

Legislature Reconvenes:

Hearings Begin on Supplemental State Budget

Public hearings began on Thursday this week regarding LD 1671, Governor Baldacci's proposed supplemental state budget, which is designed to bridge a \$400 million gap between estimated state revenue and the two-year state budget that was enacted last spring.

The Governor's proposed budget includes: (1) actual cuts to programs funded by state government; (2) a significant utilization of retired state employee health insurance reserves; (3) retroactively received financial benefits to the state associated with a change in the federal:state Medicaid funding ratio, as well as anticipated future increases in federal support for "MaineCare"; and (4) shifts of expenditures from the current biennium into the next.

The Governor's proposed reductions in state funding to local governments total \$103 million in direct cuts, or about 25% of the funding gap to be filled. The proposed budget also includes a \$5.4 million "push" of required payments to municipalities into the subsequent fiscal year, and \$5.6 million in cuts to the Circuit Breaker property tax and rent rebate program, upon which some property taxpayers rely.

In order of gross impacts, the proposed direct cuts to municipal government are:

School Subsidy: \$73.2 million. As foreshadowed by the spending "curtailment order" the Governor issued on November 20th, the proposed budget would cut General Purpose Aid to Local Schools by \$38.1 million in the current fiscal year and \$35.1 million in FY 2011. If these reductions are ultimately enacted, the state share of K-12 spending as measured

by the Essential Programs and Services school funding model (EPS) will be 47% this year and 44% in FY 2011. Based on projections of recent actual spending levels, the state share of actual K-12 spending will be 44% this year and 42% for FY 2011, approaching historical lows.

Revenue Sharing: \$27 million. Last spring, the Legislature took \$44 million out of municipal revenue sharing to balance the state's budget. The Governor is now proposing to take an additional \$27 million by taking \$12 million out of the current year's revenue sharing distribution and another \$15 million out of next year's revenue sharing. If enacted, the combined revenue sharing cuts caused by the Legislature will result in a 26% reduction in revenue sharing distribution this year and a 33% reduction next year. All of these cuts would be on top of the reductions that

are already taking place in revenue sharing as a result of the slumping economy. According to the budget documents, the "natural reduction" in revenue sharing identified by the most recent reforecast of state revenue was \$11.2 million this year (10%) and \$10.1 million (9%) in FY 2011. The Governor's proposed cuts are on top of those reductions.

The municipal revenue sharing program has been in place for 38 years, founded on a legislative finding that it is critically necessary to provide municipalities with some access to broad-based tax revenues to support the fundamental public safety, health and welfare services on the local level, providing some relief to property taxes. In clear recognition of that importance, the revenue sharing program was allowed to operate as it was designed

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More Revenue Sharing Cuts in Separate Bill

As part of the state budget that was enacted in the spring of 2009, the Appropriations Committee was directed to identify \$30 million in additional state budget cuts as an initiative to "streamline" state government.

LD 1668, *An Act to Implement Recommendations of the Initiative to Streamline State Government*, is the result of that effort. This bill was written by the Appropriations Committee and has already received that Committee's unanimous "ought to pass" recommendation, so it

is on a fast track.

Many of the changes involve moving certain state government personnel from state General Fund accounts to "Other Special Revenue" accounts so that their salaries and benefits, in whole or in part, are covered by revenue sources other than the General Fund (see sidebar on that practice). The "streamlining" bill also books \$6.4 million in savings associated with reduced state exposure to interest costs on borrowed funds and bonded indebtedness.

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REV SHARING (cont'd)

Among those various “streamlining” changes, this bill makes an additional cut to municipal revenue sharing of \$625,000 in the current fiscal year (FY 2010) and \$9,300 in FY 2011. It is unclear why these reductions to municipal revenue sharing are in a bill to “streamline” state government, and it is also unclear how these reductions line up with the large reductions in revenue sharing in the Governor’s proposed supplemental budget bill (see article on budget).

On Tuesday this week, the Appropriations Committee held a public hearing on LD 1668.

