

# Legislative BULLETIN

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## Tax Committee Reviews Budget

The Taxation Committee devoted most of this week to reviewing the tax changes proposed in Governor Baldacci's proposed two-year budget in order to make recommendations back to the Appropriations Committee.

**Homestead Exemption.** The Committee split directly along party lines over the Governor's proposal to reduce the value (from \$7,000 to \$5,000) of the homestead property tax exemption for "homesteads" valued over \$125,000, with even deeper reduction in property tax relief for homesteads valued over \$250,000. The Republicans on the Committee opposed the proposal as unfairly impacting southern and coastal Maine where home values tend to be higher, tax rates can be higher, and school subsidy is retreating. The Democrats on the Committee defended the cuts to the homestead exemption, arguing that the proposal has an element of fairness because in the higher mill rate communities, a reduced homestead exemption will still deliver a respectable or competitive benefit, and the homestead exemption is a "subsidy" and subsidies in the Governor's budget are being reduced across the board.

**BETR.** The Committee also expressed differences with respect to the Business Equipment Tax Reimbursement program (BETR). Although no changes are proposed by the Governor for that tax rebate, three members of the Committee voted to use the state budget as a vehicle to eliminate the so-called "double dip", where a business receives a tax reimbursement through the BETR program as well as a parallel reimbursement through a locally-ad-

ministered Tax Increment Financing program (TIF).

The proponents of eliminating the double dip argue that all recipients of state funds and state services – schools, social services recipients, medical and social service providers, state employees, property taxpayers, etc. – are being negatively impacted by the state budget, and the businesses that are being rebated more in property tax outlay than they actually paid should not get through this budget unscathed. They argue that the savings to the state's General Fund associated with eliminating the "double-dip" should be re-

leased to the General Fund to support vital state programs.

There seemed to be two groups of opponents to the motion: those that believe the BETR and TIF programs, separately or in combination, are good public policy and should not be adjusted, and those that argue the "double dip" should be eliminated, but not through the vehicle of the state budget. This second group seems to be trying to move the budget along and get it adopted, so the Legislature can move on to tax reform and tackle the "double-dip" issue, among others.

**Other Split Decisions.** Other tax-related elements of the Governor's proposed budget that were meeting more-than token resistance at the Tax Com-

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## Mandate Study Considered

On Wednesday of this week, the State and Local Government Committee held a work session on LD 419, *An Act to Repeal Outdated and Unfunded Municipal and Education Mandates*. The bill, sponsored by Rep. Sawin Millett (Waterford), was presented to the Committee in the form of a concept draft seeking to reduce property taxpayer burden by requiring the Legislature to review and repeal outdated and unfunded mandates currently placed on municipalities and school administrative units.

In an effort to move the legislation forward, MMA offered an amendment proposing to create a commission to study and make recommendations regarding municipal and education mandates. As proposed, the twelve member Municipal and Educational Mandate Audit Commission would be created to conduct an audit of the mandates placed

on municipalities, school administrative districts, counties and quasi-municipal special purpose districts. The membership of the mandate commission would include four legislators (two from each chamber), representatives from the Departments of Administration and Financial Services, Education, Environmental Protection and Public Safety, and representatives of municipal and county government, school administrative units and quasi-municipal special purpose districts.

The commission would be charged with working with ad hoc committees and statewide associations to: (1) identify and prepare a comprehensive list of state and federal mandates; (2) identify the legal origin, statewide costs and cost-driving characteristics of the identified mandates; (3) submit a report of

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# Committee Supports Revenue Sharing Swap

This week the Transportation Committee focused most of its attention on the impacts Governor Baldacci's proposed General Fund budget will have on the Highway Fund. Under that proposal, \$34 million of Highway Fund revenue would be transferred in one way or another to the General Fund to assist in repairing the \$1.2 billion FY 04-05 General Fund deficit. Maine's Constitution requires that revenue generated by Highway Fund sources must be used for Maine's highways and bridges. The Governor's budget is predicated on the theory that the Highway Fund owes the General Fund for past assistance, and a shift of road revenues toward the General Fund is justified.

That's where the Local Government Fund (municipal revenue sharing) comes into the picture.

Several Transportation Committee members and interest groups, including the Maine Service Center Coalition and Maine Better Transportation Association have been developing mechanisms for assisting the General Fund shortfall while honoring the constitutional intent. One such mechanism was supported on Thursday this week by a 9:4 majority of the Transportation Committee members.

