

MEMORANDUM

TO: MYCA Directors and Maine Summer Camp Members

Copy: Mary Ellen Deschenes

FROM: Jack Erler

DATE: July 10, 2013

RE: Governmental Affairs Report

Legislative

This year was the 126th Legislature, First Session. Being an odd numbered year it was a full 100 day session. I reviewed 1,575 Legislative Documents (LDs) or otherwise known as bills.

There were no LDs designed to benefit or harm youth camping in Maine, but, as usual there were a number of bills that could have affected children's camping in one way or the other. I am happy to report that all bills that would have harmed camping were defeated. However, some bills that could have helped camping did not pass.

Again this year the principal focus of the Legislature was the budget. The big difference between this and the Second Session of the 125th Legislature in 2012 is that this year there was a substantial split in power between the Republicans and Democrats. This year the Governor was a very conservative Republican while the Democrats held the majority in both the House and Senate. This power split dramatically affected the outcome of the Legislature because the Democrats did not have enough of a majority to override the Governor's vetoes and this Governor vetoed a very large number of bills initially passed by the Legislature.

As a result of this power split and the volatile nature of the Governor the final bell has not yet rung on this legislative session. Thus some issues at the time of the writing of this report remain in play.

The following is a summary of this year's legislative issues and outcomes of interest to youth camps.

Taxes

This year, taxes were back. There were a spate of bills that would have dramatically changed Maine tax laws.

First, there were a number of bills that would have changed the relationship between the three legs of the tax stool; income, sales and property taxes. Without any benefit flowing to camps these bills reduced the income and property taxes. In exchange sales taxes would have been increased in rate and coverage. As has been the case so many times in the past, the bills included a proposal to expand sales tax to include

services. And as usual one of the service categories was to be “amusement, entertainment and recreational”. As originally proposed amusement, entertainment and recreational services was not defined and thus would have included camp tuition. In addition, the current list of sales tax exemptions was to be eliminated. This would have resulted in a sales tax on meals served in camp. The good news is that none of these bills passed. The cautionary note is that the issue of broadening sales taxes and eliminating sales tax exemptions is NOT going away. Again next year we will need to fight this issue.

Second, there were a number of bills that would have subjected non-profit camps to new taxes. Once again there were bills that proposed to charge tax exempt youth camps (along with other tax exempt entities) service fees for certain municipal services such as police, fire and road maintenance. We also have seen this kind of bill many times in the past. Again this year it was defeated but remains always lurking in the background to make a comeback.

In addition, there was a bill to impose a new tax on all non-profit entities (including camps) equal to 25% of what their property taxes would be or are. This is a totally new concept.

Fortunately, again all of these tax bills were defeated. Again however, we are likely to see one of more of them in the next legislative session.

Guns

This year, likely as a result of the Newtown, Connecticut tragedy, we saw the largest number of gun bills I have ever seen. They were on both sides of the issue including bills to increase and decrease gun control. MYCA took positions on some of these bills that could directly affect camper safety with mixed results.

The bill that would have repealed the law that permitted persons with concealed weapon permits to bring their gun to work was defeated. Thus concealed weapon permit holders can still bring their gun to work provided the gun remains out of sight in their locked car.

All other gun bills were eventually defeated except one. LD 724 An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed was passed amended to reduce its substantially coverage. As passed it requires forfeiture only “if the firearm is used by a person to commit a criminal act that in fact causes serious bodily injury or death to another human being and, following that act, the person either commits suicide or attempts to commit suicide and the attempt results in the person's becoming incompetent to stand trial or the person is killed or rendered incompetent to stand trial as the result of a justifiable use of deadly force by a law enforcement officer”.

In summary, the efforts of advocates for greater gun control were thwarted.

Human and Human Service bills

There were several bills proposed that would have added additional requirements on camps licensed by DHHS. None of these bills passed.