MMA provided testimony in opposition to the revenue sharing cut, which clearly doesn’t fit in the context of this “streamlining” legislation. It looks as though the Committee just needed \$635,000 to meet the \$30 million benchmark, and went to the revenue sharing well to get it. The official explanation for this additional cut is written as follows:

“These amounts (the \$635,000) represent the amounts by which the transfers to the Local Government Fund (revenue sharing) are overstated due to an assumption used in the December 2009 revenue forecast. Using the updated monthly distribution based on the December 2009 forecast, the amount of the transfers to the Local Government Fund for state-municipal revenue sharing is reduced to reflect current expectations.”

It is hard to know what that means. The language of the explanation says that the transfers into revenue sharing are being reduced, although the actual bill is increasing the transfers out of revenue sharing and into the General Fund. Apparently, the increase in the amount of money to be scooped out of revenue

sharing has something to do with a “lag effect” which was incorrectly accounted for in the most recent reprojection of state revenue in December 2009, and this change corrects for that error.

The full impact of the December 2009 state revenue reprojection is presumably contained in the Governor’s proposed supplemental budget bill, which details an \$11 million reduction in revenue sharing for the current fiscal year based on the reprojection, and then proposes an additional \$12 million cut to revenue sharing to shore-up the state’s General

Fund. Perhaps the LD 1668 changes represent a doubling-up of the same cut, we can’t tell.

In any event, cuts to municipal revenue sharing do not belong in a bill designed to structurally streamline the operation of state government. All revenue sharing changes associated with the reprojection of state revenue should be dealt with transparently in the supplemental state budget. Please contact your legislators and ask them to vote against LD 1668 until the additional revenue sharing cuts are stripped out of the bill.

Shifting State Employees to “OSR” Accounts

For some of the changes proposed in LD 1668, the real-world impacts are not evident from the face of the document. These changes are the so-called “position shifts” that many state agencies have included in this bill and also in the Governor’s supplemental budget proposal. A position shift is a proposal where the personnel funding for a particular state employee (salary and benefits) is shifted from the State’s General Fund to an “Other Special Revenue” fund (“OSR”). Typically the other fund is a Federal Fund where the revenues are from the Federal Government, or one of the hundreds of OSRs that are funded by state licenses, permits, fees, fines, surcharges or other exactions.

For example, the first such shift proposed in LD 1668 occurs in the Department of Agriculture, Division of Animal Health and Industry. The initiative “Reallocates the cost of one part-time Public Service Coordinator II position from 100% Division of Animal Health and Industry program, General Fund to 50% Division of Market and Production Development program, Other Special Revenue Funds and 50% Harness Racing Commission program, Other Special Revenue Funds.”

In this case, the position is shifted from 100% General Fund to two different OSR accounts, the Division of Market and Production Development program and the Harness Racing Commission program.

This shift creates positive savings for the General Fund. However, the negative impact on the programs which will share responsibility for funding the position is not clear from the language of the bill. That is, if the money in these OSR accounts is now going to be used for the costs of personnel, it is no longer available to be used for other purposes. What are those other lost purposes?

There are many such possible purposes: grant funding, technical assistance, training, education and outreach, or discretionary activities such as enforcement duties. Sometimes the other purpose is simply maintaining a healthy account balance that allows the program to weather certain financial storms or meet unexpected emergencies.

Whether local government will indirectly absorb the cost of these shifts (e.g., reduced municipal grants or technical assistance) will obviously depend on the positions and the OSR accounts involved. To the extent the shift reduces fund balances in these OSR accounts, it is likely going to be the permit/license/fee payers who feel the pinch in the form of increased license and permit fees down the road.

Either way, these shifts are not without cost and municipal officials interested in where the impacts of these shifts are going to be felt are encouraged to contact the departments involved directly.

