

# Legislative BULLETIN

A PUBLICATION OF MAINE MUNICIPAL ASSOCIATION

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February 21, 2003

## Taxation Committee Proceeds Cautiously

The legislative session began in earnest a couple of weeks ago, and the Taxation Committee held a work session this week to formulate its recommendation to the full Legislature on a number of bills that could have a significant impact on municipal government. As will be noted, the Committee is not reaching hard-and-fast decisions on any matter of controversy. Most decisions still lie on the table, and municipal officials are urged to contact their legislators about the bills that are described below wherever it is indicated that the bill is still “on the table”. Here’s a run-down of that legislation.

LD 251, *An Act Concerning Tax Acquired Property*. Representative Kevin Glynn (South Portland) is the sponsor of this bill and introduced it to the Taxation Committee on Friday, February 14. This bill has had its public hearing and work session but is still “on the table”.

LD 251 would essentially transform municipalities into financial institutions by requiring a municipality that sells tax acquired property to return all proceeds of the sale to the former owner, except for the value of all taxes, interest and direct costs. The ultimate financial down-side to not paying your property taxes would be...paying your property taxes. This bill would also create a taxpayer entitlement to a payment plan based on ability to pay in order either avert or repair a tax-lien foreclosure. No foreclosure could occur if the payment plan was being honored in “good faith”, and

any bottom-line financial penalty for property tax non-payment would be extinguished.

In his testimony to the Committee, Rep. Glynn described municipal officials as “ruthless” with respect to the foreclosure process, going so far as to suggest that municipal leaders actually manipulate elderly taxpayers so that the town can foreclose on their property and enjoy the “profits” of foreclosure. He described it as a process akin to theft.

Joining Rep. Glynn in support for the bill was the Director of Legal Services for the Elderly and the Director of Pine Tree Legal Assistance. Among other claims, Legal Services for the Elderly made the tangential argument that the tax lien foreclosure erases subordinate Medicaid liens which the state applies against the property of some

elderly people to cover medical costs, and the state’s right to the elderly person’s estate should be superior to the municipality’s.

MMA opposed the bill, stating that the sponsor’s representation of the municipal approach to foreclosure was completely inaccurate. MMA asked the legislators on the Taxation panel to get a reality-check by connecting with their own municipal officials. A core principle of property taxation has been that if you don’t pay your taxes, ultimately, the property reverts to the public...that’s the penalty just as going to jail is the penalty for not paying your income taxes. As is the case with any tax, there are property owners who need to be persuaded by the force of law to contribute in a timely manner to the public charge. With respect to those that are truly unable to pay their taxes, municipal officials have been entrusted throughout the history of property taxation to use the authority of foreclosure firmly, judiciously, and wisely...which they do. Municipal officials are urged

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## Committee Votes To Repeal Mandate

Last Friday the State and Local Government Committee voted unanimously to support LD 66. This bill repeals the archaic municipal mandate requiring the municipal officers to periodically perambulate municipal boundaries even when the boundaries are not in dispute (see article in the February 14<sup>th</sup> issue of the *Bulletin*).

The State and Local Government Committee will have a second opportunity to repeal other costly mandates when it holds its public hearing and subsequent work sessions on LD 419, *An Act to Repeal Outdated and Unfunded Municipal and Education Mandates*. The bill, sponsored by Rep. Sawin Millett (Waterford), is a “concept draft” proposing to repeal outdated and unfunded state mandates that pertain to municipalities or school systems. The public hearing on LD 419 is scheduled for February 25<sup>th</sup> at 1 p.m. in room 216 in the Burton Cross State Office building.

## TAXATION (cont'd)

to contact their legislators and describe the reality of the foreclosure process and how it conflicts with Rep. Glynn's description of ruthless municipal officials exploiting the weak and vulnerable to enrich the public treasury.

LD 259, *An Act to Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property*. Sponsored by Sen. Lynn Bromley (Cumberland Cty.), this bill was also given its public hearing on February 14 and presented to the Committee by Rep. Janet McLaughlin (Cape Elizabeth). This bill is still "on the table".