As originally proposed, Maine's forty-four "urban compact" communities would receive additional Urban/Rural Initiative Program (URIP) funds in even trade for reduced revenue shar-

ing dollars. Under this proposal, \$23.2 million would be moved from the Local Government Fund to the General Fund over the biennium, just as Highway Fund revenue would be moved to the Local Government Fund. As these funds are shifted around like musical chairs (and assuming the dollar-to-dollar exchange is fully honored), the net impact would be taking away from any given "urban compact" municipality X dollars of resources to provide property tax relief and adding back X dollars for capital road improvements.

In a second iteration, the Department of Transportation (DOT) offered an amendment to the proposal to allow impacted communities more flexible use of the funds provided through the revenue sharing / URIP swap. As ultimately supported by a majority of the Committee, the Highway Fund dollars directed to the municipalities to replace their revenue sharing support could be used for transportation purposes that go beyond strict "capital costs" to allow for road maintenance costs as well.

MMA opposed this proposal for two reasons. Although it is understood that the impacted communities would be left whole, municipal officials are concerned with the larger public policy issue. There is a concern that this "one-time" adjustment to the revenue sharing program will set a precedent that could have the unintended consequence of making the revenue sharing program vulnerable to future adjustments.

Municipal officials are also concerned with a shifting of position on transportation funding policy. Four years ago, as the state worked with municipalities to replace the Local Road Assistance Program with the current Urban/Rural Initiative, DOT strenuously insisted that funds dedicated from the Highway Fund to local road assistance program must be used for capital purposes only. Although

many communities were significantly impacted by the change in policy, it was supported and has been subsequently defended by the broad municipal community to ensure the highest level of public accountability in the use of Highway Fund dollars — a level of accountability municipal officials were convinced was necessary to ultimately gain public support for improving the capacity of the Highway Fund to meet the state's transportation needs.

The Transportation Committee will be meeting with the Appropriations Committee on Friday, March 14<sup>th</sup> to present these recommendations.

## BUDGET (cont'd)

mittee level were: (1) adding 11 new positions in Maine Revenue Services to help collect tax revenue from recalcitrant taxpayers; (2) reallocating Real Estate Transfer Tax revenue away from the "HOME" program (which provides housing opportunities to low-income people) to the General Fund; (3) reducing child care, dependent care and the earned income tax credits, which all benefit low-income Mainers; and (4) "decoupling" from the federal income tax changes passed in recent years by Congress, and therefore applying tax liabilities in the state income tax system — particularly with respect to the estate tax — that are not applied at the federal level.

As an opponent of several of these elements of the Governor's budget, as well as the cut to the Homestead Exemption, Sen. Richard Nass (York Cty.) was asked by other Committee members as to how he proposes to "pay for" these program restitutions and tax cuts. Sen. Nass said he would be suggesting significantly bigger reductions in the state's work force, in the range of 900-1,000 state employees. According to Sen. Nass, the Governor's budget is disproportionately protective of the state bureaucracy, while it pushes program cuts and extensive additional costs onto municipalities, schools, local taxpayers, service recipients and non-governmental service providers.

The Tax Panel is scheduled to present its recommendations to the Appropriations Committee on March 14.

### Legislative Bulletin

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# Legislators Struggle With School Funding Level

On Tuesday March 4th the subject of discussion before the Appropriations Committee was the level of state support for kindergarten-through-grade-12 education (GPA) over the next two years as proposed in Governor Baldacci's two-year state budget. This week the discussion was referred to the Education Committee for its recommendations. At the end of the week, according to news accounts, the Governor found an additional \$5 million for GPA, but it will take several days to learn whether the new-found money will substantially change the discussion around state funding for schools.

There has been a heavy air in the State House around the GPA discussion. It is a sense of futility...a sense that nothing can be done that is substantially different from the Governor's offer. As all municipal leaders are acutely aware, state support for education in times of economic downturn gives a very special meaning to the term "structural deficit".

In stark numbers, the GPA distribution for the current year is \$714.5 million, but that is only after two stages of curtailments and deappropriations have stripped \$16 million out of the original FY 03 appropriation of \$730 million. In contrast, the property tax appropriation for education this year, at \$962 million, outstrips the state share by a quarter of billion dollars.

