



**Veazie Town Council**

**Special Meeting**

**March 16, 2015**

**AGENDA**

**6:00pm**

- ITEM 1:** Call to Order
- ITEM 2:** Secretary to do the Roll Call
- ITEM 3:** Executive Session – 1 MRSA (405) 6A – Personnel Matter
- ITEM 4:** Adjournment

**Tammy J Perry**  
5Prouty Drive  
9479624

**Chris Bagley**  
16 Silver Ridge  
cbagley@veazie.net

**Robert Rice**  
1116 Buck Hill Dr  
942 -3064

**Karen Walker**  
1002 Mutton Ln  
947-0458

**David King**  
1081 Main St  
942-2376

# **Agenda Items For March 16, 2015 Special Meeting**

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**ITEM 3:** The Council will go into executive session to conduct the Manager's yearly evaluation. Evaluation forms had been provided to all employees and the ones that had been returned have been provided to the Council for review and to assist in their completion of the evaluation.



**Veazie Town Council**

**Regular Meeting**

**March 16, 2015**

**AGENDA**

- ITEM 1:** Call to Order
- ITEM 2:** Secretary to do the Roll Call
- ITEM 3:** Pledge of Allegiance
- ITEM 4:** Consideration of the Agenda
- ITEM 5:** Approval of the February 23rd, 2015 Council Meeting Minutes.
- ITEM 6:** Comments from the Public

**New Business:**

- ITEM 7:** Planning Board Appointment – Don MacKay
- ITEM 8:** Community Center Redevelopment Committee Update

**Old Business:**

- ITEM 9:** Community Center Discussion
- ITEM 10:** Mutton Lane Discussion
- ITEM 11:** Manager's Report
- ITEM 12:** Comments from the Public
- ITEM 13:** Requests for information and Town Council Comments
- ITEM 14:** Review & Sign of AP Town Warrant #17 and Town Payroll #18 School Payroll Warrant #18 & #19 and AP School Warrant #18 & #19.
- ITEM 15:** Adjournment

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# Agenda Items

## For March 16, 2015

### Council Meeting

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**ITEM 7:** Before you this evening is a citizen involvement application from Donald MacKay for the planning board. Don is a member of the Conservation Committee and the Community Center Re-development committee. It's Staff recommendation that Mr. MacKay be appointed to the Planning Board.

**ITEM 8:** The Chair of the Community Center Re-Development Committee, Don MacKay, will be at the meeting to provide an update on the Community Center.

**ITEM 9:** This is a follow up to a previous Council meeting. Provided tonight is previous received information on re-developing the community center. The information provided dates back to 2010 thru 2014. Included is everything from a total re-development to only re-developing only portions of the building.

I have spoken to the current tenant, Glen Kennedy, and he is interested in having discussions with the Town if they choose to sell the building. Mr. Kennedy will be at the meeting to answer questions you may have for him as well as discuss his recently approved 1 year lease. He would prefer a lease longer than 1 year.

I have provided the economic development committee a tour of the building, so they have a better understanding of what we currently have.

I have also spoken to State Fire Inspector Hector Cyr, who had previously (2014) conducted an inspection of the building. For the building to be occupied outside of its existing use it will have to be sprinkled entirely. (2) quotes have been included. These quotes are only for inside work and do not include the cost of getting the water main to the building. This cost would be above and beyond the provided quote. One quote is for only one floor and the other is for both floors.

**ITEM 10:** This is a follow up from a previous meeting. Since the meeting I have spoken to Mark Janicki who resides at the end of Mutton Lane. He relayed that his only request was that the Town grade the road once a year to help with the roughness. He would also like to gain some of the width back that was lost when the Town previously did work on the drainage. From this conversation I spoke with Barney Silver to receive a budget figure for grading the road. Without knowing the extent of the first year work he estimated high that it would cost no more than \$2,000.00 but thought that it could be done for less.

# **Agenda Items For March 16, 2015 Council Meeting**

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## **ITEM 10 (CONT):**

I have also spoken to Don MacKay and David Wardrop about setting the entry back to the forest to make room for parking further off Mutton Lane. Both agreed this was a good idea and could be done for a minimal cost.

I also have spoken to Ray Lynch who owns property that abuts the town forest about the possibility of a right of way so that a new entrance could be used. At this time he does not want to allow the Town a right of way because of privacy concerns.

It would be Staff's recommendation that Manager Leonard be authorized to work with Barney Silver, the Conservation Commission, Mr. Janicki and Mrs. Sudborough to grade the road and make more parking near the entrance of the forest when weather permits.

Veazie Town Council Meeting  
February 23rd, 2015

**Members Present:** Chairman Tammy Perry, Councilor Robert Rice, Councilor Chris Bagley, Councilor Karen Walker, Councilor David King, Manager Mark Leonard, Secretary Julie Strout, Supt. Rick Lyons, Principal Scott Nichols, School Board Committee Member Gavin Batchelder, Budget Committee member Norma Noble and various members of the public.

**Members Absent:**  
None

**ITEM 1: Call to order**  
Chairman Tammy Perry called the meeting to order at 6:30pm.

**ITEM 2: Secretary to do the roll call:**  
All present.

**ITEM 3: Pledge of Allegiance**

**ITEM 4: Consideration of the Agenda**  
None

**ITEM 5: Approval of the February 9th, 2015 Council Meeting Minutes**  
Councilor Karen Walker made a motion, seconded by Councilor David King to accept the February 9th, 2015 Council Meeting Minutes as written. Voted 5-0-0. Motion carried.

**ITEM 6: Comments from the public**  
None

**New Business:**

**ITEM 7:** None

**Old Business:**

**ITEM 8: FY15/16 Budget Discussion**  
Councilor Rice requested by the next meeting a report showing a 4 year time series of Reserve account totals. Principal Nichols and Supt. Lyons presented more information to the Council regarding the school budget. The Council discussed the poor quality of the catch basins around town. They would like Barney Silver and Manager Leonard to work on this project in order to come up with an amount needed for the budget.

**ITEM 9: Community Center Lease**  
Mr. Kennedy was not present at the meeting. The Council tabled this item until the March 16<sup>th</sup> Council Meeting.

**ITEM 10: Mutton Lane Discussion**

The Council would like Manager Leonard to check the tax maps on Mutton Lane to see what the town owns, what can we do with a right a way, what can we do to block the access if we change the entrance and talk to Mr. Qualey and Mr. Lynch in regards to a new entrance to the town forest. This item will be put on the March 30<sup>th</sup> agenda again.

**ITEM 11: Manager's Report**

Manager Leonard reviewed his report with the Councilor's.

**ITEM 12: Comments from the Public**

None

**ITEM 13: Executive Session – 1 MRSA (405)6A – Personnel Matter**

Councilor Chris Bagley made a motion to enter into Executive Session – 1 MRSA (405)6A at 7:55pm, seconded by Councilor Karen Walker. Voted 5-0-0. Motion carried.

Councilor David King made a motion to exit Executive Session – 1 MRSA (405)6A at 8:17pm, seconded by Councilor Karen Walker. Voted 5-0-0. Motion carried.

**ITEM 14: Requests for information and Town Council Comments**

Councilor Rice made a motion, seconded by Councilor King,

This is not a budget cut. It is a \$500,000.00 reduction from the additional local funds with the recommendation of using the school departments undesignated reserve to make up for this reduction. The vote was 4-1 with Councilor Bagley voting in the opposition.

**ITEM 15: Review & sign of AP Town Warrant #16 and Town Payroll #17 School Payroll Warrant #17 and AP School Warrant #17.**

The warrants were circulated and signed.

**ITEM 16: Adjournment**

Councilor Robert Rice motioned to adjourn

Councilor David King seconded. No discussion. Voted 5-0-0

Motion carried.

Adjourned at 9:05pm

A True Copy Attest

Julie Strout  
Deputy Clerk



ITEM # 7



### Citizen Involvement Application

All citizens of the Town of Veazie interested in having their names considered for appointment by the Veazie Town Council and/or the Town Manager, at such time a vacancy may occur on any Board or Special Committee, should fill out this application and return it to the Veazie Town Office.

Name Donald Mackay Phone Number 299 3280

Address 1011 Olive Street, Veazie

Civic Involvement 7+ years Conservation Commission

Years Resided in Veazie 13+

Specialty or Field Forestry, real estate

Committee or Boards Interested In Planning Board

Additional Information

Community Center Committee,

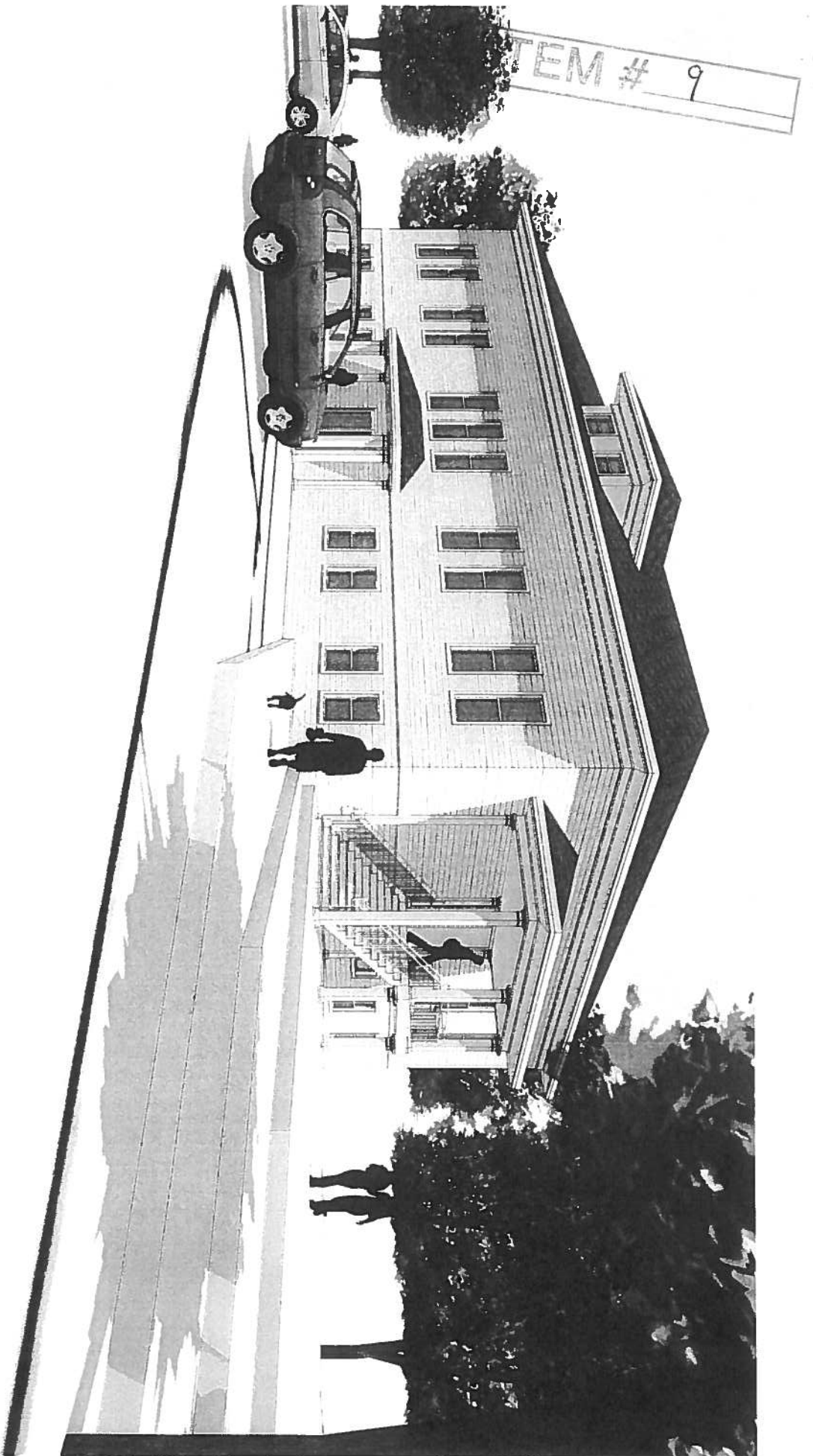
Veazie Days

Applicants Signature: Donald G. Mackay

\*By signing this document I acknowledge that I have read and agree to abide by the Committee Policy that has been adopted by the Veazie Town Council.\*

Date Received at Town Office: 3/12/15





Rendering #1

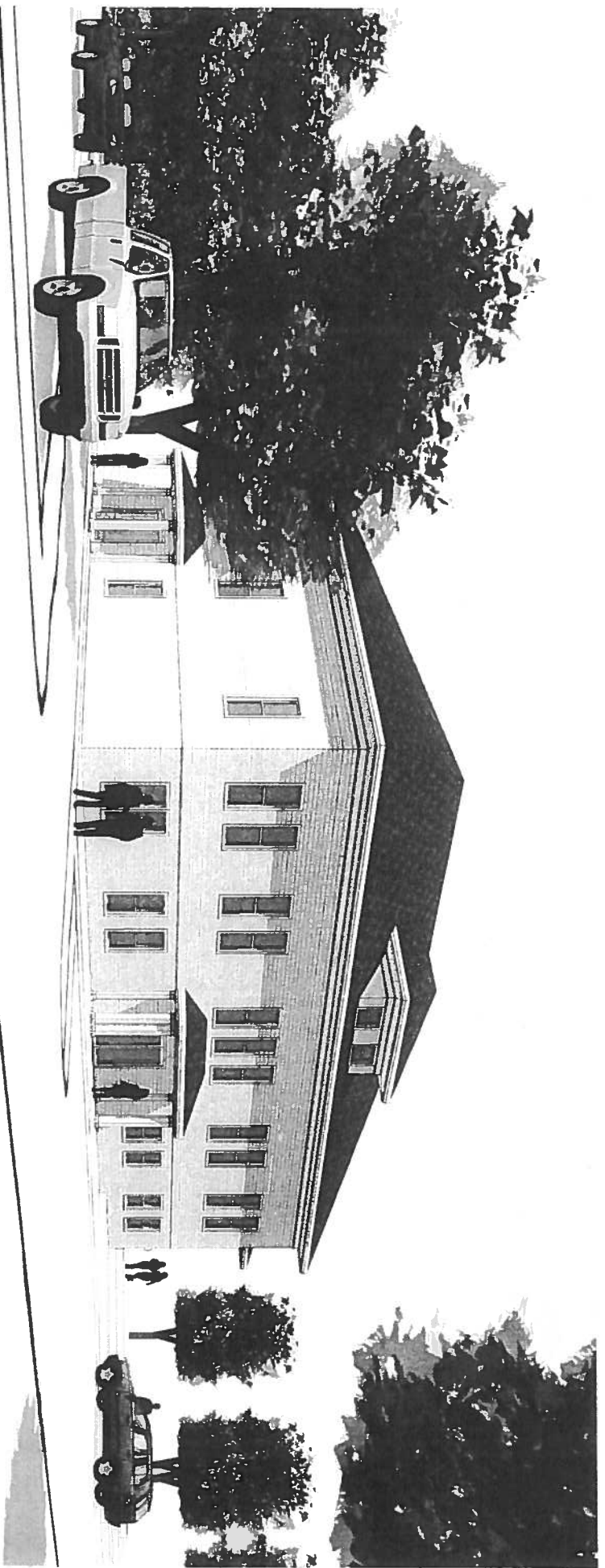
## Veazie Community Building Fundraising

Veazie, Maine



December 16, 2010

**WBRC** ■■■  
Architects + Engineers  
Bangor Portland Sarasota



Rendering #2

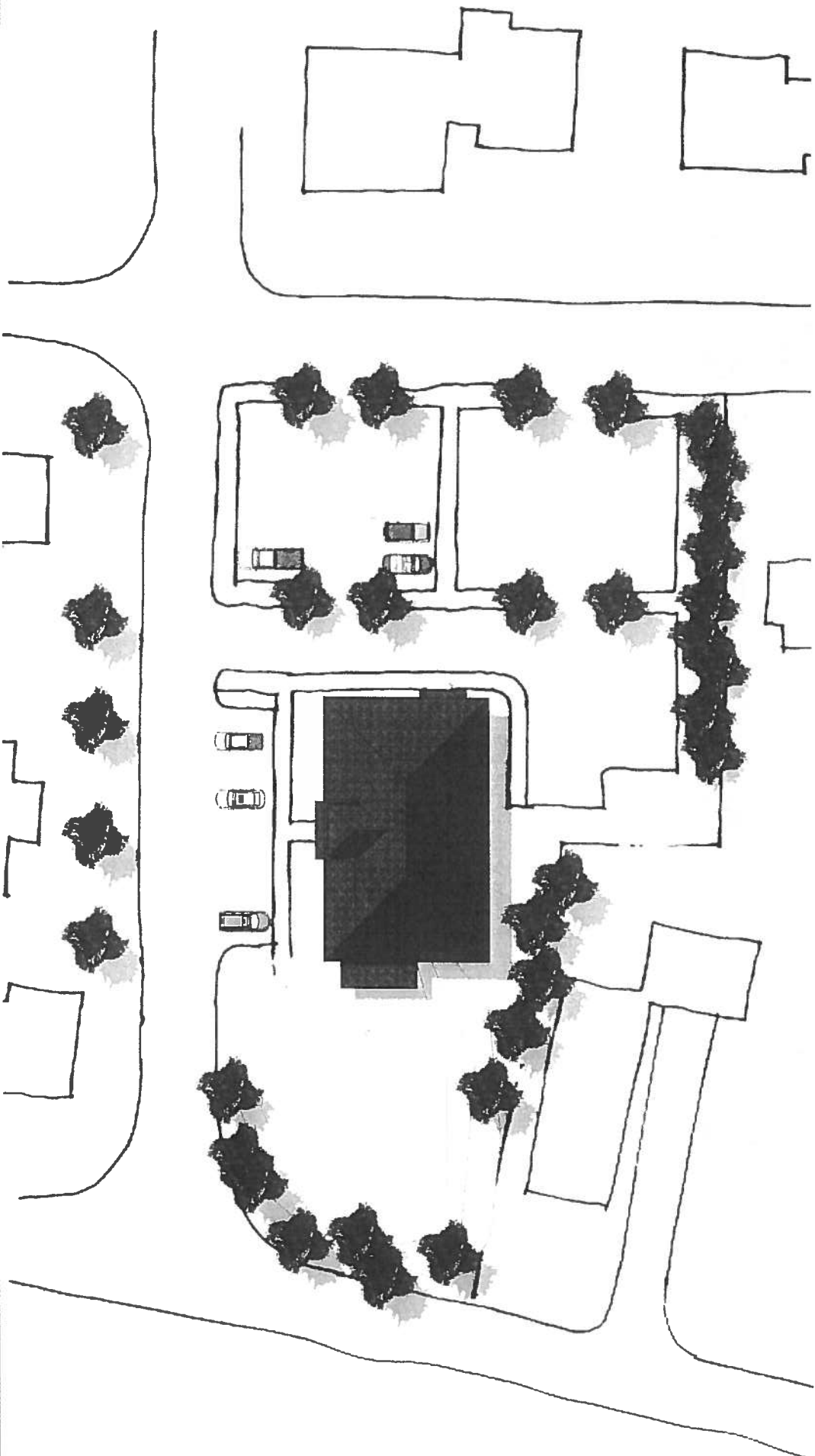
## Veazie Community Building Fundraising

Veazie, Maine

December 16, 2010



**WBRC**  
Architects + Engineers  
Bangor Portland Sarasota



Site Plan

Veazie Community Building Fundraising

Veazie, Maine

December 16, 2010



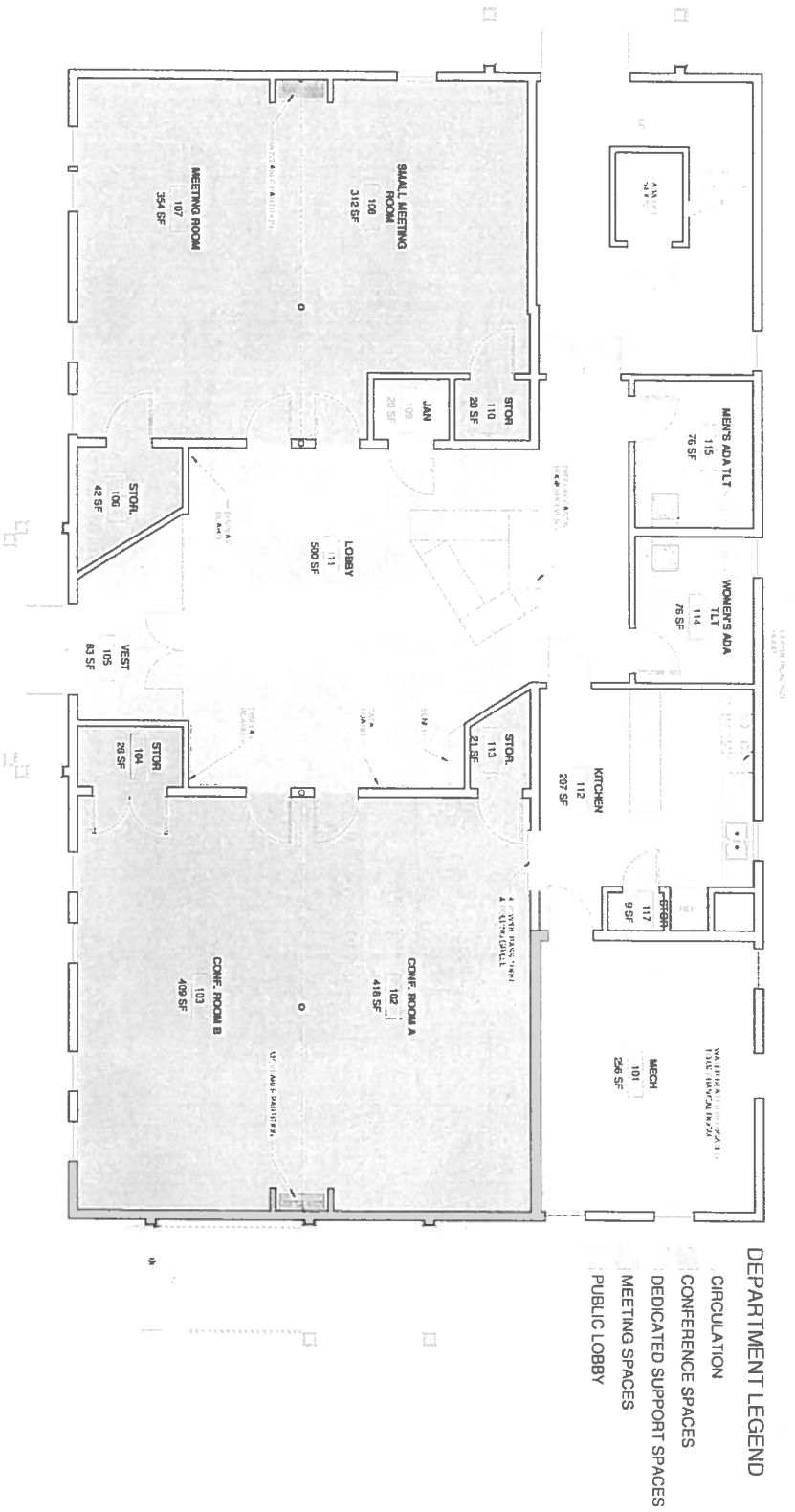
**WBRC**  
Architects + Engineers  
Bangor Portland Sarasota