LD 259 represents an attempt to shift the burden of enforcing the property tax "proration" agreements that are negotiated between the buyer and seller of real estate from the level of private contract to the municipal tax collection process. Specifically, the bill mandates municipalities to change their records regarding the "assessed owner of record" whenever they are notified that there is a sale, exempts the seller of the real estate from any property tax obligation "incurred after the day of sale", and effectively (although obviously unintentionally) prevents the collection of taxes from either buyer or seller.

The apparent intention of LD 259, however it might be written, is to push the property tax obligation after the point of sale from the seller to the buyer, either as a matter of law or practice. LD 259 is supported by the realtor's lobby.

The efficient collection of taxes

requires there to be just a single "owner of record" for any particular tax year, which is the person who owns the property when the "inchoate" lien attaches to the property on April 1<sup>st</sup>. The administrative tasks, double mailings, retroactive noticing, and other activities that would be mandated by LD 259 are very significant. There are hundreds of thousands of real estate transactions every year, and virtually all of them would trigger additional administrative activities by municipal assessors and tax collectors under LD 259. That some municipalities provide some duplicative notice in some transfer circumstances suggests to some legislators that a full-scale mandated requirement whenever a transfer occurs should not be a problem. Not true.

As the bill has been partially "worked" by the Committee, it is being boiled down to a simple unfunded mandate that would double or triple-up municipal tax bill and lien notice mailings whenever the municipality receives transfer tax documents describing a real estate transaction. If legislators are really dedicated to keeping a lid on municipal administrative mandates, they would keep the privately negotiated proration agreements privately enforced, instead of pushing those duties into the public sector.

LD 261, *An Act to Require Disclosure Statements Regarding Proration of Property Taxes When Real Estate is Sold*. Another approach to the problem of enforcing the property tax proration agreements between buyer and seller is found in LD 261. Sponsored by Sen. Richard Kneeland (Aroostook County), LD 261 is designed to beef-up the quality of the proration agreement that is executed at real estate closings. Actual proration agreements vary and some agreements do nothing more than describe the percentage share of the year's property taxes that will be paid by the seller and the buyer. LD 261 proposes to beef-up those agreements to make clear the specific procedural and financial obligations of each party, so no one could subsequently claim a misunderstanding of their obligation.

**Work session action:** The Committee appeared to be at several differ-

ent places on this bill and on LD 259. Rep. Ed Suslovic (Portland) is supporting an amended version of LD 259 that would mandate doubling-up the tax billing and lien notice mailings. Rep. Josh Tardy (Newport), articulated an opposing view with the observation that lawmakers should not "offer a legislative band-aid for every possible legal snafu people can get into when involved in a real estate transaction... (The enforcement of proration agreements) is not a problem that needs a legislative solution." The Committee voted to table both LD 259 and LD 261.

LD 204, *An Act to Require That the Excise Tax on Vehicles be Based on the Purchase Price*. Another proposal sponsored by Rep. Kevin Glynn (South Portland) is a perennial piece of legislation that would change the motor vehicle excise tax process so that the tax would be assessed against the "purchase price" rather than the "maker's list", otherwise known as the Manufacturer's Suggested Retail Price" (MSRP).

LD 204 is a response to a frustration that some purchasers of new cars apparently experience because they buy the car for less than the "list price" but pay the excise tax based on the full MSRP.

Lewiston's Tax Collector Paul LeBrecque explained the public policy down-side of LD 204. It creates an automatic excise tax inequity, because the tax on identical vehicles would be different depending on whatever particular deal was struck between the buyer and the car salesman. It obliterates the successful "Monroney label" system that finally makes the excise tax assessment process efficient, accountable, and uniform. And, obviously, municipal excise tax revenues would be depleted if LD 204 is enacted, increasing the pressure on property taxes to reconstruct and maintain approximately 14,000 miles of local roads in Maine.

