

Legislative BULLETIN

A PUBLICATION OF MAINE MUNICIPAL ASSOCIATION

Vol. XXV No. 9

March 7, 2003

Legislature Mulls Preemption Issues

The theme of the week is the “preemption” of municipal authority. Legislative *preemption* of municipal home rule authority is in some sense the inverse of a state *mandate*. A state mandate is law that requires a municipality to do something in a certain way, a state preemption is a law that prohibits a municipality from performing certain functions or exercising certain authorities that the municipality would otherwise be authorized to undertake. Several bills this week involving the preemption of municipal authority were presented to or worked on by legislative committees, and what follows is a review of some of them.

Shooting Ranges. On Monday of this week the State and Local Government Committee held a public hearing on LD 719, *An Act to Protect and Encourage Firearms Shooting Ranges Throughout the State*.

Sponsored by Rep. Matt Dunlap (Orono) on behalf of the Sportsmens Alliance of Maine (SAM), LD 719 would create a blanket preemption of a municipality’s right to apply the town’s noise standards to shooting ranges.

Proponents believe that the protection offered in LD 719 is necessary because of the perceived political incorrectness of the activities associated with firearms use. Proponents are concerned that residents or anti-firearm groups will use noise ordinances as a mechanism for forcing the shooting range industry out of business in Maine. Supporters stressed the importance of the shooting ranges on Maine’s economy as well as its role for educating and training sportsmen and law

enforcement officials.

Current law grandfathers shooting ranges that are already established from being forced out by local regulations, perhaps as a result of development encroaching on the shooting range. LD 719 would prevent municipal regulation from considering the incompatible impacts of new shooting ranges in a neighborhood.

MMA provided testimony in opposition to LD 719 because it preempts the future actions of the local legislative body to enact reasonable land use standards. As with any local regulation, the noise standard has to have a rational basis, be reasonably established and equitably applied to protect public health, safety and welfare of residents. Municipalities believe that if shooting ranges are made exempt from the noise standards, other land uses regulated by municipal noise or-

dinances (e.g., salvage yards, wood processing facilities, machine shops, rock crushers, metal shredders, etc.) will also seek a similar exemption. Furthermore, as testimony to the Committee revealed, a shooting range’s compliance with zoning or site plan standards can work very effectively to protect the continued operation of the shooting range, despite the concerns some neighbors or interest groups may have. The function of this type of regulation is to create land use compatibility through the application of rational, stable and predictable rules. Municipal officials strongly believe that the preemption in LD 719 is unwarranted and unfair to communities and the municipal responsibility to facilitate the different types of land use activities that have to figure out a way to

(continued on page 2)

Stormwater and PW Garages

The new EPA Stormwater Phase II requirements for Public Works Garages have been put on hold until further notice. EPA is currently evaluating these facilities to determine if they are a significant contributor of pollutants to waters of the United States. This means that municipalities do not need to file a Notice of Intent (“NOI”) and/or develop a Stormwater Pollution Prevention Plan (“SWPPP”) for these facilities pursuant to the federal Multisector General Permit unless and until EPA makes such a designation.

Before making this designation, EPA would consult with Maine and provide public notice and an opportunity to comment on the designation. The DEP has posted additional information on its web site <http://www.state.me.us/dep/blwq/docstand/stormwater/multisector.htm>

You may e-mail or call David Ladd, Stormwater Phase II Coordinator, of DEP if you have additional questions. David’s e-mail is david.ladd@maine.gov or phone 287-5404.

PREEMPT (cont'd)

coexist.

A work session on LD 719 is scheduled for March 14th.

“High rate, high fee” mortgages.

The Legislature’s Insurance and Financial Services Committee took up a bill this week that, surprisingly, contained a sweeping and retroactive preemption of municipal authority. This preemption is being pushed by the banking lobby so cities in Maine won’t even think about mimicking some of the nation’s biggest cities by trying to regulate certain lending practices that can occur, particularly with respect to the financing of housing in low-income neighborhoods.

LD 494, *An Act To Enhance Consumer Protections in Relation to Certain Mortgages*, makes a number of changes to a section of Maine’s consumer credit law with respect to “high rate, high fee” mortgages. The bill establishes a number of protocols and standards that financial lenders would have to meet in order to provide these types of apparently high-risk mortgage instruments. The standards are for the purpose of protecting the person borrowing the money from being financially exploited.