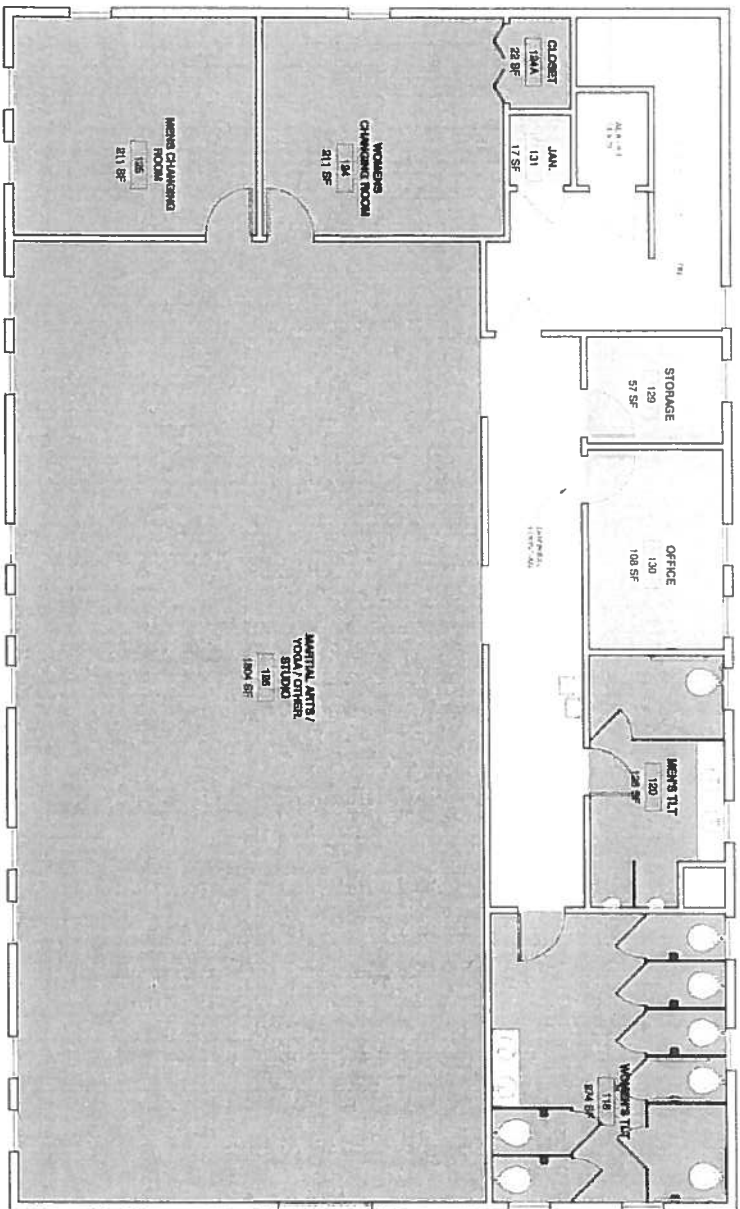


1st Floor Plan  
**Veazie Community Building Fundraising**  
Veazie, Maine

December 16, 2010

**WBRC**  
Architects & Engineers  
Bangor Portland Sarasota





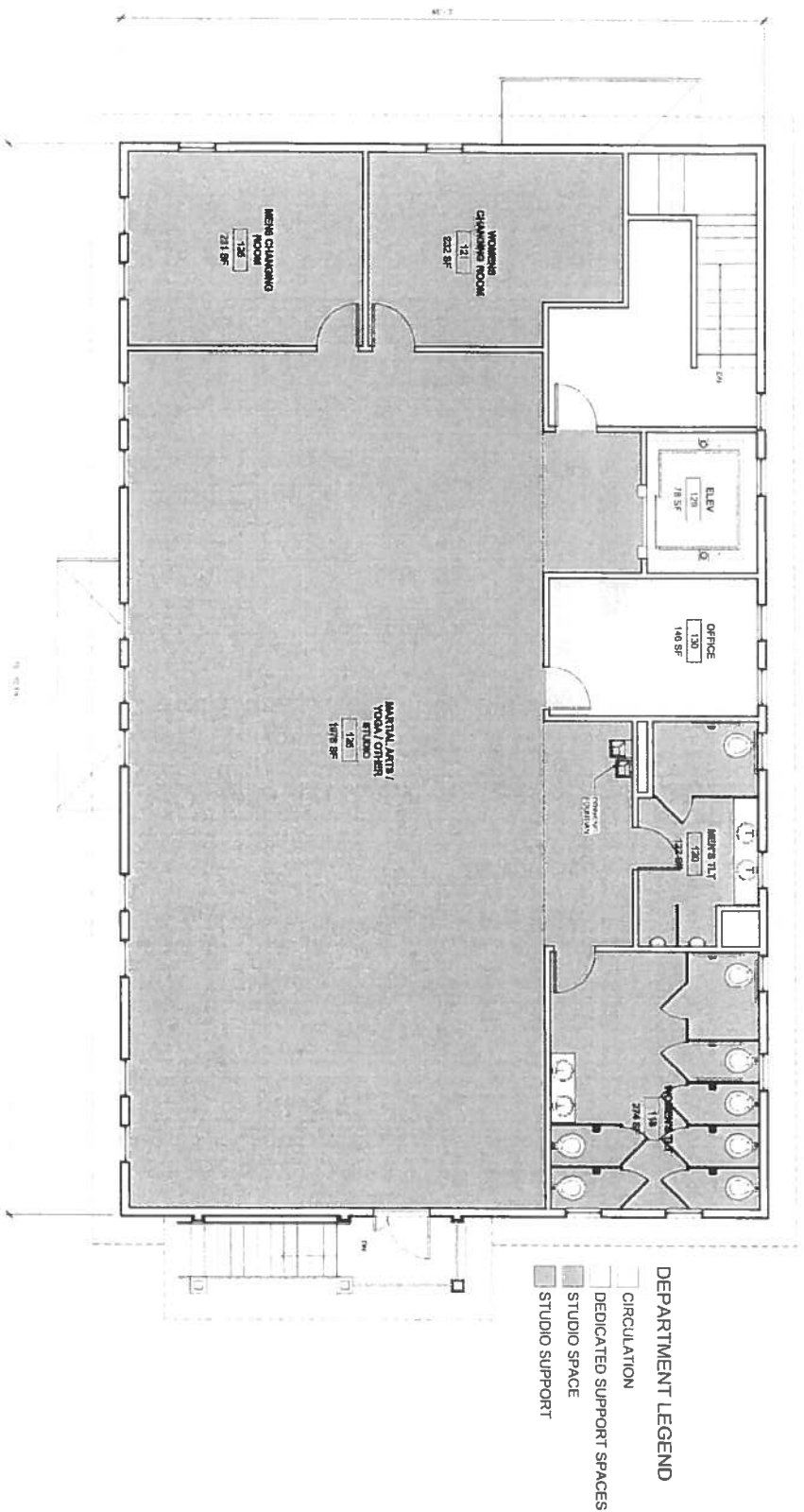
- DEPARTMENT LEGEND**
- CIRCULATION
  - DEDICATED SUPPORT SPACES
  - STUDIO SPACE
  - STUDIO SUPPORT



**2nd Floor Plan**  
**Veazie Community Building Fundraising**  
 Veazie, Maine

December 16, 2010





2nd Floor Plan - Option 2

# Veazie Community Building Fundraising

Veazie, Maine

November 2, 2011



Baigor Portland Sarasota



# Project Budget Summary

**Veazie Community Center**  
Option 1  
Veazie, Moine

Date of this report: 10/25/2011  
Bid Date: TBD  
Substantial Completion: TBD

## Part A: Administrative

1 Land	\$0
2 Advertising	\$1,500
3 Legal/Insurance	\$4,000
4 Bid Document Printing and Handling	\$2,500
5.1 Furniture	\$19,440
5.2 Moveable Equipment	\$12,960
6 Telecommunications	\$9,720
7 Security Systems	\$0
8 Art and Sculpture	\$0
9 Moving, Temporary Space	\$0
10 Bid Contingency	\$32,400
11 Construction Contingency	\$32,400
12	
<b>Part A Subtotal</b>	<b>\$114,920</b>

## Part B: Fees & Services

13 Architect/Engineer Basic Services Fee (9%)	\$58,320
14 Additional A/E Services Fees (Suppl. Agreements)	\$6,998
15 A/E Reimbursables Expenses	\$1,750
16 Additional Consultants	\$0
17 CM Preconstruction Fee (If Used)	\$0
18 CM Preconstruction Reimbursable Expenses	\$0
19 Hazardous Materials Removal Design	\$0
20 Environmental Phase I / Renovation Impact Study	\$1,500
21 Construction Level Topographic Survey	\$0
22 Soils/Borings	\$500
23 Preconstruction Testing	\$0
24 Construction Testing	\$3,240
25 Life Cycle Cost Analysis	\$0
26 Hazardous Materials Removal	\$0
27 Construction Clerk	\$0
28 Owner's Representative	\$12,960
29 Commissioning	\$14,256
30	
<b>Part B Subtotal</b>	<b>\$85,268</b>

## Part C: Construction

31 Site Cost Budget	\$40,000
32.1 Building Construction (Occupied)	\$399,000
32.2 Building Sprinkler	\$28,000
32.3 LULA Lift Construction + Accessible Path	\$57,000
33 Contractor Fee	\$124,000
34	
<b>Part C Subtotal</b>	<b>\$648,000</b>
35	
<b>Total Project Cost</b>	<b>\$848,188</b>

Accessible Path of Travel Construction Budget Analysis

<b>Veazie Community Center</b>	<b>Date of this report: 10/25/2011</b>
<b>Maine Human Rights Act 20% Rule</b>	<b>Bid Date: TBD</b>
<b>Veazie, Maine</b>	<b>Substantial Completion: TBD</b>

Part 1: Alteration to Place of Public Accommodation

1 Site Cost Budget	\$40,000	Estimated Site Construction Costs, Part 1
2 Building Construction (Occupied)	\$399,000	Estimated Building Construction Costs, Part 1
3 Building Sprinkler	\$28,000	Estimated Building Construction Costs, Part 1
4 Contractor Fee	\$116,750	Estimated Building Construction Costs, Part 1
5		
Part 1 Subtotal	\$583,750	

Part 2: Maine Human Rights Act Accessible Path of Travel

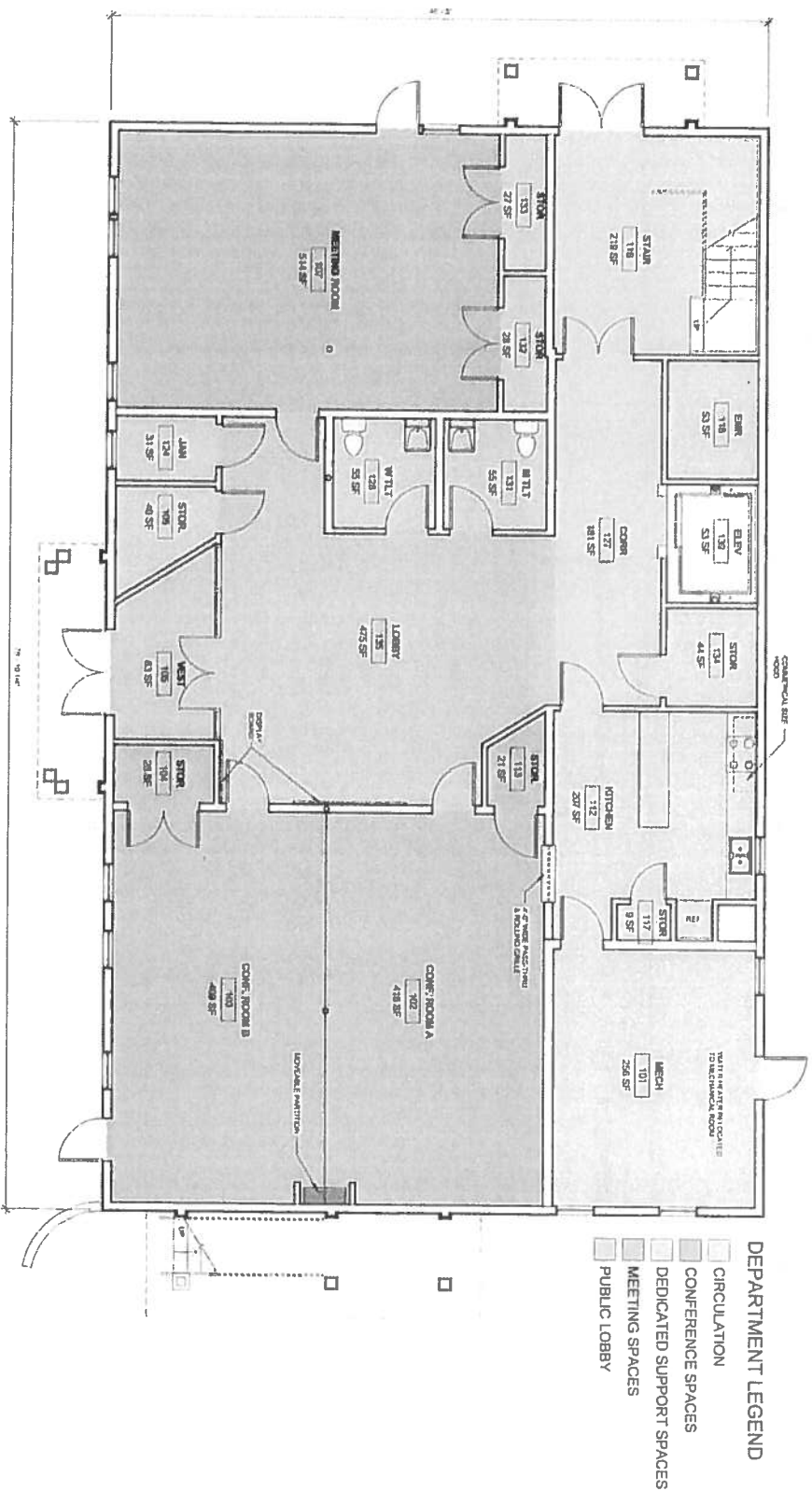
6 Accessible Entrance	\$22,000	Estimated Site Construction Costs, Part 2
7 Elevator	\$47,000	
8 Elevator Labor	\$8,000	
9 Elevator Shaft and Machine Room Construction	\$11,000	
10 Electrical and Fire Protection Infrastructure	\$6,000	
11 Contractor Fee	\$23,500	
12		
Part 2 Subtotal	\$117,500	

13	Total Construction Cost (Part 1 + Part 2)	\$701,250
	Percentage of Cost for Accessible Construction	20.13%



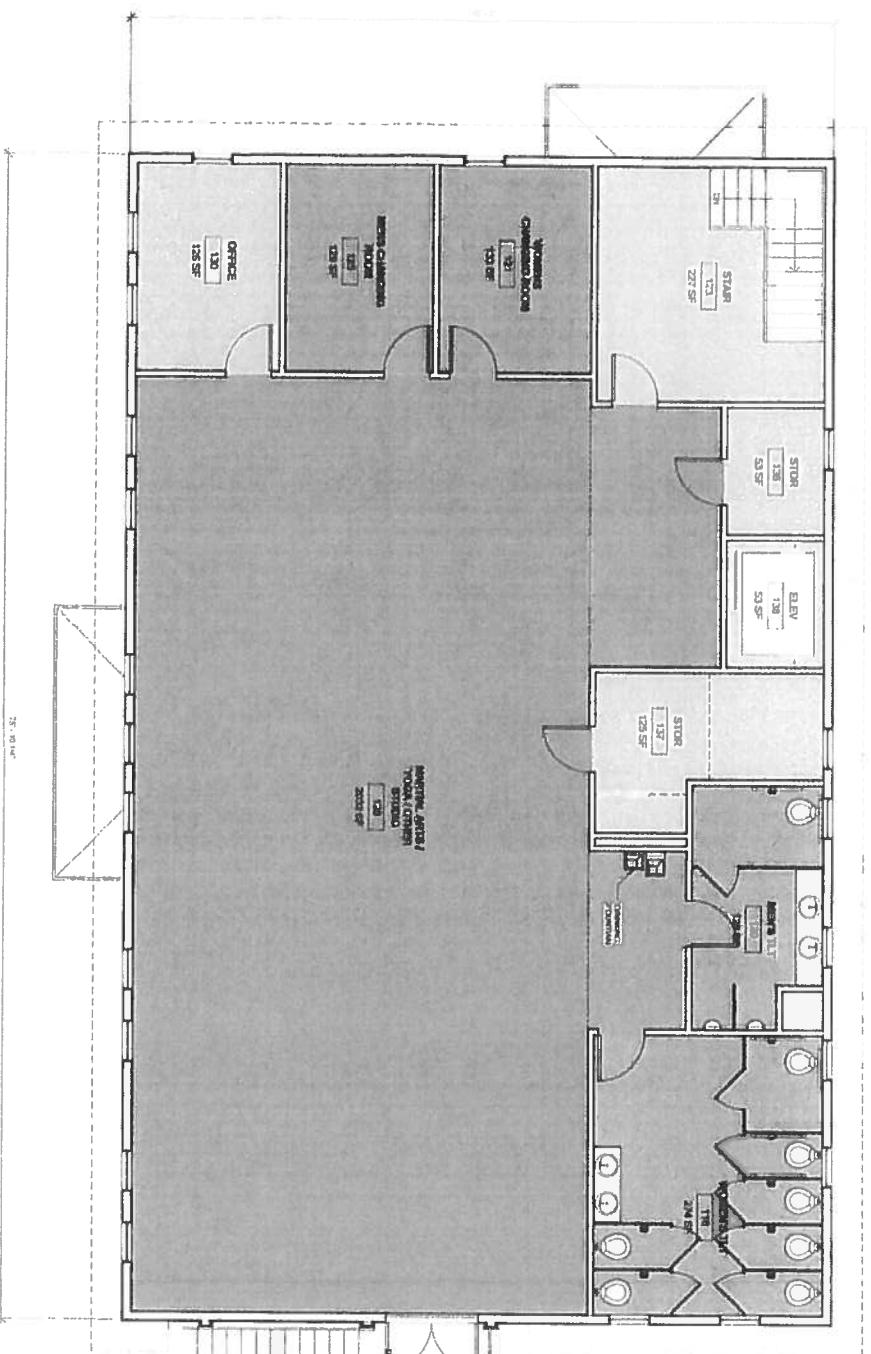
ARCHITECTS • ENGINEERS

BANGOR PORTLAND SARASOTA



# 1st Floor Plan - Option 3 **Veazie Community Building Fundraising** Veazie, Maine

November 7, 2011



- DEPARTMENT LEGEND**
- CIRCULATION
  - DEDICATED SUPPORT SPACES
  - STUDIO SPACE
  - STUDIO SUPPORT



**2nd Floor Plan - Option 3**  
**Veazie Community Building Fundraising**  
 Veazie, Maine

November 7, 2011

# Project Budget Summary

**Veazie Community Center**  
Option 2 & 3  
Veazie, Maine

Date of this report: 11/09/2011  
Bid Date: TBD  
Substantial Completion: TBD

## Part A: Administrative

1 Land	\$0	Currently Owned
2 Advertising	\$1,500	
3 Legal/Insurance	\$4,000	Owner to Verify
4 Bid Document Printing and Handling	\$2,500	
5.1 Furniture	\$21,709	Owner to Verify - 3%
5.2 Moveable Equipment	\$14,473	Owner to Verify - 2%
6 Telecommunications	\$10,854	Owner to Verify
7 Security Systems	\$0	Owner to Verify
8 Art and Sculpture	\$0	TBD
9 Moving, Temporary Space	\$0	TBD
10 Bid Contingency	\$36,181	5% of construction budget estimate
11 Construction Contingency	\$36,181	5% of construction budget estimate
12		
<b>Part A Subtotal</b>	<b>\$127,398</b>	

## Part B: Fees & Services

13 Architect/Engineer Basic Services Fee (9%)	\$65,126	
14 Additional A/E Services Fees (Suppl. Agreements)	\$7,815	Placeholder - 1.2% of Basic Services Fee
15 A/E Reimbursables Expenses	\$1,954	Printing, travel, etc
16 Additional Consultants	\$0	TBD
17 CM Preconstruction Fee (if Used)	\$0	TBD
18 CM Preconstruction Reimbursable Expenses	\$0	TBD
19 Hazardous Materials Removal Design	\$0	TBD
20 Environmental Phase I / Renovation Impact Study	\$1,500	TBD
21 Construction Level Topographic Survey	\$0	
22 Soils/Borings	\$500	
23 Preconstruction Testing	\$0	
24 Construction Testing	\$3,618	
25 Life Cycle Cost Analysis	\$0	
26 Hazardous Materials Removal	\$0	TBC
27 Construction Clerk	\$0	TBC
28 Owner's Representative	\$14,473	TBD
29 Commissioning	\$15,920	TBD
30		
<b>Part B Subtotal</b>	<b>\$94,986</b>	

## Part C: Construction

31 Site Cost Budget	\$40,000	Scope to be determined
32.1 Building Construction (Occupied)	\$399,000	7000SF @ \$57/SF
32.2 Building Sprinkler	\$28,000	8000SF @ \$3.50/SF
32.3 Elevator Construction + Accessible Path	\$117,500	Includes shaft construction
33 Contractor Fee	\$139,125	General Conditions 10%, Overhead 5%, Profit 10%
34		
<b>Part C Subtotal</b>	<b>\$723,625</b>	

35

Total Project Cost **\$946,009**

363610 Veazie Project Budget - Option 2 - 102511 Project Budget Summary





March 13, 2014

**Mr. Mark Leonard, Interim Town Manager**  
Town Of Veazie  
1084 Main Street  
Veazie, ME 04401

RE: Veazie Community Center - ADA improvement to the First Floor Toilet Rooms and Entrances

Dear Mark:

WBRC is pleased to provide the Town of Veazie and the Veazie Community Center with A/E Contract Design services to renovate the First Floor Toilet Rooms and Entrances to be in conformance with ADA guidelines. Our scope of services include one meeting with the community center board, 1 site visit to verify existing condition, and floor plans and details that can be competitively bid and are sufficient for submission to local and state authorities having jurisdiction. The following deliverables are included in our contract design services:

1. Contract Drawings: **\$4,200.00** (Specification will be included on drawings)
  - a. G-001 Cover Sheet
  - b. G-002 General Notes and Abbreviation
  - c. G-003 Code Compliance Report & Plan
  - d. AD-101 Removals Floor Plan & Notes *(Includes Structural & MEP info)*
  - e. AE-101 Floor Plan, Schedules & Notes *(Includes Structural & MEP info)*
  - f. AE-501 Details *(Includes Structural & MEP info)*
2. Contract Specifications required for competitive bidding: **\$800.00**
  - a. Division 00
  - b. Division 01
3. Bid Design Services: **\$800.00**
  - a. Assist owner with solicitation of bids
  - b. Facilitate Pre Bid Conference
  - c. Response to Pre-Bid Contractor request for information
4. Construction Administration Design Services - NOT INCLUDED

Our proposed fee for contact Design services is **\$5,800**, plus reimbursable expenses for printing and travel at \$0.555 per mile.

We would be happy to review our scope of services and fee with you if you have any questions or concerns. We appreciate the opportunity to continue our relationship with the Town of Veazie on this project.

Sincerely,

Mathew Ward  
Architect, Senior Associate

pc: Al Bromley, Rob Frank

[www.wbrcae.com](http://www.wbrcae.com)

44 Central Street  
Bangor, Maine 04401-5115  
207.947.4511 voice 207.947.4628 fax

30 Danforth Street, Suite 306  
Portland, Maine 04101  
207.823.4511 voice 207.828.4515 fax

8110 Lakewood Main Street, Suite 210  
Lakewood Ranch, Florida 34202  
941.556.0757 voice 941.556.0759 fax  
FL CCA#AA16000197 & 27389

# Opinion of Probable Costs

## Pre-Design Phase

June 25, 2014

### Veazie Community Center Improvements Veazie, Maine

					TOTAL
<b>A</b>	<b>CONSTRUCTION COSTS</b>				
1	NFPA 13 Sprinkler System (incl'ds GC, OH & P)	SF	\$ per SF		
	1.1 1st Floor Building cost	6,992	\$ 5.67		\$39,664
	1.2 2nd Floor Building cost	3,496	\$ 3.80	\$ 13,284.80	
	1.3 Site cost	3,496	\$ 5.40	\$ 18,879.00	
		Lump Sum		\$ 7,500.00	
2	Existing Toilet Room ADA Improvements (incl'ds GC, OH & P)				\$4,730
	2.1 Demolition (toilet partitions, relocate door)	110	\$ 8.00	\$ 880.00	
	2.2 Improvments (grab bars, accessories, relocate door)	110	\$ 35.00	\$ 3,850.00	
3	ADA Entrance Improvements (incl'ds GC, OH & P)				\$20,750
	2.1 Demolition (doors, walls, relocate door, asphalt)	83	\$ 30.00	\$ 2,490.00	
	2.2 Improvments (doors & hardware, no door operators, walls, finishes, lights, power, entry slab)	83	\$ 220.00	\$ 18,260.00	
4	Project Contingency		10.0%		\$6,514
<b>Subtotal Section A</b>				<b>6,992 \$ 10.25</b>	<b>\$71,658</b>





# MAINE FIRE PROTECTION SYSTEMS

## Proposal

P.O. BOX 1050  
BANGOR, ME 04402  
(207) 942-8809 or FAX (207) 941-1910  
**\*\*BUDGET PRICE\*\***

Proposal Submitted To  
TOWN OF VEAZIE  
ATTN: MARK LEONARD

Phone  
947-2781

Date  
APRIL 23, 2014

Street  
1084 MAIN STREET

Fax  
942-1654

City, State and Zip Code  
VEAZIE, ME 04401

Job Name  
1105 OLIVE STREET

For Project Coordination Contact:  
Lyndon Grindal

Job Location  
VEAZIE, ME

We hereby submit a Proposal for: **INSTALL AN NFPA #13 WET PIPE SPRINKLER SYSTEM THROUGHOUT THE 1<sup>ST</sup> FLOOR OF THE BUILDING. DESIGN THE SPRINKLER SYSTEM FOR THE ENTIRE BUILDING.**

**THIS PRICE EXCLUDES UNDERGROUND PIPING & EXCAVATION, ELECTRICAL & ALARM WIRING, AND PAINTING OF PIPE.**

**THIS IS A BUDGET PRICE OF \$13,325.00**

We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:

**THIRTEEN THOUSAND THREE HUNDRED TWENTY FIVE DOLLARS AND 00/100 dollars (\$13,325.00)**

Payment to be made as follows: **NET 30 DAYS**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature *Almuse Strout*

Note: This proposal may be withdrawn by us if not accepted within 30 days.

**ACCEPTANCE OF PROPOSAL** – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be as outlined above. Continued on back page.

# Sprinkler Systems, Inc.

P.O. Box 1285  
Lewiston, Maine 04243-1285  
Ph. (207) 782-0104 Fax (207) 783-4865  
*Fire Protection Professionals Since 1973*

**TO:** Town of Veazie  
1084 Main Street  
Veazie, Maine 04401  
o) 947-2781 f) 942-1654

**DATE:** 29-May-14

**ATTN:** Mark Leonard

**RE:** Veazie Community Center  
1005 Olive Street  
Veazie, Maine

**SCOPE:** PROPOSE TO INSTALL A NEW NFPA #13 WET SPRINKLER SYSTEM  
IN THE ABOVE PROJECT PER STATE AND LOCAL APPROVALS  
+ START INSIDE BUILDING AT NEW 6" UG FLANGE @ 1'-0" AFF  
+ EXPOSED/CONCEALED STEEL PIPING  
+ NEW QUICK RESPONSE SPRINKLERS  
+ ASSUME ADEQUATE WATER SUPPLY PRESSURES AND FLOWS AVAILABLE  
IN THE CITY WATER SUPPLY MAINS  
+ ASSUME ADEQUATE HEAT (MIN 40 DEG F) IN SPRINKLER ROOM AT ALL TIMES  
+ MINIMUM OF 4-5 WEEK LEAD TIME ON DESIGN, APPROVALS, PERMITS, ETC.  
FROM DATE OF CONTRACT AWARD

**NOT INCLUDED IN SCOPE:**

- ANY ELECTRICAL OR ALARM WORK
- ANY PAINTING OF PIPE
- ANY REPAIR, PATCHING, OR PAINTING OF STRUCTURE
- ANY SEISMIC / EARTHQUAKE BRACING
- ANY CENTER OF TILE ON SPRINKLER HEAD LOCATIONS
- ANY SOFFITS TO HIDE OBJECTIONABLE EXPOSED PIPING
- ANY UNDERGROUND WORK

**QUOTE:** \$32,000.00

**Thank You,**

**Scott E. Garland, SET, RMS**  
**Estimating Dept.**

Authorized By:

Date:

# **Manager's Report For March 16, 2015 Council Meeting**

Since the last council meeting here are some things I've been working on and/or have been occurring around Town:

A large amount of time has been spent working on the FY 15/16 budget which will be presented in draft form to the budget committee on 03-12-2015.