**Work session action:** After some discussion of including the issue of motor vehicle excise tax rates in the larger effort of comprehensive tax reform, the motion on LD 204 was "ought

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### Legislative Bulletin

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

# Instant Run-off Voting

On Tuesday of this week the Legal and Veterans Affairs Committee held a public hearing on LD 212, *An Act to Establish Instant Run-off Voting*. As proposed by the sponsor, Rep. Tom Bull (Freeport), voters would be required to rank by descending preference their choices for the candidates in a presidential, congressional and state election where there are several candidates running for the same office. In those cases, the voter would rank the favorite candidate with the number one, the second choice as number two, and so on for each candidate on the ballot. If after all the votes were counted none of the candidates had received more than 50% of the votes, an instant run-off election would be conducted using the same ballots. The candidate receiving the fewest votes would be eliminated from the race. The second choice candidates for those who had voted for the eliminated candidate would be counted as first choice candidates. The elimination process would continue until one of the remaining candidates had obtained a majority of the votes.

Proponents of the bill, which included the Center for Voting and Democracy, Maine Citizen Leadership Fund, and several interested citizens from South Bristol, supported the proposal because it would guarantee that a majority rather than a plurality of voters would elect the winning candidates in federal and state elections. The winning candidate would not merely have the most votes, but would have been “elected” by over 50% of the voting population. What proponents are trying to remedy is the “spoiler” effect third party candidates (e.g., Green, Libertarian, Reform, etc.) have on elections. Spoilers are candidates who have a small chance of winning an election, but who take enough votes from another candidate to prevent that candidate from winning the election. As an example of the spoiler effect, proponents of the bill cited the impact Green party candidate Ralph Nader had on the 2000 presidential election. They

believe that if the instant run-off voting mechanism had been used, the Nader votes would have been “converted” into Gore votes and the final outcome of the presidential election would have been different.

MMA testified in opposition to LD 212 because it would require municipal election officials to administer a complex and costly election process. Municipal officials believe that the proposed process is easier said than done. As clear as the existing “choose one” system is, voters still get confused, make mistakes and some ballots have to be invalidated. The proposed voting process would be much more difficult to explain. In addition to all the usual election day responsibilities, clerks, wardens and other election officials would spend a significant amount of time explaining the new process to voters, not to mention the increased effort necessary to evaluate an election’s outcome.

In addition to expanding the burden on election personnel, municipal officials believe converting to the instant run-off model for conducting elections would directly increase municipal equipment costs. Those municipalities with electronic ballot counting machines would be required to spend funds to get the machines reprogrammed. According to the clerks that use the electronic ballot machines, the smallest changes to the machine program can cost hundreds of dollars. If LD 212 is enacted, these communities could spend thousands of dollars to have the voting machines reprogrammed to allow for a preference voting and counting system.

A representative from the Secretary of State’s office testified “neither for nor against” LD 212. While Deputy Secretary of State Julie Flynn argued that the decision to change the voting system is the responsibility of Legislature, she did register some concerns with the Committee. Flynn believes that while the proposed concept sounds simple, it will be difficult to administer

because 79% of communities still hand count paper ballots. In order for the process to work, she believes that each polling place would need to be equipped with electronic voting machines. Estimates show that providing the voting machines statewide would cost over \$9 million. In addition, she doubts that many of the races could be determined at the municipal level since most of Maine’s state Senate and House districts cross municipal boundaries. She believes the state would incur additional costs for developing a method allowing municipalities to electronically transmit election results to the Secretary for tabulation. Flynn concluded her testimony by recommending extensive study of the instant run-off voting method before its adoption in Maine.

The Committee has scheduled a work session on LD 212 for February 25<sup>th</sup> at 1:00 p.m.

## *Scheduling Elections*

On Thursday, the Legal and Veteran Affairs Committee held a public hearing on LD 282, *An Act to Prohibit Municipal Elections within 60 Days of a Statewide Election*.

Rep. Walter Ash (Belfast) sponsored LD 282 because of a school district problem that occurred in Belfast. Last October, just a few weeks before the November election, administrators from SAD 34 scheduled a public referendum vote on a new school building. Although the school’s administrators were asked to wait for the November election, they insisted the vote could not wait. Some of the area residents felt that the school administrators were rushing the vote through a special election, which traditionally has low voter turnouts, in order to gain approval for the controversial issue. The special election was held and the SAD received the necessary approval to move forward on the project. On behalf of the frustrated residents in his area, Rep. Ash submitted the bill to address the strategic use and abuse of special elections by school districts.

