

## Municipal Protections Wasted

Last Wednesday, the Committee on Environment and Natural Resources held its fifth and final work session on LD 988, *An Act To Reduce Landfilling of Municipal Solid Waste*, sponsored by Sen. Ben Chipman of Cumberland County at the request of ecomaine.

The printed bill, which received a public hearing last year, removes the exemption from the assessment of the \$2/ton tipping fee on solid waste sent by communities to municipally owned landfills, as well as the waste from communities that have entered into long term contracts with landfills. The additional revenue generated by the repeal of the exemption is placed in a fund administered by the Maine Department of Environmental Protection (MEDEP) to provide grants to private businesses, groups, and municipalities.

For many of the proponents of LD 988, the goal is to incentivize recycling by making landfilling a less affordable option. For the opponents, however, the bill shifts financial burdens onto the property taxpayers in communities that do not have access to affordable alternatives for disposing of solid waste. As a result of the divide, the committee voted to carryover the bill into the 2020 session for more discussion.

### Background

Between the Jan. 17 and Feb. 5 work sessions, MMA collaborated in good faith with ecomaine and the Natural Resource Council of Maine (NRCM) on a possible compromise to LD 988. Similar to a proposal being considered in New Hampshire, the compromise proposal imposes a \$3/ton fee on all waste sent to a landfill – enabling the state to capture fees from out of state and commercial waste that is not currently collected – and returns the collected fee

revenue to impacted municipalities. The amendment simultaneously increases MEDEP funding and holds rural and other landfilling communities harmless.

To the surprise of MMA at the committee's Feb. 5 work session, ecomaine presented a different amendment, which repeals the municipal exemption and places a \$1/ton tipping fee on all landfilled waste. Rep. Ralph Tucker of Brunswick quickly moved "ought to pass as amended" on LD 988.

Rep. Peter Lyford, of Eddington, asked to hear from Casella Waste Services, the private company that manages the Juniper Hill landfill where 13 York County communities and several others send their waste. Casella testified that it is currently

paying the \$2 fee, and do not bill those municipalities separately for it, thus those communities are neither claiming nor receiving the municipal exemption. Casella added that it currently generates \$200,000 in fees for MEDEP's Maine Solid Waste Diversion Grant Program and the proposed legislation would reduce those fees to \$100,000. While they expressed appreciation for the cut in fees, Casella questioned whether that was indeed the intent of the legislation.

Following a brief committee caucus, Rep. Richard Campbell of Orrington asked for consideration of an amendment to exclude all Aroostook County landfills from the fee, as the nearest incinerator is 175 miles away. Rep. Tucker, who proposed  
*(continued on page 2)*

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## Ongoing Absentee Voter Status

Earlier this week, the members of the Veterans and Legal Affairs Committee accepted testimony on a proposal to extend ongoing absentee voter status to qualifying Maine voters.

LD2067, *An Act To Authorize the Automatic Continuation of Absentee Status until the Termination of That Status*, sponsored by Sen. L. Sanborn of Cumberland County, allows qualifying voters to automatically receive a mailed ballot for each statewide or municipal election until the voter either requests in writing to surrender the status, dies, is removed from the central voter system, or if an absentee ballot is returned as undeliverable.

MMA joined the Maine Town and City Clerks' Association (MTCCA) and the Secretary of State's Office in opposing the bill.

Municipal officials opposed the bill for

three reasons. First, the existing process for obtaining an absentee ballot is not at all onerous. Voters can already request an absentee ballot, without a qualifying reason, by stopping by the municipal office, mailing a letter, making a phone call or sending an email. Second, the individuals who administer elections on behalf of Maine residents are concerned that if a ballot is mailed to an "ongoing absentee" voter that is no longer living at the address on file, is deceased, or has no intention of participating in a particular election, the integrity of the process will be eroded and the actions of the municipal officials who conducted the election will be called into question. Finally, adding a new system into the election mix will result in increased administrative burdens and costs.

The Secretary of State opposed the bill  
*(continued on page 3)*

## Municipal Protections Wasted (cont.)

the “ought to pass as amended” motion declined to amend his motion and called for the vote.

The committee voted “ought to pass as amended” by a margin of 6-3-1, with three members voting to support an amended version of LD 988 that includes the Aroostook County carve out, and the other simply “ought not to pass.”

### The Reality

At the work session MEDEP’s solid waste manager, Paula Clark, reported that repealing the municipal fee exemption would increase Aroostook Waste Solutions operating costs by \$17,000, Augusta’s Hatch Hill by \$50,000, and \$40,000 for Bath. There are 41 licensed landfills in Maine – many municipally owned – that will experience similar increases.