For FY 04, the Governor proposed \$728 million in the printed budget, which is a modest increase or decrease to the FY 03 appropriation, depending on how you choose to define the "base". The new-found money will apparently increase the FY 04 appropriation to \$732 million. Whether \$728 million or \$732 million, the state contribution to GPA in FY 04 will rely on the property tax to pay for an ever-increasing local share of school costs.

Even though the Governor's printed budget would have added \$13.5 million to the overall GPA appropriation, virtually all of that increase would

be sucked-up by the "program" and "adjustments" components of GPA distribution, where the special education cost centers are located. Despite the overall increase, the state contribution to the general "operations" distribution would actually decrease from this year to the next by \$6 million, according to the printed budget.

The second year out is even bleaker. The appropriation for FY 05 in the printed budget calls for a 1% decrease in the state's contribution, dropping back to \$721 million. To partially offset that cut, \$5 million would be available through the Department of Administration and Financial Services to school systems that demonstrate a willingness to share services according to rules that have not been developed. This distribution would be entirely disconnected from the GPA system.

The Appropriations Committee focused on several issues as it took testimony from several school administrators who laid out their concerns with the Governor's GPA proposal.

1. The floating \$5 million in the second year of the biennium to "incentivize" efficiencies according to unwritten rules, and whether that money would be better dedicated to GPA to mitigate the proposed decrease in state support from FY 04 to FY 05, especially where the rules of its distribution are unwritten;

2. An analysis of what the state appropriation would have to be if school districts were "held harmless" from sharp decreases in GPA, decreases that are created the mechanics of the GPA formula which punish school systems for increased state valuation or reduced student counts; and

3. How to address the upward pressure on school budgets that is rooted in educational mandates – from Learning Results to environmental protocols to mandated education planning procedures – that combine to place ever-increasing demands on school staff and resources.

This week the Education Committee learned that it would take an additional \$15 million just to "hold harmless" all the school districts that lose state support under the Governor's proposal. The Education Committee also mulled any number of proposals to pull some money out of the \$5 million "incentive" pot and/or the laptop fund and/or the Department of Education bureaucracy itself, all with the goal, as Rep. Tom Murphy (Kennebunk) put it, "of stemming some of the bleeding" that will be precipitated by the cuts in GPA.

## Cops Push for More Jurisdiction

Law enforcement officers appear to be one step closer to having state-wide arrest powers for Class A, B, C, D, and E crimes committed in the officer's presence, but it will be subject to their employers' say-so. The Criminal Justice Committee worked LD 469, "*An Act to Clarify Arrest Powers of Law Enforcement Officers*," sponsored by Rep. Stanley Gerzofsky of Brunswick.

As written, the bill would authorize police officers completing the 18-week Criminal Justice Academy's basic law enforcement course to perform police services outside of the municipality or county in which they are employed. MMA opposed the bill since the creation of a state law authorizing police officers to provide services outside of their home jurisdiction would directly override the employer—employee relationship. From the municipal perspective, the municipal officers and the local legislative body are ultimately responsible for all budget and personnel issues and the authority to make a determination about a cop's jurisdiction should reside with the local legislative body that is paying the bill.

During the work session, Rep. Paul Lessard (Topsham) noted his concern that the municipalities should have the authority to make an affirmative decision as to whether local law enforce-

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# Sludge Spreading Standards Tightened

Amidst discussions of strengthening the State's environmental standards governing the land application of sludge and arming municipalities with the ability to enact ordinances that contain more stringent environmental standards than the state, the Natural Resources Committee (NRC) voted "ought to pass as amended" on LD 188, "*An Act to Amend the Waste Management Laws Regarding the Spreading of Sludge on Land*," (sponsored by Rep. Peter Rines of Wiscasset). The amendment, prepared by the Department of Environmental Protection (DEP), removes the streamlined permitting process for Class A sludge.

Rep. Rines submitted the bill after sludge generated in Springfield Massachusetts was imported and land applied in Whitefield. It was not until after the sludge was land applied that it was determined that it did not meet Maine's environmental standards.

After a brief overview of the issue by the DEP, members of the Committee learned that Maine already has one of the most stringent environmental standards governing the land application of Class A sludge. Class A sludge generated in Maine or imported from other states is typically taken to one of the State's two composting facilities and later sold as compost used in gardens, athletic fields, golf courses, etc.