Unfortunately, as written, LD 282

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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).)

### Appropriations & Financial Affairs

LD 698 – An Act To Increase the Amount Transferred through State-municipal Revenue Sharing. (Sponsored by Rep. Cressey of Baldwin; additional cosponsors)

This bill would increase the percentage of sales and income tax revenue dedicated to municipal revenue sharing from 5.1% to 6% beginning on January 1, 2004.

LD 740 – An Act to Authorize a General Fund Bond Issue in the Amount of \$8,200,000 for Use in Implementing the Maine Library of Geographic Information. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

This bill would send out to the voters a proposed \$8.2 million bond issue to further establish the Maine Library of Geographical Information, including grants to municipalities and regional planning councils.

### Business, Research & Economic Development

LD 682 – An Act To Expand the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector. (Sponsored by Rep. O'Neil of Saco)

This bill would expand the membership of the Plumbers' Examining Board to include a local plumbing inspector.

LD 688 – An Act To Provide Incentives for Municipalities To Adopt a Building Rehabilitation Code. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors)

This bill would give preference for any economic development grants administered by the Department of Economic and Community development to a municipality that has adopted an international building rehabilitation code.

LD 853 – An Act To Promote Livable, Affordable Neighborhoods. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

This bill would create the "State Affordable Neighborhood Development Review Board" that would be organized in the Maine State Housing Authority (MSHA) and responsible for "pre-certifying" residential development proposals which provide, at a minimum, that 25% of the residential housing units are affordable. With respect to all municipalities located in labor market areas that MSHA determines have affordable housing shortages, the bill effectively mandates the local appeal of the pre-certified development proposals in areas of the community with water and sewer, and the municipality's minimum lot size and road frontage standards would be overturned by state law and replaced with special state-established maximum lot sizes of 5,000 square feet and state-established maximum road frontages of 50 feet. In addition, municipalities would be prohibited from establishing multi-family housing densities for pre-certified developments that are more restrictive (less dense) than 7 units per acre.

### Education & Cultural Affairs

LD 850 – An Act To Establish a New School Funding Formula. (Sponsored by Rep. McKenney of Cumberland; additional cosponsors)

This bill would repeal all existing law regarding the distribution of General Purpose Aid to Education. The bill recreates a distribution that appears to be based solely on pupil count.

### Legal & Veterans Affairs

LD 757 – An Act To Provide Voting Rights to Nonresident Taxpayers. (Sponsored by Rep. Sherman of Hodgdon)

This bill would allow non-residents to vote on all municipal budget issues provided the non-resident owns and pays property taxes on real property in the municipality.

### Natural Resources

LD 670 – An Act Regarding the Disposal of Sludge. (Sponsored by Sen. Hall of Lincoln County; additional cosponsors)

This bill would expressly authorize municipalities to enact ordinances governing the land spreading of sludge, septage or composted sludge utilizing standards that are more stringent than those established by Maine law or rule.

LD 817 – An Act To Amend the Laws Governing Sand and Salt Sheds. (Sponsored by Rep. McKenney of Cumberland; additional cosponsors)

This bill would establish that priority #3, #4 and #5 sand and salt storage facilities that have not been completed by October 15, 2003 would not have to be constructed.

### State & Local Government

LD 683 – An Act To Require the State To Assume All Costs for Corrections Currently Paid by Local Taxpayers. (Sponsored by Rep. Blanchette of Bangor; additional cosponsors)

This bill is a "concept draft" that proposes to require the state to cover all costs for corrections that are currently borne by the counties.

LD 700 – Resolve, To Create the Task Force To Study County Government Efficiency. (Emergency) (Sponsored by Rep. Barstow of Gorham; additional cosponsors)

This emergency bill would establish a 14-member Task Force charged with examining several issues associated with county-government efficiency, including the roles and responsibilities of county government in Maine and other states, ways that state and municipal government can take better advantage of county government, the geographic boundaries of the counties and how county government is financed. The Task Force membership includes 4 legislators, 4 members of the Greater Portland Council of Governments, 4 members of the Maine Municipal Association and 2 members of the general public.