Mark Draper from Aroostook Waste Solutions (AWS), operators of the Tri-Community and Presque Isle landfills, noted that the cost estimates for Aroostook County quoted by MEDEP during the work session were off. Based on AWS information, the costs of operations will

increase by \$33,435. While AWS has recently invested \$680,000 to expand its existing recycling infrastructure that diverts recyclable waste out of the landfill, not enough waste is generated regionally to support a waste-to-energy incinerator in the area. Keeping the fees in their community would allow them to invest sensibly in locally relevant solutions rather than forcing municipalities to add the burden of administration to access grant funds to accomplish new projects, but also compete for available revenue with other municipalities, groups and businesses.

Closer to the Capitol, members of the Hatch Hill landfill will have to incur an additional \$41,000 in fees, even though according to Augusta City Manager William Bridgeo, the \$2.3 million investment in a state of the art methane capture project to generate electricity from the harmful landfill by-product has a far lower carbon footprint than trucking waste 55 miles to Ecomaine, which is the nearest incinerator.

The notion that a fee will drive communities to recycle or compost presumes that rural communities are not currently

recycling what is possible, a statewide level playing field in Maine’s solid waste infrastructure is in place, and that there are viable markets for the recycled material. This is not the case. Unfortunately, the solution presented in the amended version of LD 988 fails to address the real problems surrounding waste disposal alternatives in the state, and instead creates an administrative burden for municipal officials to apply for the fee revenue they paid into a system that would be better spent if kept in municipal coffers in the first place.

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## Strike Bill Update

As expected, the Labor and Housing Committee’s vote on an amended version of LD 900, *An Act To Expand the Rights of Public Employees under the Maine Labor Laws*, was divided along party lines. As proposed by Rep. Michael Sylvester of Portland, the bill allows non-public safety public employees to strike provided the affected union members vote to do so and union leadership notifies the employer of the intent to strike and the dates the strike will take place.

The Association opposed the bill when it was first introduced during the 2019 legislative session, and despite the amendment, continues to do so.

As reported in the Feb. 7 Legislative Bulletin, Rep. Sylvester offered a three part amendment to the bill, one of which made the list of public employees entitled to strike a negotiable item in the public employer/employee bargaining process. However, the version of the amendment presented to the committee on Wednesday only contains the provisions allowing public employers to call employees who are on strike back to work to address an emergency and allows an employee to file a grievance for being called back to work.

The bill will soon be before the entire Legislature for debate.

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## Veterans Exemption Expansion

Earlier this week the Taxation Committee unanimously supported an amended version of LD 1042, *An Act To Exempt Disabled Veterans from Property Taxes in Accordance with Their Disability Ratings*, sponsored by Rep. Tiffany Roberts of South Berwick.

The amendment provides a property tax exemption to qualifying disabled veterans of the United States Armed Forces regardless of age or whether the individual served during a federally recognized war period. The value of the exemption is based on the veteran’s service-connected disability rating, providing a minimum exemption of \$2,500 for a veteran with a 30% disability rating, adjusted upwards by \$500 for each rating, to a maximum \$6,000 exemption for a veteran with 100% disability rating. The amendment also reimburses municipalities

for 100% of the lost property tax revenue.

If LD 1042 is supported in the House and Senate it will join LD 1194, *An Act To Increase Property Tax Relief for Veterans*, sponsored by Sen. Troy Jackson of Aroostook County, on the Appropriations Committee’s funding table. LD 1194, as amended, increases from \$6,000 to \$10,000 the exemption provided to veterans of the U.S. Armed Forces who are at least 62 years of age and served during a federally recognized war period and the exemption provided to World War I veterans from \$7,000 to \$10,000. The amended version of the Sen. Jackson’s bill also requires the state to reimburse municipalities for 100% of the lost property tax revenue, which according to the fiscal note that accompanies LD 1194, is estimated at roughly \$3.5 million annually.

# Hearing Schedule

## *Monday, February 17* **HOLIDAY**

## *Tuesday, February 18*

**Appropriations & Financial Affairs**  
**Room 228, State House, 12:30 p.m.**  
**Tel: 287-1635**

*Introduction and Overview* of LR 3206 “An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021” - Kirsten Figueroa, Commissioner, Department of Financial and Administrative Services

### **1:00 pm**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Innovation, Development, Economic Advancement & Business

### **2:30 pm**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Transportation

### **3:30 pm**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Taxation

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

*Note: As of now, the legislative presiding officers have waived the requirement that bills be advertised for public hearing two weeks in advance; therefore, you should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can be found on the Legislature’s website at: <http://legislature.maine.gov/calendar/#Weekly/>.*

LD 1930 – An Act To Amend Maine’s Aquaculture Leasing and Licensing Statutes.

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

LD 2086 – Resolve, To Create a Criminal Records Review Committee.

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

LD 2100 – An Act To Require Third-party Certification for Persons Undertaking Corrosion Prevention and Mitigation Projects for Public Water Supply and Wastewater Infrastructure and Bridges.