Deciding that this state could not ban the importation of sludge since Maine exports a majority of the sludge generated, the Committee looked to address the issues raised by the concerned residents by developing an effective method of informing citizens that sludge is scheduled to be land applied in Maine. According to the residents of Whitefield, neither the town officials nor the abutters received notice that the sludge was to be spread.

Current law permits Class A sludge to be approved using the streamlined Permit By Rule process (PBR) rather than obtaining a license and DEP approval. The sludge imported from Springfield used the PBR process. As amended, LD 188 removes the ability for sludge containing human pathogens (e.g., municipal treatment plant sludge) to use this fast-track process.

Rep. Rines' bill was further

amended to require the DEP to establish a list of interested parties that will receive notice of all license applications (or modifications to existing licenses) for the distribution of sludge in Maine. The DEP will create a list of any concerned citizen, municipality, school or industry, and those people will receive notice of the completed application. This particular element was adopted in an effort to address the concerns of the many proponents of the bill.

Using LD 188 as the legislative vehicle, members of the Committee voted "ought not to pass" on a similar bill sponsored by Sen. Chris Hall of Lincoln County, LD 670, *An Act Regarding the Disposal of Sludge*.

## Committee Wants More Study on Affordable Housing

During its work session on a handful of affordable housing bills, the Business, Research and Economic Development Committee (BRED) voted "ought not to pass" this week on LD 42, "*An Act to Establish Rent Caps on Property in Southern Maine*," (Sponsored by Rep. Laverriere-Boucher of Biddeford) and LD 453, "*An Act to Promote the Development of Affordable Housing*" (sponsored by Rep. Nancy Sullivan of Biddeford).

The title of LD 42 is self-explanatory with respect to its approach to the affordable housing issue. LD 453 would exempt all affordable housing from municipal impact fees, building moratoria, and building permit limitation ordinances.

Although the bills were killed in Committee, the concepts of these bills will be incorporated into LD 472, "*Resolve, To Establish the Task Force to Study Regulatory Barriers to Affordable Housing*" (Sponsored by Rep. Sullivan). Instead of another task force, the charge behind the resolve will be transferred to the Community Preservation Advisory Committee (CPAC), a semi-permanent

panel of legislators, state agency and municipal representatives focused on addressing growth management and land use "sprawl" issues.

Because of the influence of LD 42, the amended measure will direct the Maine State Housing Authority to investigate the lack of affordable rental properties in southern Maine, in addition to the lack of affordable housing available for homeownership.

The BRED Committee also incorporated the elements of LD 453 into the final package, directing the Community Preservation Advisory Committee to analyze the perceived benefits of exempting affordable housing units from municipal moratoria, rate of growth ordinances and impact fees use planning tools. From the municipal perspective, the creation of these exemptions and municipal preemptions ignores all the work that has been done in recent years to positively connect the municipal comprehensive planning process, which includes strategies to address affordable housing issues, with these types of land use management tools.

(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).)

### Education & Cultural Affairs

LD 1202 – An Act To Require Consistency in the School Budget Process. (Sponsored by Rep. Ash of Belfast; additional cosponsors)

This bill would require that whenever a school budget is considered and defeated in a town meeting or referendum process, it must be reconsidered using the same governance method.

### Judiciary

LD 1203 – An Act Concerning Executive Sessions of Public Bodies. (Sponsored by Rep. Glynn of South Portland)

This bill would require that a written or electronic record of the discussion conducting during an executive session must be prepared and kept by the board or agency conducting the executive session, and that the record may be released to a court or by a majority vote of the board or agency.

LD 1311 – An Act To Clarify the Filing of Municipal Personal Property Tax Liens. (Sponsored by Rep. Norbert of Portland; additional cosponsors)

This bill would amend the procedures for creating, filing and perfecting personal property tax liens to correct for changes made to the generic process governing filings of liens under the Uniform Commercial Code. Those changes, enacted in Maine a few years ago under a sweeping measure to harmonize UCC process nationwide, effectively require personal property tax liens to be filed in the state the owner of the property resides in rather than in Maine.

### Natural Resources

LD 1309 – An Act To Protect Public Health by Reducing Human Exposure to Arsenic. (Sponsored by Rep. Cowger of Hallowell; additional cosponsors)

This bill would control the disposition of arsenic-treated wood in a number of ways. Most pertinent to municipalities, the bill would restrict the disposal of arsenic-treated wood to a lined landfill, thus prohibiting it from being burned, incinerated, chipped, mulched or composted.

