

Repealing Road Abandonment Proposed Yet Again

The State and Local Government Committee held a hearing on Wednesday of this week on legislation that would change the nature of Maine's road discontinuation and abandonment processes, rewriting the former and terminating the latter. This legislation comes on the heels of what one proponent described as a "long and tortured" legislative history that culminated last session in the rise and eventual fall of a bill that was saturated with unfunded mandates. This year's proposal is not pretty, but it is a horse of a different mandate color.

LD 1325, *An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road*, was introduced by Rep. Catherine Nadeau (Winslow) to provide a more thorough public process, ensure recording of discontinuation and abandonment, eliminate the abandonment statute entirely in four years, allow property owners a private right of action against citizens who damage a public easement when that easement is the means of access to the property, and "encourage" municipalities to publish comprehensive road inventories going back 50 years according to certain prescribed procedures. In Rep. Nadeau's view, too much information and complication with last session's LD 1177 led to that bill's demise, so this version attempts to be more streamlined.

Roughly half a dozen people spoke in favor of LD 1325, including four members of the public, the Small Woodlot Owners Association of Maine (SWOAM) and the Maine Society of Land Surveyors. The Maine Registers of Deeds Association testified "neither for nor against" the bill, expressing their willingness to accept filings of discontinuation or abandonment in response to proponents' suggestion that registries be repositories of this information. (Discontinuation orders are already

filed in the registries.) The public citizens each provided a window into their own personal experiences to justify their request for a change in the law. Some provided clear examples of various instances when they were unable to reach their own home due to either vehicular or natural damage to the public easement on which they lived that is not a town way.

To the proponents, this is a statewide issue in need of a statutory solution. From the municipal perspective, these issues are rarely as controversial as those testifying make them out to be. In most parts of the state, when questions surrounding whether or not to maintain a town way arise, which is not that often, they are addressed in the typical municipal way – by rolling up

sleeves and working to find a solution.

In some cases, the party or parties seeking municipal maintenance are unwilling to accept "no" as an answer and they bring an action in court, eventually turning to the Legislature when the courts have determined the municipal decision was warranted. If the cases the supporters presented were entirely accurate, there might be a bit more municipal sympathy.

One case in point pertains to an allegation made against the Town of Liberty at the public hearing. The charge was that Liberty attempted to "abandon" a road with 14 people living on it against their objections. It turns out Liberty actually maintains the road on which these residents

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Governor's Proposal to Clip Home Rule Over Minimum Wage

A bill recently submitted at the request of Governor LePage and sponsored by Senator Andre Cushing (Penobscot Cty.) would strip municipal government of any authority to adopt ordinances that establish a minimum wage that is higher than the state minimum wage – currently \$7.50 per hour – to be applied to employers within the municipal jurisdiction. LD 1361, *An Act To Promote Minimum Wage Consistency*, was given its public hearing before the Labor, Commerce, Research and Economic Development Committee on Tuesday this week. In addition to Sen. Cushing, the Governor's Chief Counsel, and the Maine Department of Labor, five business groups testified in support of the bill: the Maine Restaurant and Innkeepers Association, the Portland Community Chamber of Commerce, the Retail Association of Maine, the Maine

State Chamber of Commerce and the Maine Grocers' Association.

Through its Mayor, Mike Brennan, the City of Portland testified in opposition to LD 1361, as did the Maine Green Independent Party, the Maine Women's Lobby, the Maine AFL-CIO, several individual members of the Green Independent Party, a representative of the Maine Small Business Coalition, and MMA.

At the center of the debate is the possible decision of the Portland City Council to increase the minimum wage that applies within the City because the current state minimum wage does not provide enough income for many workers within the City to actually live there. The City Council's vote on that proposal is anticipated within a couple of months.

The word "consistency" was used by

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Road Abandonment (cont'd)

live, all of whom are members of the same family. What is really at issue is that, with the exception of offering assistance during one emergency flood situation, the town has not maintained the road leading up a steep hill behind their homes for over 40 years. Moreover, even when originally constructed, that steeper non-maintained road was more fit for horses than vehicles, and the majority of other citizens who own land at the top of the hill (mostly summer residents) prefer that the road remain and easement not maintained by the town.

