Waterville and Winslow.

LD 1729 – An Act To Strengthen the Sex Offender Registration and Notification Act of 1999. (Sponsored by Sen. Stanley of Penobscot County; additional cosponsors)

This bill would expand the number of identified "residences" or "domiciles" that might be applied to a registered sex offender for law enforcement and community notification purposes. Current law presumes the offender has just a single residence or domicile. This bill creates the potential for the identification of multiple domiciles for a single offender.

LD 1762 – An Act To Amend the Maine Emergency Medical Services Act of 1982. (Sponsored by Rep. Bull of Freeport; additional cosponsors.)

This bill would provide a series of amendments to the Maine Emergency Medical Services Act of 1982. Among those amendments the bill would extend the deadline for the completion of the ambulance vehicle operators course requirements from January 1, 2005 to January 1, 2007.

LD 1788 – An Act To Waive Fees for Background Checks for Certain Emergency Medical Services Personnel. (Sponsored by Rep. Clough of Scarborough; additional cosponsors)

This bill would require the Department of Public Safety to waive the fee for providing background checks for municipal employees and volunteers who are applying for licensure as emergency services personnel.

LD 1789 – An Act To Revise the Minimum Firefighter Safety Standards. (Sponsored by Rep. Duplessis of Westbrook; additional cosponsors)

This bill would update firefighter safety standards to meet the National Fire Protection Association standards for protective equipment. Elements within this mandate include: (1) the replacement of all protective equipment that pre-dates 1987; (2) the provision of hearing protection equipment; (3) the provision of personal alert safety system devices for firefighters wearing a safety breathing apparatus.

LD 1803 – An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents. (Sponsored by Rep. Bowles of Sanford; additional cosponsors.)

This bill would remove a certain amount of test-type discretion provided to law enforcement officers in current law by requiring the administration of a blood test (rather than by breath or urine analysis) to the driver of a motor vehicle in a fatal or likely-fatal accident.

LD 1821 – An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service. (Sponsored

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HOPPER (cont'd)

by Rep. Duplessie of Westbrook; additional cosponsors.)

Current law allows a court to assess a monetary restitution penalty of \$2,000 against a person who engages in out-of-door burning without a permit or in violation of permit conditions when that action results in the municipality incurring related fire suppression costs. This bill would increase the potential monetary restitution penalty to \$25,000.

Education & Cultural Affairs

LD 1679 – An Act To Reimburse School Districts for Children in Group Care Facilities. (Sponsored by Sen. Hall of Lincoln County; additional cosponsors.)

This bill would require that the state provide 100% of the actual special education costs related to the placement of state agency clients and state wards in residential placements within and outside the jurisdiction of the school administrative unit.

LD 1716 – Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001. (Emergency) (Sponsored by Sen. Brennan of Cumberland County; additional cosponsors.)

This resolve would prohibit the Department of Education from using state funds to implement the policies of the federal No Child Left Behind Act of 2001 and would further require the Department to investigate the costs and benefits of not participating in the federal No Child Left Behind Act of 2001.

Inland Fisheries & Wildlife

LD 1675 – An Act To Reestablish the Great Ponds Act. (Emergency) (Sponsored by Rep. Dunlap of Old Town; additional cosponsors.)

This bill would reestablish a process that was in place for several years before it was sunsetted whereby a municipality, according to certain procedures, can make a recommendation to the Commissioner of Inland Fisheries & Wildlife regarding the restrictions of the use of certain watercraft (e.g., personal watercraft or motors that exceed specified horsepower levels) on great ponds within the jurisdiction of that municipality. According to the procedures established in the bill, those recommendations are then annually consolidated by the Commissioner and presented to the Legislature for adoption.

LD 1708 – An Act Regarding the Operation of All-terrain Vehicles on Private Roads. (Sponsored by Sen. Gagnon of Kennebec County; additional cosponsors.)

This bill would govern a landowner's rights to prohibit or restrict the operation of ATVs on private roads. Specifically the bill would authorize a landowner to require that any operator of an ATV on that landowner's private road be a licensed driver and obey all applicable rules of the road that other motor vehicles on that private road must obey. The bill would also authorize the landowner to place restrictions on the number of ATVs that may travel together in a group and the distance that those groups of ATVs must maintain between one another. The bill would further require any landowner that prohibits the operation of ATVs on that landowner's private road to also prohibit the operation of similar vehicles on that same road.