### State & Local Government

LD 1183 – An Act Regarding Abandoned Rights-of-way. (Sponsored by Sen. Hall of Lincoln County; additional cosponsor)

Under current law, a municipal legislative body may vote to create an easement for recreational purposes over a right of way that has been discontinued by abandonment and the time when that discontinuation occurred resulted in an extinguishing of any public easement. This bill would repeal that municipal legislative authority.

LD 1226 – An Act To Clarify the Division of the Positions of Town Assessor and Selectman. (Sponsored by Rep. McKee of Wayne; additional cosponsors)

This bill would establish that a selectman who also serves as an elected municipal assessor and a state legislator can resign the

position of assessor and maintain the position of state legislator.

LD 1290 – An Act To Provide Requirements for Towns To Deorganize. (Sponsored by Sen. Kneeland of Aroostook County)

This bill would establish certain standards that would have to be met and new procedures that would have to be followed before a municipality could de-organize. At least 50% of the municipality's boundary would have to be adjacent to the unorganized territories, the municipality could not have a population greater than 200, the municipality could not have a "budget deficit", the municipal roads would have to meet the state's standards, all municipal property that is not necessary to fulfill the functions of public service would have to be sold, the petition to deorganize would have to be signed by 50% of the number of voters who voted in the last gubernatorial election rather than 10%, and the final vote on deorganization, after being initially approved by the Legislature, would have to be conducted by the whole county rather than just the deorganizing municipality.

LD 1332 – An Act To Recognize the Maine Rural Development Council. (Sponsored by Sen. Damon of Hancock County; additional cosponsor)

This bill would create the 24-member Maine Rural Development Council charged with coordinating rural development policies and economic resources, advocacy for the needs of rural communities, and reviewing public policy initiatives for their effect on rural communities. Two of the 24 members would represent municipal government.

### Taxation

LD 1208 – An Act To Provide Property Tax Relief to Maine Citizens Who Meet Certain Guidelines. (Sponsored by Rep. Andrews of York; additional cosponsors)

This bill would require municipalities to implement a local property tax deferral program for all its resident property taxpayers who are at least 65 years of age. Under the program, the property taxes of those taxpayers would be frozen at the level of taxes paid immediately before entering the program and the accumulated unpaid taxes would be paid within 30 days of when the property is ultimately sold or transferred or the property owner chooses to withdraw from the program.

LD 1313 – An Act To Permit a Limited Local Option Sales Tax. (Sponsored by Rep. Mills of Cornville; additional cosponsors)

This bill would authorize municipalities or multi-municipal regions to adopt by referendum a local option sales tax of 1% or 2% on the value of sales within the jurisdiction of prepared meals and lodging. The revenue generated by the local option tax would be converted to its property tax base equivalent and that additional, theoretical property tax base would be added to the municipal state valuation for the purposes of education and municipal revenue sharing subsidy and county assessments.

LD 1330 – Resolution, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief for Maine Seniors. (Sponsored by Sen. Blais of Kennebec County; additional cosponsors)

This resolution would send out to the voters a proposed constitutional amendment that would allow municipalities to freeze the property tax obligation of residents 65 years of age or older who have a household income that is at or below the statewide median.

LD 1331 – Resolution, Proposing an Amendment to the Constitution of Maine To Allow Real Estate To Be Valued Differently Based on the Residence of the Owner. (Sponsored

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# 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 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)

**1:00 p.m.**

LD 1065 – Resolve, Directing the Commissioner of Public Safety To Study the Emergency Medical Services System. (Sponsored by Rep. Bull of Freeport; 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)

## **Tuesday, March 18**

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

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

**Tel: 287-1122**

LD 970 – An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test. (Sponsored by Sen. Martin of Aroostook County; additional cosponsors)

### **Health & Human Services**

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

**Tel: 287-1317**

LD 866 – An Act Concerning Recovery of Expenses under the General Assistance Laws. (Sponsored by Rep. Smith of Van Buren; additional cosponsors)

### **Labor**

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

**Tel: 287-1333**

LD 831 – An Act Pertaining to Former Members of the Maine State Retirement System. (Sponsored by Rep. McLaughlin of Cape Elizabeth)

### **Legal & Veterans Affairs**

**Room 436, State House, 1:00 p.m.**

**Tel: 287-1310**

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

LD 640 – Resolution, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months. (Sponsored by Rep. Cummings of Portland; additional cosponsors)

