

Maine Youth Camp Association

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TO: Maine Youth Camp Association Members

DATE: February 19, 2013

RE: Legislative Report #3

Jack has now have reviewed 576 LDs in this legislative session. The following are of interest to youth camps:

LD 444 An Act To Improve Workers' Compensation Coverage for All Injured Workers This is a concept bill so we won't know whether it will affect camps until the public hearing.

LD 478 An Act To Require a Local Permit for the Use of Fireworks This bill provides that a person who wishes to use consumer fireworks must obtain a permit from the person with authority to issue a permit for open burning. The permit must be issued in the same manner as a permit for open burning is issued.

LD 498 An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility This bill authorizes a municipality to enact an ordinance to prevent certain sex offenders from residing within 750 feet of a privately owned property where children are the primary users, such as an athletic field, park or recreational facility. This obviously would include camps.

LD 549 An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions This bill allows a person who is 21 years of age or older to petition the Secretary of State to expunge a criminal record of the person if the crime was committed when the person was between 18 and 20 years of age and it is the person's only criminal conviction. This would make any subsequent criminal background check less reliable.

Taxation

LD 427 An Act To Authorize Options for Local Revenue Enhancement This bill allows a municipality to impose a local option sales tax, which may be seasonal, of 5% or less by local referendum. The tax would be on the same items subject to sales tax now.

LD 562 An Act Related to Service Charges in Lieu of Property Taxes on Tax-exempt Property This bill permits municipalities to impose service charges on tax-exempt property owned by nongovernmental institutions and organizations other than educational institutions, houses of worship and parsonages. Service charges must be calculated to cover the cost of services provided and be based on the square footage of building space occupied by the institution or organization unless the municipality determines that a different measure more accurately represents the cost of services for which the charge is imposed. Service charges may be imposed to cover the cost of any services provided by the municipality to the property other than education or general assistance.

In summary it:

- Permits, but does not require a municipality to levy service charges on one or more categories of tax exempt entities.

- If a service charge is levied it must be levied on all entities within the category. Camps normally fall within the categories of “benevolent and charitable” or “houses of religious worship”.
- Because houses of religious worship are excluded, any camp that falls under that category is excluded.
- Service charges may be levied for all municipal services except education and general assistance.
- Service charges must be calculated according to the actual cost of providing the service. However, the bill goes on to state that service charges must be calculated based on the square footage of the building used by the entity unless the municipal determines a different measure that more accurately represents the cost of the service. There may be an issue of whether the square foot determination is constitutional.
- The maximum amount of the service charges cannot exceed 2% of the entity’s gross annual revenues. This could be further limited by adding a provision that defined gross annual revenues to include only fees charged to persons served.

This bill will be opposed by all tax exempt non-profits including hospitals and Veterans’ Associations. Private schools and colleges are exempt so they will not be in the fight this time around.

Gun Bills

LD 529 Resolve, Directing the Department of Education To Develop Safety Standards for School Access

This resolve directs the Department of Education to develop safety standards for entryways in existing and new school construction and report these standards to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2014.

LD 576 Resolve, To Protect Concealed Handgun Permit Information on a Temporary Basis

This is the Governor’s bill. Current law requires the issuing authority of a concealed handgun permit to make a permanent record of each permit that includes the information contained in the permit itself and provides that the permanent record must be available for public inspection. This resolve places a moratorium on public access to such permanent records for a period of approximately 4 months, pending the Legislature’s consideration of a measure to amend that section of law. This Resolve has already been signed into law.