This story is offered in part to correct the record, and in other part to illustrate exactly why these situations are not always simple and deserve to be examined on a case-by-case basis at the local level. The other part of the record that seems to have been perpetually confused or at least comingled is the distinction between abandonment, which is merely the result that occurs after 30 or more years of inactivity, and discontinuation, which is a formal action of the town meeting accomplished according to a process.

LD 1325 first lays out a more detailed process for discontinuation. Many of the proposed requirements would be new to law, but are in line with MMA's existing road discontinuation recommendations. MMA can see little harm in codifying existing practices that are designed to ensure proper due process.

On the other hand, the bill's proposal to disallow any further abandonment after the year 2020 is not acceptable. Current law abandons a road to municipal maintenance after 30 years of non-maintenance. This is not a short period of time. Requiring all functionally abandoned roads to go

through the formal and extremely expensive road discontinuation process, which includes compensation for abutters, makes little sense. If a landowner discovers a sunken, centuries-forgotten road on their own property should the town really have to pay them for not maintaining it?

From the municipal perspective, the preservation of the abandonment law is just as essential now as it was when the state dumped hundreds of miles of abandoned roads on the towns and cities in the early 1980s. As enacted by the 110th Legislature, the definition of town ways that municipalities are mandated to maintain and repair includes "all town *or county ways* not discontinued or abandoned before July 29, 1976". As a result, municipalities became responsible for either: (1) maintaining these ancient county roads "gifted" to the towns by the Legislature; or (2) answering abutter challenges regarding the status of an abandoned or discontinued county road. One justification for shifting this responsibility to municipalities was the fact that many of the county roads had long been abandoned.

The final substantial component of LD 1325 is the inventory of town ways. The previous proposal contained an unwelcome and completely unfunded state mandate in the form of a requirement that communities research and publish inventories of "all town ways in that municipality with right of ways and town ways that have been active roads at any point since 1965" and to file those lists with the registry of deeds. The premise of the municipal opposition to that proposal was that communities deserve to decide for themselves whether conducting a road inventory is a necessary and effective use of extremely limited property taxpayer funds.

LD 1325 falls just shy of mandating these municipal road inventories, replacing the first of many "shalls" in the bill with "may." Although the bill is a clear mandate in other areas, it does not expressly mandate the production of these comprehensive inventories. A subsequent change of one word in statute, however, would require municipalities to conduct extensive historical research and potentially obtain legal advice to go back through history and record the status of any and all roads as well as any and all public easements.

The Committee seemed to have taken the proponents' testimony with a grain of sugar and MMA's testimony with a grain of salt. Either way, legislators on the Committee have asked the parties to work together to find compromise.

Home Rule (cont'd)

the proponents of LD 1361 in nearly every sentence of their testimony. Consistency is paramount. Consistency is everything. Beyond the consistency mantra, there were two primary complaints about having a minimum wage in Portland that is higher than the rest of the state.

The first complaint is that for consistency reasons it would be difficult for businesses in Portland that have other branches of their business in other Maine municipalities or in other states to properly adhere to the two minimum wage requirements in their payroll management systems.

The second complaint was a warning to Portland, or any other municipality that might contemplate adopting a higher minimum wage, that the municipal and not the state government would become immediately responsible for enforcing the higher minimum wage standard within city limits because that enforcement obligation falls to the government establishing the highest minimum wage. According to the Maine Department of Labor, that task of minimum wage enforcement should not be underestimated and could prove expensive.

The business lobbyists were also focused on the need for uniformity and consistency when it comes to the minimum wage, with an additional concern. Local decision-making comes with certain citizen initiative rights. It was suggested that exorbitant or even outrageous minimum wage proposals can potentially bubble out of the citizen initiative process.

As might be expected, the opponents of LD 1361 were not fixated on the need for ironclad consistency in minimum wage policy. To the contrary, the significant regional differences in the economic environments in Maine provide a justification in the opponents' view for recognizing the state's minimum wage

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Legislative Bulletin

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Editorial Staff: Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

Home Rule (cont'd)

as just that... a floor on the minimum wage that serves the state generally but not necessarily in all regions. Sufficient justification to allow the local voters at referendum or local legislative body to consider adjustments where warranted to address the community's needs that are not being adequately addressed by the consistent but inflexible state-established policy.