After laying out the standards, out-of-the-blue, LD 494 launches into a sweeping municipal preemption. As originally written, the preemption could have been interpreted to prohibit municipalities from even inquiring about the financial capacity of any contractor or vendor they do business with. At MMA’s complaint, the preemption was tightened up a little, to

focus on local regulations that might affect “the making” of these types of high-risk mortgages.

We are reprinting the proposed preemption in its entirety for municipal review. It is clearly the most over-determined municipal preemption ever proposed. The actual preemption could be written in a sentence.

The Insurance and Financial Services Committee has given LD 494, as amended, a unanimous vote of support. If you think this preemption poses substantive restrictions on municipal authority, please contact Geoff Herman at 800-452-8786 or gberman@memun.org.

The preemption in LD 494 reads as follows:

A political subdivision of this State is prohibited from enacting, issuing and enforcing ordinances, resolutions, rules, regulations, orders, requests for proposals or requests for bids pertaining to the making of a high-rate, high fee mortgage by a person who:

A. Is subject to the jurisdiction of the Office of the Office of Consumer Credit Regulation or the Bureau of Financial Institutions, including activities subject to this article;

B. Is subject to the jurisdiction or regulatory supervision of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, the Federal Deposit Insurance Corporation, the Federal Trade Commission or the United States Department of Housing and Urban Development;

C. Is subject to the jurisdiction or regulatory supervision of a department or agency of another state, or

D. Originates, purchases, sells, assigns, securitizes or services property interests or obligations created by financial transactions or loans made, executed or originated by a person referred to in paragraph A, B or C or assists or facilitates such transactions.

This subsection applies to all ordinances, resolutions, rules, regulations, orders, requests for pro-

posals and requests for bids pertaining to financial or lending activities, including any ordinances, resolutions, rules, regulations, orders, requests for proposals and request for bids disqualifying persons from doing business with a political subdivision based upon the making of a high-rate, high fee mortgage or imposing reporting requirements or any other obligations upon persons regarding the making of a high-rate, high fee mortgage.

This subsection applies retroactively to all ordinances, resolutions, rules, regulations, orders, requests for proposals and requests for bids in existence on the effective date of this subsection.

The Sludge Preemption. On Thursday this week, the Natural Resources Committee listened to over four hours of testimony on two bills that would actual relax an existing preemption on local authority to regulate the land spreading of wastewater treatment plant sludge: LD 188, “*An Act to Amend the Waste Management Laws Regarding the Spreading of Sludge on Land*” (sponsored by Rep. Peter Rines of Wiscasset) and LD 670, “*An Act Regarding the Disposal of Sludge*” (sponsored by Sen. Chris Hall of Lincoln Cty). Under current law, a municipality can regulate the land spreading of sludge, but those regulations cannot be more stringent than the standards adopted by state law or regulation.

LD 188 focuses on sludge coming into Maine from other states, and would allow a town in Maine to adopt the environmental standards that currently exist in the state or municipality wherever the sludge originates. LD 670 creates an exemption in the solid waste laws to allow a municipality to adopt an ordinance that contains more stringent standards for the storage and use of sludge. Both legislators submitted bills in response to the importation of sludge from Springfield, Massachusetts that was land applied in Whitefield, and later found to be in violation of Maine’s standards.

Many citizens of Whitefield, Pittston and Clinton testified in sup-

(continued on page 3)

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, Kirsten Hebert, and Laura Veilleux of the State & Federal Relations staff.

Plumbers' Examining Board Membership Lacks Municipal Voice

In a series of public hearings surrounding the issue of plumbing codes, the Business, Research and Economic Development Committee (BRED) heard two bills that would adjust the composition of the Plumbers' Examining Board, the entity that is responsible for selecting and adopting a statewide plumbing code.

LD 501, "*An Act to Allow Local Plumbing Inspectors to Assist the Plumbers' Examining Board in Establishing the State Plumbing Code*" (Sponsored by Representative Kane of Saco) and LD 682, "*An Act to Expand the Membership of the Plumbers' Examining Board to Include a Local Plumbing Inspector*" (sponsored by Representative O'Neil of Saco) both seek to expand the membership of the Plumbers' Board by adding a local plumbing inspector (LPI).