Following the Council meeting I spoke with Supt. Lyons on the directive provided by Council at the meeting. He was provided with the motion that was made and ultimately passed

I have met with Jim Parker on Sewer District Assessment which he will provide to me prior to the end of March. At the meeting he thought they were going to be able to follow the outline that was provided last year but he will have a better understanding after the March meeting.

I had a meeting with Don McKay on several items. We discussed the conservation commission and the Mutton Lane/ Buckhill Conservation entrance. We discussed the Community Center as well as completed the Tree City application

I held a meeting with Town Forester David Wardrop and went over the hazard tree assessment that he recently completed. He is going to provide an additional list with the trees that will need to be addressed immediately.

At the request of Maine Municipal Association I completed a survey on what benefits we provide for the FD volunteers. The information is going to be used toward legislation that is in discussion.

I have spoken to Glen Kennedy, who currently leases the upper floor of the community center, to see if he still had interest in purchasing the community center if the opportunity presented itself. He relayed that he would be interested in entering into conversation with the town.

I had a meeting with Maine Municipal Associations Workers Compensation representative. Although we have seen huge improvement in our workers compensation rate it is still at 1.29 which is down from a high of 1.97. It is believed if workers continue to work safely throughout this year we will see a drastic change next year. They would like to see us at a 1 or better rating.

I have completed the renewal application for the Towns radio license which is held by the FCC

I was requested and participated in promotion process for the Bar Harbor Police Department. A thank you letter from Chief Willis is included in the attachments.

I worked with Sgt Nichols to complete the end of year crime statistic reports for the State of Maine which will in turn be relayed to the FBI.

# **Manager's Report For March 16, 2015 Council Meeting**

I attended the Penobscot County Fire Chiefs meeting which was held in the Town of Hermon. During this meeting I also completed my yearly Fire Warden training requirements. This will allow me to continue to issue burning permits for the Town of Veazie.

I have reviewed the bid specs for the paving project scheduled for State Street this year. Work will be required but this will be completed by the sewer and water district.

I spoke to Pat Rice in reference to the recently reinstated economic development committee. Ultimately she asked if I could meet with the other members at the Community Center so they could have a tour of the building. This has been completed.

I was host to the Thriving in place meeting which is a group of civil minded citizens that are meeting to put together a grant that will assist elderly and disabled adults to stay in their homes. The group focused on finalizing a survey that will be sent to the above mention focused group to assist with the grant writing process. The group will be meeting in the Council Chambers again in April

I attended the Crime Scene Investigators class that the Police Department teaches to the 7 graders. On the day I attended the major crime had occurred and the students were processing the scene for evidence. This is a great class that the Police Department has worked with the school for several years now.

Captain Metcalf from the Fire Department and I met with Chris Beaumont whom is the director for the live in program at Eastern Maine Community College. This an introductory meeting as this will be our first year that we participate in the student live in program. Director Beaumont is very excited to have us as partners and we are very excited to bring this program to the Town.

I met with the Community Center Re-development committee and discussed options on fundraising and ideas on moving the project forward. Chair Don MacKay will be at the March 16<sup>th</sup> Council meeting to provide the members of the Council with an update on the Community Center.

I have met with the new Recreation Manager for the Town of Orono. We discussed ways we could work together more involving all areas of recreation. He will make himself available to speak to the members of the Council at a future meeting.

# **Manager's Report For March 16, 2015 Council Meeting**

The draft budget for the municipal departments were presented to the budget committee. The school will make the next draft presentation on March 31. These budgets then will be presented to the Council on April 16<sup>th</sup> and 30<sup>th</sup>.

I attended a day long training on General Assistance. This class is being offered around the State of Maine throughout the year. A new general assistance application is now in circulation and being used by the Town of Veazie. This application collects more information on the applicant than had previously been collected.

#### **Attachments:**

Thank you card to Assessor Ben Birch  
Legislative Bulletin No. 6  
Thank you email on Town Roads  
Agenda for March 3<sup>rd</sup> Orono Veazie water District Meeting  
Veazie Hazard Tree Report  
Legislative Bulletin No. 7  
Response Email from Sewer District  
Agenda for March 2 School Committee Meeting  
Minutes from the February 2 School Committee Meeting  
Minutes from the State Street Paving Project  
Draft Fundraising letter from Viking Glass  
Letter from MRC  
Bangor Daily News story on conviction of Veazie Burglary Suspect  
Legislative Bulletin No. 8  
Newsletter from Representative Peter Lyford  
Thank you letter to Chief Leonard from Chief Willis of Bar Harbor Pd  
News Story on Teachers Brian Gonyar and Laurie Gott



Feb 16, 2015

Dear Mr. Birch,

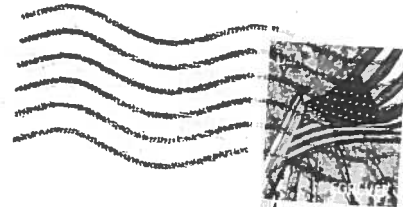
Many thanks for your  
incredibly detailed answer  
to my questions about  
sq. footage + property taxes  
I didn't expect such kind  
attention to my inquiry.

Please accept my  
gratitude - you are  
exceptional at your job!

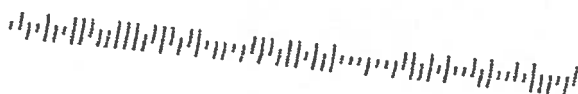
Patricia Thompson

RCUD  
2/24/15

Thompson  
1152 Buck Hill Dr  
Veazie ME 04401  
EASTERN MAINE 044  
17 FEB 2015 PM 2 T



Benjamin Birch, Assessor  
TOWN of Veazie  
1084 Main St  
Veazie ME 04401-7091



## Top-Drawer Municipal Testimony Counters Proposed Repeal of Revenue Sharing

For over four hours Wednesday afternoon this week 40-plus municipal officials presented testimony to the Appropriations and Taxation Committees in opposition to Governor LePage's proposal to eliminate the municipal revenue sharing program. That proposal is a component of the comprehensive tax reform plan embedded within the Governor's proposed state budget. As is often the case when municipal officials congregate to discuss public policy matters of great concern, the municipal testimony was delivered with solid detail, obvious passion, a touch of humor, a touch of heat and an abundance of panache.

The members of the legislative committees may have been bracing themselves to hear account after mind-numbing account of the property tax rate increases each town and city would have to administer when revenue sharing disappears, and what additional program cuts would likely ensue. Perhaps they were pleasantly surprised. The municipal testimony addressed a wide array of issues associated with the

43 year old system that distributes a small share of sales and income tax revenue back to the local governments, essentially from where it came. The testimony was layered in content and as rich in policy considerations as the revenue sharing program itself. Revenue sharing is a four dimensional program currently stuck, regrettably, inside a one dimensional debate.

Some of the common themes were:

- *State-local relationship.* Eliminating revenue sharing represents a serious breach in the relationship between the state and its local governments.
- *Mandate recognition.* The services municipalities are mandated to provide for the general good of the state compels some level of state financial participation.
- *Whose revenue is being shared?* When municipal effort nurtures the economy that generates the sales and income tax revenue and state government merely collects it, who is doing the sharing and who is doing the receiving?
- *Efficiency and collaboration.* Municipalities large and small are robustly

engaged in collaborative efforts and do not need to be preached to on that score by state government.

• *Lack of effective offsets.* Rural Maine most especially obtains no benefit from a proposal mandating local governments to apply the property tax to tax exempt property.

• *Bridging municipal fiscal capacities.* Municipalities have widely varying fiscal capacities and revenue sharing, like no other system in law, is thoughtfully designed to help equalize the capacity of local governments to provide basic services.

Although not directly the subject of this public hearing, the municipal testimony also repeatedly stressed that younger households matter, too, and the Homestead property tax exemption should be provided without discrimination on the basis of age. The Governor is proposing to repeal the exemption for all homesteaders under the age of 65 and create a \$20,000 homestead exemption for those 65 years of age or older.

What follows is a small sampling of the testimony touching on the revenue sharing themes. (Slightly edited for format and context).

**Ernest James, Chair of the Charlotte Selectboard**

*"In Charlotte we have the bare minimum of people on the payroll. If we take anyone off, we'd be breaking the law. Some offices, like General Assistance Administrator, have never ever been paid. We join with other towns for solid waste removal, ambulance and fire, share a clerk with two other towns and a collector. We cannot shorten our 23 or 24 miles of roads.... You remember when Abraham Lincoln and a*



The Appropriations Committee room filled with municipal officials from all corners of the state patiently waiting to testify.

(continued on page 2)



## Public Hearings (cont'd)

friendly judge agreed to trade horses? The judge gave Lincoln a blind horse, Lincoln gave the judge a saw horse. If the proposed budget without revenue sharing goes through, that's going to give Charlotte a dead horse."

### Kathy Littlefield, Chair of the Waldo Selectboard

"A purpose of the revenue sharing program is to recognize the impact of the range of state mandates imposed on local governments including the old pre-existing mandates as well as the more recent ones. I have my own classification of these mandates, and I will try to just summarize.

- **Collective mandates.** These are those little, small ones that taken by themselves don't add up to much but you add them all together they are a very significant increase to municipalities.

- **Rulemaking mandates.** Where agency rulemaking adds on, adds on, expands and expands and there is never any recognition, financially speaking.

- **Mandates that are mandates but become law with no attached funding** because they are unlabeled mandates, enacted with no preamble. (Examples given)

- **State budget mandates.** Mandates tucked within the state budget are very significant, even to the point of being the budget's focal point. School consolidation law is a prime example. Again, no 90% reimbursement, only penalties for noncompliance.

This unfunded mandate system wears many different faces and gets very complicated."

### Judy East, Executive Director, Washington County Council of Governments

(Note: Demonstrating by action the collaborative approach exercised in Washington County, Judy presented input and testimony for the legislators' consideration that she had gathered from the towns of Alexander, Baileyville, Beals, Calais, Charlotte, Columbia, Eastport, Jonesport, Marshfield, Milbridge, Pembroke, Perry and Whiting.)

"The offsetting proposals do not help rural Maine. I am repeating what you've already heard. There's virtually no



Beverly Uhlenhake, the Deputy Mayor of the City of Brewer, described the detrimental impacts increased property taxes would levy on both Brewer's businesses and lower income residents.

privately owned tax exempt with a valuation exceeding \$500,000 in Washington County. The one that does, the regional hospital in Calais, is already in dire straits financially. ... There's no padding left in these rural budgets."

### Greg L'Heureux, Finance Director, South Portland

"This past year, the businesses of South Portland had taxable sales of about \$930 million, generating approximately \$55 million in various sales, restaurant and lodging taxes for the state. Adding personal and corporate taxes, you have a community that is strongly contributing to the state economy... We provide the services required for those businesses to thrive. The cost to South Portland to maintain its regional commercial center is high. High road costs, high infrastructure costs for sewer and stormwater, fire, ambulance, police services related to crime, traffic accidents and other incidents in high commercial centers. This year we anticipate receiving approximately \$1.2 million in state revenue sharing, a far cry from the full revenue sharing based on the actual law of about \$2.9 million."

### Joe Slocum, Belfast City Manager

"If you take away our remaining \$355,000 in revenue sharing, what else can we cut? We can cut \$117,000 when we close down the assessor's office. But no, that's mandated. We can cut the public works department by \$355,000. But no, that's mandated. We can cut \$125,000 we spend on the city clerk's office. But

no, you mandate elections and almost everything else that office does. We can cut \$413,000 we pay to the water district. But no, that's mandated as well. We can cut the fire department that also serves another town. But wait, we only have two full time firefighters and one of them oversees an ambulance that last month made 275 calls. We can cut \$28,000 we spend on animal control, but that's mandated as well... Maybe we should close down the transfer station, but you guys mandate that as well. In our budget, that's \$51,000 in property taxes. We could close down the harbor where we're mandated to have the harbor master. In our budget, that's \$31,000 in property taxes. We could cut the \$400,000 we spend on resurfacing roads, but yet again we've got to put this back into roads as we're mandated to do."

### Tanya Emery, Director of Economic Development, Bangor

"Our region, our city, has invested \$80 million in public investments in the last few years for projects such as C&L Aerospace, Waterfront Concerts, the Cross Insurance Center, all of these investments have resulted in business growth, expansion, job creation in our city, and increased revenues to the State of Maine, all without state contribution. No state investment. We contributed \$1.62 billion in retail sales in 2013, the largest in the State of Maine. ... Revenue sharing cuts continue to erode our ability to attract and expand our business base which provides the jobs and revenue that we all need."

### Josh Reny, Fairfield Town Manager

"But it is widely recognized that a disparity exists amongst the towns and their ability to pay for these vital services. The state desires to ensure that every child, regardless of their circumstance, is provided a quality education. The state desires to ensure that every citizen, regardless of their zip code, is protected during emergencies or if victimized by crime. Therefore, the State of Maine, over the course of many years, has developed laws that seek to equitably distribute the means to pay for those core functions of government... Eliminating, shrinking or even stagnating programs whose purpose is to produce greater equity will cause an ever-growing gap in the level and quality of education and public safety between

(continued on page 3)

## Public Hearings (cont'd)

the socioeconomic regions of the state. Municipal leaders agree that our tax system is broken. The state as a whole is far too dependent on property taxes to pay for the most vital public services. State and town leaders have been, and shall continue to be, partners regardless of what some politicians might otherwise have us believe. We share the same goal: the cost effective delivery of essential services to the citizens of this state. Let us forge a new and improved partnership as we look towards the future."

### **Jack Clukey, Dover Foxcroft Town Manager**

"Property taxes are a burden simply because they are just expected to pay for too much. Local share of education, services at the county level, and then all the services we've talked about at the local level. All of this from property taxes. I just want to ask the question: If we were starting over again, would we really look at the share of education that we have, the cost of county services, and all the local services... would we turn to property taxes for all of that? We might not."

### **Gary Fortier, Ellsworth City Councilor**

"These businesses come to the state and thrive in the state because of the efforts of the municipalities. The efforts of business friendly towns and cities that must provide the services that are required above and beyond the resident population base. We provide the necessary infrastructure, public safety services, highway maintenance and public utilities while the state of Maine collects a corporate income tax, personal income tax and all of the sales tax as though all of the revenue was created entirely by the efforts of state government and belongs only to the state government. According to revenue sharing law that would be repealed by the Governor's budget, these are the "broad-based tax resources" that should help offset the cost of the municipalities that must oversee the rules of MUBEC, maintain the state's traffic light system, maintain the state's roads, oversee the Maine's land use regulations, etc."

### **Ben Sprague, Bangor City Councilor**

"If revenue sharing were fully funded the City of Bangor would receive \$5 million approximately. What we have received



Jim Bennett, Presque Isle's City Manager, explained the necessary relationship between revenue sharing and the service center community's role as an economic engine for large regions of the state.

is \$2 million. There have already been significant cuts... The nonprofit revenue would be approximately \$3 million. Would we rather have \$2 million, \$3 million or \$5 million? It is a false choice. Obviously we'd rather have \$5 million but pitting one group against the other is politics of division. And for the state to be unable to balance its own budget and imagine that the way to fill the gaps in its budget is to further raid municipal coffers and tax nonprofits like homeless shelters and women's shelters and land trusts is in my mind a state that has lost its moral compass."

### **Peter Joseph, Freeport Town Manager**

"At the same time, we are a full service community, we're also a significant tourist destination and economic engine for the state. In 2013 1.9% of the taxable personal consumption retail sales occurred in Freeport. Our estimate is that we generated \$18.6 million in sales tax revenue this year (that's only sales tax, that's not lodging tax, not meals and rooms tax, etc.) which went from businesses in Freeport into the state coffers."

### **Jack Kareckas, South Berwick Town Councilor**

"There's been several questions by legislators regarding the efficiencies of local government, we're wicked efficient. Go down the list. We collaborate right now, I think we're a model of inter-municipal collaboration and regional collaboration... We split the code enforcement officers with Berwick and dispatch. We have inter-municipal police patrols because our

towns border each other and they sense if the police are there they'll spill over onto our roads and we do vice versa. With North Berwick we share an assessor and we share solid waste transfer. With Eliot, we used combined forces to replace a failed bridge last year. Guess what? We did it about 25% under budget. With the school district, we reduced fuel oil costs and paper. We're part of a 13-town York County committee for solid waste disposal. With Rollinsford (NH) and York we share emergency response. Guess what? The emergency responders are nonprofit. We lost our 55-year-old South Berwick ambulance, and York ambulance came in to save the day. If they get hit, it's going to affect our funding balance and we're going to lose our emergency rescue. And, obviously, we're in mutual aid with fire."

### **Bev Uhlenhake, Deputy Mayor of Brewer**

"The City of Brewer is traditionally a blue collar city, we were brick makers, and we were mill workers, and now we're just workers. We know that the folks in our city are gonna have a hard time. They're mid- to lower-income and they'll be hardest hit by an increase in property tax. I do understand that the proposal offers some assistance to those with lower incomes, those forms of assistance, that refundable form of assistance, means you have to apply to get the refund. We know that those folks often don't access those services, they don't currently file income tax, which makes it a false offer of assistance. If you know that they're not going to access the assistance, don't offer it unless you know that they're actually going to be able to get it... I'm also concerned that there does not seem to be a concern about the effect of this budget on business and I know that the Governor wants to attract business with this budget. I think we need to think about those businesses that are already in the State of Maine that employ our citizens, that contribute to the state through income and sales tax. I have a day job, that day job is as a commercial real estate broker. I get to work with great businesses as they're developing their business plans. I get to work with even better businesses as they're growing. I also have the unfortunate task of filling those holes when those businesses fail. Businesses in the City of Brewer are struggling.... An additional increase in

(continued on page 4)

## Public Hearings (cont'd)

property taxes for those businesses means a decrease in employees and a decrease in revenue to the state. I submit to you that this premise of good-for-business is a false premise."

### Jay Feyler, Union Town Manager

"Nearly every single department collaborates with another town. I currently plow 14 miles of your state roads. I register your vehicles, your snowmobiles, your ATV's, your boats, your dogs, etc. etc., all that money goes to you. I see nothing. I plow those roads for nothing... Because we used to have this partnership with the state, performing these tasks was really not much of a burden. But with the loss of revenue sharing we have to consider where we're going to cut... If you (the state) register your own vehicles, plow your own roads, register the dogs, see what it costs the state..."

### Ed Barrett, Lewiston City Manager

"Municipalities have to have the resources to invest in economic development. Look at the Bates Mill complex. 15-20 years ago, it was a non-productive asset. The City invested heavily and borrowed lots of money to put that asset back to work and today there's 2,000

employees there. Today it would be very difficult to do that because of how financially stressed we are. So as you stress municipalities you stress our economic development capacity." (With respect to the municipal impacts of the tax reform proposal and the claim by the Administration that they have to be viewed in the context of the entire plan) "I'd also invite Commissioner Rosen to come to our tax office when tax bills are being paid and somebody's tax bill goes up \$500, and he can go over the math to explain to them that they're actually better off than they would be otherwise."

### David Merhalski, Denmark Town Manager

"But what I would like to speak about is the commitment that the state has made and that you have all made as representatives of the people of the state of Maine... The commitment the state made to municipalities is in law and each of you are representatives who have been given the mantle of legislators to carry out the will of the people within the law, and what I'm asking for is not only that you not cut revenue sharing further but that you restore it to the level it should be at... You have all been elected to make the difficult decisions. If you make revenue sharing



Mayor Marianne Moore testified on behalf of the City of Calais on various parts of the Governor's proposed budget on both Wednesday and Thursday this week, including revenue sharing, Homestead exemption, the "BETR-to-BETE" conversion and taxing nonprofits.

go away, that means that I have to make the decisions that you have been elected to make yourselves. At the municipal level, if I have to cut another ten percent out of our budget, that's going to be very hard and that's going to represent a lot of very difficult decisions that myself and my Board of Selectmen are going to have to make. Fully respecting what you've done, you've all been elected to make those decisions."

## BETR/BETE Conversion Proposal Gets Mixed Reviews

This week, the members of the Appropriations and Taxation Committees met to receive public testimony on several elements of the Governor's FY 2016-FY 2017 General Fund budget of significance to municipalities. Wednesday afternoon's hearing was on the proposal to repeal the revenue sharing program. Thursday afternoon's hearing on the proposal to limit the property tax exemption provided to certain nonprofit organizations attracted the most attention that day. Sandwiched in between those events was an important hearing on the Governor's BETR-to-BETE conversion proposal.

As proposed in Part G of the Governor's budget, the property currently enrolled in the Business Equipment Tax Reimbursement (BETR) program would be transferred over to the Busi-

ness Equipment Tax Exemption (BETE) program over a period of four years. The testimony on the proposal was evenly divided between the business and municipal communities, with some businesses wholeheartedly supporting the proposal, other business representatives more cautiously pledging support and the municipal representatives opposing the proposal.

Representatives of large industrial and commercial businesses supported the conversion as a way to reduce business risk. As provided under the BETR program, businesses pay the taxes and then file for state reimbursement for the taxes paid. Although the state originally promised 100% reimbursement, in leaner years, the businesses have received reimbursements of between 80% and 90% of

the taxes paid. Under the BETE program, however, the property would be exempt from taxation with the municipalities reimbursed by the state for 50% of the lost property tax revenue.

Retail business representatives provided testimony in support of the conversion proposal, provided that the BETE program eligibility standards are amended to allow retail property into the program. Currently, retail business personal property is eligible to enroll in the BETR program only.

In a nutshell, the business community representatives advocated for exempting their taxable property from taxation rather than rely on promised state reimbursement. Although a hit to the municipalities, it's a business hedge against the risk that

(continued on page 7)

## LEGISLATIVE HEARINGS

*Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.*

### **Monday, February 23**

#### **Appropriations & Financial Affairs in conjunction with the Taxation Committee**

**Room 228, State House, 10:00 a.m.**  
**Tel: 287-1316**

Proposed biennial state budget components of comprehensive tax reform Parts II (*amends the sales and use tax code: extends current tax rates; extends the application of the sales and use tax; enacts a collection allowance; makes other related changes*) & I (*amends the service provider tax code: increases the effective rate; broadens the application; makes other related changes*)

#### **Education & Cultural Affairs**

**Room 202, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 131 – An Act To Amend the Laws Related to Public Funding of Charter Schools.

LD 235 – An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Education, the Maine Arts Commission and the Maine State Museum and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015.

LD 265 – An Act To Require the State To Fund Public Charter Schools.

### **Tuesday, February 24**

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

**Room 214, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1312**

LD 203 – Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

#### **Labor, Commerce, Research & Economic Development**

**Room 208, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1331**

LD 164 – An Act To Establish the Maine Length of Service Award Program.

LD 188 – An Act To Protect Employees from Abusive Work Environments.

#### **Transportation**

**Room 126, State House, 1:00 p.m.**  
**Tel: 287-4148**

LD 269 – An Act To Require the Maine Turnpike Authority To Consider Certain Third-party Studies and Municipal Recommendations in Its Decision-making Process.

### **Wednesday, February 25**

#### **Appropriations & Financial Affairs in conjunction with the Agriculture, Conservation & Forestry Committee**

**Room 228, State House, 10:00 a.m.**  
**Tel: 287-1316**

Proposed biennial state budget components Parts AA & CC pertinent to staff reduction and more limited jurisdiction of state forest rangers.

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

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

**Tel: 287-1122**

LD 62 – An Act To Require Notice to Municipal Officers of Violations of Emergency Medical Services Law and Rule.

#### **Education & Cultural Affairs**

**Room 202, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 129 – An Act To Provide Options to Schools for Making Up School Days.

#### **Marine Resources**

**Room 206, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1337**

LD 255 – An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest.

#### **State & Local Government**

**Room 214, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-1330**

LD 165 – An Act Regarding the Funding of Volunteer Fire Departments.

LD 166 – An Act To Allow York County To Better Provide Rescue and Ambulance Services.

#### **Taxation**

**Room 127, State House, 10:00 a.m.**  
**Tel: 287-1552**

LD 279 – An Act Regarding Payment under the Business Equipment Tax Reimbursement Program.

LD 281 – Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company and To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company.

LD 282 – An Act To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company; To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company and To Amend the Law Governing School Subsidy Distribution in the Circumstance of Sudden Loss in Municipal Valuation.

#### **Veterans & Legal Affairs**

**Room 437, State House, 10:00 a.m.**  
**Tel: 287-1310**

LD 145 – An Act To Amend the Verification and Certification Process for Direct Initiatives and People's Veto Referenda.

LD 176 – An Act To Amend the Law Governing the Gathering of Signatures for Direct Initiatives and People's Veto Referenda.

LD 197 – An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting.

LD 225 – An Act To Amend the Laws Governing the Collection of Signatures for Referenda.

### **Thursday, February 26**

#### **Education & Cultural Affairs**

**Room 202, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-3125**

*(continued on page 6)*

## LEGISLATIVE HEARINGS (cont.)

LD 231 – An Act To Ensure That Schoolchildren with Dyslexia Receive the Assistance Needed.