## *Wednesday, February 19*

**Appropriations & Financial Affairs**  
**Room 228, State House, 9:30 a.m.**  
**Tel: 287-1635**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Health and Human Services

### **4:00 pm**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Veterans and Legal Affairs

**Criminal Justice & Public Safety**  
**Room 436, State House, 10:00 a.m.**  
**Tel: 287-1122**

LD 1962 – An Act Regarding the Use of Propane and Natural Gas Detectors.

LD 2043 – An Act To Reclassify Certain Offenses Under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System.

**Labor & Housing**  
**Room 202, Cross Building, 10:00 a.m.**  
**Tel: 287-1331**

LD 2087 – An Act Relating to Fair Chance in Employment.

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

LD 1280 – An Act To Establish the Maine Buy American and Build Maine Act.

## *Thursday, February 20*

**Appropriations & Financial Affairs**  
**Room 228, State House, 1:00 p.m.**  
**Tel: 287-1635**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Agriculture, Conservation & Forestry

### **2:00 pm**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Environment and Natural Resources

### **3:00 pm**

LR 3206 – Public Hearing in conjunction with the Joint Standing Committee on Marine Resources

**Taxation**  
**Room 127, State House, 1:00 p.m.**  
**Tel: 287-1552**

LD 731 – An Act To Amend the Maine Tax Laws.

## **Ongoing Absentee Voter Status (cont.)**

on the premise that LD 2067 is not necessary and will not result in increased voter participation. However, Deputy Secretary of State, Julie Flynn, did express support for the element of the bill requiring the municipal clerk to notify a voter within 24 hours of noting a discrepancy with a returned ballot to explain the procedure to cure the issue. Although the office currently encourages clerks to do so, the law does not require that follow-up call.

The written testimony submitted by MTCCA echoed the concerns raised by the opponents.

The proponents of the bill, including the bill’s sponsor, Sen. Justin Chenette of York County and Rep. Ryan Fecteau of Biddeford, who provided testimony on behalf of his city clerk, described the use of ongoing absentee voter status as an important tool to encourage participation by all Maine voters, particularly residents facing mobility issues as well as those juggling busy family and work schedules.

Based on the questions posed during the public hearing, it appears there is interest among some members of the committee to move forward with the proposal. Rep. John

Schneck of Bangor proposed amending the bill by allowing a voter to request absentee ballots for all elections conducted in a given year as a possible alternative. Rep. Craig Hickman of Winthrop questioned whether there was merit in advancing the provision in the bill requiring municipal clerks to follow-up with voters who submit incomplete or questionable absentee ballots.

A work session on LD 2067 has not been scheduled.



## Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486

### IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's official 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).)

#### **Appropriations and Financial Affairs**

**LR 3206**—This is the Governor's proposed FY 2020 – FY 2021 supplemental budget, which advances the following issues of municipal significance:

**Funding for K-12 Education (Part C)**. \$2.37 billion is calculated by the Essential Programs and Services (EPS) model, including the normal cost of teacher retirement, as necessary to fund K-12 education in FY 2021. The state's proposed contribution to those costs is \$1.23 billion, accounting for 52% of total expenditures. The budget allocates an additional \$229 million as the state's share of the total unfunded actuarial liabilities (UAL) of the Maine Public Employees Retirement System that are attributable to teacher and retired teacher health and life insurance benefits. The UAL appropriation brings the total costs of K-12 education to \$2.60 billion, with the state's \$1.46 billion appropriation accounting for 56% of total expenditures. For FY 2021, the minimum local share for the cost of funding K-12 education is \$1.14 billion and the mill rate expectation is 8.18.

**Line of Duty Benefit (Part E)**. The bill increases from \$50,000 to \$100,000 the death benefit

paid by the state to the beneficiaries of a law enforcement officer, firefighter or emergency medical services person who dies in the line of duty.

#### **Transportation**

**LD 2100** – An Act To Require Third-party Certification for Persons Undertaking Corrosion Prevention and Mitigation Projects for Public Water Supply and Wastewater Infrastructure and Bridges. (Sponsored by Sen. Jackson of Aroostook Cty.)

This bill requires the Departments of Health and Human Services and Transportation to adopt routine technical rules governing corrosion prevention and mitigation for bridges, public water supply infrastructure and wastewater infrastructure. The rules must: (1) establish a process for ensuring that corrosion prevention and mitigation activities are carried out in accordance with established standards; (2) require the use of personnel who are industry trained and certified in corrosion prevention and mitigation; and (3) require plans to prevent environmental degradation that might result from corrosion prevention and mitigation activities.

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Legislative Bulletin, Maine  
Municipal Association  
60 Community Drive, Augusta,  
ME 04330. Tel: 623-8428  
Website: [www.memun.org](http://www.memun.org)

**Editorial Staff:** Kate Dufour,  
Rebecca Graham and Laura Ellis  
of the State & Federal Relations  
staff.

**Layout:** Sue Bourdon, of  
Communication & Educational  
Services.