Other LDs

LD 269 An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway which as originally proposed would have increase the maximum group size on the Allagash from 12 to 24. It passed, as amended only to provide:

“Beginning with the 2014 season, a group of more than 12 persons of any age, including trip leaders and guides, may not camp overnight at waterway campsites. Groups of up to 18 persons of any age may travel on the watercourse for day use, but may not camp overnight at waterway campsites, except that school groups that notify the division at least 14 days in advance may be allowed to travel on the watercourse and camp overnight at waterway campsites under the direction of the superintendent of the waterway or the superintendent's designee. A school group consisting of more than 18 persons of any age, including trip leaders and guides, must separate into self-contained groups of 18 or fewer persons and these groups must travel out of sight of each other or at least one-half mile apart and may not share equipment or campsites.

Beginning with the 2014 season, groups of up to 24 persons of any age may access the waterway by snowmobile but only at those locations established in the division's rules at which access is specifically allowed.”

LD 483 An Act To Promote Small Businesses by Enhancing the Use of On-premises Signs which would have increased the size and number of business signs displayed along Maine roads was defeated.

LD 589 An Act To Strengthen the Law Regarding Texting and Driving was passed which increases the penalty for violation of the law prohibiting texting while driving. The level of fines was increased and loss of license was added for subsequent offenses within a 3 year period of the first offense.

LD 611 An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes was passed and raises the minimum wage to \$8.00 per hour beginning July 1, 2014, \$8.50 per hour beginning July 1, 2015 and \$9.00 per hour beginning July 1, 2016. Beginning July 1, 2017, the minimum wage will be automatically adjusted for inflation on July 1st of each year. However, the Governor has vetoed the bills and as of the date of this report, it is unknown if the Legislature will override the veto.

LD 695 An Act To Amend the Site Location of Development Laws was passed and relaxed the requirements for Maine Department of Environmental Protection approval of development under Maine Site Location of Development law.

LD 1277 An Act To Streamline the Charitable Solicitations Act was passed and reduces and streamlines the requirements for non-profit organizations to be licensed by the State in order to solicit charitable contributions from persons not members of the organization. Principally the requirement for an annually audited statement has been eliminated and the threshold for licensure has been increased from \$10,000 to \$35,000 per year or more than 35 persons solicited. Other requirements have been eliminated or streamlined as well.

Agencies

Department of Health and Human Services (DHHS)

The new rules which permit the DHHS to grant a Chapter 208 inspection waiver to camps are up and operating. We discussed these rules with camps last year at the summer meeting. You all should have received a waiver application from DHHS. A number of camps have been granted a waiver for 2013.

Department of Inland Fisheries and Wildlife (IF&W)

The new Trip Leader Permit Regulations have now been promulgated. They will become effective as of September 1, 2013 for the summer of 2014. We have discussed these regulations with members last summer. The new Camp/IF&W Committees for Trip Leader Permits and JMG will be established after the effective date. MYCF will make recommendations to the Commissioner for membership on those

Committees. MYCF will put out information this fall on the new requirements for Trip Leader Instructors and Trip Leader Permits; and revising the Safety Course Curriculum and Trip Leader Permit Examination.

A big thank you goes to the MYCA committee members that made this effort happen.

Department of Conservation

Submerged Lands: The program to require leases/easements of State owned submerged land is continuing albeit still rather slowly. MYCA expects that any of you who have not yet begun or completed the leasing/easement process will be involved before the end of this year.

As we have said before, you should work with the Department to get your lease/easement complete. Fees will be retroactive to 1/1/11 and you will be expected to make back payments to that date. For-profit camps' annual lease fees are running from a few hundred to more than a thousand dollars. You can work with the Department to reduce your rent fee to the lowest possible amount consistent with your waterfront size and configuration. Non-profit camps are eligible for an easement, the fees for which are small.

Swim Area Permits: There still appears to be minimal effort by the Department for the permitting of swim areas. Our assumption is that with the budget deficit taking center stage there are not enough bureaucrats or not enough bureaucratic time to deal with this issue which was created by a poorly conceived and passed law three years ago.