**Energy, Utilities & Technology**  
**Room 211, Cross State Office Building, 1:30 p.m.**  
**Tel: 287-4143**

LD 192 – An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges.

LD 200 – Resolve, Regarding Legislative Review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission.

LD 216 – An Act To Amend the Charter of the Hampden Water District.

**Environment & Natural Resources**  
**Room 216, Cross State Office Building, 1:00 p.m.**  
**Tel: 287-4149**

LD 153 – An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regarding Development near Vernal Pools.

LD 307 – An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements.

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

LD 162 – An Act To Protect the Rights of Property Owners.

LD 309 – An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens.

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

LD 249 – An Act to Enable Seniors To Remain in Their Homes.

LD 250 – An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals.

### Friday, February 27

**Transportation**  
**Room 126, State House, 9:00 a.m.**  
**Tel: 287-4148**

LD 112 – An Act To Eliminate the Requirement That Adults Wear Seat Belts.

LD 185 – An Act To Prohibit the Use of a Mobile Telephone When Operating a Motor Vehicle Except in Hands-free Mode.

LD 196 – An Act To Ensure the Safety of Stationary Public Utility Emergency Service Vehicles.

LD 246 – An Act To Prohibit the Handling of a Mobile Telephone While Operating a Motor Vehicle.

## IN THE HOPPER

(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).)

### Environment & Natural Resources

LD 396 – An Act To Encourage the Use of Alternatives to Single-use Plastic Disposable Bags. (Sponsored by Rep. Cooper of Yarmouth; additional cosponsors.)

This bill requires a retailer to assess a 5 cent fee for a single use plastic disposable bag distributed to a customer at the point of retail sale. The retailer retains one cent from each 5 cent fee for administrative costs and may retain an additional cent if the retailer is willing to establish a carry-out program that credits a customer no less than 5 cents for each bag provided by the customer at the point of sale for packaging purposes. The remainder of the fees collected are credited to the Department of Environmental Protection for the purpose of establishing a program to promote recycling efforts related to plastics.

LD 397 – An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products. (Sponsored by Rep. Cooper of Yarmouth; additional cosponsors.)

This bill provides that, effective January 1, 2016, a person may not package or label a disposable cleaning or personal hygiene product for distribution or sale in the state in a package or with a label that states the product is flushable and safe for sewer and septic systems unless the package or label states in a highly visible manner that the product is safe for sewer and septic systems, the person makes available to the Department of Environmental Protection documentation substantiating that the product meets the criteria for flushability as published in the 2013 Guidance Document of Assessing the Flushability of Nonwoven

Consumer Products, and the testing has been performed by a qualified laboratory.

### Health & Human Services

LD 266 – An Act To Allow Access for Law Enforcement Officers to the List of Registered Primary Caregivers for Medical Marijuana Patients. (Sponsored by Rep. Blume of York; additional cosponsors.)

This bill permits the disclosure to a law enforcement officer by the Department of Health and Human Services of the list of registered medical marijuana primary caregivers within the law enforcement officer's jurisdiction in order to assist in ruling out the caregiver when verifying reports of criminal activity.

LD 368 – An Act To Integrate the State's General Assistance and Temporary Assistance for Needy Families Programs. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill provides that a person who is ineligible to receive benefits under the state-federal Temporary Assistance for Needy Families program because the 60-month lifetime limit has been exhausted is also ineligible to receive municipal General Assistance.

### Judiciary

LD 309 – An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens. (Sponsored by Sen. Collins of York Cty; additional cosponsors.)

This bill creates a right of action for a property owner to obtain either compensation or a waiver from regulation in the circumstance where a state law or regulation has reduced the value of the person's property by 50% or more of its pre-regulatory value. Specifically, and for the purpose of this new right of action, the bill: (1) defines a "regulation" as a state law or regulation and not a municipal regulation except as an action by a municipality in conformance with a state regulation that imposes a mandate on the municipality; (2) defines a "regulatory taking" as a regulatory limitation on a property owner's use of real

(continued on page 7)

## **HOPPER (cont.)**

property resulting in a reduction in fair market value of 50% or more; (3) provides this right of action only with respect to regulations that are enacted after August 1, 2016; (4) allows the property owner to consider the cumulative effect of multiple prospective land use regulations to meet the 50% diminution threshold; (5) requires the analysis of the regulatory impact on value to take into account the entire property's value and not just a portion of the property; (6) applies a 3-year statute of limitations so that the property owner has that amount of time from enactment of the restriction(s) which triggers the 50% diminution threshold to initiate regulatory takings claim; (7) requires a person to engage in a mandatory mediation opportunity prior to filing an action in Superior Court, using a mediation program that closely parallels the land use mediation program that has been available since 1995 on a voluntary basis through the Court Alternative Dispute Resolution Service; (8) entitles the property owner to jury trial failing mediation to determine whether a regulatory taking has occurred or not; and (9) allows the state in the circumstance of a "regulatory takings", primarily through the mediation process, to either compensate the property owner for the diminished value or modify the regulatory action causing the reduction in value for that particular property owner.

### **Labor, Commerce, Research & Economic Development**

LD 404 – An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions. (Sponsored by Rep. Lockman of Amherst; additional cosponsors.)

This bill prohibits all public employers from collecting through payroll deductions fees or member dues owed by an employee to a collective bargaining agent.

### **State & Local Government**

LD 408 – An Act To Help Municipalities Prepare for Changes in Sea Level. (Sponsored by Rep. Blume of York; additional cosponsors.)

This bill requires a coastal municipality or multi-municipal region that is developing a comprehensive plan and growth management program under the state's growth management planning and land use laws to include in the comprehensive plan information on, as well as a plan to address, the impact of changes in sea level on buildings, transportation, infrastructure, sewage treatment facilities and other relevant municipal or privately held infrastructure or property.

### **Transportation**

LD 371 – An Act To Enhance Safety for Highway Maintenance Vehicles. (Sponsored by Sen. Collins of York City; additional cosponsors.)

Current law requires motorists to attempt to use a nonadjacent travel lane, if safely possible, when passing certain stationary emergency vehicles in or adjacent to a roadway while attending an emergency. This bill includes stationary highway maintenance vehicles to that list. A highway maintenance vehicle is defined as a public or private commercial vehicle used to maintain, construct or inspect the highways or the property of a public utility.

### **Veterans & Legal Affairs**

LD 413 – An Act To Expand Access to Absentee Ballots. (Sponsored by Rep. Brooks of Lewiston; additional cosponsors.)

Current election law governing the issuance of absentee ballots requires a voter requesting such a ballot within 3 days of the election to provide a reason for needing to vote absentee, such as unexpected absence from the municipality during the entire time the polls are open on election day, physical disability, inability to travel to the polls, incapacity or illness. This bill repeals that requirement, allows all absentee ballots to be returned to the municipal election clerk by the close of polls on election day, and allows a person who wishes to vote absentee to vote in the presence of the municipal clerk anytime up to 8:00 p.m. on election day at any election.

## **BETR/BETE Conversion (cont'd)**

the state won't meet its commitments.

The municipal officials providing testimony in opposition to the BETR-to-BETE conversion came from the communities of Bangor, Calais, Freeport, Madison and North Berwick. The testimony offered by municipal representatives focused on the impacts abolishing the BETR program would have on all other property taxpayers in the community and on state valuation based programs and assessments.

Phil Drew, Bangor's assessor, Melanie Sachs, Freeport councilor, Greg L'Heureux, South Portland's finance director, and Dwayne Morin, North Berwick town manager, provided the Committees with impact data. In Bangor, the transfer of property from the BETR program would shift \$732,000 of additional burden on the property taxpayers and cause a rate increase of over 1 mill. In Freeport, the shift, combined with losses in revenue sharing would be \$450,000, the equivalent of the City's library program or five months of funding for the community's public safety department. In South Portland, the loss is estimated to be over \$3 million in tax revenue.

The testimony offered on behalf of North Berwick focused on the unique circumstances faced by so-called "one horse" towns, where moving toward an exemption system not only hurts residential tax payers, but the actual business benefiting from the exemption. According to an analysis conducted by Mr.

Morin, the BETE related benefits provided to Pratt and Whitney, the town's largest property taxpayer, would be outweighed by the increased taxes the businesses would have to pay on its real estate property.

Bill Van Tuinen, Madison's assessor, focused on the impacts to the intergovernmental funding systems that rely on the state value to calculate both benefits and assessments. The issue highlighted in Mr. Van Tuinen's testimony was that it takes time for a loss of value to work its way into the state valuation figures that determine the distribution of state aid and a community's share of the county budget. Although the loss of value is immediately implemented at the local level and less tax revenues are being collected, the state valuation used to distribute municipal revenue sharing and for determining a community's share of the county tax assessment fails to recognize the loss in municipal value for at least two years. In the case of the a community's share of K-12 education funding, it takes up to six years for the formula to fully recognize that the property is no longer taxable. This delay in state valuation adjustment hits the hardest impacted communities with the double whammy of reduced value and locally-generated revenue without any positive adjustment in state aid and county tax assessments for at least two and as many as six years down the road.

## CORRECTION

Thanks to an attentive reader we have been made aware of a typographical error published in the February 13 edition of the Legislative Bulletin. In the "Tax Committee Kills Local Option Real Estate Tax Bill" article it was reported that the state's real estate transfer tax rate is 4.44%. The rate is actually 0.44%.

## Legislative Bulletin

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

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**Editorial Staff:** Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

## Mark Leonard

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**From:** Russell, Sandra <sandy.russell@bangormaine.gov>  
**Sent:** Wednesday, February 25, 2015 8:47 AM  
**To:** 'Mark Leonard'

Mark: Please give a big thanks to your Public Works. On storm days I do not use the Interstate and come to Bangor on Route 2. The only roads that are plowed and sanded and I feel comfortable on is Route 2 through Veazie. There seems to be no snow buildup by commuter traffic time and obviously your crews have been out for quite some time by then.

Bill and I are both retiring this Spring so next year we won't have to be driving in this mess as we hopefully will be Snowbirds in Ft. Myers, Florida.

Again, my Hats off to Veazie for the fine job they have done with the roads all winter.

Sandy



**Orono Veazie Water District Board of Trustees**  
**Special Meeting**  
**March 3, 2015 @ 6:30 PM - Veazie Council Chambers**

1. Consideration of the Agenda
2. New Business:  
Procedural interviewing/hiring outline drafted by MMA
  - Trustee comments/revisions
  - Approval of process
  - Next steps
3. Public Comment
4. Old Business:  
Executive Session with D. Barrett and R. Hidu to discuss the initial ranking of applicants for superintendent position according to Maine statute:  
***MRSA §405: 6A Discussion or consideration of employment***
5. New Business: Scheduling
  - Future meetings with MMA, as needed
  - First Round interviews
6. Adjourn

***Next Regular Meeting: March 10, 2015 at 6:30 PM, Veazie Council Chambers***



## Veazie Hazard Tree Report, 01/01/2015

by Veazie Town Forester, David Wardrop, Golden Forestry Services, Inc.

This report identifies trees throughout town that pose risk to the public. It is possible that some trees were missed and also possible that some trees pose more risk than currently rated. A comprehensive review of hazard trees throughout town was not within the scope of this review, but a follow up targeting highest risk trees in this list, with an operational plan, is recommended.

Addresses in the report were taken from easily visible mailboxes, or an estimated address based on nearby mailboxes. Many houses throughout town do not have an easily identifiable address. Please note that a tree identified by address isn't necessarily at that address, but is within sight of that address.

Risk was based on a variety of factors, including, but not limited to decay, cracks, root problems, weak branch unions, cankers, poor architecture and dead wood. Only trees that have a target within a public way were listed. Trees whose target was a private home, driveway, or utility line were not included in this report, although many were witnessed.

Trees were assigned a risk level, with **high** being trees with high probability of failing in the near future, **medium** being trees with moderate probability of failing in the near future, and **low** being trees with some probability of failing in the near future. All trees identified have the capability of causing power outages, severe damage and/or death within a public right-of-way. This report does not identify who owns the trees in question, who is liable for the trees in question, or who should control the trees in question. This report does give enough information for the town, utility companies, the general public, or other stakeholders to prioritize trees that should be further assessed, based on location and risk level.

Hazard Tree Report, below, is sorted 1<sup>st</sup> by risk level and then address, and 2<sup>nd</sup> by alphabetical address.

street	number	species	quantity	risk
Arbor	29	r. pine	2	high
Blackbear	5	w. pine	1	high
Blackbear	11	pinos	2	high
Buck Hill	1148	fir	1	high
Buck Hill	1155	aspen	1	high
Buck Hill	1155	g birch	1	high
Chase	1112	maple	2	high
Chase	1116	spruce	1	high
Chase	1150	elm	1	high
Chase	1240	aspen	1	high
Chase	1260	fir	1	high
Chase	1306	aspen	1	high
Flagg	3	aspen	1	high
Graystone	11	pine	1	high

Graystone		aspen	1	high
Jackson	1	wbirch	2	high
Jackson	2	aspen	1	high
Jackson	12	fir	1	high
Jackson	20	ash	1	high
Lemon	6	maple	1	high
Main	1012	spruce	1	high
Main	1031	maple	1	high
Main	1035	maple	1	high
Main	1044	pine	1	high
Main	1052	maple	1	high
Main	1062	cherry	4	high
Main	1076	pine	2	high
Main	1076	wbirch	1	high
Main	1084	cherry	1	high
Main	1114	cherry	1	high
May	1009	locust	1	high
May	1009	maple	1	high
Merrick	6	spruce	1	high
Oak Grove	22	w birch	1	high
Oak Grove	25	maple	1	high
Oak Grove	49	spruce	2	high
Oak Grove	50	spruce	1	high
Oak Grove	54	maple	1	high
Olive	1010	gbirch	4	high
Ridgeview	75	pine	1	high
Ridgeview	155	maple	1	high
Riverview	10	maple	1	high
School	1040	aspen	5	high
State	1228	spruce	1	high
State	1236	oak	1	high
State	1284	pine	2	high
State	1290	maple	2	high
State	1295	maple	1	high
State	1300	maple	1	high
State	1305	maple	2	high
State	1328	apple	1	high
State	1328	elm	1	high
State	1335	b locust	1	high
State	1356	maple	1	high
State	1361	ash	1	high
State	1367	locust	2	high
State	1369	maple	1	high
State	1370	spruce	1	high
State	1375	maple	1	high
State	1404	maple	1	high
State	1448	locust	5	high
State	1592	maple	1	high
State	1600	maple	4	high
Thompson	32	aspen	1	high

Arbor	7	aspen	1	med
Arbor	7	b locust	2	med
Blackbear	5	w. pine	1	med
Buck Hill	1141	maple	1	med
Chase	1106	maple	1	med
Chase	1110	maple	1	med
Chase	1112	maple	1	med
Chase	1120	ash	1	med
Chase	1122	maple	1	med
Chase	1130	maple	1	med
Chase	1142	cherry	2	med
Chase	1143	elm	1	med
Chase	1239	wpine	1	med
Chase	1240	aspen	2	med
Chase	1290	oak	1	med
Chase	1295	g birch	2	med
Chase	1295	wpine	1	med
Chase	1296	maple	1	med
Davis	5	spruce	1	med
Davis	9	maple	1	med
Flagg	1	locust	1	med
Flagg	11	maple	1	med
Flagg	21	locust	1	med
Flagg	24	maple	1	med
Flagg	31	maple	1	med
Highview	7	maple	1	med
Judson	6	spruce	1	med
Lemon	23	maple	1	med
Main	1007	maple	1	med
Main	1010	maple	1	med
Main	1010	wpine	4	med
Main	1012	maple	1	med
Main	1030	maple	1	med
Main	1038	locust	1	med
Main	1052	maple	1	med
Main	1084	aspen	3	med
Main	1109	maple	1	med
Main	1117	maple	1	med
Merrick	6	pin	2	med
Oak Grove	15	maple	1	med
Oak Grove	20	maple	1	med
Oak Grove	39	spruce	1	med
Oak Grove	54	b locust	1	med
Oak Grove	72	maple	1	med
Olive	1010	maple	1	med
Olive	1011	maple	2	med
Olive	1034	maple	1	med
Ridgeview Lane	10	aspen	1	med
Rock	8	maple	1	med
School	1040	aspen	3	med
School	1072	maple	1	med

State	1228	spruce	1	med
State	1243	wpine	1	med
State	1256	maple	10	med
State	1284	maple	1	med
State	1300	maple	1	med
State	1328	fir	1	med
State	1328	hemlock	1	med
State	1335	b locust	1	med
State	1356	maple	1	med
State	1361	ash	1	med
State	1367	locust	1	med
State	1374	maple	1	med
State	1386	spruce	1	med
State	1396	maple	1	med
State	1448	locust	4	med
Sunset	4	maple	3	med
Sunset	5	maple	1	med
Thompson	5	locust	1	med
Thompson	18	aspen	1	med

97
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Arbor	7	cherry	2	low
Arbor	15	maple	1	low
Arbor	22	maple	1	low
Arbor	24	maple	1	low
Arbor	25	maple	2	low
Arbor	30	maple	1	low
Arbor	31	aspen	3	low
Birchwood	1	ash	1	low
Blackbear	5	aspen	1	low
Blackbear	10	pin	2	low
Blackbear	21	pin	2	low
Brookside	4	g birch	7	low
Brookside	5	fir	8	low
Brookside	7	aspen	1	low
Buck Hill	1003	oak	1	low
Buck Hill	1010	birch	1	low
Buck Hill	1015	g birch	1	low
Buck Hill	1126	fir	1	low
Buck Hill	1150	aspen	2	low
Chase	1103	w pine	2	low
Chase	1104	spruce	1	low
Chase	1108	maple	1	low
Chase	1108	spruce	1	low
Chase	1111	maple	1	low
Chase	1113	maple	1	low
Chase	1120	oak	1	low
Chase	1121	maple	1	low
Chase	1122	maple	1	low
Chase	1130	spruce	2	low
Chase	1131	fir	1	low
Chase	1134	maple	1	low
Chase	1239	oak	1	low

Chase	1239	r. pine	1	low
Chase	1261	aspen	1	low
Chase	1261	g birch	1	low
Chase	1279	maple	1	low
Chase	1279	spruce	1	low
Chase	1282	maple	1	low
Chase	1304	g birch	1	low
Chickadee	219	cherry	1	low
Davis	12	maple	1	low
Davis	13	maple	2	low
Davis	14	maple	1	low
Davis	19	maple	1	low
Davis	19	spruce	1	low
Davis	26	maple	1	low
Eagle View	center	aspen	2	low
Flagg	2	maple	2	low
Flagg	3	aspen	3	low
Flagg	6	maple	1	low
Flagg	7	maple	1	low
Flagg	11	maple	1	low
Graystone		aspen	2	low
Green	20	maple	2	low
Green	20	spruce	3	low
Highview	5	maple	1	low
Highview	6	maple	1	low
Highview	7	maple	2	low
Highview	11	pine	3	low
Hillside	10	ash	1	low
Hillside	10	g birch	4	low
Hillside	10	oak	1	low
Hobson	2	ash	1	low
Hobson	14	maple	1	low
Hobson	30	aspen	6	low
Jackson	2	g birch	1	low
Jackson	8	g birch	3	low
Jackson	13	oak	1	low
Jackson	24	fir	1	low
Jackson	24	oak	1	low
Jackson	28	oak	1	low
Jackson	29	fir	1	low
Judson	12	maple	1	low
Judson	21	maple	1	low
Lemon	18	maple	1	low
Lemon	19	maple	1	low
Lemon	31	birch	1	low
Main	1009	maple	1	low
Main	1012	maple	2	low
Main	1015	maple	1	low
Main	1022	maple	1	low
Main	1022	spruce	1	low
Main	1084	locust	3	low
Main	1085	maple	1	low
Main	1109	maple	1	low
Main	1116	maple	2	low

Main	1117	spruce	1	low
May	1015	maple	1	low
Merrick	2	maple	1	low
Merrick	4	spruce	1	low
Mt View	8	g birch	3	low
Oak Grove	24	maple	1	low
Oak Grove	25	maple	1	low
Oak Grove	30	pine	2	low
Oak Grove	36	spruce	1	low
Oak Grove	50	spruce	2	low
Oak Grove	54	b locust	3	low
Oak Grove	54	maple	1	low
Oak Grove	54	spruce	1	low
Oak Grove	54	wpine	1	low
Oak Grove	56	spruce	1	low
Oak Grove	68	maple	1	low
Oak Grove	72	maple	1	low
Old County	1	scots pine	1	low
Olive	1010	maple	1	low
Olive	1021	maple	1	low
Olive	1022	spruce	1	low
Olive	1033	maple	1	low
Olive	1034	maple	1	low
Olive	1034	wbirch	3	low
Olive	1036	maple	1	low
Prouty	6	oak	1	low
Prouty	7	locust	1	low
Prouty	8	maple	1	low
Prouty	16	locust	1	low
Prouty	20	maple	1	low
Prouty	22	maple	1	low
Prouty	130	aspen	1	low
Prouty	130	elm	1	low
Randolph	1007	maple	1	low
Ridgeview	115	pine	1	low
Ridgeview Lane	15	aspen	3	low
Riverview	1	locust	1	low
Riverview	8	maple	1	low
Riverview	10	maple	1	low
Rock	15	maple	1	low
School	1007	b cherry	1	low
School	1007	b locust	3	low
School	1069	maple	1	low
School	1075	apple	1	low
Shore	39	w ash	2	low
Shore	42	r pine	1	low
Shore	49	aspen	2	low
Silver Ridge	9	oak	1	low
Silver Ridge	12	aspen	1	low
Silver Ridge	14	g birch	1	low
Silver Ridge	19	birch	1	low
Silver Ridge	21	maple	1	low
State	1236	pine	1	low
State	1243	spruce	1	low



State	1243	wpine	1	low
State	1244	spruce	1	low
State	1284	maple	1	low
State	1284	pine	1	low
State	1285	spruce	1	low
State	1290	maple	1	low
State	1291	spruce	1	low
State	1324	maple	1	low
State	1328	maple	1	low
State	1328	pine	2	low
State	1329	maple	1	low
State	1335	wbirch	1	low
State	1355	maple	2	low
State	1357	maple	1	low
State	1360	maple	1	low
State	1374	spruce	2	low
State	1389	maple	1	low
State	1404	maple	1	low
State	1408	maple	1	low
State	1409	maple	1	low
State	1411	spruce	1	low
State	1414	maple	2	low
State	1442	maple	1	low
State	1558	wpine	1	low
Summer	1006	spruce	2	low
Sunset	5	maple	1	low
Sunset	14	maple	1	low
Thompson	5	aspen	1	low
Thompson	6	maple	4	low
Thompson	18	locust	1	low
Thompson	20	maple	2	low
Thompson	24	birch	2	low
Thompson	28	maple	1	low
Thompson	29	birch	1	low
Wedgewood	6	maple	1	low
Wood Lane	5	aspen	1	low
Wood Lane	5	elm	1	low
Wood Lane	5	oak	1	low
Wood Lane	5	pine	1	low
Wood Lane	6	aspen	2	low

### Alpha Sort by road

street	number	species	quantity	risk
Arbor	7	aspen	1	med
Arbor	7	b locust	2	med
Arbor	7	cherry	2	low
Arbor	15	maple	1	low
Arbor	22	maple	1	low
Arbor	24	maple	1	low
Arbor	25	maple	2	low
Arbor	29	r. pine	2	high
Arbor	30	maple	1	low
Arbor	31	aspen	3	low
Birchwood	1	ash	1	low
Blackbear	5	aspen	1	low
Blackbear	5	w. pine	1	high
Blackbear	5	w. pine	1	med
Blackbear	10	pin	2	low
Blackbear	11	pin	2	high
Blackbear	21	pin	2	low
Brookside	4	g birch	7	low
Brookside	5	fir	8	low
Brookside	7	aspen	1	low
Buck Hill	1003	oak	1	low
Buck Hill	1010	birch	1	low
Buck Hill	1015	g birch	1	low
Buck Hill	1126	fir	1	low
Buck Hill	1141	maple	1	med
Buck Hill	1148	fir	1	high
Buck Hill	1150	aspen	2	low
Buck Hill	1155	aspen	1	high
Buck Hill	1155	g birch	1	high
Chase	1103	w pine	2	low
Chase	1104	spruce	1	low
Chase	1106	maple	1	med
Chase	1108	maple	1	low
Chase	1108	spruce	1	low
Chase	1110	maple	1	med
Chase	1111	maple	1	low
Chase	1112	maple	2	high
Chase	1112	maple	1	med
Chase	1113	maple	1	low
Chase	1116	spruce	1	high
Chase	1120	ash	1	med
Chase	1120	oak	1	low
Chase	1121	maple	1	low
Chase	1122	maple	1	low
Chase	1122	maple	1	med
Chase	1130	maple	1	med
Chase	1130	spruce	2	low
Chase	1131	fir	1	low
Chase	1134	maple	1	low