The current membership of the Plumbers' Board includes two master plumbers, two journeymen plumbers, and one member of the public. Historically, the PEB was created to regulate the plumbing trade, but in 1997 the PEB was charged with the responsibility

of selecting and adopting a plumbing code that, subject to legislative approval, would apply statewide. A very different function suggests the need for a more diverse "plumber-board" make-up.

MMA submitted testimony that strongly supports the inclusion of a LPI on the Plumbers' Board. The majority of Maine's municipalities are concerned about the adoption of a plumbing code that is contrary to the BOCA based codes that Maine and the rest of the New England states have adopted. Adjusting the composition of the Board to include a LPI would ensure that the concerns over the adoption of an ill-fitting or illogical code would be considered.

Testifying in opposition to both bills, the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation, told Committee members that the Plumber's Board was beyond the stage in which comments should be solicited from a LPI. The Board has selected the code for statewide adoption and the issue was cur-

rently pending before the BRED Committee...end of story.

House Chair of BRED Committee, Rep. Nancy Sullivan (Biddeford), asked the Director whether any of the actions taken by the PEB could cause the municipalities to incur additional costs or expenses. Rep. Sullivan noted that the current composition of the PEB was missing a part of government that may be required to absorb additional costs. The Biddeford legislator stated that the municipalities are seeing costs passed on as a result of state-made decisions and, in this case, the LPIs should have a voice in the decision.

The Director noted that the bill should contain a fiscal note that would represent the per diem expense of an additional member. With the state's current financial difficulties, a fiscal note on a bill is essentially the same as killing it. Representative Guy Duprey (Medway) asked if any consideration had been given to removing an existing member of the PEB and substituting an LPI, thereby eliminating any additional costs. The BRED voted "*ought not to pass*" on LD 501 and will use LD 682 as a vehicle to address the issue. The work session is scheduled for March 14th.

PREEMPT (cont'd)

port of these bills. According to these citizen proponents, the home rule authority to adopt more stringent environmental standards than those set by the DEP would allow communities such as Whitefield to properly restrict the spreading of sludge. The argument was that citizens should have the authority to protect their health, safety and property values.

From the municipal perspective, LDs 188 and 670 could have unintended consequences. The Maine Waste Water Control Association testified in opposition to both bills stating that if municipalities had the authority to adopt more stringent standards, the landspreading option would be effectively prohibited and wastewater treatment plants would bear considerable new expenses. According to the



Rep. Nancy Sullivan, Biddeford, chairs Joint Committee on Business, Research & Economic Development.

(continued on page 4)

Tax Panel's "Parking Lot"

It is difficult to describe the clear direction or vision of the Taxation Committee this session. Almost all the legislation that comes before Taxation is being voted out of Committee with a unanimous "ought not to pass" recommendation, but apparently the ideas within those legislative proposals are being "parked" for possible resurrection in one or more "Committee bills" that the panel may be packaging later in the session.

One possible "committee bill" would be a package of changes, some of which would raise revenue and some of which would cost revenue, but with a revenue neutral bottom line. This would not be a comprehensive tax reform package. Rather, it would be a series of adjustments to the tax code recommended to the full Legislature as a package deal, because if each bill was reported out of Committee separately, those with negative fiscal impacts to the state would be either quickly defeated or die a twisting death on the Appropriations Table.

The other possible "committee bill" would be a comprehensive tax reform proposal, but the who-when-and-how of that process has not yet become clear. Governor Baldacci has expressed a clear intent on developing a tax reform recommendation on behalf of the Administration later in the session, after the state budget and health care reform are squarely addressed. How the Governor's process will intersect with the legislative process is not yet clear, at least to MMA.

What follows are this week's Tax panel recommendations on a number of municipally-related bills.

LD 141, *An Act to Increase Revenue Sharing to a Municipality by 5% of its Allocation if it Shares Fire, Police and Recreation Services with Adjoining Municipalities*. **Committee Action: Ought Not to Pass, but park the idea.**

LD 38, *Resolution, Proposing an Amendment to the Constitution of Maine to Protect the Commercial Fish-*

ing Industry. **Committee Action: Ought Not to Pass, but park the idea.**

LD 559, *An Act to Increase the Value of a Parsonage That is Exempt from the Property Tax*. **Committee Action: Ought Not to Pass, but park the idea.**

LD 314, *Resolve to Study the Property Valuation Process*. **Committee Action: Table until the Committee's strategy on study proposals is developed.**

LD 521, *An Act to Clarify That the Application Process for the Homestead Property Tax Exemption is a One-time Process*. **Committee Action: Unanimous Ought to Pass.**