LD 754 – An Act To Allow Public Office Candidates To Campaign in State-funded University Dormitories. (Sponsored by Rep. Thomas of Orono; additional cosponsors)

### **Natural Resources**

**Room 437, State House, 2:45 p.m.**

**Tel: 287-4149**

LD 707 – An Act To Require the Department of Environmental Protection To Develop and Implement an Eradication Plan for Invasive Aquatic Plants. (Sponsored by Sen. Nass of York County; additional cosponsor)

### **State & Local Government**

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

**Tel: 287-1330**

LD 562 – Resolution, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County. (Sponsored by Rep. Joy of Crystal; additional cosponsors)

LD 942 – An Act To Create Guidelines To Promote Good Science in Rulemaking. (Sponsored by Rep. Saviello of Wilton; additional cosponsors)

### **Taxation**

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

**Tel: 287-1552**

LD 914 – An Act To Provide Certain Veterans an Excise Tax Deduction in Lieu of the Homestead Exemption. (Sponsored by Rep. Shields of Auburn)

LD 937 – An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner. (Sponsored by Rep. Twomey of Biddeford; additional cosponsors)

LD 1019 – Resolve, To Create the Industrial Property Assessing Methods Group. (Emergency) (Sponsored by Rep. Fletcher of Winslow; additional cosponsors)

LD 810 – An Act To Increase the Maine Lodging Tax. (Sponsored by Rep. Sampson of Auburn; additional cosponsors)

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**Wednesday, March 19**

**Agriculture, Conservation & Forestry  
Room 206, Cross State Office Building, 1:00 p.m.  
Tel: 287-1312**

LD 933 – An Act To Require Public Notification of Herbicide Applications in the State’s Great Ponds. (Sponsored by Rep. McKee of Wayne; additional cosponsors)

**State & Local Government  
Room 216, Cross State Office Building, 1:00 p.m.  
Tel: 287-1330**

LD 972 – An Act To Provide a Preference for State Residents in the Awarding of Government Contracts. (Sponsored by Sen. Woodcock of Franklin County)

LD 812 – An Act To Provide Equity in Residential Requirements for Public Employees. (Sponsored by Rep. McNeil of Rockland) (By Request)

**Taxation  
Room 127, State House, 1:00 p.m.  
Tel: 287-1552**

LD 436 – An Act To Create A Minimal Excise Tax for Farm Trucks. (Sponsored by Sen. Kneeland of Aroostook County; additional cosponsors)

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

LD 345 – An Act to Reinstate a Milk Handling Fee. (Sponsored by Rep. Mills of Cornville; additional cosponsors)

**Thursday, March 20**

**Business, Research & Economic Development  
Room 208, Cross State Office Building, 1:00 p.m.  
Tel: 287-1331**

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)

LD 710 – An Act To Amend the Membership of the Plumbers’ Examining Board. (Sponsored by Sen. Bryant; additional cosponsors)

LD 1004 – An Act To Clarify the Status of Regulated Water Utility Plumbing Permits. (Sponsored by Sen. Davis of Piscataquis County)

LD 848 – An Act To Establish a Circuit Breaker Program for Fuel Assistance. (Emergency) (Sponsored by Rep. Cressey of Baldwin)

LD 1033 – An Act To Require the Maine State Housing Authority To

Guarantee Security Deposits for Low-income Renters. (Sponsored by Rep. Laverriere-Boucher; additional cosponsor)

**Judiciary  
Room 438, State House, 1:00 p.m.  
Tel: 287-1327**

LD 1035 – An Act To Protect Reorganized Businesses. (Sponsored by Rep. Moody of Manchester; additional cosponsors)

**Transportation  
Room 127, State House, 1:00 p.m.  
Tel: 287-4148**

LD 250 – An Act to Establish the Avon-Phillips Airport Authority. (Sponsored by Rep. Saviello of Wilton; additional cosponsors)

**Friday, March 21**

**Business, Research & Economic Development  
Room 208, Cross State Office Building, 9:30 a.m.  
Tel: 287-1331**

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

LD 913 – An Act To Increase Community Development Block Grants. (Sponsored by Rep. Jackson of Fort Kent; additional cosponsors)