Chase	1142	cherry	2	med
Chase	1143	elm	1	med
Chase	1150	elm	1	high
Chase	1239	oak	1	low
Chase	1239	r. pine	1	low
Chase	1239	wpine	1	med
Chase	1240	aspen	1	high
Chase	1240	aspen	2	med
Chase	1260	fir	1	high
Chase	1261	aspen	1	low
Chase	1261	g birch	1	low
Chase	1279	maple	1	low
Chase	1279	spruce	1	low
Chase	1282	maple	1	low
Chase	1290	oak	1	med
Chase	1295	g birch	2	med
Chase	1295	wpine	1	med
Chase	1296	maple	1	med
Chase	1304	g birch	1	low
Chase	1306	aspen	1	high
Chickadee	219	cherry	1	low
Davis	5	spruce	1	med
Davis	9	maple	1	med
Davis	12	maple	1	low
Davis	13	maple	2	low
Davis	14	maple	1	low
Davis	19	maple	1	low
Davis	19	spruce	1	low
Davis	26	maple	1	low
Eagle View	center	aspen	2	low
Flagg	1	locust	1	med
Flagg	2	maple	2	low
Flagg	3	aspen	1	high
Flagg	3	aspen	3	low
Flagg	6	maple	1	low
Flagg	7	maple	1	low
Flagg	11	maple	1	low
Flagg	11	maple	1	med
Flagg	21	locust	1	med
Flagg	24	maple	1	med
Flagg	31	maple	1	med
Graystone	11	pine	1	high
Graystone		aspen	1	high
Graystone		aspen	2	low
Green	20	maple	2	low
Green	20	spruce	3	low
Highview	5	maple	1	low
Highview	6	maple	1	low
Highview	7	maple	2	low
Highview	7	maple	1	med
Highview	11	pine	3	low
Hillside	10	ash	1	low
Hillside	10	g birch	4	low
Hillside	10	oak	1	low

Hobson	2	ash	1	low
Hobson	14	maple	1	low
Hobson	30	aspen	6	low
Jackson	1	wbirch	2	high
Jackson	2	aspen	1	high
Jackson	2	g birch	1	low
Jackson	8	g birch	3	low
Jackson	12	fir	1	high
Jackson	13	oak	1	low
Jackson	20	ash	1	high
Jackson	24	fir	1	low
Jackson	24	oak	1	low
Jackson	28	oak	1	low
Jackson	29	fir	1	low
Judson	6	spruce	1	med
Judson	12	maple	1	low
Judson	21	maple	1	low
Lemon	6	maple	1	high
Lemon	18	maple	1	low
Lemon	19	maple	1	low
Lemon	23	maple	1	med
Lemon	31	birch	1	low
Main	1007	maple	1	med
Main	1009	maple	1	low
Main	1010	maple	1	med
Main	1010	wpine	4	med
Main	1012	maple	2	low
Main	1012	maple	1	med
Main	1012	spruce	1	high
Main	1015	maple	1	low
Main	1022	maple	1	low
Main	1022	spruce	1	low
Main	1030	maple	1	med
Main	1031	maple	1	high
Main	1035	maple	1	high
Main	1038	locust	1	med
Main	1044	pine	1	high
Main	1052	maple	1	high
Main	1052	maple	1	med
Main	1062	cherry	4	high
Main	1076	pine	2	high
Main	1076	wbirch	1	high
Main	1084	aspen	3	med
Main	1084	cherry	1	high
Main	1084	locust	3	low
Main	1085	maple	1	low
Main	1109	maple	1	low
Main	1109	maple	1	med
Main	1114	cherry	1	high
Main	1116	maple	2	low
Main	1117	maple	1	med
Main	1117	spruce	1	low
May	1009	locust	1	high
May	1009	maple	1	high

May	1015	maple	1	low
Merrick	2	maple	1	low
Merrick	4	spruce	1	low
Merrick	6	pinus	2	med
Merrick	6	spruce	1	high
Mt View	8	g birch	3	low
Oak Grove	15	maple	1	med
Oak Grove	20	maple	1	med
Oak Grove	22	w birch	1	high
Oak Grove	24	maple	1	low
Oak Grove	25	maple	1	high
Oak Grove	25	maple	1	low
Oak Grove	30	pine	2	low
Oak Grove	36	spruce	1	low
Oak Grove	39	spruce	1	med
Oak Grove	49	spruce	2	high
Oak Grove	50	spruce	1	high
Oak Grove	50	spruce	2	low
Oak Grove	54	b locust	3	low
Oak Grove	54	b locust	1	med
Oak Grove	54	maple	1	high
Oak Grove	54	maple	1	low
Oak Grove	54	spruce	1	low
Oak Grove	54	wpine	1	low
Oak Grove	56	spruce	1	low
Oak Grove	68	maple	1	low
Oak Grove	72	maple	1	low
Oak Grove	72	maple	1	med
Old County	1	scots pine	1	low
Olive	1010	gbirch	4	high
Olive	1010	maple	1	low
Olive	1010	maple	1	med
Olive	1011	maple	2	med
Olive	1021	maple	1	low
Olive	1022	spruce	1	low
Olive	1033	maple	1	low
Olive	1034	maple	1	low
Olive	1034	maple	1	med
Olive	1034	wbirch	3	low
Olive	1036	maple	1	low
Prouty	6	oak	1	low
Prouty	7	locust	1	low
Prouty	8	maple	1	low
Prouty	16	locust	1	low
Prouty	20	maple	1	low
Prouty	22	maple	1	low
Prouty	130	aspen	1	low
Prouty	130	elm	1	low
Randolph	1007	maple	1	low
Ridgeview	75	pine	1	high
Ridgeview	115	pine	1	low
Ridgeview	155	maple	1	high
Ridgeview Lane	10	aspen	1	med
Ridgeview Lane	15	aspen	3	low

Riverview	1	locust	1	low
Riverview	8	maple	1	low
Riverview	10	maple	1	high
Riverview	10	maple	1	low
Rock	8	maple	1	med
Rock	15	maple	1	low
School	1007	b cherry	1	low
School	1007	b locust	3	low
School	1040	aspen	5	high
School	1040	aspen	3	med
School	1069	maple	1	low
School	1072	maple	1	med
School	1075	apple	1	low
Shore	39	w ash	2	low
Shore	42	r pine	1	low
Shore	49	aspen	2	low
Silver Ridge	9	oak	1	low
Silver Ridge	12	aspen	1	low
Silver Ridge	14	g birch	1	low
Silver Ridge	19	birch	1	low
Silver Ridge	21	maple	1	low
State	1228	spruce	1	high
State	1228	spruce	1	med
State	1236	oak	1	high
State	1236	pine	1	low
State	1243	spruce	1	low
State	1243	wpine	1	low
State	1243	wpine	1	med
State	1244	spruce	1	low
State	1256	maple	10	med
State	1284	maple	1	low
State	1284	maple	1	med
State	1284	pine	2	high
State	1284	pine	1	low
State	1285	spruce	1	low
State	1290	maple	2	high
State	1290	maple	1	low
State	1291	spruce	1	low
State	1295	maple	1	high
State	1300	maple	1	high
State	1300	maple	1	med
State	1305	maple	2	high
State	1324	maple	1	low
State	1328	apple	1	high
State	1328	elm	1	high
State	1328	fir	1	med
State	1328	hemlock	1	med
State	1328	maple	1	low
State	1328	pine	2	low
State	1329	maple	1	low
State	1335	b locust	1	high
State	1335	b locust	1	med
State	1335	wbirch	1	low
State	1355	maple	2	low

State	1356	maple	1	high
State	1356	maple	1	med
State	1357	maple	1	low
State	1360	maple	1	low
State	1361	ash	1	high
State	1361	ash	1	med
State	1367	locust	2	high
State	1367	locust	1	med
State	1369	maple	1	high
State	1370	spruce	1	high
State	1374	maple	1	med
State	1374	spruce	2	low
State	1375	maple	1	high
State	1386	spruce	1	med
State	1389	maple	1	low
State	1396	maple	1	med
State	1404	maple	1	high
State	1404	maple	1	low
State	1408	maple	1	low
State	1409	maple	1	low
State	1411	spruce	1	low
State	1414	maple	2	low
State	1442	maple	1	low
State	1448	locust	5	high
State	1448	locust	4	med
State	1558	wpine	1	low
State	1592	maple	1	high
State	1600	maple	4	high
Summer	1006	spruce	2	low
Sunset	4	maple	3	med
Sunset	5	maple	1	low
Sunset	5	maple	1	med
Sunset	14	maple	1	low
Thompson	5	aspen	1	low
Thompson	5	locust	1	med
Thompson	6	maple	4	low
Thompson	18	aspen	1	med
Thompson	18	locust	1	low
Thompson	20	maple	2	low
Thompson	24	birch	2	low
Thompson	28	maple	1	low
Thompson	29	birch	1	low
Thompson	32	aspen	1	high
Wedgewood	6	maple	1	low
Wood Lane	5	aspen	1	low
Wood Lane	5	elm	1	low
Wood Lane	5	oak	1	low
Wood Lane	5	pine	1	low
Wood Lane	6	aspen	2	low
			<b>441</b>	<b>total trees</b>





## Volunteer/Call Firefighters and EMS Personnel Seek Pension Program

The Labor, Commerce, Research and Economic Development Committee (LCRED) held a public hearing on Tuesday this week on LD 164, *An Act To Establish the Maine Length of Service Award Program*. Referred to as LOSAP for short, the program would establish a pension benefit for municipal volunteer and call firefighters and emergency medical services providers. This LOSAP bill is almost identical to a bill submitted two years ago that would accomplish the same result.

The LOSAP program would be primarily capitalized by dedicating 50% of the state tax revenue generated by the retail sales of consumer fireworks to the pension system. In order to avoid the state government experiencing a negative fiscal impact from the bill, the specific proposal is to double the tax rate on consumer fireworks, dedicating half the sales tax revenue to LOSAP and the other half to the state treasury.

The bill allows all other entities, including state government, municipalities, municipal fire departments, municipal fire companies, and the emergency workers themselves to also contribute to the pension program. The system would be managed by a third-party administrator and overseen by a board of trustees made up largely of firefighters and an investment advisor.

The pension benefits would become available when the emergency worker reached the age of 65 or accrued at least 25 years of qualifying service. A firefighter or EMS employee would vest in the system after five years of creditable service. Each year, the municipal fire chief of each community would locally post a list of the firefighters and EMS personnel that

met the qualifying threshold of activity and, after providing time for adjustments and disputes, submit the final list to the LOSAP program.

The pension recipients would receive their prorata share of the annual distribution of pension benefits. The pension distributions would be segregated into a pool of general distribution (state sub-account), two locally targeted distributions (municipal sub-account and municipal fire department sub-account), and a personal pool of distribution targeting individuals' contributions to the specific beneficiaries.

Rep. Jeff Evangelos (Friendship) sponsored the bill and introduced it to the Committee. Ken Desmond, the President of the Maine State Federation of Firefighters and Jeff Cammack, the Executive Director of the Maine Fire Chiefs' Association, spoke in support of the bill. The main argument supporting the measure

was the need to create a system to assist in the recruitment and retention of volunteer firefighters and EMS personnel. According to the testimony, the number of volunteer emergency workers has dropped 20% to 30% in recent years, putting a tremendous burden on mutual aid systems to fill in the gaps where volunteer personnel is lacking. The concern is that the network of emergency aid is stretched to a breaking point, at least in some regions, and something needs to be done to make volunteer and call firefighting more attractive.

A representative of the fireworks retail operations spoke in opposition to LD 164, not with respect to the purpose of the bill but the proposed financing mechanism. Doubling the tax rate on the sale of fireworks, according to this testimony, would disadvantage Maine fireworks retailers to the advantage of retailers in other states.

*(continued on page 2)*

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## Righting Triangulated Education Funding Policy

In the clinical sense of the word, "triangulation" occurs when a third party is pulled into a two party relationship for the sole purpose of addressing or resolving a problem created by the two parties. Although triangulation is more commonly played out in a dysfunctional family dynamic where a child is called upon to resolve a disagreement between parents, this inappropriate shift of responsibility has taken hold of two municipally important education funding policies. One of those policies requires the property taxpayers to fund the annual increases in the retirement benefits the

state provides to school teachers. The other policy requires taxpayers to fund the cost of sending students to public charter schools. In both cases, the municipalities and their property taxpayers are mandated by the state to fund programs and services over which they have no direct or meaningful control.

Thanks to the efforts of Representatives Walter Kumiega of Deer Isle, Paul Stearns of Guilford, Norman Higgins of Dover-Foxcroft, and Brian Hubbell of Bar Harbor, the Education Committee had the opportunity to vote on bills

*(continued on page 2)*

## Pension Program (cont'd)

MMA also testified in opposition to the bill, but certainly not with respect to the goal of recruiting and retaining volunteer emergency personnel. MMA's Legislative Policy Committee voted to oppose the legislation, consistent with the position taken by MMA two years ago, on the issue of the proper role and responsibilities of the municipal employer.

Simply put, firefighting and emergency medical response is a function of local government. Each municipality employs its firefighters and EMS personnel, and the members of MMA's Legislative Policy Committee believe that the compensation package for performing those functions—whether in salary or benefits or some combination of both—should be determined at the local level, through communications and negotiations between the employees and the employer, and ultimately decided in the budget process at the town meeting or by the town or city council.

There are two reasons for the municipal concern.

First, it doesn't really work to have some local volunteers receiving a pension benefit because of their long and devoted service, while others do not. As employers, the state's municipal officers have an interest in making sure that the overall compensation systems are provided in a fair, balanced and proportionate way across the spectrum of employees working for that town. Systems created by the Legislature for a single category of municipal employee disrupts the internal balance of a compensation system.

Second, Maine's towns and cities, along with the local school systems, have not had a great experience with pension systems created by the Legislature on the behalf of local government employees. If

the teacher retirement phenomenon is any model, sooner or later the state contribution to a retirement system for municipal employees will be characterized as an unnecessary gift to local government and shifted to the communities without any control over the management of the system. (See Education Funding article in this edition of the Bulletin.)

MMA tried to explain that there is nothing stopping the development of a defined contribution pension system by the municipality if that was locally perceived as an effective way to address the recruitment/retention problem. This observation must have been expressed inartfully, because at least some Committee members and some of the firefighters in the audience got the impression the claim was being made that pensions are already being regularly provided to volunteers at the municipal level.

As a result, members of the LCRED

Committee asked MMA to survey the municipalities in order to provide the following information:

- The retirement benefits currently provided to volunteer, call and full-time firefighters.
- The members of MMA's Legislative Policy Committee who represent small towns.
- The retirement benefits currently provided to all town and city managers.

Some, but not all, of the Committee's information requests can be reasonably satisfied in the data assembled in the most recent edition of MMA's Salary Survey (2013). Because the information in that Survey regarding municipally-provided retirement benefits does not indicate if those benefits are offered to part time employees, we have sent out a survey to make sure the Committee members get all the information they need to form their recommendation on LD 164.

## Education Funding (cont'd)

seeking to address those education policy concerns this week.

**Funding Teacher Retirement.** By a margin of 8 to 5, the Education Committee voted largely along party lines to support LD 60, *An Act To Ensure Proper Funding for Teacher Retirement*. The bill, sponsored by Rep. Kumiega and Rep. Stearns, would reverse a 2013 legislative act that shifted the responsibility for funding what is called the "normal cost" of the teacher retirement premium from the state to the municipalities. As a result of the change in policy, property taxpayers became responsible for paying nearly \$30 million in teacher retirement costs in FY 2014, a cost of K-12 education which has been folded into the Essential Programs and Services school funding model. In FY 2016, those costs are projected to increase to \$37 million, a 24% hike from the FY 2014 obligation.

Generally, members of the Education Committee pledged their support for LD 60 as a means for honoring the commitment made to both school teachers and property taxpayers over 70 years ago when the Legislature obligated public school teachers to participate in the state's retirement system. As was the case in 1941, and remains today, there are no other retirement programs offered

to Maine school teachers. One member of the Committee voting to support LD 60 suggested that if the retirement costs are paid by the local school districts, then the policy change should be applied in a going forward basis to allow for locally designed retirement programs.

The members of the Committee opposing the initiative fundamentally believe that the local school district is the employer and for that reason should be held accountable for funding all teacher benefits. Although some of the opponents to LD 60 sympathize with the property taxpayers' frustration of having to pay for a benefit created and managed at another level of government, they believe further exploration and study of the issue is a more appropriate way to address the concern.

**Charter School Funding.** Under the existing laws that guide the funding of public charter schools, the district from which a student would otherwise be educated if not for enrollment in a charter school is required to remit to the charter school the local share of the Essential Programs and Services (EPS) attributable to that student. As a result, the property taxpayers from districts with high charter school enrollments

(continued on page 4)

### Legislative Bulletin

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

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**Editorial Staff:** Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

# An Afternoon in the Life of the Tax Committee

What follows is a brief update on bills of municipal interest that were worked by the Taxation Committee on Wednesday of this week.

LD 48, *An Act To Reduce Registration Fees and Excise Taxes for For-hire Vehicles with Adaptive Equipment Enabling Access by Persons with Disabilities*. Under existing law, the value of adaptive equipment installed on personal motor vehicles used to transport persons with disabilities is exempt from the motor vehicle excise tax assessed and collected by municipalities. LD 48 extends that excise tax exemption to the adaptive equipment installed in “for-hire” vehicles. The bill also reduces, by one-half, the state registration fees collected on adapted “for-hire” vehicles. The Committee unanimously voted “ought to pass as amended” on LD 48. The amendment adds a fiscal note accounting for losses in state registration revenue.

LD 49, *An Act To Exempt from Excise Tax Certain Vehicles Used by Persons with a Disability*. LD 49 would exempt from the motor vehicle excise tax personal vehicles used to transport persons with disabilities. Under existing law, only the value of the adaptive equipment installed on the vehicle is exempt from the municipal excise tax. Although the Committee was sympathetic to the challenges faced by persons with disabilities, members expressed concerns with shifting additional burdens onto the property taxpayers. As a result, the Committee voted to table the bill to allow the time to collect the data necessary to assess the impacts on municipalities. The discussion on LD 49 will resume on March 11.

LD 64, *An Act to Reduce the Time within Which a Challenge to a Tax Lien Foreclosure May Be Filed*. Under existing law, a person has five years to challenge the validity of a municipality’s taking of property for the nonpayment of taxes. Challenges typically focus on whether all the steps in that long process from tax delinquency to foreclosure were perfectly fulfilled. As proposed in LD 64, the period in which a challenge could be filed would be reduced to three years, therefore reducing the risk for parties interested in purchasing tax acquired property. The Committee unanimously voted to sup-

port the bill.

LD 170, *An Act To Remove the 180-day Active Duty Requirement for the Property Tax Exemption for Vietnam Veterans*. Under existing law, veterans who have served during a federally recognized war period are entitled to a property tax exemption of \$6,000 generally, and \$50,000 for veterans who due to war time injuries must adapt their homes to accommodate for their disability. With an exception for the veterans serving in the Vietnam War, to qualify for the property tax exemption, a veteran must have actively participated in the war effort. For the Vietnam War, however, veterans must have served on active duty for more than 180-days during the period spanning from Feb. 27, 1961 to May 8, 1975 in order to qualify for the

property tax exemption. The Committee unanimously supported an amended version of LD 170 that repeals the 180-day requirement for Vietnam War veterans.

LD 118, *An Act To Authorize Municipalities To Refund Amounts Collected in Excess of Tax Liens*. LD 118 was submitted to resolve a difference of opinion regarding the legal authority of a municipality to return to the prior owner revenues that remain after a municipality has recouped all cost associated with disposing of a tax acquired property. As unanimously endorsed by the Committee, the amended version of LD 118 authorizes, but does not require, municipalities to adopt ordinances establishing the standards governing the return of those proceeds and the procedures necessary to ensure that the interests of all the municipality’s taxpayers are protected.

## Regulatory Takings, Take 4

On Thursday this week, and for the fourth time in as many years, the Judiciary Committee held a public hearing on various “regulatory takings” bills. Generally speaking, a regulatory takings bill creates an entitlement for a landowner to be compensated for the impacts of land use regulation that negatively impacts the value of their property. Like the legislation put forth in 2011, 2012, and 2013, LD’s 162 and 309 garnered a vote of opposition from MMA’s Legislative Policy Committee.

LD 162, *An Act To Protect the Rights of Property Owners*, establishes a “regulatory takings” system that creates a right for landowners to be either compensated or exempted from land use regulations whenever the fair market value of their land is reduced by enactment or application of a state or municipal regulation. When a regulatory takings claim is established, the state or municipality would be afforded the option of either waving the offensive regulation or paying damages to the landowner. The process or formula for determining the value of those damages is not provided in the bill.

LD 309, *An Act To Connect the Citizens of the State to the State’s Natural Resources by Establishing Standards for Relief from Regulatory Burdens*, is a more developed version of LD 162. As

did its predecessor in 2013, LD 1450, LD 309 takes great care to remove direct municipal impacts to avoid the “mandate tag.”

Other details provided in LD 309 that are not found in LD 162 include establishing the “takings” threshold as a reduction in fair market value of 50% or more, providing the property owner’s right of action only with respect to regulations enacted after Aug. 1, 2016, and allowing the property owner to consider the cumulative effect of multiple prospective land use regulations to meet the 50% diminution threshold but requiring the analysis of the regulatory impact on value to take into account the entire property’s value and not just a portion of the property. As a matter of process, LD 309 requires a person to engage in a mandatory mediation opportunity prior to filing an action in Superior Court, which is a service currently provided on a voluntary basis.

As much as LD 309 carefully segregates state level legislation that can potentially impact property values, which would be subject to this takings law, and municipal level land use regulation, which would not, it is not clear to municipal officials that a dividing line between local and state land use regu-

(continued on page 4)

## Education Funding (cont'd)

are approving local school budgets that include significant sums that are not actually dedicated to local public schools. In Skowhegan, for example, nearly \$1 million in property tax revenue is used to fund public charter schools that are not located in Skowhegan.

On Monday of this week, the Education Committee held a public hearing on bills seeking to address the funding issue.

One of the bills, LD 131, *An Act To Amend the Laws Related to Public Funding of Charter Schools*, sponsored by Representative Hubble, requires the cost of funding charter schools to be borne by the state, but issued as part of the state's obligation to fund K-12 education under the EPS model. As a result, all school districts across the state would share in the burden of funding charter schools, which is approximately \$16 million annually.

In contrast to the charter school funding proposal found in LD 131, the change found in LD 265, *An Act To Require the State To Fund Public Charter Schools*, sponsored by Representative Higgins, would require the state to cover the cost of funding charter schools outside of the EPS model, thereby preserving the base level of state contribution to the non-charter public school systems. Municipal officials prefer this funding model as it holds the appropriate legislative body accountable for approving the school budgets over which they exert control. As proposed in LD 265, the Maine Legislature, which created public charter schools, would be more directly responsible for supporting charter school budgets, leaving the voters in local school districts to develop and adopt non-charter public school budgets.

At the hearing, interest groups from all sides of the issue provided testimony in support of the proposed charter school funding changes, with some supporting

the "within EPS" funding model proposed in LD 131, others supporting the "outside EPS" funding model proposed in LD 265, and still others supporting both models. The testimony in support of the bills was offered by representatives of the Maine Charter School Commission, Maine Charter School Association, Maine Superintendents' and School Boards' Association, Maine Connection Academy (one of the state's virtual charter schools), Maine Principals' Association, Mayors' Coalition, Maine Education Association and the Maine Municipal Association.

After much debate on Wednesday of this week, the Education Committee unanimously voted to support an amended version of LD 131. As amended, the cost of operating charter

schools would be reported as a separate item in the budget, but funded within the EPS formula. If adopted by the entire Legislature, approximately \$16 million each year of the biennium will be dedicated within the GPA distribution to fund charter public schools. LD 265 was unanimously voted "ought not to pass".

Although municipal officials preferred the funding model presented in LD 265, they are nonetheless pleased with the outcome. At a minimum, the change in funding policy will cause the burdens of funding public charter schools to be borne by all districts and their property taxpayers, rather than exclusively (and somewhat arbitrarily) by those districts located in proximity to one or more of the state's six charter schools.

## Regulatory Takings (cont'd)

lation actually exists. Municipalities are deeply intertwined with state-level environmental regulations and to disentangle them from litigation to determine if any actual "takings" occurred will be a challenge.

Unlike previous years, this time around the number of people speaking in opposition to these bills was heavily outweighed by those speaking in support. Some supporters cited the constitutional provisions against deprivation of property without due process and just compensation as justification for the these bills. Other supporters included the forestry and realtor lobbies in protection of private property owners' rights.

The tension between landowner rights and government regulation is not new. Yet it would be new for Maine to pass LD 309; according to the testimony provided at the public hearing, no other state in the nation has a similar law on the books. Additional testimony noted

that Oregon enacted a law somewhat akin to LD 162 before effectively repealing it two years later after thousands of claims for compensation and hundreds of lawsuits against the state had been filed.

A frustration from the municipal side of this debate is the "one way street" aspect of takings legislation, where reductions in property value become compensable, but the effect of appropriate land use regulation that maintains and enhances property values is ignored. The question of balance became a theme at the hearing, with proponents of these bills claiming that regulations are oblivious to the impacts on property values, and opponents arguing the legislation swings the pendulum too far in the opposite direction.

Proponents and opponents alike will be hanging in that balance until the Judiciary Committee holds its work sessions on LD's 162 and 309 on March 12 at 3:00pm.

## LEGISLATIVE HEARINGS

*Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.*

### **Monday, March 2**

#### **Education & Cultural Affairs**

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

**Tel: 287-3125**

LD 201 – Resolve. Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education.

LD 418 – Resolve. To Study the Use of Social Impact Bonds as a Funding Mechanism for Public Education Programs in Maine.

#### **Labor, Commerce, Research & Economic Development**

**Room 208, Cross State Office Building, 9:30 a.m.**

**Tel: 287-1331**

LD 117 – An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used.

LD 125 – An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer.

LD 248 – An Act To Provide Flexibility to the Application of the State Prevailing Wage and Benefit Rates.

LD 301 – An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty.

#### **State & Local Government**

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

**Tel: 287-1330**

LD 167 – An Act to Prohibit a Municipality from Holding a Referendum To Legalize the Recreational Use of Marijuana.

LD 224 – An Act To Limit the Information Required To Be Printed on Municipal Referenda Ballots.

LD 258 – An Act Regarding Posting of Legal Notices and Legal Advertising.

LD 408 – An Act To Help Municipalities Prepare for Changes in Sea Level.

#### **Veterans & Legal Affairs**

**Room 437, State House, 10:00 a.m.**

**Tel: 287-1310**

LD 413 – An Act To Expand Access to Absentee Ballots.