LD 305, *An Act to Amend the Lien Procedures for Time-share Estates*. **Committee Action: Table the bill and give to a subcommittee to work on.**

Statewide Police Powers

On Monday of this week the Criminal Justice Committee held a public hearing on LD 469, *An Act to Clarify Arrest Powers of Law Enforcement Officers*. LD 469, sponsored by Rep. Stanley Gerzofsky (Brunswick), shifts the authority for defining the jurisdiction of law enforcement officers from the municipal employers (the local legislative body and the municipal officers) to the employees. As proposed, any law enforcement officer that has completed the eighteen-week Criminal Justice Academy's basic law enforcement course would be authorized to provide law enforcement services anywhere in Maine outside the municipal boundaries, regardless of the wishes or policies of the boards of selectmen or municipal councils and the taxpayers of the community that support the police department.

MMA submitted testimony in opposition to the bill on the basis that the

proposal unnecessarily erodes the existing employee—employer relationship and forces local property taxpayers to pay for law enforcement services provided anywhere in Maine. Only the local legislative body and municipal officers who are ultimately responsible for all budget and employee issues should decide how far outside the municipality, if at all, a local police department's jurisdiction should lie.

The Criminal Justice Committee will be holding a work session for LD 469 on Wednesday, March 12th.

PREEMPT (cont'd)

Association, there are 75 wastewater treatment plants in the state that rely on the land application of sludge. The only alternatives to land application are landfilling and incineration. In order to landfill sludge, the facility must be licensed to accept special waste. The lack of landfill capacity in Maine is a separate and equally challenging issue. Though incineration is a method used in other states, Maine does not have an incinerator that has the capacity to accept sludge. And ash produced in the process of incineration would still need to be landfilled as special waste.

Dale Glidden, Superintendent of the Augusta Sanitary District, framed the issue in terms of regional responsibilities. Augusta has built the plumbing infrastructure that routes all wastewater to a state of the art treatment facility. As a service center community, Augusta is responsible for the disposal of sludge that is generated by the people living, working, shopping, visiting and legislating in Augusta.

MMA testified in opposition to both bills. Though MMA is usually a champion of home rule authority, the enactment of either of these bills could have unintended consequences. If not directly prohibited, sludge generated in Maine could be effectively prohibited from being land applied, thereby causing substantial hardships on those communities that must dispose of the sludge.

The work sessions for the bills will be on Tuesday, March 11th.

(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.)

Business, Research & Economic Development

LD 1084 – An Act To Provide Incentives for Affordable Neighborhood Developments. (Sponsored by Rep. Koffman of Bar Harbor; additional cosponsors)

This bill is a derivative of another bill introduced this session (and last), LD 853, that would create a centralized state-level planning board that would pre-certify planned-unit development proposals that contain a certain amount of affordable housing (at least 25% of residential units). The State Affordable Neighborhood Development Review Board would have six members, including the Director of the Maine State Housing Authority, the Director of the State Planning Office, the Commissioner of the Department of Environmental Protection, a landscape architect, a municipal planner and an elected municipal official. The pre-certified planned-unit development proposals would come with their own minimum lot sizes (6,500 square feet), road frontages (no less than 70 feet), and multi-family density standards (at least 7 units per acre). Although the other versions of this proposal require municipalities to accept the pre-certified development, this version would depend on voluntary municipal acceptance of the pre-certified development. The bill would also establish the Affordable Neighborhood Development Fund, which would be capitalized with \$100,000 per month from the Real Estate Transfer Tax. Municipalities accepting the pre-certified development could apply for and access the Fund, (to the extent it might actually be capitalized) through the Development Review Board, for the purpose of paying for school, water, sewer, or road infrastructure or open space preservation that is necessary for, or related to, the impacts of the pre-certified development.

Inland Fisheries & Wildlife

LD 1083 – An Act To Encourage Hunting by Simplifying Hunting Laws. (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

For the ostensible purpose of encouraging hunting by simplifying hunting laws, this bill would make a number of changes to those laws, including limiting agent fees to \$2 per transaction regardless of the number of licenses issued in a transaction, opening up hunting where it is currently restricted in 8 localities (including Mt. Desert Island; Cross and Scotch Islands in Washington County; Isle au Haut and its islands in Knox county; Swan Island, Cranberry Isles, and Long Island in Hancock County; the Town of Islesboro in Waldo County; and wildlife sanctuaries, generally), repealing the ban on firearms in the Town of Southport, and repealing the open season on deer in Vinalhaven and Southport.