Legislative Bulletin

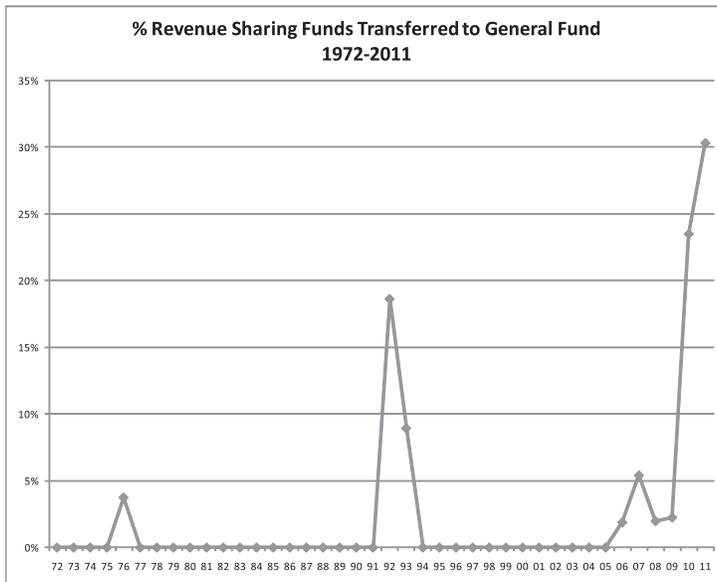
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LEGISLATURE (cont'd)

for the first 30 years of its existence without legislative interference, with just one notable exception in 1992. As the graph demonstrates, the exception has now become the rule. The “fixed transfers” from municipal revenue sharing to the state’s General Fund have become the norm since 2006, and the Legislature is now reaching into the program at unprecedented levels.



General Assistance: \$1.88 million.

General Assistance (GA) is a mandatory welfare program designed in state law but administered by the towns and cities, with the state reimbursing the municipalities for a certain percentage of the value of the welfare benefits actually provided. Under current law, if a municipality’s GA expenditures exceed a certain percentage of the town or city’s state valuation, the state reimbursement rate for actual GA benefits issued goes up from the general 50% rate to a 90% rate for those over-threshold expenditures.

In his proposed supplemental budget, the Governor is proposing two changes. First, the proposed budget increases this year’s baseline reimbursement appropriation of \$5.974 million by \$880,000 to ensure an adequate appropriation to meet the demand.

Second, the Governor is proposing to permanently eliminate that higher-level reimbursement rate. It is not clear in the budget document how much eliminating the 90% reimbursement is projected to

save the state (and cost the affected municipalities), but 2009 data suggests that the elimination of the 90% reimbursement rate would save the state \$1.88 million. There are currently 12 municipalities that require some level of 90% reimbursement, but the lion’s share (over 92%) is provided to Bangor and Portland because of the GA burden those two cities shoulder.

Tree Growth Reimbursement : \$531,000. If the state was going to provide the amount of Tree Growth reimburse-

ment called for by law, the appropriation would be \$6.25 million. Last spring, the Legislature cut the appropriation by \$877,500 for this year and by \$937,500 for FY 2011, leaving the FY 2011 reimbursement at \$5.31 million. The Governor is now proposing to reduce the FY 2011 distribution by an additional 10%, or another \$531,000.

Other Notables in the Proposed Budget. There are several other items of municipal interest in the proposed supplemental budget, including:

The Homestead Exemption reimbursement “push”: \$5.4 million. Under current law, 80% of the homestead exemption reimbursement to which each municipality is entitled is provided by August 15th of the year in which the exemption is provided, and the remaining 20% of reimbursement is issued by December 15th of that same year. The Governor’s supplemental budget proposes to provide 75% of the entitled reimbursement by the August 15th deadline, and then pushes the payment of the remaining 20% of the reimbursement from the December 15th deadline to July 15th of the subsequent year. By delaying this payment seven months, the state pushes a \$5.4 million expenditure into the next biennium.

Circuit Breaker: \$5.6 million. The “Circuit Breaker” property tax and rent

rebate program was also cut by the Legislature last spring. The mechanics of those reductions essentially left the calculation of eligibility unchanged, but providing only 80% of the calculated benefit. In the Governor’s proposed budget, the additional Circuit Breaker cut would be accomplished by creating a significantly lower income threshold in order to be considered eligible for benefits. Under current law, a single-person household would be potentially eligible for benefits with an income of \$60,000 a year or less, and the multi-person household income threshold is \$80,000. Under the Governor’s proposal, the single-person income threshold would be dropped down to \$36,900 and the multi-person income threshold would be dropped to \$49,200. These downward revisions to the income-eligibility threshold are estimated to save the state \$5.6 million.