### **Tuesday, March 3**

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

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

**Tel: 287-1312**

LD 317 – An Act To Recognize and Provide for the Right of Access for Members of the Houlton Band of Maliseet Indians To Certain Public Lands in Aroostook County for Traditional Uses.

#### **Appropriations & Financial Affairs in conjunction with Health & Human Services**

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

**Tel: 287-1316**

Governor's proposed biennial state budget regarding General Assistance reimbursement to municipalities and changes (Parts ZZ, DDD and KKK). *Please note: oral testimony will need to be 3 minutes in duration,*

*however, your written testimony can be as long as you wish. 40 copies should be submitted to the committee clerk for distribution.*

#### **Insurance & Financial Services**

**Room 220, State House, 1:00 p.m.**

**Tel: 287-1314**

LD 337 – An Act To Require Lienholders To Remove Liens Once Satisfied.

#### **Labor, Commerce, Research & Economic Development**

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

**Tel: 287-1331**

LD 299 – An Act To Protect Children in Municipal and School Facilities by Requiring Boiler Inspections.

### **Wednesday, March 4**

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

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

**Tel: 287-1122**

LD 54 – Resolve. To Ensure Notification to the Public of the Location in Maine of Persons Convicted in Foreign Countries of Crimes Relating to the Sexual Abuse of a Child.

**1:00 p.m.**

LD 379 – An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission.

#### **Education & Cultural Affairs**

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

**Tel: 287-3125**

LD 338 – An Act To Reduce Remedial Course Requirements at Maine Community Colleges.

#### **Environment & Natural Resources**

**Room 216, Cross State Office Building, 11:00 a.m.**

**Tel: 287-4149**

LD 147 – Resolve. Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection.

#### **Taxation**

**Room 127, State House, 10:00 a.m.**

**Tel: 287-1552**

LD 315 – An Act To Provide a Refund of Fuel Taxes to Maine Ambulance Companies.

LD 365 – An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability.

#### **Transportation**

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

**Tel: 287-4148**

LD 32 – An Act To Amend the Laws Regarding Signs on Interstate Highways in Maine.

*(continued on page 6)*

## LEGISLATIVE HEARINGS (cont.)

### Thursday, March 5

#### Education & Cultural Affairs

Room 202, Cross State Office Building, 2:30 p.m.  
Tel: 287-3125

LD 128 – An Act To Allow a School Administrative Unit To Implement a Firearm Safety Education Program for Elementary School Students.

LD 374 – An Act To Require School Administrators To Complete 50 Hours of Direct Student Instruction To Be Recertified.

#### Energy, Utilities & Technology

Room 211, Cross State Office Building, 1:00 p.m.  
Tel: 287-4143

LD 326 – An Act To Transfer Ownership of the Monhegan Water Company.

LD 339 – An Act To Clarify That the Telephone Number 9-1-1 Is the Primary Number Advertized or Promoted for Emergency Response Services.

#### Environment & Natural Resources

Room 216, Cross State Office Building, 1:00 p.m.  
Tel: 287-4149

LD 397 – An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products.

#### Inland Fisheries & Wildlife

Room 206, Cross State Office Building, 1:00 p.m.  
Tel: 287-1338

LD 275 – An Act To Remove Crossbows from the Restriction on Discharging Weapons near Buildings.

#### Transportation

Room 126, State House, 1:00 p.m.  
Tel: 287-4148

LD 285 – Resolve, Directing the Department of Transportation To Install a Traffic Light in the Town of Prospect.

LD 286 – An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015.

LD 287 – An Act To Improve Traffic Safety during Political Campaign Seasons.

### Friday, March 6

#### Transportation

Room 126, State House, 9:00 a.m.  
Tel: 287-4148

LD 288 – An Act To Amend the Requirement of When Headlights Must Be Used.

LD 345 – An Act To Require Motorists To Move to a Nonadjacent Lane or Slow Down for Certain Stationary Vehicles.

## IN THE HOPPER

(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).)

#### Criminal Justice & Public Safety

LD 458 – An Act To Implement a Motor Vehicle Violation Electronic Citation Program. (Sponsored by Rep. Campbell of Orrington; additional cosponsors.)

This bill establishes a comprehensive electronic case management system for all motor vehicle moving violations and infractions. Among its various requirements, the bill requires every law enforcement officer in the state to use an electronic Violation Summons and Complaint form if requested by the person who has been served a traffic summons. The Chief Judge of the District Court is required to approve for use an electronic Violation Summons and Complaint. The bill also requires both the paper and electronic forms for a traffic summons for a traffic infraction, referred to as the Violation Summons and Complaint, to include the regular mailing address and the email address of the person who has been served the traffic summons.

LD 460 – An Act To Restore Liability Insurance Requirements for Amusement Rides and Other Public Exhibitions. (Emergency) (Sponsored by Rep. Cooper of Yarmouth; additional cosponsors.)

Legislation enacted in 2014 inadvertently repealed a chapter of law that authorized the municipal officers or the State Fire Marshal's Office to license exhibitions of images, pageantry, sleight of hand tricks, puppet shows, circuses, traveling amusement shows, feats of balancing, wire dancing, personal agility, dexterity or theatrical performances. This bill reenacts the repealed law.

LD 531 – An Act To Establish the Maine Fourth Amendment Protection Act. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill prohibits the state and its political subdivisions from assisting, participating with or providing material support or resources to enable or facilitate a federal agency in the collection or use of a person's electronic data or metadata without the person's informed consent, without a warrant based upon probable cause that particularly describes the person, place or thing to be searched or seized, or without acting in accordance with a legally recognized exception to the warrant requirements.

LD 591 – An Act To Allow Municipal and Volunteer Firefighters To Operate Motor Vehicles as Authorized Emergency Vehicles. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

This bill gives the status of "authorized emergency vehicle" to a motor vehicle operated by a member of a municipal or volunteer fire department provided the person has at least one year of emergency response experience and successfully completed an emergency vehicle operation course or similar training approved by the fire chief. The municipal officers or designee needs to approve this authority to use the privately owned vehicles as authorized emergency vehicles and the municipal fire chief may revoke the authorization at any time.

#### Energy, Utilities & Technology

LD 465 – An Act To Eliminate the Broadband Sustainability Fee. (Sponsored by Rep. Higgins of Dover-Foxcroft; additional cosponsors.)

Under current law, a "broadband sustainability fee" of \$2 or \$3 per mile of federally-supported dark fiber purchased or leased by an entity to "light-up" the dark fiber is assessed against the entity and dedicated to the sustainability fund. Incumbent local exchange carriers are eligible to apply for grants from that fund provided the revenue is

(continued on page 7)

## HOPPER (cont.)

used to expand broadband into underserved areas. This bill terminates the assessments in the fall of 2015 and rededicates all resources in the sustainability fund to promote the efforts of municipal governments to expand broadband into underserved areas.

### Insurance & Financial Services

LD 569 – An Act To Reduce Municipal Liability outside Federally Declared Flood Zones. (Sponsored by Rep. DeChant of Bath; additional cosponsors.)

This bill prohibits an insurance company from excluding coverage under a homeowner's property insurance policy for flood damages caused by the failure of municipal or government infrastructure despite the property's location outside a flood zone designated by the federal government.

### Labor, Commerce, Research & Economic Development

LD 489 – An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment. (Sponsored by Rep. Lockman of Amherst; additional cosponsors.)

This "Right to Work" bill prohibits an employee, including a municipal employee, from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is made responsible for enforcement under the bill and is required to prosecute all violations.

LD 587 – An Act Regarding Contract Indemnification. (Sponsored by Sen. Cushing of Penobscot Cty; additional cosponsors.)

This bill prohibits indemnification agreements in construction contracts that require a contractor to indemnify the property owner against liability for damages, loss or expense arising from the negligence or willful misconduct of the owner or agent of the owner, or an independent contractor directly responsible to the owner.

### State & Local Government

LD 494 – An Act Regarding the Maintenance of Easements. (Sponsored by Rep. Hilliard of Belgrade; additional cosponsor.)

This bill mandates municipalities to maintain public easements for recreational access that are not public ways because they have been discontinued or abandoned as public ways pursuant to state law. The bill also requires a municipality that votes to provide a recreational easement over an abandoned public way to maintain the public easement for recreational purposes.

### Taxation

LD 500 – An Act To Support Municipal Volunteers. (Sponsored by Rep. Eves of North Berwick; additional cosponsors.)

Current law authorizes a municipality to adopt an ordinance that provides citizens who are at least 60 years of age with a benefit up to \$750 for providing volunteer services to that municipality. This bill expands that authority to include volunteer firefighters and emergency medical services personnel who receive no compensation from the municipality.

LD 503 – An Act To Provide Local Sales Tax Increment Disbursements. (Sponsored by Rep. Schneck of Bangor; additional cosponsors.)

This bill requires payments beginning in FY 2018 to municipalities of an amount equal to 5% of the difference between the sales and use tax revenue attributable to the municipality in a fiscal year and the comparable amounts for FY 2017, referred to as the "local sales tax increment." If the amount of sales and use tax collected in a fiscal year in a municipality is below that collected in FY 2017, then the municipality

receives no payment. The base year for determining the local sales tax increment is reset in FY 2021 and every 4 years thereafter. The bill asserts that the sales tax revenue to the municipality may not reduce any other state aid or revenue sharing received by that municipality, and the municipality must use the amount received to reduce property taxes by the same amount.

LD 514 – An Act To Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities. (Sponsored by Rep. Buckland of Farmington; additional cosponsors.)

Current law requires an owner of a public utility to pay excise tax for its motor vehicles to the municipality where the utility's central office is located regardless of where its vehicle fleets are garaged. Other corporations and partnerships are required to pay the excise tax to the municipalities where their vehicle fleets are customarily kept. This bill applies the standard for non-utility corporations to the public utilities. The bill also creates a process whereby a municipality or motor vehicle owner can appeal to the State Tax Assessor if either entity is of the belief that new standard is not being properly applied.

LD 519 – An Act To Allow Telecommunications Infrastructure Investment in Development Districts for Municipalities and Plantations. (Sponsored by Sen. Libby of Androscoggin Cty; additional cosponsors.)

This bill amends the law governing the allowable economic development costs that can be covered with tax revenue generated from a Tax Increment Financing district to include the construction of cellular telephone towers and broadband infrastructure, even though such construction may not occur within the boundaries of the TIF district.

LD 565 – An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations. (Sponsored by Rep. Lockman of Amherst; additional cosponsors.)

Current law allows a municipality to impose service charges on the owner of residential property that is totally exempt from property taxes, except for student housing and parsonages, that is used to provide rental income. This bill instead provides that a municipality may impose service charges on property that is exempt from taxation because it is owned or used by entities in the following categories: benevolent and charitable institutions; fraternal organizations operating under a lodge system; and property jointly owned or used by those entities. Service charges may not be imposed on property exempt as a house of worship or parsonage or a veterans' organization.

Service charges must meet the following conditions: (1) The property must be owned by an entity that owns exempt property in the municipality that would have a total assessed value of at least \$1,000,000 if assessed for property tax purposes and the property must be owned by, rented to or otherwise occupied by a person or entity that provides any employee or independent contractor engaged to provide professional management services with compensation, exclusive of health benefits, in excess of 4 times the median household income for the county in which the property is located; (2) the municipality must adopt an ordinance imposing service charges approved by the voters through a referendum process; (3) the municipality may not impose a service charge on individual properties without imposing service charges on all other property in that municipality that is within the same category of exempt property; (4) the calculation of service charges imposed by municipalities must be based on the square footage of building space that is exempt from taxation unless the municipality determines that a different measure more accurately represents the cost of services for which the service charges are imposed; and (5) service charges must be reduced by any payments made or services provided to the municipality by the exempt entity in lieu of taxes.

*(continued on back page)*

## **HOPPER (cont.)**

The bill provides that municipal ordinances adopted before the effective date of the legislation remain valid even if they do not comply with the new requirements. The bill retains the requirement in current law that service charges may not exceed 2% of the entity's gross annual revenue.

**LD 575 – An Act To Provide Property Tax Relief to Maine's Working Families.** (Sponsored by Rep. Marean of Hollis; additional cosponsors.)

The current Homestead property tax exemption is valued at \$10,000. This bill increases the value of the exemption to \$20,000. To cover the increased expenditure to the state to provide each municipality with 50% of the lost tax revenue, the bill expands the state's sales tax base to cover a number of "amusement, entertainment and recreation services".

**LD 594 – An Act To Allow the Creation of a Local Option Sales Tax by Referendum.** (Sponsored by Sen. Valentino of York Cty; additional cosponsors.)

This bill allows a municipality to impose a local option sales tax of no more than 1% if approved by the voters at referendum with certain quorum requirements. The local option sales tax could not be applied to the retail sales of aircraft, furniture, certain machinery and equipment, motor vehicles, watercraft and household appliances with a purchase value greater than \$500.

### **Transportation**

**LD 505 – An Act To Increase the Funding Level of the Local Road Assistance Program. (Emergency)** (Sponsored by Rep. Gillway of Searsport; additional cosponsors.)

This bill restores the annual funding dedicated for the Local Road Assistance Program (LRAP) to 10% of the Highway Fund allocation to the Department of Transportation for highway and bridge purposes. In 2013, the Legislature reduced that dedication to 9%. The LRAP program, or its predecessor programs, have been funded at the 10% level since the 1940s.

**LD 545 – An Act To Require That Traffic Lights Default to Flashing Mode between the Hours of Midnight and 6 a.m.** (Sponsored by Rep. Battle of South Portland; additional cosponsors.)

This bill requires that traffic lights default to a flashing mode between the hours of 12 midnight and 6 a.m., with yellow flashing lights on the primary roads and red flashing lights on the secondary roads.

### **Veterans & Legal Affairs**

**LD 509 – An Act To Facilitate the Timely Return of Requested Absentee Ballots.** (Sponsored by Rep. Schneck of Bangor; additional cosponsors.)

This bill requires that the return envelopes for absentee ballots supplied to municipalities by the Secretary of State allow a voter to use the United States Postal Service to return the ballot to the municipal clerk at no cost to the voter, and for the municipalities to cover the cost of the return postage.





Message

Fri, Feb 27, 2015 8:04 AM

From: Mark Leonard  
To: Dana McLaughlin <[dmclaughlin@veaziesewerdistrict.com](mailto:dmclaughlin@veaziesewerdistrict.com)>  
Subject: Re: Summer Projects

Dana- Thank you for the information. At this time we are in the planning stages for road work this summer. No specific area has been chosen but as we move forward I will make certain to make you aware for planning purposes for your department.

Mark

Mark Leonard Town Manager  
Town of Veazie  
1084 Main Street  
Veazie, Maine 04401  
207-947-2781  
[mleonard@veazie.net](mailto:mleonard@veazie.net)

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**Dana McLaughlin <[dmclaughlin@veaziesewerdistrict.com](mailto:dmclaughlin@veaziesewerdistrict.com)> on Thursday, February 26, 2015 at 3:20 PM -0500 wrote:**

Wanted to address a couple things, the only projects the district has is the Route 2 project which you may already be aware of, two we will know at our meeting in March the 23rd how much the Towns assessment will be, believe it will be going down but not sure right now how much, third, we are in the process of doing an income survey and if we quality it will be in the next 2016-17 budget, not this year and finally the District is inquiring do you have any paving projects we need to be aware of? Should you have any further questions feel free to contact me.

**Veazie School Administrative Unit**  
**1040 School Street**  
**Veazie, Maine 04401**  
Telephone (207) 947-6573

**TO:** Veazie School Committee  
**FROM:** Scott Nichols, Principal  
Richard A. Lyons, Superintendent of Schools  
  
**DATE:** March 2, 2015  
  
**SUBJECT:** **School Committee Meeting - 7:00 p.m.**  
**Veazie Community School Library**

**AGENDA**

- I. Call of the Roll
- II. Pledge of Allegiance
- III. Approval of Minutes of Regular Meeting of February 2, 2015
- IV. Adjustment to Agenda
- V. Persons Desiring to Address the Committee
- VI. Acknowledgements
- VII. A. Board Chair  
Update on Town Council Meeting  
B. Board Vice-Chair
- VIII. Personnel
  - A. Resignations
  - B. Nominations

IX. Principal Report (Exhibit)

X. Superintendent Report

A. February Financial Statement (Exhibit)

B. Regional School Board Professional Development (Exhibit)

C. Financial News for Fiscal Year 2016

D. Principal Search Update

E. Legislative Update (Exhibit)

XI. New Business

A. Discuss and act on creation of Employer Identification Number. (Exhibit)

B. Discuss parameters for fiscal year 2016 Budget.

C. Discuss meeting date prior to Council Budget Committee meeting.

XII. Old Business

XIII. Board Policy

XIV. Request for Information

XV. Executive Session

XVI. Next Meeting - April 6, 2015

XVII. Adjournment

**Monday, February 2, 2015**  
**Veazie School Committee Meeting - 7:00 p.m.**  
**Veazie Community School Library**

The Veazie School Administrative Unit Committee met at the Veazie Community School Library on Monday, February 2, 2015 at 7:00 p.m. School committee members present were Gavin Batchelder, Kristen Bagley, Bill Reed, and Valli Vel. Principal Scott Nichols and Superintendent Richard Lyons were also in attendance.

Excused: Julia Hathaway

**II. Pledge of Allegiance**

**III. Approval of Minutes of Regular Meeting of January 5, 2015**

Reed moved, Bagley seconded, and the Committee voted unanimously to approve the minutes of the regular meeting of January 5, 2015.

**IV. Adjustment to Agenda**

None.

**V. Persons Desiring to Address the Committee**

None.

**VI. Acknowledgements**

Superintendent Lyons, for Board Vice-chair Julia Hathaway, acknowledged Orono High School C.O.R.E. Director Andrew Frace who passed away unexpectedly last week. Superintendent Lyons noted that Mr. Frace previously taught and coached at Hampden Academy.

Board Chair Gavin Batchelder acknowledged the recent spelling bee event.

Principal Scott Nichols acknowledged Veazie Gifted & Talented teacher, Wendy Pearson.

Superintendent Lyons acknowledged the Veazie Teachers' Association who worked with the School Committee to revise the health insurance language in collective bargaining agreements to comply with the Affordable Care Act, for school systems less than 50 employees.

**VII. Board Chair**

A. Chair

None.

B. Vice Chair

None.

## **VIII. Personnel**

A. Resignations

None.

B. Nominations

Upon recommendation of Principal Nichols, Vel moved, Reed seconded, and the Committee voted 4-0 to approve Garret White as Chess Club Coach.

## **IX. Principal's Report**

Principal Nichols presented the principal's report. There were no questions or comments.

## **X. Superintendent's Report**

A. January Financial Statement

Superintendent Lyons briefly reviewed the January report.

B. Governors Proposed Budget

Superintendent Lyons briefly reviewed the Governor's proposed budget and highlighted the local mill rate increase from 8.1 to 8.4.

C. January 26th Town Council Meeting

Superintendent Lyons noted he met with the Veazie Town Council on January 26, 2015 pertaining to the final audit for RSU #26.

D. Legislative Update

Various current proposed bills were highlighted.

E. Principal - Teacher Evaluation System

The Maine model was rejected by the federal government as it pertains to student achievement and student growth. The model must be approved by the federal government, or the state risks the loss of federal subsidy.

**XI. New Business**

A. Discuss collective bargaining contract pertaining to health insurance and the Affordable Care Act.

The School Committee and the Teachers' Association agreed on changes in the contract language. This topic will be brought back to the Committee in March for endorsement.

B. Discuss and act on Botball (Robotics) competition.

Laurie Gott gave an overview of the Botball (Robotics) competition. Reed moved, Vel seconded, and the Committee voted 4-0 to approve.

C. Discuss and act on Grade 7 science camp.

Laurie Gott gave an overview of the Tangelwood Science Camp in Lincolnville. Reed moved, Bagley seconded, and the Committee voted 4-0 to approve.

**XII. Old Business**

A. Discuss information relating to busing for Bangor secondary students.

Superintendent Lyons gave an overview of the present bus run. He will be in contact with John Bapst Head of School, Mel MacKay, to see if Veazie students could take advantage of the existing bus run, and will report back at the next School Committee meeting.

**XIII. Board Policy**

None.

**XIV. Request For Information**

None.

**XV. Executive Session to discuss a personnel matter, according to 1 M.R.S.A. § 405(6)(A)**

At 7:25 p.m. Reed moved, Bagley seconded, and the Committee voted 4-0 to enter executive session to discuss a personnel matter, according to 1 M.R.S.A. § 405(6)(A).

The Committee entered back into regular session at 7:35 p.m.

**XVI. Next Meeting - March 2, 2015**

## **XVII. Adjournment**

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Richard A. Lyons  
Superintendent of Schools



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
EASTERN REGION OFFICE  
219 HOGAN ROAD  
BANGOR, MAINE  
04401

David Bernhardt  
COMMISSIONER

*February 23, 2015*

RE: MDOT Projects, *Veazie-Orono-Old Town, Routes 2, 2A/College Avenue, Kelley Road & Bennoch Road, WIN #20374.00, 20375.00, 20390.00 & 20391.00*

- ✓ The meeting was kicked off with brief introductions:
- ✓ Project review:
  - ✓ 20374.00: ¾" Overlay w/variable depth shim on Route 2: Beginning in Veazie at the Bangor/Veazie town line and extending easterly on Route 2 for 5.01 miles to the intersection of College Ave in Orono.
  - ✓ 20375.00: ¾" Overlay w/variable depth shim on Route 2A/College Avenue: Beginning in Orono at intersection of PARK ST and extending northerly on COLLEGE AVE (Route 2A) for 2.14 miles to the intersection of, STILLWATER AVE and COLLEGE RD in Old Town.
  - ✓ 20390.00: Mill & Fill on Kelley Road: Beginning at Old Kelley Road and extending 0.31 miles to the intersection of Main St. /Rte. 2.
  - ✓ 20391.00: Mill & Fill and sidewalk construction on Bennoch Road: Beginning at Noyes Street and extending 0.37 miles to the intersection of Main Street/Rte. 2.
  - ✓ Minor drainage pipe replacements and backing pavement
  - ✓ Scheduled advertise date is March 25, 2015. Turned into contracts March 4, 2015.
- ✓ Bangor Gas Company
  - ✓ Loosen & adjust approximately 22 gas gate valves to grade prior to paving surface. If any of these are in the milling section they will need to be lowered prior to milling.
  - ✓ Contractor is responsible to complete the final raising of gate valves with the paving operations.
  - ✓ 2 weeks' notice and 10 working days to complete work.
  - ✓ Raise 3 utility manholes (all on Route 2) to grade before paving surface (after shim course is placed).
  - ✓ Bangor Gas would like to put the utility manhole adjustments in the contract to go out to bid with an opt-out clause.
  - ✓ If Bangor Gas chooses to opt-out and do the work themselves, they will require 2 weeks' notice before work begins and an additional 5 working days to complete their work.
- ✓ FairPoint Communications (Not Present)
  - ✓ Raise 14 sewer manholes to grade before paving surface (after shim course is placed). There are 2 on Route 2 and 12 on Route 2A/College Ave.
  - ✓ FairPoint will require 2 weeks' notice before work begins to schedule work and 15 working days to complete their work.
- ✓ Old Town Water District
  - ✓ Loosen & adjust approximately 10 water gate valves (on Route 2A/College Ave.) to grade prior to paving surface.

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- ✓ Contractor is responsible to complete the final raising of gate valves with the paving operations.
- ✓ 2 weeks' notice and 10 working days to complete work.
- ✓ City of Old Town
  - ✓ Raise 6 sewer manholes (on Route 2A/College Ave.) to grade before paving surface (after shim course is placed).
  - ✓ Old Town Sewer would like to put the sewer manhole adjustments in the contract to go out to bid with an opt-out clause.
  - ✓ If Old Town Sewer chooses to opt-out and do the work themselves, they will require 4 weeks' notice before work begins to schedule work and 10 working days to complete their work.
  - ✓ New manhole frame and covers will be provided by Old Town Sewer where needed.
  - ✓ All traffic loops in Old Town and within the project limits are inactive and do not need to be replaced.
- ✓ Town of Orono
  - ✓ Raise 41 sewer manholes to grade before paving surface (after shim course is placed). There are 32 on Route 2, 8 on Route 2A/College Ave. & 1 on Bennoch Road.
  - ✓ Orono Sewer would like to put the sewer manhole adjustments in the contract to go out to bid with an opt-out clause.
  - ✓ If Orono Sewer chooses to opt-out and do the work themselves, they will require 2 weeks' notice before work begins to schedule work and 20 working days to complete their work.
  - ✓ New manhole frame and covers will be provided by Orono Sewer where needed.
  - ✓ All traffic loops in Orono and within the project limits are inactive and do not need to be replaced.
- ✓ Orono-Veazie Water District
  - ✓ Loosen & adjust approximately 105 water gate valves to grade prior to paving surface. They also have a hydrant to replace and 3 services to replace. 11 of these are on Bennoch/Kelley Road and will need to be lowered prior to milling operations.
  - ✓ Contractor is responsible to complete the final raising of gate valves with the paving operations.
  - ✓ 2 weeks' notice and 20 working days to complete work.
- ✓ Veazie Sewer District
  - ✓ Raise 12 sewer manholes (all on Route 2) to grade before paving surface (after shim course is placed).
  - ✓ Veazie Sewer will require 4 weeks' notice before work begins to schedule work and 10 working days to complete their work.
- ✓ Town of Veazie
  - ✓ All traffic loops in Veazie and within the project limits are inactive and do not need to be replaced.
- ✓ University of Maine – Office of Facilities Management
  - ✓ Lights in pavement near steam plant parking lot are inactive and should be removed prior to paving.
  - ✓ No other facilities will be affected with the paving project.
- ✓ University of Maine Systems
  - ✓ No facilities will be affected with the paving project.