The one point of agreement between the proponents and opponents of LD 1361 was that the bill raised a very simple question about political and governmental control and how – or whether – to consolidate it in the State House. It has been the policy of the state for half a century that the registered voters in a town or city should be able to make decisions through their local governments about matters of direct and significant import. Whether to modify that policy on this particular matter of direct and significant local importance, to the disadvantage and exclusion of the local voters, is not a question that requires highly nuanced legal arguments to decide.

If the discussion was a room, the elephant located there would be “home rule.” Some of the proponents of LD 1361 said they were strong supporters of home rule, but just not in this case... that in this singular area of public policy the Maine State Legislature and no other governmental entity should have the sole authority to establish the minimum wage.

The opponents of LD 1361, including MMA's Legislative Policy Committee, described a different vision of what home rule means and a different understanding of the culture of the state which gave birth to the “home rule” provision in the state's Constitution 46 years ago.

Home rule was adopted into Maine's Constitution by the voters in 1969 during a time of deep distrust and dissatisfaction with the larger units of government. Home rule is grounded in a cultural predisposition in Maine favoring direct democracy. Home rule expresses an interest in buffering centralized governmental control by means of a multi-lateral approach where governmental authority is doled out among a number of somewhat independent sources including the State

Legislature, local legislative bodies, and the voters directly, at both the state and local levels, through the initiative process.

Over the last 46 years, the Legislature has expressly restricted home rule authority in very limited ways, primarily to ensure that municipal ordinances did not provide for land use regulatory standards that are weaker than state minimums.

For example, municipalities are authorized to enact land use regulations that are stricter than the shoreland zoning minimum guidelines, but cannot use their home rule authority to enact ordinances weaker than those minimum guidelines.

Municipalities must adopt the MUBEC building and energy code and no other, if they choose to adopt any building codes at all.

Municipalities cannot adopt a definition of “subdivision” that deviates from the statutory definition.

Tax Lien Discharge Bill Reconsidered

On Thursday of last week, April 23, the members of the Insurance and Financial Services Committee met to reconsider their 11 to 2 vote in support of an amended version of LD 337, *An Act To Require Lienholders To Remove Liens Once Satisfied*.

As originally amended by the Committee and fully described in the March 20, 2015 edition of the Legislative Bulletin, LD 337 would require all liens, including municipal tax liens, to be discharged within 60 days of being satisfied. The amended bill would also require a municipality, upon discharge of a tax lien, to formally notify by mail all parties who had been sent notice of the original lien filing. Failure to discharge in a timely fashion or formally notify all interested parties of the discharge would create a right of action for the taxpayer who paid off the property tax delinquencies to seek damages in court against the municipality and be provided attorneys' fees if successful.

In response at least in part to the municipal concerns raised with the amended version of the bill, the Committee voted to take another look at the bill. At last week's work session, the Committee voted to support another amended version

of LD 337 by a margin of 7 to 6, largely along party lines.

These are examples of the ways “home rule” has been limited in the past. It is hard to remember any bill submitted for consideration (much less enacted) that seeks to completely exclude municipal authority within a “regulatory field” as does LD 1361.

From the perspective of Maine's town and city leaders, the municipal legislative bodies and the municipal voters at referendum are as careful and competent and capable of making decisions appropriate for their communities as state government. If the Legislature decides to strip that authority from local governments over something as basic as the level of minimum wage that is appropriate for the community or region, what public policy area will be next on the chopping block for the Legislature to close off to local decision making? And what policy area will be pronounced off limits after that?

of LD 337 by a margin of 7 to 6, largely along party lines.

As now amended by a majority of the Committee, municipalities would be required to discharge a satisfied tax lien within 60 days and provide notice, via regular mail, to all parties who had been sent notice of the original lien filing. However, a right of action for the taxpayer to seek damages in court against the municipality would not exist. Although the majority of the Committee believes that municipalities should be held responsible for discharging liens in a timely fashion, they had no interest in exposing all other taxpayers in the community to potential court costs and attorneys' fees.

Although the amended version LD 337 protects communities from litigation, the requirement that municipal tax collectors mail notice of the discharge to all interested parties will in all likelihood be identified as a mandate. As a result, the bill will need a 2/3 majority vote in both the House and Senate for final passage, unless the Legislature agrees to fund 90% of the new municipal costs.