LD 1743 – An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws. (Sponsored by Rep. Dunlap of Old Town; additional cosponsors.)

This bill purports to make several technical corrections to Maine's fish and wildlife laws. Of interest to municipalities the bill would "clarify" that the lake and river protection sticker must be issued annually to all boat owners in order for the sticker to be considered valid.

Insurance & Financial Services

LD 1665 – An Act To Require Owners and Operators of

Snowmobiles and All-terrain Vehicles To Carry Liability Insurance. (Sponsored by Rep. Collins of Wells; additional cosponsors)

This bill would require that after June 30, 2005 anyone registering a snowmobile or an ATV would be required to show proof of liability insurance coverage to the registration agent. The bill establishes the minimum standards for liability coverage.

Judiciary

LD 1727 – An Act To Amend the "Freedom of Access Laws" To Exclude Public Employees' Home Addresses. (Sponsored by Sen. Strimling of Cumberland County.)

This bill would exempt from the definition of public records that are subject to the Freedom of Access laws the home addresses of employees of the state or any political subdivision.

Labor

LD 1722 – An Act To Clarify the Prevailing Wage Law. (Sponsored by Sen. Edmonds of Cumberland County; additional cosponsors.)

This bill purports to clarify that in publicly funded construction projects under the jurisdiction of the Davis-Bacon or other federal act, the required minimum wages and benefits would be the higher of the federal and state rates.

LD 1760 – An Act To Amend the Random Drug Testing Laws. (Sponsored by Rep. Saviello of Wilton; additional cosponsors.)

This bill would make a number of significant changes to the laws regarding random drug testing of employees. Among those changes, the bill would require that any employer with 50 or more employees who elects to establish a process of random or arbitrary substance abuse testing must apply that testing procedure to virtually all of the employer's employees and not merely to any classification of employees. The bill would further establish how the employer must form a committee in order to govern the random substance abuse testing procedures and that the policy ultimately created by the committee must be approved by the Department of Labor and that changes to that policy can only be made by the employee committee and then only after the approval by the Department of Labor.

LD 1810 – An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System. (Sponsored by Rep. Richardson of Brunswick; additional cosponsors.)

This bill would amend the law governing optional membership for participating local districts in the Maine State Retirement System to parallel changes enacted for state employees in 2003.

Legal & Veterans Affairs

LD 1639 – An Act To Make Polling Places More Convenient. (Sponsored by Rep. Percy of Phippsburg; additional cosponsors.)

The ultimate purpose of this bill is unclear, but it would allow municipalities to designate the local polling places that are used for federal, state and county elections to be the polling places used for the election of the municipal officers when the election of municipal officers is occurring at the same time as a federal, state or county election.

LD 1710 – An Act To Allow Towns To Consolidate for the Purpose of Establishing a Voting Place. (Sponsored by Sen. Stanley of Penobscot County; additional cosponsors.)

This bill would allow any number of towns with populations of 4,000 or less to consolidate for the purposes of establishing one voting place for all the voters within the jurisdiction of all of the consolidated towns.

LD 1752 – An Act To Update Laws Affecting the Military. (Sponsored by Rep. Clark of Millinocket;

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HOPPER (cont'd)

additional cosponsor.)

This bill would make a number of changes regarding the laws affecting the military. Among those changes this bill would amend the law regarding the tax exempt status of property used for military purposes by creating a blanket exemption for all real estate personal property owned or leased by the “military bureau”.

LD 1755 – An Act To Amend the Election Laws. (Sponsored by Rep. Clark of Millinocket; additional cosponsors.)

This bill would make a number of changes to election laws, including: (1) decreasing from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list; (2) clarifying the information on an application that must be filled out by a voter who is registering in person before the municipal registrar; (3) allowing the election officials to open the packages of official ballots one hour before the polls open instead of the one-half hour that is currently specified; and (4) clarifying that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter’s name on the voting list to indicate that a voter has voted.