Appropriation for the Board of Correction’s Investment Fund. Although most of the proposed supplemental budget de-appropriates funds to address the state revenue shortfall, there is also included an appropriation of \$3.5 million for the Board of Corrections Investment Fund to provide for the operational needs of the county jails under the new unified correctional system.

Appropriation for disaster assistance. The proposed budget also would appropriate \$1.75 million to pay the state’s 15% share of disaster assistance provided for a half-dozen declared disasters, including flooding in 2005, the St. Patrick’s Day Flood of 2007, the Patriots’ Day Flood of 2007, the May flooding in 2008, the July/August floods in 2008, the December ice/snow events of 2008 and the June/July floods in 2009.

In spite of unfunded liabilities, balancing the budget on the health insurance reserve for retired state employees. \$70 million worth of the \$400 million shortfall is covered in the proposed budget by utilizing “reserves” in the retired state employee health insurance program to reduce the premium payments into that system that would otherwise be required by the budget. The current value of the unfunded accrued actuarial liability associated with the retired state employee health insurance system (excluding the retired teachers’ portion) is easily over \$1 billion.

Natural Resources Committee Reviews DEP Agenda

The Natural Resources Committee is scheduled to review seven bills today (Friday, January 8th) that were filed on behalf of the Department of Environmental Protection (DEP). While the bills do not have substantial impacts on municipal government, municipal officials should be aware of the changes.

Wellhead Protection Zones

The 123rd Legislature enacted a law to further protect drinking water sources. The law, PL 2007, c. 569, generally prohibits in a going-forward manner the location of underground or above ground oil storage tanks; automobile graveyards; automobile body shops, maintenance or repair facilities; dry cleaning facilities; metal finishing or metal plating facilities; and commercial hazardous waste facilities in a “wellhead protection zone”. A “wellhead protection zone” is defined as: (1) a “source water protection area” as mapped by the Department of Health and Human Services; (2) an area within 300 feet of a private drinking water well; or (3) an area within 1,000 feet of a public drinking water well. The bill “grandfathers” existing facilities and allows for the replacement or conversion of existing underground and above ground oil storage tanks provided certain construction standards are met. This bill authorizes municipal code enforcement officers to enforce the wellhead protection standards, but locates both variance authority and significant enforcement authority with the Commissioner or the Department of Environmental Protection.

The DEP has undertaken rulemaking to implement these restrictions on development within wellhead protection zones. LD 1526 is the adopting vehicle for DEP’s Chapter 700 (the implementing rule restricting all of the named facilities other than oil storage tanks) and LD 1527 is the adopting vehicle for DEP’s Chapter 692 (the implementing rule restricting above ground and below ground oil storage tanks).

Municipalities with these wellhead zones should be aware that the implementing rules are poised to be adopted.

Shoreland Zoning and Non-Conforming Lots

LD 1538, *An Act to Close Loopholes*

in Environmental Laws, addresses four distinct issues, one of which (section 3 of the bill) impacts municipal operations. Generally speaking, the Shoreland Zoning Act requires that in order to develop a lot within the shoreland zone of a waterbody, the lot must “conform” to certain regulatory standards. There are non-conforming lots, or grandfathered lots, that may be developed if they were in existence at the time the shoreland zoning ordinance was adopted.

However, the DEP’s minimum guidelines for shoreland zoning ordinances require two adjacent nonconforming lots (as long as at least one is undeveloped) be merged if the lots are under the same ownership. If the owner of the two lots is the same individual, determining “same ownership” is very easy. But there are many ownership structures and familial relationships where lot A and lot B might not technically be under the same owner, but in reality and equity, they are. Section 3 of LD 1538 would empower planning boards to explore ownership structures to determine common ownership.