Natural Resources

LD 1045 – An Act To Require Major Substantive Rules To Govern the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs for Consistency. (Sponsored by Rep. Collins of Wells;

additional cosponsors)

This bill would require the State Planning Office to promulgate "major substantive rules" to govern all procedures, submissions, response time requirements and standards of review that apply to the SPO's review of comprehensive plans for their "consistency" with the Growth Management Act. Similarly, the bill would require guidelines established by SPO with respect to all municipal zoning, growth rate and impact fee ordinances and their "consistency" with comprehensive plans. This bill would also establish that if the SPO fails to review municipal submissions within the timeframes provided by law, those submissions are deemed to be "consistent".

State & Local Government

LD 1063 – An Act Concerning municipal Firearms Discharge Ordinances. (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

This bill would require any municipality preparing to adopt or amend its firearm discharge ordinance to consult with the Department of Inland Fisheries and Wildlife "throughout" that process. This bill would also require any firearm discharge ordinance to describe the restricted discharge area by roads, waterways and utility corridors. This bill would also mandate municipalities that adopt firearm discharge ordinances to prepare a wildlife management plan to prevent overpopulation of game animals within the discharge limitation zone.

Taxation

LD 1080 – An Act To Impose a Municipal Services Fee on Tax-exempt Property. (Sponsored by Rep. Pellon of Machias; additional cosponsors)

This bill would authorize municipalities to assess direct benefit service fees against organizations that are otherwise exempt from property taxation as governmental entities, non-governmental "charitable" organizations, "literary and scientific" organizations, or various other tax-exempt properties. The bill lists the municipal services upon which the fee can be based, and the formula for calculating the rate of the service fee. The bill also exempts from the service fee assessment any institution that does not derive at least 50% of its operating revenue from fees charged to its clients and further exempts any institution that spends more than 50% of its revenue to provide temporary housing, food, clothing or other services to beneficiaries whose income is below the federal poverty level.

LD 1169 – An Act To Phase Out the Business Equipment Tax Reimbursement. (Sponsored by Rep. Trahan of Waldoboro)

This bill would phase out the personal property tax with respect to all personal property that is currently subject to BETR reimbursement. For tax year 2004, the property would be assessed at 75% of its just value. For tax year 2005 the property would be assessed at 50% of its just value. For tax year 2006 the property would be assessed at 25% of its just value, and for 2007 and thereafter the property would be totally exempt from taxation. The bill would provide a statutory obligation on the state to reimburse municipalities for 100% of their lost tax revenues associated with this new exemption. The bill would further create a fund for the purposes of obtaining the resources to meet that reimbursement obligation. The fund would be capitalized by capturing state tax revenue that accrues to the treasury over and above projections. To the extent state tax revenues do not exceed projections, and therefore reimbursement funds are not available, the bill would proportionately adjust the implementation of the personal property tax exemption.

(continued on page 7)

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, March 10

Appropriations & Financial Affairs

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

Tel: 287-1635

FY 04 – 05 State Budget Bill

With the Joint Standing Committee on State & Local Government
1:00 p.m.

In Conjunction with the Legislative Council

Education & Cultural Affairs

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

Tel: 287-3125

LD 162 – An Act to Provide for the Fair Distribution of Resources for Teaching Students of Limited Proficiency in English. (Emergency) (Sponsored by Sen. Rotundo of Androscoggin County; additional cosponsors)

LD 344 – An Act to Amend the School Finance Act. (Sponsored by Rep. Murphy of Kennebunk)

LD 744 – An Act To Ensure Improved Stability in School Funding Distributions. (Sponsored by Rep. Lemoine of Old Orchard Beach)

LD 828 – An Act To Phase In General Purpose Aid for Local Schools Funding Losses Over Time. (Sponsored by Rep. Glynn of South Portland; additional cosponsors)

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

Health & Human Services

Room 202, Cross State Office Building, 9:30 a.m.