The minority report on LD 337 is ought not to pass.

LD 337 will now be presented to the entire Legislature for a final vote.

Fewer Redeemable Bottles, More Solid Waste to Recycle: Who Benefits?

The April 17 Legislative Bulletin contained an article about a bill that would create a special fund to help municipalities improve and expand their solid waste recycling and composting programs. That bill was LD 947, *An Act To Fund State Efforts To Reduce the Landfilling of Solid Waste*, and the way to “fund the state efforts” proposed in that legislation would be to require municipalities to pay a fee to the Department of Environmental Protection of \$2/per ton of all solid waste they cause to be deposited in landfills. That money would be dedicated to providing recycling and composting grants to local governments, but at the expense of local governments.

LD 947 is still being considered by the Environment and Natural Resources Committee but another proposal was advanced last week that at least on the face of it was developed for the same purpose, to create a fund to assist municipalities in their recycling efforts.

Sponsored by Sen. Andre Cushing (Penobscot Cty.), LD 1204 (*An Act to Increase Recycling and Composting by Creating the Maine Recycling Fund*) would capitalize the “Maine Recycling Fund” by removing all beverage containers 32 ounces or greater in volume from the state’s bottle-bill redemption law. Instead of consumers having to pay an extra five cents for the larger-sized bottles when the beverages are purchased and then getting the nickel reimbursed to them when the bottles are returned, the 77 million containers in the 32 oz.-and-larger category would go back into the stream of municipal solid waste.

Removing the larger containers would benefit the beverage companies because it would reduce their container management obligations under Maine’s bottle redemption law, and would theoretically reduce the over-the-counter price of their products. The Maine Beverage Association, with Coca Cola and Pepsi Cola as members, are the primary supporters of the bill. In exchange for their benefits, they would accept a new tax obligation at the wholesale level of one-half-of-one-cent for each bottle

distributed, but that special tax would be applied for just the next 6-year period. In 2022, the per-bottle tax would go away. That new-found (but temporary) tax revenue would be dedicated under the terms of the bill to the newly created Maine Recycling Fund. The resources in the Fund would be disbursed in a variety of ways, as both grants and low-interest loans, to municipalities, businesses, and bottle redemption centers for the purpose of improving the efficiencies and rates of recycling at those locations and expanding municipal composting programs. At a half-cent per bottle, the annual capitalization of the Maine Recycling Fund would approximate \$370,000 a year.

The testimony on LD 1204 was lopsided in opposition. Over 20 owners and operators of bottle redemption centers from throughout the state testified in strong opposition to the bill, as did a larger “Returnable Services” company that services all the redemption centers to pick up containers on behalf of the beverage manufacturers. Also testifying in opposition at the hearing were the Maine Resource Recovery Association, the Natural Resources Council of Maine, the national Container Recycling Institute and MMA. Additional written testimony in opposition was submitted.

Four proponents testified in support of LD 1204, including The Maine Beverage Association, the Maine Department of Environmental Protection, USA Energy (the majority owner of the PERC waste-to-energy facility in Orrington) and a former legislator who now works as the consultant who assisted in drafting the bill.

LD 1204 has already moved in substance and impact since its public hearing on April 23, so a thorough summary of the arguments for and against the proposal is probably unnecessary. The proponents expressed their strong support for a recycling assistance program, the funding for which has been the elusive goal of the Environment and Natural Resources Committee for several biennia. This bill was offered as a way to achieve that goal. The proposed

changes to the state’s bottle redemption law were played down as incidental to that primary purpose. For the large containers, however, the bottle redemption process was described by LD 1204 proponents as inefficient for the curious reason that the redemption centers are prohibited by the beverage distributors from crushing the plastic containers after they are redeemed, resulting in large empty plastic containers being trucked around the state considerable distances filled to the brim, but only with air.

Right from the jump, the bill’s sponsor, Sen. Cushing, suggested that the size of the containers to be removed from the bottle bill be increased from 32 to 46 fluid ounces, reducing in some degree both the negative impacts of the bill as well as its potential benefits.