Forming Watershed Districts

Home Rule as a constitutional doctrine means that municipalities don’t need specific legislative authority to undertake a particular governmental action, unless that action is prohibited (directly or indirectly) by state law. When the Legislature has adopted a permissive statute empowering municipalities to undertake an activity in a particular way, the legal question arises as to whether that way becomes the only way. For purposes of enabling the establishment of watershed districts, the state adopted a Watershed District Act decades ago. LD 1553, *An Act to Facilitate the Establishment of Watershed Districts*, would clarify that the Watershed District Act is one way, but not the exclusive way, to form a watershed district.

Long Creek in South Portland, abutting the Maine Mall, is one of Maine’s “urban impaired” streams. Accordingly, stormwater discharges to Long Creek are heavily regulated and require DEP-issued permits. One method to facilitate compliance with this permitting requirement, and more importantly, to improve water quality by reducing discharge and

conducting remediation activities, is for all dischargers in the watershed to form a group – a watershed district – to face the challenge collectively. The property owners around Long Creek, with DEP support, have formed a watershed district but not according to the provisions of the existing “Watershed District Act.”

LD 1553, clarifies that municipal Home Rule authority and the “Interlocal Agreement Act” are broad enough to allow watershed districts to be created by other means. LD 1535 also accepts landowner compliance with a DEP-approved watershed district’s management plan as sufficient for compliance with the Site Law’s stormwater management requirements. This acceptance means property owners who are required to comply with the Site Law don’t have to satisfy the stormwater law twice.

Reducing Overboard Discharges

LD 1573, *An Act to Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws* further clarifies in what circumstances the owner of property served by an overboard discharge system must conduct an analysis to determine if other means of managing the property’s sewerage are available.

Mandatory Mediation for Water Level Disputes

LD 1577, *An Act Concerning the Establishment of Water Levels*, will be of interest to municipalities which abut waterbodies served by dams. The bill seeks to impose a structure upon the process by which an individual petitions the DEP to alter the water level. Section 3 of the bill forces the DEP to reject a petition to alter the water level if the petition “does not contain evidence of mediation or other substantial good faith efforts to resolve” the water level disputes. Municipal officials should know that the municipality is not responsible for conducting or facilitating this proposed dispute resolution process – unless, of course, it is the municipality that is seeking to petition the DEP. This process will essentially create a record for DEP to review instead of being forced to create the record itself.

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LEGISLATIVE HEARINGS

NOTE: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules and supplements are available at the Senate Office at the State House and the Legislature's web site at <http://www.state.me.us/legis/senate/Documents/hearing/ANPHFrame.htm>. If you wish to have updates to the Hearing Schedules e-mailed directly to you, sign up on the ANPH homepage listed above. Work Session schedules and hearing updates are available at the Legislative Information page at <http://www.state.me.us/legis/>.

Monday, January 11

Appropriations & Financial Affairs
Room 228, State House, 10:30 a.m.
Tel: 287-1316

LD 1671 – An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011. (Governor's proposed supplemental budget)

With the Joint Standing Committee on Health & Human Services (part of the discussion will involve GA reimbursements to municipalities)

Labor
Room 220, Cross State Office Building, 1:00 p.m.
Tel: 287-1333

LD 125 – Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System.

LD 934 – An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining.

LD 1524 – An Act To Ensure Equity in Unemployment Compensation Claims.

LD 1582 – An Act To Bring the Laws of the Maine Public Employees Retirement System into Compliance with the Federal Internal Revenue Code.

Legal & Veterans Affairs
Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 1596 – An Act Regarding Mobile Service Bars at Municipal Golf Courses.

State & Local Government
Room 216, Cross State Office Building, 11:00 a.m.
Tel: 287-1330

LD 1512 – An Act To Amend the Laws Governing the Somerset County Budget Procedure.

LD 1513 – An Act to Authorize Municipal Officers to Resolve Road-naming Disputes.