LD 946 – Resolve, To Establish the Commission To Promote Jobs and Economic Development through Ecotourism. (Emergency) (Sponsored by Rep. Faircloth of Bangor; additional cosponsors)

**Criminal Justice & Public Safety  
Room 211, Cross State Office Building, 9:30 a.m.  
Tel: 287-1122**

LD 808 – An Act To Control County Jail Health Care Expenses. (Sponsored by Rep. Bunker of Kossuth Township; additional cosponsor)

LD 863 – An Act To Require Reimbursement to Counties for Health Expenses Incurred For Prisoners in County Jails. (Sponsored by Rep. Paradis of Frenchville; additional cosponsors)

**Legal & Veterans Affairs  
Room 436, State House, 9:00 a.m.  
Tel: 287-1310**

LD 844 – An Act To Provide the Option To Nominate Presidential Candidates by Caucus. (Sponsored by Rep. Glynn of South Portland)

LD 859 – An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot. (Sponsored by Rep. Shields of Auburn)

**Natural Resources  
Room 437, State House, 9:00 a.m.  
Tel: 287-4149**

LD 927 – An Act To Require an Impact Statement on Legislation Relating to the Department of Environmental Protection and the Executive Department, State Planning Office. (Sponsored by Rep. Carr of Lincoln; additional cosponsors)

LD 1011 – An Act To Establish Minimum Environmental Compliance Standards for Subsidized Employers. (Sponsored by Rep. Thompson of China; additional cosponsors)

LD 803 – An Act To Ensure the Rights of Host Communities Regarding the Construction and Operation of State-owned Solid Waste Disposal Facilities. (Sponsored by Sen. Hatch of Somerset County; additional cosponsors)

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)

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**HOPPER (cont'd)**

by Sen. Turner of Cumberland County; additional cosponsors)

This resolution would send out to the voters a proposed constitutional amendment that would require municipalities to freeze the assessed value of all property owned by permanent residents of Maine until such a time as the property is sold or transferred to a non-resident or the owner becomes a non-resident. If the resident’s property were sold to a non-resident, the assessed value would jump back to the “just value”. If the resident’s property were sold to another Maine resident, the frozen assessed value would remain.

LD 1333 – An Act To Allow Municipalities To Provide Property Tax Relief through a Local Option Sales Tax. (Sponsored by Sen. Strimling of Cumberland County; additional cosponsors)

This bill would allow municipalities to adopt by referendum a local option sales tax of 1%. 75% of the collected revenue would go to the municipality, 25% would go to the county to reduce the county assessments.

## MANDATE (cont'd)

the commission's work to the State and Local Government Committee by January 15, 2004; and (4) submit by the same date all recommended legislation for repealing, modifying, redesigning, better-coordinating or delaying the implementation of the identified mandates.

Although the Committee indicated interest in the proposal, some members raised concerns regarding the cost to the state for creating the mandate commission. Members of the Committee are concerned that a fiscal note might cause the defeat of the initiative. As proposed, two elements of the commission process (per-diem compensation for the legislative members and legislative staff assistance) would require the state to contribute financially to the creation of the commission. Some Committee members encouraged the sponsor and interested parties to find cost-free alternatives for meeting the

goals of the commission, should the Legislature not want to invest in the effort.

The only other concern raised at the work session came from the Maine School Management Association (MSMA). MSMA believes that the school community is at a disadvantage because only one member of the mandate commission would represent school administrative units. Without greater representation, MSMA fears that the commission would not be effective in addressing education mandates. MSMA proposed that additional subcommittees, consisting of members representing superintendents, teachers, special education directors, principals, and school boards also be included to focus attention on education matters. The school community believes that only through the establishment of the subcommittees could the commission determine the appropriateness or inappropriateness of education mandates.

The Committee has tentatively

scheduled another work session for LD 419 on Friday, March 14<sup>th</sup>.

## COPS (cont'd)

ment officers would be authorized to respond to Class A, B, C, D, and E crimes that occur within their presence while outside of their home jurisdiction. Other members of the Committee agreed that the "opt in" language in the bill should be restored and an amendment was made to the police officers' original bill.

The bill was also amended to clarify that the liability for the police officers acting outside of their home jurisdiction still lies with the authorizing municipality. In addition, language was added to require that any officer making an arrest in another jurisdiction must immediately notify the law enforcement agency in which the arrest was made.

The Committee voted to table the bill until the amended language could be written up and reviewed.