Almost any reduction in volume of bottles managed by the bottle redemption centers was seen as a very significant threat by the 20-plus owner/operators who testified to the Committee. Their operating margins are very narrow because state law and the requirements imposed by the distributors control all their variables, so if their volume is reduced, the only place to go is to lay off staff, reduce hours or close. The redemption centers also did a very credible job explaining the role they play funding local charitable and civic causes as well as their employment practices that provide opportunities to people who are extremely grateful to have jobs.

In line with the testimony of other opponents, MMA testified that the numbers just don’t add up. Deliberately putting millions of beverage containers into the municipal solid waste stream – containers that are currently effectively removed from that system – will drive up solid waste management costs beyond any reasonable expectations of benefits from a temporary recycling assistance fund. In that sense, LD 1204 is not that different from LD 947; it’s a fund created to assist with municipal recycling but provided at the expense of local governments.

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Tax Committee Hears Revenue Sharing Bills

Nonprofits Decline to Participate

Proposals have already been advanced this session to:

- Fund the FY 2016 municipal revenue sharing program at current levels, which are being provided at just 40% of the statutory level, and to repeal the program altogether in FY 2017 and thereafter (Governor’s proposal).
- Fund the municipal revenue sharing program at the 40% level (\$62.5 million) for both years of the FY 2016-2017 biennium, and decide after that what to do with the program (Taxation Committee).
- And, fund the municipal revenue sharing program at the somewhat enhanced level of 50% of what is called for by statute (\$77 million) for both years of the FY 2016-2017 biennium. (the “The Better Deal for Maine” plan being advanced by the Legislature’s Democrats).

On Wednesday this week, the Taxation Committee held a public hearing on five bills seeking to restore, stabilize, fully fund or strengthen the revenue sharing program.

All bill sponsors, including Rep. Roberta Beavers of Eliot, Rep. Jeff Evangelos of Friendship, Rep. Adam Goode of Bangor, Rep. Christine Powers of Naples and Rep. Denise Tepler of Topsham are to be commended for their part in advancing this important municipal issue.

Out of that mix, the bill that received the most attention at Wednesday’s hearing was Rep. Tepler’s LD 980, *An Act To Restore Revenue Sharing*.

As proposed, the state’s dependence on municipal revenue sharing would be incrementally reduced until on July 1, 2018 (FY 2019) a full 5% of state sales and income tax revenue would once again be distributed to municipalities, as statutorily required. The current \$62.5 million distribution accounts for only 2% of state sales and income tax revenues. If LD 980 is enacted as proposed, it is estimated that in FY 2019 and in subsequent years, significantly greater resources would be distributed to municipalities for the purpose of reducing property taxpayer burden and allowing the state to pay for a greater

“partnership” share of the unfunded state mandates the Legislature imposes on local governments.

It should be no surprise that municipal officials strongly support the measure, as evidenced in the testimony offered by MMA, the Maine Service Center Coalition and the Mayor’s Coalition. From the municipal perspective, LD 980 provides the means necessary for determining how the state will get back on track and advance a property tax relief package that delivers much needed assistance into the next biennium and beyond, as well as predictability to the local governments that are directly involved in the delivery of property tax relief programs.

In addition to the municipal advocates, testimony in favor of LD 980 was provided by Michael Whitney, chairman of the Topsham budget committee, Rep. James Gilway of Searsport, and Naples resident, Carly Dyer.

Mr. Whitney provided compelling testimony regarding the challenges being faced by the community of Topsham. The town is now being asked to simultaneously absorb a \$1 million increase in school expenditures and a \$300,000 decrease in revenue sharing distribution. As a result of these changes, Topsham property taxpayers can expect a 9% mill rate hike, resulting in \$162 increase on the taxes assessed against a \$100,000 home.

Rep. James Gillway, who concurrently serves in the Maine House of Representatives and as the town manager in Searsport, assured the members of the Taxation Committee that revenue sharing funds distributed to his community are being used to reduce property taxpayer burden. He expressed frustration with the sentiment that municipalities are not working together and informed the Committee that the municipalities within his region regularly collaborate to ensure residents receive quality services at the best price possible. In his opinion, decreases in revenue sharing serve only to shift tax burdens from the state to the municipalities and the property taxpayers. Rep. Gillway believes that LD 980 provides the appropriate vehicle for ensur-

ing that the state, over time, fully funds the municipal revenue sharing program.