I have attempted to summarize our meeting as accurately as possible. If you feel that any of the items discussed herein are misrepresented in any way, please contact me within ten working days at (207) 215-3231 or

[derrick.carleton@maine.gov](mailto:derrick.carleton@maine.gov). In the absence of any corrections or clarifications, it will be understood that these minutes accurately summarize our discussions. Thank you for your participation and continued efforts in making this a successful project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Derrick Carleton". The signature is fluid and cursive, with the first name "Derrick" and last name "Carleton" clearly distinguishable.

Derrick Carleton  
Utility Coordinator  
Highway Program



# VIKING GLASS

## “Glass Breaks, We Fix It!”

Dear future customer:

Wow! What a winter, huh? The record cold. The crazy snowfall. It's been a little hard to bear, but it's almost over. We at Viking Glass wanted to send you a letter to let you know we've relocated to this wonderful community of Veazie! You may not have noticed us because the snow banks are so high, but we are here! 1521 State St. right across from J.C. Auto Body.

To celebrate our move here, we wanted to give back a little something to the community. So, because you're a resident in the town of Veazie, Viking Glass will donate 5% of our gross sales for any job we do for you to the Veazie Community Center redevelopment account. The goal is to make improvements to the Community Center – both inside and outside – to make it more attractive and, most importantly, able to be used by the residents of Veazie for functions, meetings and other types of activities. This offer is only being extended to the residents of Veazie and is valid from now until 12/31/2015.

Viking Glass is a full service glass company. In fact, our slogan is “Glass Breaks. We Fix It!” Windshields, vinyl replacement windows, insulated glass units, wood stove glass, shower doors, anything to do with glass. We also repair screens, garage doors, and more. Free quotes, professional work, plus we handle all insurance claims so you don't have to. If you can't come to us, we can come to you. Pick-up and drop-off available as well. All this with very competitive pricing! Come visit us, or give us a call at 827-9494.

Sincerely,

Bernie Lynch  
Viking Glass

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*\*Draft\**



## **Correcting the Record: MRC's Legislation Will Reduce Landfilling** **by Gregory Louder, Municipal Review Committee, Executive Director**

We are reaching out to MRC member communities about a recent article in the Maine Townsman about upcoming solid waste legislation which contained an extremely unfortunate error about a bill sponsored by Senator Andre Cushing that the MRC had helped draft this session.

PERC's private partners have gone to the Legislature again this session to revive their failed effort to get a state subsidy for the facility's operations at a time when the state is cutting subsidies time and again. These bills are unrealistic in this budget environment and this shows that PERC is not viable after 2018.

MRC's member cities and towns need a solution that can work without a handout, and we've been working hard to develop one. Unfortunately, the Townsman completely missed the point of the legislation we've been working on, sponsored by Senator Andre Cushing. While the Townsman suggests that it is to make it easier for us to send MSW to the state-owned, Casella-operated landfill at Juniper Ridge, its purpose is exactly the opposite and will significantly reduce the total waste sent to landfill by the MRC's new processing facility.

The MRC is working with a Maryland company, Fiberight, to develop a state-of-the-art processing facility at a site we've secured in Hampden. Rather than burning the waste, this facility will send it through an additional round of recycling (beyond what the communities already may be doing) and then process remaining organic waste for biofuels. Because of how much waste PERC brings in from outside the MRC region (which this new facility will not need or do), it will reduce the total amount of residuals needing to be landfilled from present amounts of 110,000 tons annually to 30,000 to 40,000 tons annually beginning in 2018.

Currently, Casella is prohibited from working with the MRC to negotiate access to the landfill for our post-2018 residuals because of a clause in their contract signed for PERC by its general partner USAE in late 2012. PERC's private investors are essentially trying to secure a processing monopoly and using this contract clause to prevent MRC communities from finding a better solution for our waste. We believe that the legislation put forward by the MRC and sponsored by Senator Cushing is critically important to prevent the private investors from locking us out of a publicly-owned landfill for our residuals.

Senator Cushing's bill enables a solution that will reduce, not increase, the amount of waste that goes to Maine's landfills. It is a piece of our overall project, which will fulfill our communities' solid waste processing needs and advance the state's solid waste hierarchy. The Townsman article missed this concept entirely, and we felt it was important that MRC members understand the truth.

# BANGOR DAILY NEWS

## Orrington-Veazie burglary ring participant to spend 5 years behind bars

By Nok-Noi Ricker, BDN Staff

Posted March 05, 2015, at 5:46 p.m.

BANGOR, Maine — One of the five people charged in connection with an April 2014 burglary ring involving mostly nighttime break-ins at homes in Veazie, Orrington and Bangor was sentenced Thursday to spend five years behind bars.

William C. Cushman, 23, of Brewer pleaded guilty in November to 32 charges — 15 felony burglaries, three felony thefts, 12 misdemeanor theft charges, burglary of a motor vehicle and felony possession of a firearm by a felon. Under a plea agreement, Bangor District Court Judge John Lucy sentenced Cushman to 10 years behind bars with half of the time suspended.

Lucy sentenced Cushman to concurrent sentences for all of the crimes. Lucy issued his sentence after hearing from an Orrington homeowner who lost an estimated \$3,000 in coins stored in an old kerosene can.

“The doors were locked but they got in anyway,” the Orrington man said.

“My wife is still not sleeping well,” he said.

By breaking into homes while people were sleeping, Cushman also took the homeowners’ security, the judge told him.

Short of taking someone’s life, “this is about as serious as it gets,” Lucy said. “Doing that inflicted a level of harm that is hard for people to quantify.”

The multiple break-ins “demonstrate a scheme here is that premeditated and done over and over,” the judge said later.

Cushman, who has a significant criminal history, was arrested April 18 along with Randall J. Cressey, 24, of Hampden, who faces similar charges and has a pending court case, Penobscot County Deputy District Attorney Michael Roberts said during a break in the sentencing hearing.

Three teens from Bangor and Brewer who were also charged with Class B burglary for their roles in the burglary ring have entered deferred disposition deals under which the charges are dismissed after a year if they are not charged with additional crimes, Roberts said.

The burglary ring was broken up by a partnership between the Penobscot County Sheriff's Office, as well as the Brewer, Veazie and Bangor police departments.

Cushman's attorney, Aaron Fethke of Searsport, asked the court to sentence his client to three years, saying he cooperated with police.

"He basically took them on a tour" of the homes the burglary ring hit, Fethke said.

"The state's view is Mr. Cushman is getting a break," Roberts said.

Lucy also sentenced Cushman to three years of probation after he is released from prison with no use or possession of alcohol or drugs, and ordered him to pay \$11,078 in restitution.

<http://bangordailynews.com/2015/03/05/news/bangor/orrington-veazie-burglary-ring-participant-to-spend-5-years-behind-bars/> printed on March 6, 2015

## Labor Bills Focused on the Municipal Employer, Municipal Construction and Municipal Mandates

Municipal government was the sharp focus of the Labor, Commerce, Research and Economic Development Committee this week as it held public hearings on three bills that would lay down new mandates on the towns and cities. Here's a quick run-down. The Committee's work sessions on these bills will be held within the week. Concerned municipal officials should contact their legislators.

**Prevailing Wage law applied to municipal and school construction.** On Monday this week, the first municipally related bill taken up by the Committee was LD 117, *An Act To Require the Prevailing Wage To Be Paid on All Public Work Projects for Which State Funding Is Used*, sponsored by Sen. John Patrick (Oxford Cty.).

As printed, LD 117 would amend the state's 50-year old "prevailing wage" law to eliminate the small-contract exemption. The prevailing wage law requires the state to enter into construction contracts only with contractors who pay their workers the county-based "prevailing wages" (or better) as calculated by the Department of Labor based on payroll data it regularly collects. Ever since the law was enacted in 1965, there has been a small-contract exemption from administering the prevailing wage requirements. The original small-contract exemption in 1965 was \$5,000; today it is \$50,000. The printed version of LD 117 would apply the prevailing wage requirement to all state construction projects regardless of value.

The printed bill apparently did not represent the intention of the sponsor, who presented to the Committee a completely different version of LD 117 for consideration. Sen. Patrick's alternative approach would open up the prevailing

wage requirements to all school construction and municipal construction contracts that are funded in any amount with state funds. Under this new version of LD 117, all state-supported school construction contracts, all municipal highway capital construction contracts funded with any Local Road Assistance resources, all water/wastewater/stormwater and/or culvert replacement projects funded in any way with water-related bond funds, and a host of miscellaneous other construction contracts entered into at the local level would require the application of the prevailing wage standards.

The proponents of LD 117 (AFL-CIO and the Maine State Building Trades Council) were aware of the new version of the bill and testified accordingly; the opponents were caught flat-footed, testifying against the printed version of LD 117 which was no longer in play.

The proponents' arguments were that the prevailing wage system:

- Protects against the governments forcing down the value of construction wages.
- Does not, as some people believe, actually increase the overall costs of construction projects.
- Creates higher income and benefits for workers in the region.
- Increases the collection of local property taxes.
- Assures a well-trained workforce and higher quality construction projects.
- And, levels the playing field among all potential bidding contractors.

Because of their involvement with federally funded projects governed by the Davis-Bacon Act, municipal officials are well aware of the administrative and comparative cost issues, as well as the

*(continued on page 2)*

## Labor Committee Votes Out Firefighter Pension Bill with 11-2 "Ought to Pass" Report

Last week's Legislative Bulletin reviewed the public hearing before the Labor Committee on LD 164, *An Act To Establish the Maine Length of Service Award Program*, which is a bill that would create a pension program for municipal volunteer and call firefighters and emergency medical services employees. The pension system would be largely financed with 50% of the sales tax revenue generated from the sale of fireworks.

Full details about the bill and the for-and-against testimony on LD 164 was provided in that article and won't be repeated here. MMA's Legislative Policy Committee voted to oppose LD 164 pri-

marily on the grounds that the function of firefighting and emergency medical services is a local government function and the municipal employers want to deal directly with their employees with respect to compensation and benefits, rather than have some groups of municipal employees getting special employment benefits from the state that are not provided to others.

During the public hearing, MMA was asked to survey the municipalities to provide the Committee with information about how firefighters and EMS workers are currently compensated by the towns they work for, the degree to which the

*(continued on page 6)*

## Labor Bills (cont'd)

post-audit and reconciliation requirements, associated with managing prevailing wage projects. MMA testified in provisional opposition to the amended version of LD 117. MMA's Legislative Policy Committee will take up this new version of the bill when it next meets on Mar. 12.

**Special Workers' Compensation Rules for Firefighters/EMTs.** The second municipally related bill taken up by the Committee on Monday was LD 301, *An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty*, sponsored by Sen. Chris Johnson (Lincoln Cty.).

This bill is a repeat of a similar bill advanced two years ago. In summary, the bill would create another "rebuttable presumption" in Workers' Compensation law. The new presumption would provide that an injury sustained by a municipal firefighter or emergency medical services employee any time after receiving an emergency call-out (by tone, pager, etc.) while in the process of responding is presumed to be a workplace related injury deserving of compensation unless the municipality can prove the injury was not work related.

Sen. Johnson spoke of the need for this amendment to Compensation law because the system we have in Maine of call firefighters and call EMTs establishes an expectation that when the emergency tone sounds, the on-call personnel will respond immediately. Because of that societal expectation, first responders are effectively in the workplace the moment the tone sounds even though they may also be in their homes or on the back-40, in their place of work, in stores or other places of public accommodation, or any

other place that is not the fire station or the public way. Therefore, if they get injured while in the process of responding, wherever they may be, the injury is work-related. Sen. Johnson told the Committee that LD 301 is the right thing to do in order to match the societal expectation of immediate emergency response with the workers' real-life circumstances.

Supporters included Bill Vickerson of the Maine State Federation of Firefighters as well as Mathew Quinn, a firefighter who is both a pure volunteer and a call firefighter for a number of communities in the greater Cornville area. Mr. Vickerson explained the recruitment/retention benefits of LD 301, describing the bill as one small way some of the barriers for people signing up to be local first responders can be addressed, including the time commitment, the unpredictable hours, the never-ending training obligations, the exposure to risk, etc.

There were six opponents to LD 301, including Paul Sighinolfi, the Executive Director and Chair of the Workers' Compensation Board, four representatives of various insurance companies or groups of insurance companies that provide Workers' Compensation insurance, and MMA.

Mr. Sighinolfi tried to correct some misunderstandings raised by the bill about the way Workers' Compensation claims regarding firefighters responding to an emergency call are currently handled. Although Comp insurers generally treat these types of injuries as compensable after the responding firefighter has entered the public way from his or her home or driveway, there is nothing in the law that suggests that injuries sustained before entering the public way or inside the private home by call firefighters are somehow automatically ineligible for Workers' Compensation benefits. To make the point, Mr. Sighinolfi detailed for the Committee the adjudication of the five such claims filed since 1992, two of which resulted in the home-based claims being found compensable under the Workers' Compensation statute and three of which found the injury non compensable. Each case turned on the specific facts of the case and whether something specifically related to the task of firefighting was involved in precipitating the injury.

MMA's Legislative Policy Committee voted to oppose LD 301 for three

reasons.

**Control of the workplace.** Putting municipal employers up to a special exposure to injuries occurring on private property is unfair given the inability of the municipality to influence or control the inherent safety of the private home "workplace."

**Growing discrimination in Worker's Comp law against the municipal employer.** As a general rule, both parties in a Workers' Compensation dispute have an equal burden to make their case before a hearings officer. There are three current exceptions (called "rebuttable presumptions") to that general rule that are targeted to a particular employer and group of employees (cardiovascular disease for municipal firefighters, communicable disease for municipal firefighters and law enforcement officers, and cancer presumption for municipal firefighters). In all three cases, the target is the municipal employer and municipal first responders. LD 301 would add the fourth targeted exception to the general rule and, yet again, the target would be municipal employers and municipal first responders.

Municipalities do not oversee the only dangerous workplaces in the state, where there are inherent risks associated with the nature of the workplace or employee function. Municipalities do not employ the only first responders in the state. The State of Maine employs first responders, as do the counties, as do many industries and businesses in the private sector. Municipal officials are concerned with the fact that two separate Workers' Compensation laws are being created in Augusta. One according to the general rules that are applied to all employers, and a second body of Workers' Compensation law operating according to a different set of rules that are applied only to the municipal employers.

**Unfunded State Mandate.** Based on the municipal experience with the other "rebuttable presumptions" that have been created in Compensation law, there can be no doubt that LD 301 meets the definition of a state mandate (a required expansion or modification of a local government activity that leads to increased local expenditures). 2015 represents a zenith year with respect to the level of municipal

(continued on page 3)

### Legislative Bulletin

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

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**Editorial Staff:** Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.



## Labor Bills (cont'd)

concern over the potential imposition of additional unfunded state mandates. Over the last 10 years, in order to prop-up the state budget, the Legislature has lifted over \$320 million out of the revenue sharing program which was designed to help towns finance the mandates imposed on them by state government. Revenue sharing is now operating at approximately 40% of the level of sharing required by state law. Given what's been happening to the revenue sharing program, it's hard to think of a new unfunded state mandate that the municipalities could possibly support.

**Reinstating the boiler inspection mandate.** On Tuesday this week the third bill to impose a state mandate was presented to the Committee in the form of LD 299, *An Act Protect Children in Municipal and School Facilities by Requiring Boiler Inspections*, sponsored by Sen. Dawn Hill (York Cty.).

LD 299 would reinstate a mandate repealed in 2014 in a section of a supplemental state budget designed to begin addressing, in a very modest way, the issue of unfunded state mandates.

The repealed mandate was a requirement that schools and municipalities must undergo a special state inspection process with respect to their low pressure heating boilers (less than 15 psi. internal pressure). The primary element of the process is filing the insurance company's inspection report with the state, along with a payment of \$80 per boiler, in order to be eligible for a required state certificate. Because no other owners of those boilers in the entire state need to undergo the state inspection bureaucracy, municipal and school officials have long wondered why their low pressure boilers were being singled out in the name of safety. By repealing the mandate, the Legislature a year ago appeared to recognize that municipal and school personnel (along with their insurance companies providing their property and casualty policies) can be trusted as well as anyone else to keep their low pressure boilers safe. LD 299 would reverse that decision, re-institute the mandate and the revenue stream to the state agency.

Sen. Hill presented the bill to the Committee with the explanation that the issue

had been reviewed several years before by a working group that strongly concluded that the targeted boiler inspection mandate not be repealed, and the Appropriations Committee last year, which Sen. Hill chaired, did not consider all the information it should have when it included the repeal of this mandate in the supplemental budget bill. Sen. Hill also pointed out that children must attend school facilities and people must transact business in the town offices, and therefore the boiler inspection mandate in those locations has a rational basis because of that required attendance. Finally, Sen. Hill suggested that the \$80 per boiler fee has been paid for years by the local governments and was not burdensome.

The two non-legislative supporters of LD 299 were a lobbyist for the major, national insurance trade associations and their certified inspectors, and the Department of Professional and Financial Regulation.

The insurance inspectors' lobbyist laid the safety issue on thick, referring to a serious boiler explosion in a school in Oklahoma 33 years ago to justify the need for the mandate. Visuals of mock-up and actual boiler explosions were provided to the Committee members. It was suggested that the repeal of the mandate in 2014 was accomplished in the dark of night. Although it was admitted that the inspection requirements were not applied to thousands of other boilers statewide located in places of public accommodation, the Committee was told that the discrimination issue should be set aside for a discussion some other day in the future. The claim was made that only three states do not require boiler inspections for low pressure boilers, but it was not made clear if the same categories of boilers are included in those requirements or if they are applied generally, to all owners of boilers of that type, or only to the school and municipal owners. It was pointed out that the mandate actually saves the municipalities and schools hundreds of thousands of dollars, potentially, by identifying necessary corrective measures before serious damage or injury is incurred.

In her support of LD 299, the Commissioner of the Department of Professional and Financial Regulation explained that she understood why the school and municipal officials might wonder what

added value is provided by the state in the boiler inspection process given that the municipalities and the schools, through their insurance companies, actually cause the boiler inspections to be conducted, and pay for them to be conducted through their insurance premiums. According to the Commissioner, the \$80 filing fee for the low pressure boilers that are the object of LD 299 generates \$280,000 a year for the Boiler Board, suggesting there are approximately 3,500 low pressure municipal and school boilers in the state. The value associated with that fee is found in the state inspector's careful review of all those inspection reports and in the fact that he ensures the appropriate corrective measures are taken before issuing a certificate.

MMA and the Maine School Management Association testified in opposition to LD 299. The Committee was reminded how the recommendation to repeal this mandate in 2014 was developed by the legislatively created "Mandate Working Group" as part the state budget enacted in 2103 that lifted \$160 million in revenue sharing funds away from local government to prop up the state budget. At that time at least some legislators thought that unfunded state mandates should be given careful review in light of those deep raids on the very program designed to help municipalities pay for state-mandated obligations.

The statutory history of the law was also provided to the Committee, which fairly clearly shows that the root of the special school and municipal inspection obligation is found in 1930s-era statute that required "steam plants" located in or adjacent to schools to be maintained by qualified operators, certified as such by the municipal officers. Although wood or coal fired steam plants are a long way away from modern low pressure heating boilers, that pre-World War II school-municipal connection has stuck to modern boiler inspection law like a barnacle.

The local government testimony also focused on the discriminatory elements of LD 299. Low pressure boilers owned by state government are not subject to inspection in any facilities, including such facilities as state employment offices, DHHS offices and state prison facilities (to give the "required attendance" argu-

*(continued on page 5)*

# Compelling Testimony Challenges Governor's GA Proposals

On Tuesday this week, the members of the Appropriations and the Health and Human Services Committee convened in a joint session to receive public testimony on the elements of the Governor's FY 2016 – 2017 budget impacting both federal/state and state/municipal public assistance programs. Parts ZZ and DDD of the Governor's budget seek to make certain classifications of non-citizens, primarily asylum seekers, ineligible for Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF) and General Assistance program benefits (GA). Part KKK of the bill, proposes to reduce the state's financial exposure to the General Assistance program at the expense of the property taxpayers, primarily those living in the state's largest urban communities.

MMA's Legislative Policy Committee (LPC) voted to oppose the proposed changes to the GA reimbursement formula. The LPC will take up the proposals to make asylum seekers ineligible for an array of federal, state and local public assistance benefits when it convenes on March 12.

Nearly 100 people patiently waited for the opportunity to explain to the members of the Committees why one or all of the proposed public assistance related initiatives should be opposed. The testimony was offered from the perspective of asylum seekers, GA administrators, and advocates for the poor. By the time the hearing concluded seven hours later, 75 members of the public had offered testimony.

**Asylum Seeker Perspective.** At least 50 of those providing testimony were individuals who have been granted asylum or are in the process of working with the federal government to receive the documentation necessary to live and work in the United States. With professionalism and pride, these speakers described the extreme hardships and violence suffered at the hand of their governments that led to the decision to leave their home countries and seek refuge in the United States. Many of the speakers held impor-

tant positions in their countries of origin, including physicians, lawyers and even a judge. One particularly hard-hitting account came from a judge whose wife, son and daughters were severely beaten because he resisted government orders to sentence an innocent man to prison. Throughout the hearing, asylum seekers expressed deep gratitude for the resources that had been provided under the GA program that enabled their families to establish roots in the state of Maine. The Committee members were urged to vote against all initiatives that would make it more difficult for non-citizens to get on their feet and give back to the communities they now call home.

**GA Administrator Perspective.** As is always the case, the municipal officials who administer the public assistance program from the municipal front office provided top-notch testimony in opposition to the Governor's proposed program funding change.

Under existing law, municipalities receive a maximum of 50% reimbursement for the direct aid provided. In cases where the total amount of aid issued by a single community exceeds a certain threshold (.0003 of state valuation), the reimbursement rate increases to 90% for every dollar spent over the threshold.

The change to the reimbursement formula proposed by the Governor is hard to get your arms around. The state would be required to reimburse local GA expenditures at the rate of 90% until the state's reimbursement reached 40% of the municipality's six-year average expenditures, at which point the reimbursement rate would drop to 10%. The way the new formula would work, no municipality providing the amount of GA that it has been providing over the last several years would be reimbursed at the current levels. Distribution of assistance at average levels would drop the typical municipality to 46% reimbursement rather than 50%. The cities with the biggest programs would get hammered.

Randy White, Sanford's Welfare Director, kicked off the municipal testimony by objecting to a funding formula that

prioritizes savings over the provision of basic necessities. Mr. White called for a change in attitude toward those who are assisted under the program and took offense with the notion that GA recipients are less worthy than other Maine residents in need.

The City of Bangor followed with two part testimony. Patty Hamilton, Bangor's Director of Public Health, took the lead and provided a summary of the City's GA program. According to Ms. Hamilton, Bangor provided \$2 million in aid in FY 2014 to over 1,000 households, \$800,000 at property taxpayer expense. Of the households assisted, 81% needed help for five months or less. She said one of the factors driving GA costs is attributable to changes in MaineCare policies that have left some residents with no option other than the GA program to obtain life sustaining medications. With respect to allegations that the City is too generous and provides assistance to all who apply, Ms. Hamilton pointed out that 20-25% of applicants, for a variety of reasons, are denied assistance in Bangor.

Bangor City Manager, Cathy Conlow, and Councilor Pauline Civiello put the Governor's GA funding proposal into practical context. According to Ms. Conlow, the \$591,000 loss in state reimbursement to Bangor under the Governor's proposal is the equivalent of \$0.25 on the mill rate or 10 to 12 discretionary public safety employees. She expressed frustration with having to be present in Augusta for the seventh time in five years to defend the City of Bangor from proposed funding cuts, and to have to point out once again that the county jail and state mental health facilities in Bangor place direct burdens on the City's GA program. Collaborative efforts among the Administration, GA administrators and others to develop meaningful changes to the GA program have been successful even in the recent past. In contrast, the proposal offered by the Administration this year merely shifts additional burdens on the property taxpayers of Bangor.

Sue Charron, Lewiston's Social  
(continued on page 5)

## GA Proposals (cont'd)

Services Director, raised objection with the proposal's underlying assumption that below average spending is good and above average spending is bad, without any assessment as to why the assistance is being provided. For a variety of reasons (population, rental rates, housing availability, the availability of social service agencies, and local and regional economic downturns, etc.), more or less aid is provided to smaller or larger populations of eligible applicants. Ms. Charron asked that the legislators not lose sight of the fact that some communities go the extra mile to ensure that the state and local property taxpayers' interests are protected. Due to the efforts of Lewiston's welfare department, the City was able to recoup \$336,000 in Social Security Insurance reimbursements in 2014. As a result of those efforts, the state also was reimbursed \$336,000. Also in 2014, the City did the legwork necessary to collect \$33,000 in workers' compensation benefit payments and accident liens, one-half of which was shared with the state.

Five hours into the hearing, Mayor Michael Brennan, representing the City of Portland, was called to the podium to testify. Given the recent DHHS criticism of Portland's administration of the GA program, delivered from a media platform, Mayor Brennan's testimony was much anticipated. His approach was simply to provide the members of the two Committees with the facts upon which they might draw their own conclusions.

- Portland provides assistance to applicants from across the state who seek the social services programs concentrated in the City.

- The cost of living in Portland, in terms of rents, housing and food have increased annually since 2009.

In 2008, 2009, 2010, 2011, 2012 and 2013 DHHS conducted audits and found Portland's program to be in compliance with state law.

- For the last 20 years, Portland has employed a "presumption of eligibility" for shelter placements, as expressly allowed by state law. DHHS was fully aware of the practice and did not question or challenge it until 2014.

- The City's formal requests to discuss program administration concerns with the

Department have gone unanswered; and

- There is no other municipality more aware than Portland of the state's need to hold up its share of the partnership agreement. Portland has not received one penny in state reimbursement for the GA provided in the current fiscal year. If reimbursement is not forthcoming, the property taxpayers in the City of Portland will be out \$7 to \$8 million in FY 2015.

