

Carryover legislation: Here's a look at 10 of the most important

By Garrett Corbin, Legislative Advocate, MMA

Some bills take longer than others to bake. In the kitchen they might be called popovers. In the Legislature, they are called carryovers.

Of the 1,846 legislative proposals printed in the first session of the 129th Legislature (which is nearly as many bills as were produced in the entire previous Legislature), 652 were enacted into law and 738 were killed. This leaves 417 “carried” or held over to any special or regular session of the 129th Legislature, as well as 39 bills held by Governor Janet Mills, who will have three days to act on them once the next legislative session begins.

Of these carried over bills, 10 of the most municipally impactful are described here.

A key proposal still clinging to life is **LD 335**, *An Act To Require the State To Distribute 12 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities*, sponsored by Rep. Charlotte Warren of Hallowell at the request of MMA’s Legislative Policy Committee. LD 335 is the vehicle to determine whether or not the towns and cities where millions of dollars’ worth of revenue will be generated for the state deserve some portion of those new tax revenues. Maine is currently the only one – among 11 states to have legalized marijuana for non-medical purposes – not allowing local governments to recoup a reasonable return on their investments.

This bill has receive strong headwinds but we’re not counting it out yet. Municipal officials who face pressure from their residents to opt-in to allow adult use businesses, but are concerned about the increased burden on their staffs and budgets, are encouraged to contact their legislators prior to next session to seek their assistance in ushering this proposal across the finish line. LD 335 has already been enacted in the House and



The Blaine House. (Photo by Ben Thomas)

Senate but needs support from the Appropriations Committee to make it to the Governor’s desk.

LD 560, *An Act To Improve Access to Property Tax Exemptions for New Homeowners*, sponsored by Rep. Nicole Grohoski of Ellsworth, would allow primary homeowners to qualify for the homestead exemption benefit as soon as they move into their homes, beginning on or after April 1, 2020. The association’s Policy Committee disagrees with this proposal and believes the existing 12-month qualification period is appropriate public policy.

LD 636, *Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers* sponsored by Sen. Susan Deschambault of York County and amended by the Criminal Justice and Public Safety Committee, proposes to create a working group to assess the cost of a mandate for statewide camera use by law enforcement officers and identify potential revenue sources to meet that cost, as well as addressing issues

associated with the ownership, use, storage and chain of custody of video footage; training; recording of sensitive situations; and respect for victims of crime, their families and children.

LD 900, *An Act To Expand the Rights of Public Employees under the Maine Labor Laws*, sponsored by Rep. Michael Sylvester of Portland, allows public employees, except those employees whose duties include protecting public safety, to strike pursuant to the official procedures of the employees’ organization or under a process in which an affirmative vote to strike is held. The association has long objected to legalizing public sector strikes given the importance of continuing to provide government services that the public depends on.

LD 915, *An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transport Services*, sponsored by Sen. Troy Jackson of Aroostook County, would require state reimbursement rates for ambulance services under the

MaineCare program to be at least the average allowable reimbursement rate under Medicare, and reimbursement for neonatal transport services under MaineCare to be at the average rate for critical care transport services under Medicare. Currently, the state reimburses at 65% of the federal rate. The result is that, when transporting MaineCare patients, ambulances operate at a loss almost as soon as they leave the bay. Municipal officials support this proposal in an effort to alleviate pressure on property taxes by covering MaineCare patient transportation with added broad-based state resources.

LD 988, *An Act To Reduce the Landfilling of Municipal Solid Waste*, sponsored by Sen. Benjamin Chipman of Cumberland County at the request of a constituent, removes an exemption to the municipal solid waste disposal surcharge. The exemption applies to municipal solid waste generated in a municipality that either owns the landfill accepting the waste, or that has entered into at least a nine month contract for disposal of solid waste in a landfill facility. The association is concerned about the impact of this proposal on communities with few recycling options due to their locations

and circumstances beyond their control in a distressed global recycling market with dwindling economically feasible options.

LD 1403, *An Act To Amend the General Assistance Laws Governing Eligibility and Reimbursement*, sponsored by Rep. Michael Brennan of Portland, would establish a presumption of eligibil-

ity for General Assistance (GA) for any person provided housing in an emergency shelter for the homeless. MMA's Legislative Policy Committee believes that if a community is going to be held responsible for paying for the assistance provided by a homeless shelter, the law should ensure that the community where an applicant last



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LD 1498, *An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine*, sponsored by Sen. Troy Jackson of Aroostook County, was originally drafted to increase the weight limits and number of axles for large trucks on all roads in Maine to 137,000 pounds. While presenting the bill, Sen. Jackson emphasized the inequity between the weight limits allowed on certain sections of Maine's highways, where exemptions are provided for higher weight Canadian trucks to access mills in northern Maine.

The sponsor and the Professional Logging Contractors of Maine testified in support of LD 1498, but offered an amendment to repeal the weight exemption for Canadian trucks traveling along a certain specified route, instead of increasing the weight limits on all roads as proposed in the printed draft. The bill was carried over with a letter sent to the commissioner of the Maine Department of Transportation to study the economic impact of the loss of revenue to the state from the Canadian companies operating their vehicles in those limited areas, the availability of haulers in the area who could provide similar services, and the impact that removing the exemptions would have on the few Maine mills who rely on these incentives to Canadian loggers to stay in business. The association is watching this study with an eye toward the continued economic viability of the communities depending on these mills.

LD 1646, *An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems*, sponsored by Rep. Seth Berry of Bowdoinham, creates the Maine Power Delivery Authority as a consumer-owned utility, formed to acquire and operate all transmission and distribution systems in the state currently operated by the investor-owned transmission and distribution utilities Central Maine Power Company (CMP) and Emera Maine. On the one hand, municipal officials statewide have concerns with the responsiveness of these companies, and other utilities, to municipal requests. These concerns have been strong enough to cause the Association's Policy Committee to propose legislation

addressing various issues (LD 1206, which is described in the accompanying article reviewing studies).

On the other hand, there are seri-

ous municipal budgeting questions regarding the impact this proposal will have on already stretched property-tax resources. The bill's language



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requires rates charged by the new power delivery authority to yield a sufficient amount for payments in lieu of taxes, and to the extent revenues exceed expenditures, the authority is required to make payments in lieu of taxes in the same amount as would have been assessed if the private entity continued to own the property. Based on information provided by CMP and Emera, these two utilities paid Maine's municipalities close to \$70 million in tax revenue in 2018.

In the context of the state falling far short of full reimbursement to towns and cities in other programs, and without stronger assurances in the bill's language of future state payments, MMA's Policy Committee is currently opposed to LD 1646, preferring stronger oversight of the existing utilities instead.

LD 1779, *An Act to Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems*, sponsored by Rep. Ralph Tucker of Brunswick, seeks to remove the legislative over-

sight component for publicly owned treatment works and the collection systems that feed into them, and instead grant regulatory authority to the Department of Environmental Protection to establish standards through routine technical rulemaking. There are mixed feelings in the municipal community regarding conferring appointed rather than elected officials

with decision making authority over statewide operation and maintenance and asset management requirements for these expensive municipal and quasi-municipal facilities.

A full list of the bills of municipal interest slated for more consideration next year can be found on the advocacy section of the association's website at www.memun.org. ■

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