Tel: 287-1317

LD 295 – An Act To Revise the Laws Regulating Boarding Homes. (Sponsored by Rep. Laverriere-Boucher of Biddeford; additional cosponsors)

Insurance & Financial Services

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

Tel: 287-1314

LD 772 – An Act To Require Insurance Companies To Return 1% of Net Profits. (Sponsored by Rep. Goodwin of Pembroke; additional cosponsors)

Transportation

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

Tel: 287-4148

Draft: An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government, General Fund and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003. (Note: No LD number has been assigned yet)

Draft: An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government, General Fund 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. (Note: No LD number has been assigned yet)

Tuesday, March 11

Education & Cultural Affairs

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

Tel: 287-3125

(Work Session) FY 04 – 05 State Budget Bill

With the Department of Education re: GPA and Retired Teacher Health Insurance

Inland Fisheries & Wildlife

Augusta Civic Center, 1:00 p.m.

Tel: 287-1338

LD 354 – An Act To Impose Restrictions on the Operation of ATVs and Snowmobiles. (Sponsored by Sen. Carpenter of York County; additional cosponsors)

LD 77 – An Act to Require Permission for an ATV to Cross Private Land. (Sponsored by Sen. Kneeland of Aroostook County; additional cosponsors)

LD 368 – An Act To Increase the Registration Fee for ATVs. (Sponsored by Rep. Finch of Fairfield; additional cosponsors)

LD 370 – An Act To Change the Display of ATV Registration Numbers. (Sponsored by Rep. Finch of Fairfield; additional cosponsors)

LD 474 – An Act To Strengthen the ATV Laws of the State. (Sponsored by Rep. Trahan of Waldoboro; additional cosponsors)

LD 854 – An Act To Amend the Laws Governing the Operation of All-terrain Vehicles. (Sponsored by Rep. Landry of Sanford; additional cosponsors)

State & Local Government

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

Tel: 287-1330

LD 793 – An Act To Revise the Boundary between the Town of Harrison and the Town of Bridgton. (Sponsored by Sen. Bennett of Oxford County; additional cosponsor)

LD 37 – An Act to Rename the Town of Westport. (Sponsored by Sen. Hall of Lincoln County; additional cosponsor)

Taxation

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

Tel: 287-1552

LD 202 – An Act To Make Certain Housing an Acceptable Use of Tax Increment Financing. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

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)

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

(continued on page 7)

Transportation

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

Tel: 287-4148

LD 393 – An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads. (Emergency) (Sponsored by Rep. Marley of Portland; additional cosponsors)

Wednesday, March 12

Education & Cultural Affairs

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

Tel: 287-3125

(Work Session) FY 04 – 05 State Budget Bill

With the Department of Education re: GPA

Utilities & Energy

Room 209, Cross State Office Building, 1:00 p.m.

Tel: 287-4143

LD 437 – An Act To Ensure Opportunity for Public Comment at Meetings of Sanitary Districts. (Sponsored by Sen. Bromley of Cumberland County; additional cosponsor)

Thursday, March 13

Education & Cultural Affairs

Room 214, Cross State Office Building, 1:15 p.m.

Tel: 287-3125

(Work Session) FY 04 – 05 State Budget Bill

Labor

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

Tel: 287-1333

LD 561 – An Act To Improve Standards for Public Assistance to Employers in the State. (Sponsored by Rep. Hutton of Bowdoinham; additional cosponsors)

Natural Resources

Room 437, Cross State Office Building, 2:00 p.m.

Tel: 287-4149

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

Friday, March 14

Natural Resources

Room 437, Cross State Office Building, 9:00 a.m.

Tel: 287-4149

LD 829 – An Act To Strengthen the State's Air Toxics Laws. (Sponsored by Rep. Twomey of Biddeford; additional cosponsors)

LD 851 – An Act To Test for and Reduce Mercury Emissions from Resource Recovery Facilities. (Emergency) (Sponsored by Rep. Twomey of Biddeford; additional cosponsors)

LD 215 – Resolve, to Direct the Department of Environmental Protection to Create Statewide Standards for Incinerators. (Sponsored by Rep. Sullivan of Biddeford; additional cosponsors)

LD 948 – An Act To Ensure Clean Air in Communities Affected by Privately Owned Incinerator Facilities. (Sponsored by Rep. Lemoine of Old Orchard Beach)

Monday, March 17

Criminal Justice & Public Safety

Room 211, Cross State Office Building, 9:30 a.m.