LD 719 – An Act To Protect and Encourage Firearms Shooting Ranges Throughout the State. (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

This bill would prohibit municipalities from enforcing noise ordinances or noise limit standards in any way that would limit or eliminate shooting activities at sport shooting ranges.

LD 745 – An Act To Allow Municipalities To Assess a Surcharge on New Construction That Is Not in a Designated Growth Area. (Sponsored by Rep. Lemoine of Old Orchard

(continued on page 5)

Beach)

This bill would authorize the legislative body of a municipality to impose a surcharge or new construction located outside its designated growth area.

LD 801 – Resolution, Proposing an Amendment to the Constitution of Maine To Require a Vote of 2/3 of Each House of the Legislature To Enact or Increase a Tax. (Sponsored by Sen. Blais of Kennebec County; additional cosponsors)

This resolution would send out to the voters a proposed constitutional amendment that would require a two-thirds vote of both the House and the Senate in order to enact a new tax or license fee, or repeal a tax exemption.

### **Taxation**

LD 725 – An Act To Authorize Towns and Cities To Give Property Tax Relief to Volunteer Firefighters and Emergency Medical Services Providers. (Sponsored by Rep. Blanchette of Bangor; additional cosponsors)

This bill would authorize municipalities to reimburse volunteer firefighters and emergency medical services personnel for a portion of those volunteers' property taxes.

LD 761 – An Act To Create an Agricultural Property Tax Reimbursement Program. (Sponsored by Rep. Mills of Cornville)

As a variant on the Business Equipment Tax Reimbursement Program (BETR), this bill would create an entitlement for commercial dairy farmers to be reimbursed for 50% of the property taxes actually paid on the real estate (land, buildings and fixtures) owned by the commercial dairy farm that is used for the production of milk.

LD 773 – An Act To Expand the Revenue-generating Authority of Municipalities. (Sponsored by Rep. Lemoine of Old Orchard Beach)

This bill is a "concept draft" that proposes to grant general authority to local governments to expand their power of taxation beyond the property tax to include, without limitation, taxes on sales, amusement and wages.

LD 781 – An Act To Repeal the Reimbursement of Personal Property Tax on Business Machines and Equipment. (Sponsored by Rep. Goodwin of Pembroke)

This bill would repeal the Business Equipment Tax Reimbursement Program (BETR).

LD 783 – An Act To Make the Business Equipment Tax Reimbursement Program a Local Option. (Sponsored by Rep. Lemoine of Old Orchard Beach)

This bill would repeal the Business Equipment Tax Reimbursement Program (BETR) as administered by the state and replace it with a "local option" BETR program that could be adopted by the voters of any municipality at referendum. Under the local plan, the municipality would be returning to the business some or all of the property taxes the business pays on qualifying property. The "qualifying business property" under the local program would have essentially the same definition as the qualifying business property under the current BETR program, but the municipal voters could approve a local plan that would reimburse businesses for their property taxes at a rate less than 100%, or could be targeted to just certain businesses or just businesses located in specific areas of the municipality.

LD 784 – Resolution, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Establish a Different Property Tax Rate for Secondary Residential Property for Purposes of Education Funding and To Protect State Funding of Education. (Sponsored by Rep. McGowan of Pittsfield; additional cosponsors)

This resolution makes the constitutional changes that are part of the overall tax reform package that has been developed by

Representative Barney McGowan. The statutory elements of that package have yet to be printed. This resolution would send out to the voters a proposed constitutional amendment that would authorize the Legislature to: (1) establish different property tax rates for "secondary residential property" for the purposes of funding K-12 education than would be established for all other classes of property; (2) create an Education Funding Stabilization Fund of the same design as Maine's current Rainy Day Fund, except that a two-thirds vote in both the House and Senate would be necessary before the Legislature could access the Education Funding Stabilization Fund; and (3) dedicate to the costs of K-12 education all additional revenues that accrue to the state by virtue of a decision of the voters to reform Maine's tax structure on November 4, 2003.