LD 1759 – An Act To Ensure the Accurate Counting of Votes. (Sponsored by Rep. Pingree of North Haven; additional cosponsors.)

This bill would govern the reliability and function of voting machines. Specifically, the first part of the bill would expressly allow random recounts to be conducted by the Secretary of State’s Office for the purposes of manually inspecting the paper ballots that have been counted by a voting machine and taking certain actions if the manual recount deviates by a certain measure from the machine count. The second part of the bill would require that any voting machine, whether mechanical or computerized in design, that does not automatically produce or utilize a paper ballot must produce a paper ballot for the purposes of separately recording the actual vote taken. Finally, the bill would prohibit any network of machines in an individual voting place from being Internet enabled.

Natural Resources

LD 1663 – An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes. (Sponsored by Rep. Lerman of Augusta; additional cosponsors.)

This bill would direct the State Planning Office to provide updated information, training and technical support to interested municipalities regarding the rehabilitation sub-code of the state of New Jersey’s uniform construction code. The purpose of the bill is to support the revitalization and rehabilitation of city downtown areas.

LD 1668 – An Act To Amend the Laws Governing Growth Management. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors.)

This bill would further manage the system of giving preference to certain municipalities with respect to the award of state infrastructure or investment grants. Current law provides that first preference be given to a municipality that has received a certificate of consistency from the State Planning Office for its growth management program and second preference to a municipality that has adopted a consistent comprehensive plan but may not have yet implemented a full blown growth management program or received a certificate of consistency from the State Planning Office. This bill would retain the first preference with redundant language but establish that municipalities receiving the second order of preference must also have adopted a growth management program, effectively establishing the same standard for both the first and the second order of preference.

LD 1723 – An Act To Establish a Monitoring Program of Maine Lakes Identified as Having Invasive Aquatic

Species. (Sponsored by Sen. Martin of Aroostook County; additional cosponsors.)

This bill would require the Department of Environmental Protection (DEP) and the Department of Inland Fisheries & Wildlife (IF&W) to establish a program to monitor and inspect watercraft at public access points on lakes that have been identified by the state as having invasive aquatic plants. The two departments would be jointly required to set times when these public access sites would be open for public use and inspection and further require that these access sites be secured during closed periods to prevent access. The times of open public access at those identified sites would be based on use patterns, times of the year and budgetary constraints.

LD 1806 – An Act To Provide for the Safe Disposal of Household Hazardous Waste. (Sponsored by Rep. Curley of Scarborough; additional cosponsors.)

This bill would require the municipal officials in each county to work together to designate an existing transfer station or recycling center in each county to accept household hazardous waste.

State & Local Government

LD 1671 – An Act To Authorize the Deorganization of the Town of Atkinson. (Sponsored by Rep. Annis of Dover-Foxcroft; additional cosponsor.)

This bill would authorize the deorganization of the Town of Atkinson in Piscataquis County if the majority of voters in the town approve of that deorganization procedure and if the deorganization is ultimately approved by Atkinson voters at the next statewide election to be held in November.

LD 1780 – An Act To Promote Transparency in Budgeting. (Sponsored by Rep. Colwell of Gardiner; additional cosponsors.)

This bill would require every municipality to submit a copy of its annual budget to the State Planning Office which, in turn, would be required to package the budget document into an Internet accessible format and publish those budgets on the Internet. This bill is entitled “An Act To Promote Transparency in Budgeting”.

Taxation

LD 1674 – An Act To Expand Property Tax Exemptions to Cooperative Housing. (Sponsored by Rep. Lessard of Topsham; additional cosponsors.)

This bill would extend the property tax exemption for veterans and certain family members of veterans so that the exemption would apply if the veteran or the veteran’s family members were living in a cooperative housing entity.

LD 1735 – An Act To Repeal the Taxation of Personal Property Valued at \$1,000 or More. (Sponsored by Rep. Barstow of Gorham; additional cosponsors.)

This bill would expand the personal property tax exemption that currently applies to “individually owned” personalty. Under current law all individually owned personal property with a value of less than \$1,000 is exempt. Under the terms of this bill all individually owned personal property would be exempt.

LD 1746 – An Act To Provide Equity in Veterans’ Property Tax Exemptions. (Sponsored by Rep. Thompson of China; additional cosponsors.)

