

REPRESENTATIVE HINCK'S LEGISLATIVE REPORT AND JOURNAL

I have taken my seat in the State Legislature. I again thank the voters of my district for giving me this opportunity. I am pleased to be representing District # 118 covering Portland's West End and parts of the Oakdale and Libbytown neighborhoods. Please keep me apprised of your interests and concerns as I do the job I was elected to do. The swearing in ceremony in on December 6, 2006 with my daughter Darcy at my side was a highlight. Now the session is underway so I will report on some of pending legislative business.

As you may know over 2,400 bills were introduced into the legislature before the December 15, 2006 deadline. Although one neighbor told me that it would be better if the legislature repealed existing laws rather than passing new ones, after careful consideration I introduced a dozen bills of my own. Most of these bills are addressed to issues that came up in my conversations with folks living in the district. The matters covered include affordable housing, energy efficiency, protection of free speech, reducing certain toxic chemical and lead exposures to children, strengthening Maine's returnable beverage container law and instituting a system of instant run-off voting. I list and summarize my bills below.

Budget and Tax Matters

For good reason, tax reform will be a major part of the agenda for the legislature.

The Governor's budget provides a framework for addressing the issues of taxes and spending. I joined other freshman legislators at a meeting with the Governor on January 9 in which we asked questions and offered our views on state issues. The Governor acknowledged that his proposed budget is just a starting point but he reaffirmed his commitment to a couple of widely-publicized priorities: 1) a property tax valuation freeze; and 2) school administration consolidation.

Lowering Property Taxes. On the tax side, one of Gov. Baldacci's major proposals is directed at helping Maine homeowners cope with rising property valuations that lead to bigger and bigger tax bills. This is a worthy target but I am not completely sold on the specific proposal. In short, the plan would freeze the assessed value of a property at the time of purchase. The next adjustment only occurs at the time of the next sale no matter how many years pass. Certainly, this would provide relief to some of the people who would otherwise feel the sting of rising property taxes. Of particular concern are folks on fixed or otherwise low incomes who find that rising property values and taxes are forcing them out of their homes. Of course, the beneficiaries of the plan would be all us who currently own a home that we stay in for many years. This has merit but also downsides. First, actual tax relief is achieved only gradually. On the other hand, as the valuation freeze kicks in new homebuyers face the prospect of paying far higher property taxes than their neighbors with the fixed valuations.

In my view, the best property tax relief would apply equally to new home buyers and long term homeowners. It makes sense in the alternative to target property tax reductions to people living in areas with fast rising property values, but this relief should either be limited to those who really need it or be designed like a "reverse mortgage" to be recovered when the houses are sold

at much higher than original value. If “deferred” tax revenue is collected this way at the point of sale, local mil rates will be kept lower, and new home owners and those who move frequently do not have to pay more than their fair share.

Reducing School Administrative Costs. Maine has 826 local governments and 290 school districts. There is a widespread assumption that the state could save significant money by consolidating administrative costs. This stands to reason and I think it should be aggressively pursued. The Governor is currently seeking to reduce K-12 education spending at the administrative level as a way to reduce spending. I think that he is right to push for savings there. Unfortunately, Maine has been losing various sources of federal funding for roads, schools, and health care. This will make state tax cuts harder than many people realize. Last year, over 15% of the state budget went to make up for federal funding cutbacks.

I agree with the intent behind these budget and tax reform proposals, but feel that there are unresolved details. Overall, I we need to do more to increase efficiency while investing in Maine's future economy. Wise investment in our future workforce and our economic infrastructure is critical. Perhaps most critical is making the state tax system smarter and more fair. In addition to reducing property taxes our current system takes too much in income tax from lower income people. I agree with others that we could collect more revenue from broadening the sales tax (extending it to services and eliminating loopholes) and also such things as taxes on lodging and meals and rental cars.

In addition to the Governor, the leadership of both Houses of the legislature and the Committees on Appropriations and Taxation will be working through many of these proposals. I hope to have my input as well as a final vote on the budget.

My Committee: Utilities and Energy

I am pleased to be serving on the Utilities and Energy Committee. My committee will be working on Maine's electronic and energy infrastructure. I think it is critical for many reasons that Maine achieve greater energy efficiency and energy independence. Maine should continue to become a regional leader in the generation of renewable, carbon-neutral power. The State should also attain complete wireless connectivity.