LD 855 – An Act To Establish Minimum Standards of Eligibility for the Property Tax Exemption for Benevolent and Charitable Institutions. (Sponsored by Rep. Cressey of Baldwin)

Based on provisions in Pennsylvania law, this bill would create a number of substantive eligibility standards that a "benevolent and charitable" organization would have to meet in order to be eligible for the property tax exemptions as a "charitable" organization.

LD 858 – An Act To Establish a Municipal Affordable Housing Development District Tax Increment Financing Program. (Sponsored by Rep. Mills of Cornville; additional cosponsors)

This bill would establish a separate sub-chapter of Tax Increment Financing law to create a municipal authority to subsidize affordable housing development through the TIF mechanism.

### **Transportation**

LD 820 – An Act To Amend the Motor Vehicle Laws Pertaining to Mufflers. (Sponsored by Rep. McKenney of Cumberland; additional cosponsors)

This bill would prohibit municipalities, county government or quasi-municipal entities from endorsing campaigns for the passage or defeat of a referendum or political candidate or making contributions to a referendum campaign or political candidate.

LD 832 – An Act Clarifying State Financial Responsibility over State and State Aid Highways. (Sponsored by Rep. Crosthwaite of Ellsworth; additional cosponsors)

This bill would specify that 100% of the costs of constructing or repairing state or state aid highways is the responsibility of the Department of Transportation, thus eliminating the 10% local match that is required of certain urban municipalities.

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## **SCHEDULING (cont'd)**

preempts a municipality's home rule authority to hold a special municipal election, but does not to address the school district's authority to hold an election whenever the district wants to. If the bill were enacted as is, the situation that occurred in Belfast could still occur.

MMA provided testimony in opposition to the printed bill. Municipal officials believe that they must maintain the right to hold elections when necessary. It is not the responsibility of the state to determine when it is and is not prudent for municipalities to hold local elections. Municipal officials believe that the proposed prohibition on municipal elections is not warranted.

A work session for LD 282 is scheduled for March 6<sup>th</sup> at 1:00 p.m.

# 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/lio/>.*

## **Monday, February 24**

### **Appropriations & Financial Affairs**

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

**Tel: 287-1635**

Budget Bill – 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, 2004 and June 30, 2005. (Note: no legislative document number has been assigned as yet)

With the Joint Standing Committee on Marine Resources

**10:00 a.m.**

With the Joint Standing Committee on Taxation

### **Education & Cultural Affairs**

**Room 214, Cross State Office Building, 9:30 a.m.**

**Tel: 287-3125**

LD 442 – Resolve, Directing the President of Each University Campus to Meet With Local Municipal Officers To Negotiate Reasonable and Appropriate Financial Support for Municipal Services Provided. (Sponsored by Sen. Kneeland of Aroostook County; additional cosponsors)

LD 527 – An Act To Improve the Method of Reapportionment of School Boards. (Sponsored by Rep. Nutting of Oakland; additional cosponsors)

LD 541 – An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments. (Sponsored by Sen. Mitchell of Penobscot County; additional cosponsors)

### **Insurance & Financial Services**

**Room 427, State House, 9:30 a.m.**

**Tel: 287-1314**

LD 435 – An Act To Restrict the Cancellation of Health Insurance Coverage During an Enrollee's Period of Incarceration. (Sponsored by Sen. Kneeland of Aroostook County; additional cosponsors)

## **Tuesday, February 25**

### **Appropriations & Financial Affairs**

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

**Tel: 287-1635**

Budget Bill – 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, 2004 and June 30, 2005. (Note: no legislative document number has been assigned as yet)

With the Joint Standing Committee on Health and Human Services

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

**Room 208, Cross State Office Building, 1:00 p.m.**

**Tel: 287-1331**

LD 453 – An Act To Promote the Development of Affordable Housing. (Sponsored by Rep. Sullivan of Biddeford; additional cosponsors)

LD 472 – Resolve, To Establish the Task Force To Study Regulatory Barriers to Affordable Housing. (Emergency) (Sponsored by Rep. Sullivan of Biddeford; additional cosponsors)

LD 512 – An Act To Promote Economic Development in Rural Maine. (Sponsored by Rep. Cressey of Baldwin; additional cosponsors)