The testimony of the day, however, may have been offered by ten year old Naples resident, Carly Dyer. Ms. Dyer, who had earlier in the day served as a legislative page in the chambers of the House stuck around to participate in the public hearing on LD 980. According to Ms. Dyer, the struggles adults are experiencing with paying property taxes would be alleviated if the revenue sharing program was fully funded.

Contrasting with Ms. Dyer’s refreshing testimony, the Maine Association of Nonprofits, who represents a myriad of tax exempt entities (e.g., land trusts, YMCAs, summer camps and private colleges, etc.) was in the Committee room but did not participate in the revenue sharing discussion. Although earlier this year the nonprofit association had touted the importance of the municipal revenue sharing program as a means for relieving property taxpayer burdens, the nonprofits’ interest in ensuring that municipalities receive the financial assistance necessary to fund important municipal services appears to have dissipated as the bills threatening their 100% tax exempt status have been killed off by the Legislature.

The work session on LD 980 is scheduled for Thursday, May 14 at 1:00 p.m.

Recycling (cont’d)

LD 1204 evolves. On Monday this week, the Committee held a work session on LD 1204 in order to discuss in general how to move forward with a clutch of bills that are or will be in the Committee’s possession regarding improving the state’s recycling rates and composting programs. It is the general view of the Committee that because the more rural areas of the state face a particular challenge in implementing cost-effective recycling programs, financial incentives are needed to stimulate investments. Discussed most often are grants to purchase and install balers at the transfer station to allow for “single sort” recycling, and grants as well as technical assistance to establish

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Win One, Lose Some – Committee Works General Assistance Bills

In a marathon work session held on Wednesday of this week, the Health and Human Services Committee voted on 7 bills seeking to in one manner or another amend the way the state/municipal General Assistance program is administered.

The Win. Only one of the bills, LD 722, *An Act To Strengthen Penalties for Abuse of General Assistance*, received a unanimous “ought to pass as amended” recommendation from the Committee. LD 722 is sponsored by Sen. Eric Brakey of Androscoggin County. Under the printed bill, an individual who has been issued GA benefits as a result of falsifying an application would be ineligible to receive additional assistance for 120 days and until the municipality is reimbursed for the fraudulently provided assistance if that takes longer than the 120-day suspension. As amended by the Committee, GA administrators would be allowed to issue assistance after the 120 day sanction, provided that the applicant enters into and follows through on a plan to incrementally repay the community for the fraudulently received aid.

The Losses. Without discussion, the Committee unanimously voted “ought not to pass” on LD 632, *An Act To Require the State To Administer and Fund the General Assistance Program*. As sponsored by Sen. Tom Saviello of Franklin County on behalf of the Maine Municipal Association, the administration and all associated costs of the General Assistance program would be shifted to the state.

A second GA bill supported by the municipal community is LD 1036, *An Act To Prioritize Use of Available Resources in General Assistance Programs*. Also sponsored by Sen. Brakey, this bill would make an applicant for GA who voluntarily abandons or refuses to use available resources or forfeits an available resource due to fraud, misrepresentation or intentional violation or refusal to comply with rules without just cause ineligible to receive GA to replace that resource for a period of 120 days. The Committee voted “ought not to pass” on LD 1036, along party lines, by a margin of 7 to 6.

One other municipality supported GA

related bill, LD 368, *An Act To Integrate the State’s General Assistance and TANF Programs*, once again sponsored by Sen. Brakey, received a 7 to 6 “ought not to pass” vote from the Committee. LD 368 is designed to integrate the state-federal Temporary Assistance for Needy Families program (TANF) with the General Assistance program by making a person who has exhausted the 60-month lifetime limit for TANF ineligible to receive GA.

The Queue. Two of the GA bills opposed by municipal officials, LD 369 and

LD 1037, were tabled by the Committee pending further work. LD 369, *An Act To Align Municipal General Assistance Program with the Immigration Status Policy of the Department of Health and Human Services* would make non-citizens ineligible to receive GA. LD 1037, *An Act To Establish a 180-day Residency Requirement for Welfare Benefits*, would establish a 180-day (six month) residency requirement for applicants of several federal/state and state/municipal assistance programs, including GA.