Under current law the veterans’ property tax exemption is available to the veterans’ widow or the mother of a deceased veteran. This bill would expand that form of the veterans’ exemption to the veterans’ unremarried widower and to the parent of a deceased veteran who is 62 years of age or older and is an unremarried widow or widower.

LD 1794 – An Act To Expand Maine’s Homestead Exemption for the Blind. (Sponsored by Rep. Richardson of Brunswick; additional cosponsors.)

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HOPPER (cont'd)

This bill would expand the eligibility for the property tax exemption of the blind to property held in revocable living trust for the benefit of (and occupied by) residents of Maine who are legally blind.

LD 1804 – An Act To Clarify Property Eligible for Reimbursement of Property Taxes under the Business Equipment Tax Reimbursement Program. (Sponsored by Rep. Bowles of Sanford; additional cosponsors.)

This bill would exclude gambling machines from eligibility for the Business Equipment Tax Reimbursement Program (BETR).

LD 1824 – An Act To Provide Property Tax Relief to Maine Homeowners. (Emergency) (Sponsored by Rep. Colwell of Gardiner; additional cosponsors.)

For details see lead article on page 1

Transportation

LD 1647 – An Act To Authorize a General Fund Bond Issue in the Amount of \$3,000,000 To Build a Warehouse To Stimulate and Support Maine's Manufacturing, Transportation and Harbor Industries. (Sponsored by Rep. Usher of Westbrook; additional cosponsors.)

This bill would send out to the voters for approval a \$3 million bond issue for the purpose of constructing a warehouse facility at Merrill's Marine Terminal in Portland to "stimulate and support Maine's manufacturing, transportation and harbor industries."

LD 1676 – An Act To Allow Communications Towers on Land of the Maine Turnpike Authority. (Sponsored by Sen. Hatch of Somerset County.)

This bill would allow the Maine Turnpike Authority to construct radio communication facilities and equipment, such as radio towers, on the Authority's property even if that communication facility is not for the exclusive use of the Authority, which is a limitation of current law.

LD 1680 – An Act To Establish Harbor Master Standards and Course Requirements. (Sponsored by Sen. Turner of Cumberland County; additional cosponsors.)

This bill would require the municipal officers to conduct a background check prior to the appointment of any person as a Harbor Master. The bill would further require that all Harbor Masters complete a basic Harbor Master course offered by the Maine Harbor Masters Association and subsequently complete an advanced Harbor Master course as soon as such an advanced course is made available.

LD 1694 – An Act To Amend the Motor Vehicle Laws. (Sponsored by Sen. Hatch of Somerset County; additional cosponsors.)

This bill would make a number of changes to motor vehicle laws. Of interest to municipalities it would: (1) amend the law governing the enforcement of disability parking restrictions to allow all law enforcement officers to enforce those restrictions; (2) create a traffic infraction that prohibits a person from parking in a parking space that is clearly marked for use by a physically disabled person only if a person has not been issued a disability registration plate or placard or is not transporting a person who has been issued a disability registration plate or placard; (3) clarify the recently enacted law allowing certain non-police vehicles to use auxiliary blue lights in certain circumstances by expressly requiring those lights to be displayed on the rear of the emergency medical services vehicle, fire department vehicle or hazardous material response vehicle so that it is visible to rear approaching traffic only and expressly prohibit blue lights to be used on privately owned vehicles; and (4) change the requirements regarding school bus inspections so that each bus must be inspected twice a year at an inspection station during certain months established by the state police and once (instead of twice) per year by a state police officer.

LD 1700 – An Act to Amend the Motor Vehicle Laws. (Sponsored by Sen. Hatch of Somerset County; additional cosponsor.)

This bill would make a number of changes to motor vehicle laws. Of interest to municipalities the bill would amend the special rule that applies to the motor vehicle excise tax that is paid on trucks, truck tractors and special mobile equipment which is greater than 26,000 pounds. Under current law the excise tax on that equipment is based not on the makers list price but, instead, on the actual sales price. When that law was enacted a special reimbursement system was established to cover municipalities for the lost revenue associated with changing the base of that excise tax system. This bill would limit that special excise tax system to trucks, truck tractors and special mobile equipment that are less than 6 years old as determined by the model year. Similarly the reimbursement system would be restricted to just those trucks, truck tractors and special mobile equipment that are less than 6 years old as determined by the model year. Presumably the excise tax base for those trucks, truck tractors and special mobile equipment that is greater than 6 years old would revert to the maker's list price.