### **Labor**

**Room 220, Cross State Office Building, 1:30 p.m.**

**Tel: 287-1333**

LD 411 – An Act To Provide Employees Fair Access to Personnel Files. (Sponsored by Rep. Hatch of Skowhegan; additional cosponsors)

### **Natural Resources**

**Room 437, State House, 2:00 p.m.**

**Tel: 287-4149**

LD 522 – An Act To Expand the Duties of the Community Preservation Advisory Committee. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

LD 395 – An Act to Clarify the Use of Municipal Rate-of-growth Ordinances. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

LD 531 – An Act To Clarify the Use of Municipal Rate of Growth Ordinances. (Sponsored by Rep. Suslovic of Portland)

LD 517 – An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals. (Sponsored by Rep. Daigle of Arundel; additional cosponsors)

### **State & Local Government**

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

**Tel: 287-1330**

LD 419 – An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates. (Sponsored by Rep. Millett of Waterford; additional cosponsors)

### **Taxation**

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

**Tel: 287-1552**

LD 314 – Resolve, To Study the Property Valuation Process. (Sponsored by Rep. Bull of Freeport; additional cosponsors)

LD 521 – An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process. (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

LD 559 – An Act To Increase the Value of a Parsonage That is Exempt from the Property Tax. (Sponsored by Rep. Hutton of Bowdoinham; additional cosponsors)

### **Transportation**

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

**Tel: 287-4148**

LD 464 – An Act To Allow Fire and Emergency Medical Services Response Vehicles To Display One Blue Light at the Rear of the Vehicle. (Sponsored by Rep. Bull of Freeport; additional cosponsors)

LD 493 – An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical

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Services Personnel. (Sponsored by Rep. Glynn of South Portland)  
LD 506 – An Act To Permit Municipalities To Erect Pedestrian Crossing Stop Signs in the Middle of the Road. (Sponsored by Rep. Cressey of Baldwin)

**Wednesday, February 26**

**Appropriations & Financial Affairs  
Room 228, State House, 1:00 p.m.**

**Tel: 287-1635**

Budget Bill – 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, 2004 and June 30, 2005. (Note: no legislative document number has been assigned as yet)

With the Joint Standing Committee on Health and Human Services

**Thursday, February 27**

**Appropriations & Financial Affairs  
Room 228, State House, 9:00 a.m.**

**Tel: 287-1635**

Budget Bill – 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, 2004 and June 30, 2005. (Note: no legislative document number has been assigned as yet)

With the Joint Standing Committee on Health and Human Services

**Friday, February 28**

**Appropriations & Financial Affairs  
Room 228, State House, 9:00 a.m. & 1:00 p.m.**

**Tel: 287-1635**

Budget Bill – 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, 2004 and June 30, 2005. (Note: no legislative document number has been assigned as yet)

With the Joint Standing Committee on Health and Human Services

**Monday, March 3**

**Agriculture, Conservation & Forestry  
Room 206, Cross State Office Building, 9:00 a.m.**

**Tel: 287-1312**

LD 297 – An Act to Provide for Proper Identification of Stray Cats by Animal Shelters. (Sponsored by Rep. McKee of Wayne; additional cosponsors)

LD 360 – An Act To Strengthen the Animal Control Laws. (Sponsored by Rep. Hutton of Bowdoinham; additional cosponsors)

LD 431 – An Act To Increase Educational Certification for Humane Agents and Animal Control Officers. (Sponsored by Sen. LaFountain of York County; additional cosponsors)

LD 702 – An Act To Amend the Animal Welfare Laws. (Sponsored by Rep. McKee of Wayne; additional cosponsors)

**Appropriations & Financial Affairs  
Room 228, State House, 9:00 a.m. & 1:00 p.m.**

**Tel: 287-1635**

Budget Bill – 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, 2004 and June 30, 2005. (Note: no legislative document number has been assigned as yet)

With the Joint Standing Committee on Education and Cultural Affairs

**Criminal Justice & Public Safety  
Rm. 211, Cross State Office Building, 10:00 a.m.  
Tel: 287-1122**

LD 529 – An Act To Clearly Define the State Fire Marshall's Powers. (Sponsored by Rep. Cressey of Baldwin)