Bills

Title: "An Act to Support and Enhance Maine's 'Bottle Bill' Beverage Container Recycling Law."

This bill would double the five cent deposit to ten cents per bottle and can; and double the corresponding handling fee for redemption centers.

The bill would also expand the bottle law to cover aseptic beverage containers used for juices, milk, soups, broths, soy bean, grain and nut beverages.

Title: “An Act to Keep Real Wages from Falling Below the State Minimum

Beginning January 1, 2008, and annually thereafter, Maine's minimum wage rate will be adjusted for inflation by a calculation using the consumer price index for median wage earners in Maine for the prior year. However, indexing of the minimum wage will be suspended when the state's unemployment rate exceeds the national average.

"An Act to Provide for Prescription Monitoring and Protections of Personal Patient Information"

This bill is a Rule 208 “concept draft.”

This bill would establish an electronic prescription drug monitoring system to enhance patient safety by providing a means to avoid medication errors. The electronic prescription drug monitoring system will provide pharmacists and physicians with a record of all drugs prescribed to a patient. This information will give health care providers additional means to ensure that patients do not have adverse reactions due to incompatible drug interactions or over-prescription of medications from multiple prescribing physicians. The bill directs the Department of Health and Human Services seek federal funds to develop the electronic prescription drug monitoring system.

This bill would also amend current law to prevent the unauthorized collection, use, sale or exchange of confidential patient prescription drug information for commercial use or other unauthorized purposes and to levy that penalties are stringent enough to deter these activities.

Title: An Act to Establish Instant Run-off Voting for Gubernatorial Races

This bill would require that starting in 2010 Maine gubernatorial races would be run using a system of instant run-off voting where voters have the opportunity to rank their preferences. If no candidate gets a majority of the votes when counting the voters’ first choices, the candidate who received the fewest first place choices is eliminated. If need be, there are a series of runoffs using the lower ranked preferences on the ballot of voters whose top choice was eliminated. All ballots are retabulated, with each ballot counting as one vote for each voter's highest ranked choice. This system ensures that the winning candidate is elected with a majority of votes in the deciding round.

Title: An Act to Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations

The bill provides that any person undertaking to do work that would disturb lead-based paint or otherwise would create an environmental lead hazard in a residential child-occupied facility must give notice by posting and by certified mail to the occupants to the building 30 days in advance of commencing the work. Seven days notice will be sufficient if all adult occupants sign an acknowledgment and waiver form.

Title: An Act to Encourage Availability of Genuinely Affordable Housing in High-Cost Markets

This bill will apply to labor markets with high cost of housing and requires new developments of 10 or more apartments, condos, or units in a subdivision to provide at least 10% of the units at costs affordable to low- and moderate-income households. On sites greater than five acres, 15% of the housing units must be below-market-rate. “Below-market-rate” units are defined as units affordable to people making 80 to 100% of median income.

An Act to Improve Energy Efficiency in Building Construction

This law would require that new construction of residential, commercial and industrial buildings meet the standards of Maine’s Model Building Energy Code.

Title: An Act to Enhance Energy Security and the Environment With Improved Fuel Efficiency

All taxis and rental cars registered in Maine for use in Maine, or any taxi or rental car registered outside of Maine but expected to be driven more than 50% of its mileage in Maine during any one calendar year, must exceed the federal Corporate Average Fuel Efficiency Standards (CAFE) for the relevant vehicle class.

Title: An Act to Prevent Infant Exposure to Harmful Hormone-Disrupting Substances

This law directs the Maine Center for Disease Control and Prevention to take steps to eliminate infant exposure chemicals suspected of disrupting hormone or endocrine systems. The law would bar the manufacture and use of two groups of groups of endocrine disrupting chemicals in products for young children. The ban would apply to products for children younger than 3 that contain 1) the phthalates DEHP, DBP, BBP, DINP, DIDP or DnOP in levels higher than 0.1 percent; and 2) the monomer bisphenol A.

Title: An Act to Protect Small Bank Accounts

This law would require formal written notice by registered mail to the last known address of any savings account holder, and a 30 day waiting period, before a bank can close an inactive account.

Title: An Act to Guarantee Free Speech and Petitioning Activities in Privately-owned Public Gathering Places

This law would ensure that people have the right to engage in free speech and petitioning activities in malls and shopping centers as is done in the town square and other public gathering places subject to reasonable time, place and manner regulations.