Tel: 287-1122

LD 618 – An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers. (Sponsored by Sen. LaFountain of York County; additional cosponsors)

LD 891 – An Act To Require the Videotaping of Police Interrogations. (Sponsored by Sen. Strimling of Cumberland County; additional cosponsors)

LD 895 – An Act To Clarify the Responsibilities of Contract Law Enforcement Officers. (Sponsored by Sen. Savage of Knox County)

LD 1026 – An Act To Broaden the Law Enforcement Authority of University of Maine System Public Safety Officers. (Emergency) (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

Education & Cultural Affairs

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

Tel: 287-3125

LD 628 – Resolve, Directing the Department of Education To Develop Standards for Outdoor Playground Surfaces. (Sponsored by Rep. Trahan of Waldoboro; additional cosponsors)

LD 842 – An Act Relating to Portable Classrooms for Certain Cases. (Sponsored by Rep. Mills of Farmington; additional cosponsors)

Judiciary

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

Tel: 287-1327

LD 999 – An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties. (Sponsored by Sen. Savage of Knox County)

Utilities & Energy

Room 209, Cross State Office Building, 10:30 a.m.

Tel: 287-4143

LD 947 – An Act To Create the Cable Television Franchise Board. (Sponsored by Rep. Glynn of South Portland; additional cosponsors)

LD 804 – An Act To Amend the Standard Water District Enabling Act. (Sponsored by Sen. Hall of Lincoln County; additional cosponsor)

HOPPER (cont'd)

LD 1171 – Resolution, Proposing an Amendment to the Constitution of Maine To Allow Municipalities To Assess 2nd Homes at up to Twice the Valuation. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

This resolution would send out to the voters a proposed constitutional amendment that would direct the legislature to allow municipalities to impose an additional property tax on secondary residential property (second homes, vacation homes) in an amount up to twice the mill rate imposed on primary residential property. The revenue raised by this tax would be divided equally among the taxing municipality, the state's General Fund, and a state-level program that provides property tax relief to elderly or low income Maine residents, similar to Maine's "Circuit Breaker" property tax and rent rebate program.

Transportation

LD 1070 – An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

This bill would increase traffic fines by 5% every 2 years beginning on January 1, 2004 and ending on January 1, 2012. This bill would also distribute 10% of all traffic fine revenue to the law enforcement agency that issued the traffic summons, beginning in 2004. That percentage of fines allocated to the law enforcement agencies would increase every two years until 2012, when it would level off at 50% and stop increasing.

LD 1081 – An Act To Allow the Use of Cameras for Enforcement of Traffic Light Violations. (Sponsored by Rep. Suslovic of Portland; additional cosponsors)

This bill would allow state, county and local governments to install and operate unmanned, automatic cameras for the purpose of recording and prosecuting motor vehicle moving violations and other violations of law.

Bill To Cap Hunting and Fishing Agent Fees Tabled

The IF&W Committee tabled LD 158, “*An Act to Limit Agent Fees to the Number of Transactions*” in an attempt to further explore the possibilities of generating revenue for the Department of IF&W. As printed, the bill would cap the agent fee at \$2.00 per transaction; however, the sponsor of the bill, Senator Bruce Bryant (Oxford Cty.), told Committee members that he may offer an amendment that would divert part of the agent fee to IF&W.

As the sole proponent of the bill, the Sportsmen’s Alliance of Maine testified that ever-increasing license fees have driven sportsmen to look for a

method of reducing the amount of each license.

Testifying in opposition to LD 158, MMA and several municipal clerks stated that the \$2.00 fee would not cover the costs municipalities incurred in issuing, creating, and tracking licenses. For instance, the clerk from the City of Belfast told Committee members that the City had purchased three computers and one plain paper printer in order to participate in the MOSES program. At the current agent fee, the City of Belfast will need 4 years to recoup the costs associated with its investments. Similarly, the Clerk from

the City of Portland stated that the clerks are not only responsible for maintaining records of each license sold, but must also maintain an account for the fees remitted to IF&W and provide the Dept. with monthly reports.

From the municipal perspective, the sale of licenses is a public service; the lost revenues resulting from the enactment of LD 158 would force many municipalities to close its doors to those seeking licenses.

Senator Bryant told Committee members that he was preparing an amendment that would create a \$4 cap per transaction of which \$3 would remain with the agent and \$1 would go to IF&W. Representative Watson (Bath) told Committee members that he was well aware of the costs associated with producing licenses, as well as the costs of adhering to the State’s laws of disposition, which in this case, mandates that licenses be kept for 7 years.