LD 469 – An Act To Clarify Arrest Powers of Law Enforcement Officers. (Sponsored by Rep. Gerzofsky of Brunswick; additional cosponsors)

**State & Local Government  
Room 216, Cross State Office Building, 9:15 a.m.  
Tel: 287-1330**

LD 568 – Resolve, To Study the Impact of a Statewide System for the Electronic Filing of Deeds. (Sponsored by Rep. McLaughlin of Cape Elizabeth; additional cosponsors)

LD 719 – An Act To Protect and Encourage Firearms Shooting Ranges Throughout the State. (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

LD 742 – An Act To Establish a System of Self-governance for Unorganized Areas. (Sponsored by Rep. Joy of Crystal; additional cosponsors)

**1:00 p.m.**

LD 631 – An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations. (Sponsored by Rep. McLaughlin; additional cosponsors)

LD 683 – An Act To Require the State To Assume All Costs for Corrections Currently Paid by Local Taxpayers. (Sponsored by Rep. Blanchette of Bangor; additional cosponsors)

LD 700 – Resolve, To Create the Task Force To Study County Government Efficiency. (Emergency) (Sponsored by Rep. Barstow of Gorham; additional cosponsors)

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## **TAXATION (cont'd)**

not to pass” and the bill was tabled.

LD 109, *An Act to Exempt from Tax State-mandated Fish Passage Facilities*. The impetus to create new property tax exemptions is still alive, according to the age-old dynamic that holds that every tax exemption that is on the books deserves at least one companion.

LD 109 would exempt from both property and sales taxation fish passage facilities or fish ladder systems (and the materials of their construction) that need to be constructed on hydroelectric dams. Sponsored by Rep. Josh Tardy (Newport), the bill is being promoted by the Florida Power and Light Company on the argument that the fish passage facilities are mandated by state and federal law and do not add to the Company's profitability or income stream. The argument holds that the proposed exemption is analogous to the “pollution equipment control” exemption that is provided to certain pollution abatement components of industrial manufacturing facilities.

MMA testified in opposition to LD 109 as part of the

*(continued on page 8)*

## TAXATION (cont'd)

Association's common refrain not to incrementally tinker with a tax code in obvious need of comprehensive reform, a need that has been created in no small part by the proliferation of property tax exemptions that incrementally eat away at the breadth and integrity of the property tax base. At work session, the Committee tabled LD 109 without comment.

LD 184, *An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans*, sponsored by Rep. Arlan Jodrey (Bethel). LD 184 would have limited the right of municipal assessors to do nothing more than "view" the forest management plans of the landowners enrolled in the Tree Growth tax program...a limitation that presumably would prohibit an assessor from actually having and holding that otherwise confidential

management plan.

In addition to Rep. Jodrey, several current and former members of the Agriculture, Conservation and Forestry (ACF) Committee testified in support of the bill, explaining that a municipal right to "view" the plan represented the intention of the ACF Committee when it fashioned the bill last year that created the municipal right to access the forest management plans in order to more effectively control the practice of cut-and-run "liquidation harvesting".

MMA testified in opposition to the bill because its plain reading would have limited the ability of municipal assessors to a tool they reasonably need in certain circumstances to do their job; that is, the right to hold onto and refer to a key eligibility document.

As is often the case, it turns out that the proponents and opponents were not far apart, except the wording of the printed bill was getting in the way. With a little finessing of the bill's

wording by the Maine Forest Service folks, an agreement was quickly reached which better clarifies existing law and the bill's intent. As amended, the bill would affirm and describe the municipal assessor's right to "review" (rather than just "view") the forest management plan, and further explains that "review" means to view or possess the management plan for a reasonable amount of time to verify that a plan exists or to facilitate an evaluation that the plan is appropriate or being followed, at which point the plan is to be returned to the landowner.

The underlying intention of LD 184 is to clarify that the liquidation harvesting bill enacted last session was not intended to authorize assessors to engage in a blanket demand of the forest management plans from all Tree Growth land owners just for the sake of collecting and holding those plans.

As amended, LD 184 received a unanimous OTP report.