*Advocates for the Poor Perspective.* Several advocates for low income individuals testified in opposition to elements of the Governor's budget seeking to eliminate asylum seeker eligibility for the full range of federal, state and local public assistance benefits. Unfortunately, a few of those advocates (Preble Street Resources Center and Maine Equal Justice Partners) took the opportunity to criticize the way some communities administer the GA program. Without providing examples, it was implied that the larger Maine communities provide assistance according to state statute, but at least some of the smaller communities regularly violate state law in their administration of GA.

Municipal officials are growing increasingly tired of being placed in the middle of the welfare debate. Municipalities administer the program at

property taxpayer expense, according to state statutes that determine who qualifies for aid and the level of assistance to be provided. DHHS staff regularly audit the municipalities' procedures and records for compliance with state law, and when necessary work with the community on the implementation of a compliance plan. There is a well advertised complaint hotline available to clients, advocates, and property taxpayers to report problems. Despite all the checks and balances in play, communities are continually accused, by one interest group or another, of simultaneously spending too much or too little.

It is for this reason that the Association's LPC has advanced an alternative that would take municipalities out of the administration, management and financing of the GA program and leave it to the state and the Legislature to determine how best to implement this program of last resort. That being said, the municipal community is willing to work with the Legislature to implement the changes necessary to ensure that the GA program continues to deliver assistance to Maine's neediest residents, while being mindful of the burdens being placed on state and municipal taxpayers.

## Labor Bills (cont'd)

ment new meaning). Low pressure boilers owned by county governments, including jails and courthouses, are not subject to state inspection. Low pressure boilers in hospitals and other medical facilities, colleges, private preparatory schools, nursing homes, day care centers, restaurants, shopping malls, movie theaters, etc. are not subject to state inspection. Only the schools and towns.

No one can possibly look at this municipal mandate and say that it is rationally designed. If safety is the real concern, requiring these inspections for only a small subset of all the facilities in the state where the general public congregates that are heated by boilers would be simply dangerous.

And there is a decided paternalism to LD 299. The bill suggests that state government obviously knows how to manage its low pressure heating boilers safely, as do the counties, as do all the owners of privately owned places

of public accommodation. The message conveyed by LD 299 is that the only owners of low pressure heating boilers who need their self-generated boiler inspection reports to be reviewed and monitored by state inspectors are facilities owned by the schools and towns.

In truth, the schools and towns, just like the owners of low pressure boilers in public facilities everywhere, take their responsibilities seriously and have their boilers annually inspected, and they have their boilers inspected annually because they are required to by their insurance carriers. When the inspection by the insurance company's inspector identifies issues that need to be corrected, they are corrected.

Both MMA and the Maine School Management Association testified that they had no problem with a requirement that the inspection reports be filed with the state. The rub is to charge local government \$300,000 for their efforts.

## Labor Committee (cont'd)

communities offer them any retirement benefits, the degree to which the municipalities provide retirement benefits to the town managers, and the degree to which the representatives on MMA's 70-member Legislative Policy Committee represent small towns.

We conducted the survey as requested and assembled all the survey results for the Committee's consideration, along with some data already assembled in MMA's 2013 Salary Survey (most recent edition). The survey was sent out to all municipalities under 10,000 in population.

The aggregate data from the survey showed the following, with respect to the 120 municipalities that responded promptly to our survey:

- 87% of the respondent municipalities with fire departments provide compensation to their firefighters/EMS personnel. 13% of the respondent municipalities do not. (Only firefighters who receive no compensation are "volunteer firefighters" as that term is defined in law.) According to the published Salary Survey data, the average hourly rate for call firefighters in communities under 10,000 in population is \$11.22. The average per-call rate is \$10.94.

- 60% of the respondent municipalities offer retirement benefits to at least some of their employees. 40% do not offer retirement benefits to any employees. The percentages flip in the smaller communities, under 2,000 in population. 60% of the municipalities under 2,000 in population in this survey do not provide retirement benefits to any of their municipal employees. LD 164, in other words, would provide a retirement benefit to a group of employees in hundreds of municipalities where no other employee is provided retirement benefits.

- Of the municipalities offering some type of retirement benefits, 89% of the respondent municipalities offer the benefits to full-time employees only. 11% offer retirement benefits to both full time and part time employees, including call firefighters. One of the respondent municipalities specifically offers a Length of Service Award pension program. There is nothing stopping a municipality from providing these employees retirement benefits if that is what works for the community and its voters.

- 91% of all municipalities responding to the survey indicated that the local firefighters have never requested design-

ing their compensation system to include retirement benefits.

This information is being shared here for the first time because even though the Committee asked MMA to survey the communities and assemble the information, the Committee never asked for the information when it convened on Thursday this week for the work session on LD 164. The work session consisted of a quick recitation of what the bill would do by the Committee's analyst, a quick partisan caucus, and a quick 11-2 "ought to pass" vote by the Committee. After the vote there was nothing to do but leave the information that the Committee had requested with the Committee's clerk. It is unknown what happened to it.

It is frustrating at a staff level when there is no follow-through on these requests for information and the effort turns out to be a waste of time. Frustrating but not uncommon, and part of the job associated with staffing legislative requests. It is doubly frustrating, though, to put so many municipal officials through it. MMA is very grateful for the quick response from so many municipalities when the survey was sent out last week, and we're sorry the effort was wasted.

## LEGISLATIVE HEARINGS

*Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.*

### Monday, March 9

**Criminal Justice & Public Safety**  
Rm. 436, State House, 1:00 p.m.  
Tel: 287-1122

LD 149 – An Act To Protect Private Property and Livestock from Fireworks.

LD 177 – An Act to Protect Farm Animals from Noise from the Discharge of Fireworks and Explosives.

LD 302 – An Act To Encourage Responsible Consumer Fireworks Use.

LD 324 – An Act To Control Fireworks in Monhegan Island Plantation.

LD 459 – An Act To Protect the Environment from Fireworks Debris.

**Environment & Natural Resources**  
Room 216, Cross State Office Building, 10:00 a.m.  
Tel: 287-4149

LD 395 – An Act To Amend the Site Location of Development Laws.

LD 442 – An Act To Clarify Municipal Capacity of Site Location of Development and Encourage Local Development.

LD 468 – An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers.

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

LD 445 – An Act Regarding the Sick Days of an Employee who Is Terminated While on Sick Leave.

**State & Local Government**  
Room 214, Cross State Office Building, 1:00 p.m.  
Tel: 287-1330

LD 244 – An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects.

**Taxation**  
Room 127, State House, 10:00 a.m.  
Tel: 287-1552

LD 169 – An Act To Amend the Laws Governing Groundwater Rights.

1:00 p.m.

LD 444 – An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use.

*(continued on page 7)*

## LEGISLATIVE HEARINGS (cont.)

LD 499 – An Act To Create Jobs in the Forest Products Industry

### **Veterans & Legal Affairs**

Room 437, State House, 10:00 a.m.

Tel: 287-1310

LD 508 – An Act To Amend the Laws Governing the Number of Agency Liquor Stores Allowed in a Municipality.

LD 509 – An Act To Facilitate the Timely Return of Requested Absentee Ballots.

### **Tuesday, March 10**

#### **Judiciary**

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

Tel: 287-1327

LD 303 – An Act To Improve Communications Regarding Executive Session.

#### **Transportation**

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

Tel: 287-4148

LD 247 – An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services.

### **Wednesday, March 11**

#### **Energy, Utilities & Technology**

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

Tel: 287-4143

LD 430 – An Act To Assist Municipalities To Obtain Payment of Overdue Sewer Bills.

#### **Marine Resources**

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

Tel: 287-1337

LD 435 – An Act To Extend the Protection of Municipal Shellfish Conservation Programs.

### **Thursday, March 12**

#### **Education & Cultural Affairs**

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

Tel: 287-3125

LD 311 – An Act To Improve Attendance at Public Elementary Schools.

#### **Transportation**

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

Tel: 287-4148

LD 371 – An Act To Enhance Safety for Highway Maintenance Vehicles.

LD 390 – An Act To Enforce Restrictions in Parking Spaces and Access Designated for Persons with a Walking Disability.

## IN THE HOPPER

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

LD 708 – An Act To Limit the Use of Pesticides on School Grounds. (Sponsored by Rep. Daughtry of Brunswick; additional cosponsors.)

This bill restricts the use of pesticides on school grounds. It allows their use only: (1) in situations that pose an urgent health or safety threat to a student or staff member, (2) in response to the presence of animals or insects identified as a public health nuisance, or (3) on agricultural fields in accordance with the manufacturer's instructions.

### **Environment & Natural Resources**

LD 713 – Resolve, To Further Protect Lake Water Quality. (Sponsored by Rep. Hilliard of Belgrade; additional cosponsors.)

This resolve directs the Department of Environmental Protection (DEP) to amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances to amend those minimum guidelines to establish an increased setback from the high water mark for newly constructed buildings, from the current 100 feet to 112 feet, and to further establish several potential methods of mitigating phosphorus run off when the footprint of any structure is enlarged in the setback area, including buffer strip retentions, buffer strip creations or alternative runoff retention and infiltration systems. The rules would also establish standards for the location and installation of drilled wells within the setback area. The resolve also directs the DEP to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005 and to report its findings to the Legislature by January 1, 2016.

### **Health & Human Services**

LD 632 – An Act To Require the State To Administer and Fund the General Assistance Program. (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsor.)

This bill shifts responsibility for the full funding and administration of the general assistance program from municipalities to the Department of Health and Human Services. The bill directs the department to adopt by December 31, 2015 major substantive rules necessary to implement the transfer of responsibilities. The transfer of responsibilities under the bill is effective January 1, 2016.

### **Judiciary**

LD 686 – An Act To Promote Privacy in Social Media. (Sponsored by Rep. Pierce of Falmouth; additional cosponsors.)

This bill prohibits an employer from requiring, coercing or requesting an employee or applicant for employment to

- Disclose the password or any other means for accessing a personal social media account

- Access a personal social media account in the presence of the employer

- Disclose any personal social media account information except when the employer reasonably believes the information to be relevant to a lawful investigation of allegation so employee misconduct

- Add anyone, including the employer or an agent of the employer, to the employee's or applicant's list of contacts on a social media account

And, alter settings that affect a 3<sup>rd</sup> party's ability to view the contents of a personal social media account

The bill also prohibits an employer from taking adverse actions against an employee or applicant who refuses to take part in actions that the employer is prohibited from taking under the terms of the bill.

### **Labor, Commerce, Research & Economic Development**

LD 530 – An Act To Improve Public Sector Collective Bargaining Laws. (Sponsored by Sen. Patrick of Oxford Cty; additional cosponsors.)

This bill amends the municipal public employees labor relations laws by requiring that all collective bargaining negotiation meetings include a member of the body with final authority to approve the collective bargaining agreement

### **State & Local Government**

LD 450 – An Act To Amend the Laws Regarding the Fund for the Efficient Delivery of Local and Regional Services. (Sponsored by Sen. Katz of Kennebec Cty; additional cosponsors.)

(continued on page 8)

## **HOPPER (cont.)**

The Fund for the Efficient Delivery of Local and Regional Services was originally created by the voters when Question 1-A was adopted at referendum in 2004. That Fund was capitalized by annual transfers of 2% of the municipal revenue sharing distribution. Since its inception, the Legislature completely abused that system by annually raiding the 2% transfer and moving that revenue, instead, into the state's General Fund. The system of capitalizing the Fund was repealed in 2009. This bill reinstates the 2% revenue sharing transfer system.

**LD 646 – An Act To Provide Incentives for Municipal Collaboration and Shared Services.** (Sponsored by Sen. Libby of Androscoggin Cty; additional cosponsors.)

This bill provides an incentive for municipalities to enter into collaborative agreements with other municipalities or units of local government to provide joint services under the terms of the state's longstanding laws governing interlocal cooperation. The incentive provided by the bill is the ability of the municipalities participating in an interlocal agreement to calculate the value of taxable property within the municipality that is dedicated to financing the joint agreements and cause that value to be sheltered in the calculation of each municipality's equalized just value. The equalized just value is a determining factor in the distribution of General Purpose Aid to local schools, municipal revenue sharing and the apportionment of county taxes.

### **Taxation**

**LD 444 – An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use.** (Sponsored by Sen. Thibodeau of Waldo Cty; additional cosponsors.)

Current law provides a motor vehicle excise tax credit to the owner

of a vehicle that is sold or totally lost by fire, theft or accident or is totally junked or abandoned. This bill adds another situation that allows for the application of a motor vehicle excise tax credit, which is when the use of the vehicle is totally discontinued. To obtain the credit, the bill requires the owner of the vehicle to provide a signed statement attesting that the vehicle from which the credit is being transferred is totally discontinued and states that if the owner who has totally discontinued use of a vehicle later seeks to register that vehicle, no excise tax credits may be applied with respect to the registration of that vehicle or any subsequent transfer of that vehicle's registration.

**LD 499 – An Act To Create Jobs in the Forest Products Industry.** (Sponsored by Rep. Stanley of Medway; additional cosponsors.)

This bill provides a complete exemption from property tax for land enrolled under the Maine Tree Growth Tax Law when the forest products harvested from that land are processed solely at mills located in Maine.

### **Veterans & Legal Affairs**

**LD 626 – An Act Regarding Write-in Candidates in Municipal and City Elections.** (Sponsored by Sen. Mason of Androscoggin Cty.)

Current law requires municipal and city ballot clerks to count all write-in votes in a municipal or city election regardless of the number of write-in votes cast. This bill provides that a ballot clerk must count and tabulate the votes cast for a write-in candidate only if the printed ballot does not include a properly nominated candidate or the number of write-in votes exceeds the number of votes for a candidate printed on the ballot.

March 9, 2015 Legislative update from  
State Representative Peter A. Lyford

[View this email in your browser](#)



## State Representative **PETER A. LYFORD**

197 Jarvis Gore Drive  
Eddington, ME 04428  
(207) 848-3335

*Proudly Serving the Citizens of District 129  
Clifton, Eddington, Holden, Veazie, and  
a portion of Brewer*

### Electricity Shopping – Competitive Electricity Provider vs. Standard Offer

Maine's electric utilities do not generate electricity, they focus instead on delivery. The price of electric power supply is established through a wholesale market in New England, and many suppliers who operate in that market obtained licenses from the Maine Public Utilities Commission (PUC) in order to sell power to retail customers in Maine. A number of Maine's large industrial and commercial providers buy their own power.

Over the past few years, residential and small commercial customers have seen competitive retail supply offers from a variety of companies for the first time. The Maine Office of the Public Advocate has information to help customers understand this market and decide how to proceed.

Remember, customers who make no choice will continue to receive standard offer service. For those customers who choose to go with a competitive option, they need only make arrangements with their new supplier, who will then work with the utility to make the switch. The new service will be put in place around the time of the utility's next monthly billing cycle.

To view a listing of "Six Things to Consider When Choosing a Supplier," as well as a table listing competitive electricity provider



### Useful Links for Government News & Information

**Brewer  
City Office**  
80 North Street  
Brewer, ME 04412  
(207) 989-7500  
[E-mail](#)  
[Web Site](#)

**Clifton  
Town Office**  
135 Airline Rd.  
Clifton, ME 04428  
(207) 843-0709  
[E-mail](#)  
[Web Site](#)

**Eddington  
Town Office**  
906 Main Rd.  
Eddington, ME 04428  
(207) 843-5233

offerings, please [click here](#).

## Identity Theft

Everyone has personal information, such as credit card numbers, bank account numbers, and Social Security numbers, that can be misused when in the wrong hands. A scam artist who learns any of your personal information can potentially use that to learn more of your personal information and eventually make purchases in your name.

[Learn how to protect yourself from identity theft.](#)

## Personal Income Tax (1040) Refund Status Information

If you have already filed your State individual income tax return and are scheduled to receive a refund, you can check on its status [here](#).

## Consumer Action Handbook

Use the Consumer Action Handbook (CAH) to get help with consumer purchases, problems, and complaints. Find consumer contacts at hundreds of companies and trade associations; local, state, and federal government agencies; national consumer organizations; and more.

To download a free copy, click [here](#).

## Maine Legislative Memorial Scholarship

The Maine Legislative Memorial Scholarship Fund was created by the Maine Legislature to annually recognize one student from each county who is currently pursuing or is planning to pursue their education at a two-year or four-year degree-granting Maine college or technical school. This scholarship is available for full or part-time students. An eligible recipient must be a Maine resident who

[Web Site](#)

### Holden Town Office

570 Main Rd.  
Holden, ME 04429  
(207) 843-5151

[Web Site](#)

### Veazie Town Office

1084 Main St.  
Veazie, ME 04401-7091  
(207) 947-2781

[E-mail](#)

[Web Site](#)

[Legislature's  
Web Site](#)

[Governor LePage's  
Web Site](#)

[Secretary of State's  
Web Site](#)

[Attorney General's  
Web Site](#)

[Treasurer's  
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is accepted to or enrolled in a two- or four-year degree-granting Maine college or technical school that is accredited by the New England Association of Schools and Colleges.

Awards are made on the basis of academic excellence, contributions to community and employment, financial need, letters of recommendation, and an essay of 300 words or less from the applicant that explains his or her educational goals and intentions.

All application components must be submitted and postmarked, if applicable, by April 15, 2015 to the following address: Maine Education Services, Attn.: The Maine Legislative Memorial Scholarship Fund, 131 Presumpscot Street, Portland, ME 04103

Awards will be made directly to the applicant after successful completion of the first semester of school. The Maine Legislative Memorial Scholarship Committee will announce scholarship winners for the 2015 applicants in the spring of 2016. Scholarships may be deferred for one year if this is to the student's financial advantage.

All funds for the Scholarship have been raised through an annual auction held in Augusta. Legislators, staff, and Lobbyists participate in the event by soliciting and making donations, organizing, and even "auctioneering". Hundreds of items are donated, many of them "made in Maine", such as sardines, paintings, and weekend get-a-ways. The auctions have been a tremendous success, making it possible for 16 students to receive as much as a \$1,000 award.

For more information on this scholarship program, please [click here](#).

If you are interested in donating an item(s) in support of this worthy cause, or in the event you would like to become an auction sponsor, related forms can be found online [here](#)

### House Republican Office Links

To connect with the House Republican Office on the Web, you can

visit <http://mehousegop.org/>, find us on Facebook [here](#), or follow us on Twitter: @MaineHouseGOP.

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To help maintain an open line of communication with those I serve, I am providing you with this publication that contains government news and other public service announcements. It is my hope that you find this material both beneficial and informative.

**Our mailing address is:**

State Representative Peter A. Lyford  
197 Jarvis Gore Drive  
Eddington, ME 04428

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## TOWN OF BAR HARBOR

### Police Department

37 Firefly Lane  
Bar Harbor, Maine 04609  
Tel. 207-288-3391 Fax 207-288-2120

James K. Willis, Police Chief

[jwillis@barharbormaine.gov](mailto:jwillis@barharbormaine.gov)

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March 5, 2015

Mark Leonard  
Veazie Police Department  
1084 Main Street  
Veazie, Me 04401

Dear Chief Leonard,

Thank you for participating in the recent interviews for our promotional process for the Administrative Lieutenant Position with the Bar Harbor Police Department. Your contribution was invaluable and I appreciate your willingness to help guide us in this extremely important process for our department.

If I can assist you in any way in the future, please do not hesitate to call.

Sincerely,

James K. Willis  
Chief of Police

Sent from my iPhone

Begin forwarded message:

**From:** Orono Middle and High School Library Blog <[donotreply@wordpress.com](mailto:donotreply@wordpress.com)>  
**Date:** March 10, 2015 at 8:19:26 AM EDT  
**To:** [vzchief800@yahoo.com](mailto:vzchief800@yahoo.com)  
**Subject:** [New post] Brian Gonyar, OHS Class of 1983 selected for NASA Sofia Project

New post on Orono Middle and High School Library Blog

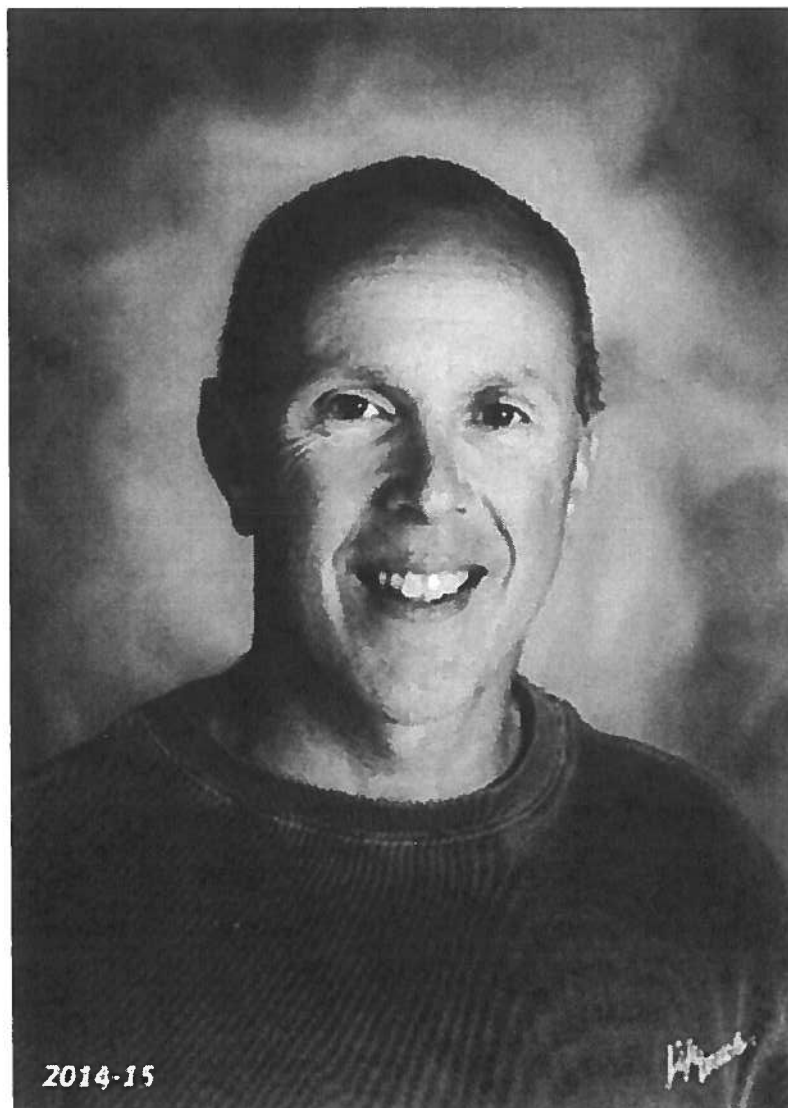
*News*



Brian Gonyar, OHS Class of 1983 selected for NASA Sofia Project  
by [M.J.](#)

## Veazie Teachers Chosen For NASA Program-WABI-TV

MAR 2, 2015 4:13 PM EDT  
WAYNE HARVEY



*A pair of teachers from the Veazie Community School are proving they have the right stuff*

Lauree Gott and Brian Gonyar applied to the NASA Sofia Project in November.

Just recently they found out they were accepted to the program will go to California as Airborne Astronomy Ambassadors.

SOFIA stands for Stratospheric Observatory for Infrared Astronomy, it is the world's largest flying telescope.

They will get to fly and study along side NASA engineers and astronomers.

It shows their students the value placed on learning, not just while you're in school but for your entire life.

"Learning is fun," said Gott. "Even when you're an adult and having that opportunity to learn new things and get excited about new things as a teacher and knowing that we're going to learn and be able to bring that back in to the community and to the kids is just very exciting."

"How often do you get to put into practice things that you work with every day," said Gonyar. "Teach students about and they're always asking "Why do I need this?" "How and I going to use this?" and here's a chance to kind of share that with them."

Gott teaches science at Veazie Community School, Gonyar teaches math, and they are among 28 teachers chosen to fly this year.

The flight dates have not been announced, but they will likely fly at least twice.

From NASA Educator Professional Development Program Will Fly Again in 2015

February 25, 2015



2014 Airborne Astronomy Ambassadors Lynne Zielinski, Heidi Steinbrink, Marcella Linahan, Pamela Harman the Educational Program Co-Manager for SOFIA, Tom Jenkins, and Vivian Hoette focus in on an observation target.  
Image Credit: NASA/SOFIA

Working to expand professional development opportunities for science educators across the United States, NASA's Stratospheric Observatory for Infrared Astronomy program, known as SOFIA, has selected 14 two-person teams for its 2015 Airborne Astronomy Ambassadors

*The flying observatory is a highly modified Boeing 747SP jetliner carrying a 100-inch (2.5-meter) effective diameter telescope. Fitted with instruments that collect data at infrared wavelengths, SOFIA flies at altitudes between 39,000 and 45,000 feet (12-14 kilometers) on 10-hour overnight science missions.*

*Each educator team will complete a graduate credit astronomy course and then will be paired with a team of professional astronomers conducting science flights aboard SOFIA. After their flight experiences, ambassadors take what they've learned from the program into their classroom and communities to relate the scientific discovery process and its value to society.*

*"The Airborne Astronomy Ambassadors program gives science educators a unique opportunity to interact with all facets of a NASA science mission," said John Gagosian, SOFIA Program Executive at NASA Headquarters in Washington. "Not only are these educators witnessing scientific research first-hand, they're seeing the wide range of professional and technical expertise needed to support that research, from engineering to technology to mathematics. This program shows educators the excitement of frontier science, and it shows students the multitude of career paths within NASA's programs."*

*The 28 Airborne Astronomy Ambassadors selected for 2015 come from 12 states plus the District of Columbia. **Six of the states (Georgia, Indiana, Maine, Massachusetts, New Mexico and Oklahoma)***