LD 1799 – An Act to Ensure Access to Real Property by Owners. (Sponsored by Rep. Jackson of Fort Kent; additional cosponsors.)

This bill would require railroad corporations to provide and maintain private road crossings on land bisected by a railroad. The bill would also repeal and replace existing law authorizing the municipal officers to act as agents for a railroad corporation in collecting maintenance and insurance charges from those property owners using that crossing.

Utilities & Energy

LD 1659 – An Act To Streamline the Time-share Rate Collection Process for Sanitary Districts. (Sponsored by Rep. Collins of Wells; additional cosponsors.)

This bill would allow sanitary districts to utilize the same methods of collecting their charges against time-share estates as municipalities are allowed to use with respect to the real estate taxes. Specifically, the bill would allow a sanitary district to consolidate its charges against all the separate time-share estates and assess them against the managing entity.

LD 1750 – An Act To Improve the Ability of Water Utilities To Maintain a Contingency Allowance. (Sponsored by Rep. Bliss of South Portland; additional cosponsors.)

This bill would remove some existing restraints that govern a consumer-owned water district's contingency reserve allowance and replace those constraints with a trigger system whereby the utility could be ordered by the Public Utilities Commission (PUC) to reduce its rates when its unappropriated retained earnings exceed 30% of its gross annual revenues.

HEARINGS (cont'd)

Friday, January 16

Appropriations & Financial Affairs

Room 228, State House, 9:00 a.m.

Tel: 287-1316

Supplemental Budget Bill (LD number not assigned as yet) – 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, 2004 and June 30, 2005. (with Natural Resources)

10:00 a.m. (with Marine Resources)

11:00 a.m. (with Business, Research & Economic Development)

1:00 p.m. (with Education & Cultural Affairs)

3:45 p.m. (with Judiciary)

4:15 p.m. (with Taxation)

LEGISLATIVE HEARINGS

Monday, January 12

Education & Cultural Affairs

Room 214, Cross State Office Building, 10:00 a.m.

Tel: 287-1692

LD 1768 – An Act To Authorize Certain School Children To Carry Asthma Inhalers on Their Persons. (Sponsored by Rep. Barstow of Gorham; additional cosponsors.)

Tuesday, January 13

Appropriations & Financial Affairs

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

Tel: 287-1316

Supplemental Budget Bill (LD number not assigned as yet) – 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, 2004 and June 30, 2005. (with Insurance & Financial Services)

1:30 p.m. (with Labor)

2:00 p.m. (with Agriculture, Conservation & Forestry)

2:30 p.m. (with Criminal Justice & Public Safety)

3:00 p.m. (with Legal & Veterans Affairs)

4:00 p.m. (with Transportation)

4:30 p.m. (with State & Local Government)

5:00 p.m. (with Inland Fisheries & Wildlife)

Inland Fisheries & Wildlife

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

Tel: 287-1338

LD 1743 – An Act To Make Technical Corrections to Maine’s Fish and Wildlife Laws. (Sponsored by Rep. Dunlap of Old Town; additional cosponsors.)

Legal & Veterans Affairs

Room 436, State House, 1:30 p.m.

Tel: 287-1310

LD 1710 – An Act To Allow Towns To Consolidate for the Purpose of Establishing a Voting Place. (Sponsored by Sen. Stanley of Penobscot County; additional cosponsors.)

LD 1755 – An Act To Amend the Election Laws. (Sponsored by Rep. Clark of Millinocket; additional cosponsors.)

LD 1759 – An Act To Ensure the Accurate Counting of Votes. (Sponsored by Rep. Pingree of North Haven; additional cosponsors.)

Natural Resources

Room 437, State House, 2:30 p.m.

Tel: 287-4149

LD 1806 – An Act To Provide for the Safe Disposal of Household Hazardous Waste. (Sponsored by Rep. Curley of Scarborough; additional cosponsors.)