Recycling (cont’d)

both community-scale compost systems and encourage home-based composting.

Drawing from testimony provided at the public hearing, the Committee identified several issues worthy of further review and consideration:

- *Unclaimed bottle deposits.* Apparently, \$1.8 million a year in unclaimed bottle deposits finds its way currently into the state’s General Fund. The Committee would like to learn about how those funds are identified, managed and moved into the state’s treasury, and whether some might be appropriately available to at least start-up a recycling assistance program.

- *Crushing redeemed plastic contain-*

ers. The Committee would like to learn more about the bottle redemption process, and what it would take to allow the plastic returnables to be crushed and baled after redemption and before transport.

- *Municipal suggestions.* Committee members would like to hear more in the way of suggestions and recommendations from municipal officials regarding what it would take to expand their recycling and composting programs.

To that end, MMA has issued a survey to its Legislative Policy Committee and responses from a wider group of municipal officials would be much appreciated as well. What follows are the survey questions:

Any municipal official who would like to respond is warmly encouraged to do so. Please send your responses to Geoff Herman at gberman@memun.org. If you could respond sometime within the next week, that would be most helpful:

1. What type of program, if any, should be provided by state government that would best assist the municipalities in the effort to improve recycling rates and develop or expand composting operations?
2. What kind of capital improvements would be most necessary and effective at the municipal level to expand or improve recycling/composting programs?
3. What other types of technical, educational, or advisory assistance from state government would be most helpful or effective?
4. If a state-funded recycling assistance program should be created, how should it be capitalized?

LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.

Monday, May 4

Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.

Tel: 287-3125

LD 1042 – Resolve, To Create the Task Force on School Leadership.

LD 1173 – An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services.

Environment & Natural Resources

Room 216, Cross State Office Building, 9:00 a.m.

Tel: 287-4149

LD 1359 – An Act To Assist Municipalities with the Recycling of Solid Waste by Allowing Net Electrical Billing Credits.

LD 1366 – An Act To Promote Recycling Program Integration and Efficiencies.

Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 9:30 a.m.

Tel: 287-1331

LD 404 – An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions.

LD 489 – An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment.

LD 1010 – An Act To Afford Public Employers Flexibility To Achieve Efficiency and Quality in Management.

LD 1319 – An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose.

LD 1351 – An Act To Ensure that Membership of Public Employees in Unions is Voluntary.

LD 1353 – An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment.

State & Local Government

Room 214, Cross State Office Building, 1:00 p.m.

Tel: 287-1330

LD 857 – An Act To Prohibit Public Endorsement of Candidates for Office by County Employees and Elected Officials.

LD 1354 – An Act To Improve the Maine Administrative Procedure Act.

Veterans & Legal Affairs

Room 437, State House, 10:00 a.m.

Tel: 287-1310

LD 1189 – An Act To Make Certain Local Primaries Nonpartisan.

Tuesday, May 5

Energy, Utilities & Technology

Room 211, Cross State Office Building, 1:00 p.m.

Tel: 287-4143

LD 1362 – An Act Concerning Membership on the Board of Directors of the Lewiston-Auburn Water Pollution Control Authority.

Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

LD 1367 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Eliminate the Income Tax.

Wednesday, May 6

Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.

Tel: 287-3125

LD 1370 – An Act To Improve the Quality of Teachers.

Thursday, May 7

Agriculture, Conservation & Forestry

Room 214, Cross State Office Building, 1:00 p.m.

Tel: 287-1312

LD 1291 – An Act To Promote Food Self-sufficiency for the People of the State.

LD 1376 – An Act To Establish a Local Food Producers and Processors to Consumers Pilot Program.

Education & Cultural Affairs

Room 202, Cross State Office Building, 1:00 p.m.

Tel: 287-3125

LD 391 – Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts.

Inland Fisheries & Wildlife

Room 206, Cross State Office Building, 1:00 p.m.

Tel: 287-1338

LD 1225 – An Act to Limit the Use of Ropes and Buoys in Swim Areas in Great Ponds.

Insurance & Financial Services

Room 220, State House, 1:00 p.m.

Tel: 287-1314

LD 1318 – An Act to Promote Individual Private Savings Accounts through a Public-private Partnership.