LD 1668 – An Act To Amend the Laws Governing Growth Management. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors.)

Wednesday, January 14

Agriculture, Conservation & Forestry

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

Tel: 287-1312

LD 1644 – Resolve, To Clarify State Ownership of Land in the Town of Naples. (Sponsored by Rep. Bruno of Raymond)

Appropriations & Financial Affairs

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

Tel: 287-1316

Supplemental Budget Bill (LD number not assigned as yet) – 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, 2004 and June 30, 2005. (with Health & Human Services)

Criminal Justice & Public Safety

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

Tel: 287-1122

LD 1789 – An Act To Revise the Minimum Firefighter Safety Standards. (Sponsored by Rep. Duplessis of Westbrook; additional cosponsors)

Judiciary

Room 438, State House, 1:00 p.m.

Tel: 287-1327

LD 1727 – An Act To Amend the “Freedom of Access Laws” To Exclude Public Employees’ Home Addresses. (Sponsored by Sen. Strimling of Cumberland County.)

State & Local Government

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

Tel: 287-1330

LD 1779 – An Act Concerning the Boundary Line of the Town of Unity. (Sponsored by Rep. Piotti of Unity; additional cosponsors.)

LD 1653 – An Act To Authorize the Town of Verona To Change Its Name. (Sponsored by Sen. Youngblood of Penobscot County; additional cosponsors.)

LD 1671 – An Act To Authorize the Deorganization of the Town of Atkinson. (Sponsored by Rep. Annis of Dover-Foxcroft; additional cosponsor.)

Thursday, January 15

Appropriations & Financial Affairs

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

Tel: 287-1316

Supplemental Budget Bill (LD number not assigned as yet) – 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, 2004 and June 30, 2005. (with Labor)

1:15 p.m. (with Education & Cultural Affairs)

1:30 p.m. (with Health & Human Services)

Legal & Veterans Affairs

Room 436, State House, 1:30 p.m.

Tel: 287-1310

LD 1752 – An Act To Update Laws Affecting the Military. (Sponsored by Rep. Clark of Millinocket; additional cosponsor.)

Transportation

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

Tel: 287-4148

LD 1680 – An Act To Establish Harbor Master Standards and Course Requirements. (Sponsored by Sen. Turner of Cumberland County; additional cosponsors.)

LD 1799 – An Act to Ensure Access to Real Property by Owners. (Sponsored by Rep. Jackson of Fort Kent; additional cosponsors.)

(continued on page 6)

Boiler Board Proposes New Unfunded Mandate

For reasons that no one can explain or justify, normal low-pressure heating boilers in “school houses” and municipal buildings, but no other place of public accommodation, are regulated by the Board of Boilers and Pressure Vessels. The same heating boilers in restaurants, movie theaters, private auditoriums, nursing homes, shopping malls, professional offices or any other place where the public congregates are not regulated by the Boiler Board. Just the boilers in school and town houses.

The Boiler Board is now proposing a new set of rules to assert its jurisdiction in this area. With regard to the heating boilers in municipal buildings and schools, the proposed rules require that “the owner must ensure that any

person operating a heating boiler in a school or building owned by a municipality must, at a minimum, be licensed by the Board as a low pressure boiler operator.” Since towns are likely to have multiple heating boilers – most of them nothing bigger than the heating boiler in your own home – this new Boiler Board mandate means that some municipal employee working in the town office, library, fire station or local school will now need to become “licensed boiler operators”.

The Boiler Board’s proposed rules also mandate that for the bigger heating boilers (with outputs of 200,000 – 1,000,000 BTU/hour), that licensed operator must physically attend the boiler at least once every 24 hours. For

the household-size heating boilers (with outputs less than 200,000 BTU/hr) the Board’s proposed rules will require the licensed operator to physically lay his or her hands on the boiler at least once a week.

The public hearing on the Board’s proposed rules is scheduled for Thursday, February 5 at 9:00 a.m. at the Office of the Department of Professional and Financial Regulation in Gardiner. Municipal and school officials interested in obtaining a copy of the proposed rules should contact MMA’s Laura Veilleux at 1-800-452-8786 or lveilleux@memun.org.