Tuesday, January 12

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1316

LD 1671 – (Governor's proposed supplemental budget)
With the Joint Standing Committee on Health & Human Services and Criminal Justice & Public Safety

Wednesday, January 13

Appropriations & Financial Affairs
Room 228, State House, 9:00 a.m.
Tel: 287-1316

LD 1671 – An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June

30, 2011. (Governor's proposed supplemental budget)
With the Joint Standing Committee on Health & Human Services

Thursday, January 14

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1316

LD 1671 – (Governor's proposed supplemental budget)

With the Joint Standing Committee on Education & Cultural Affairs (part of the discussion will involve school funding)

Business, Research & Economic Development
Room 208, Cross State Office Building, 1:00 p.m.
Tel: 287-1331

LD 1530 – An Act To Facilitate Recovery Zone Facility Bonds.

Labor
Room 220, Cross State Office Building, 1:00 p.m.
Tel: 287-1333

LD 1595 – An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System.

LD 1626 – An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay.

LD 1665 – An Act To Prevent the Spread of H1N1.

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

LD 1539 – An Act Concerning Technical Changes to the Tax Laws.

LD 1540 – An Act To Amend the Tax Laws.

Utilities & Energy
Room 211, Cross State Office Building, 1:00 p.m.
Tel: 287-4143

LD 1557 – An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District.

LD 1601 – An Act To Create the Lincolnville Sewer District.

LD 1589 – An Act To Authorize Sanitary Districts To Waive an Automatic Sanitary District Lien Foreclosure.

NATURAL RESOURCES (cont'd)

The bill also eliminates the requirement that the DEP conduct an "adjudicatory" hearing regarding such matters; instead, DEP is obligated to conduct a public meeting.

Omnibus Bill

The last bill on the Committee's docket was an omnibus DEP bill which seeks to remedy the myriad, unrelated issues that DEP believes need fixing.

Section 1 of that bill addresses an issue that MMA staff brought to the attention of the DEP. Last session the state enacted a law which permits municipalities to perform maintenance activities on private roads (camp roads) adjacent to certain waterbodies for environmental protection purposes if several conditions are met. This law was unintentionally folded into an existing law permitting municipalities to use public resources on private ways (which are really public easement roads over which the public is entitled to travel) for public safety purposes. There was no intent to expand the use of public resources on private roads for public safety purposes (and an existing *Opinion of the Justices* frowns heavily on such activity). Section 1, would restore the section of law dealing with the use of public funds on private ways for public safety purposes to its status prior to last session.

IN THE HOPPER

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

Agriculture, Conservation & Forestry

LD 1698 – An Act To Prevent the Spread of Eastern Equine Encephalitis. (Sponsored by Rep. Piotti of Unity; additional cosponsors.)

This “concept draft” bill proposes to establish a state-municipal partnership to improve suppression, prevention and reporting of eastern equine encephalitis.

Appropriations & Financial Affairs

LD 1700 – An Act Concerning Statewide Communications Interoperability. (Sponsored by Rep. Crockett of Augusta; additional cosponsors.)

This bill amends the law governing the Statewide Radio and Network System Reserve Fund, which has been established for the purpose of acquiring, expanding, upgrading and replacing a statewide radio and network system for state public safety agencies. The amendments provided by this bill allow the Fund to be used for the purpose of reimbursing county and local governments for necessary radio equipment necessary to communicate on the new statewide radio and network system used by the state agencies.

Health & Human Services

LD 1592 – An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention. (Sponsored by Rep. Martin of Eagle Lake.)

This bill amends animal welfare law related to rabid animals in several ways, and also increases a number of fees that are charged by the Department of Health and Human Services with the goal of providing more financial support to the Center for Disease Control and Prevention. With respect to rabid animals, this bill lays out which owner or governmental entity is financially responsible for the transportation, quarantine, euthanasia and testing of a suspected rabid animal, placing responsibility on the municipality in the case of a domesticated animal or wolf hybrid that is stray or the owner is unknown. The bill also details the circumstances where an animal control officer or law enforcement officer must remove and cause to be euthanized a domestic or undomesticated animal suspected of exposing a person or domesticated animal with rabies.

With respect to the increases in DHHS licensing fees that pertain to municipalities, this bill increases the cost of obtaining from the municipal clerk:

- the issuance of birth, marriage or death certificates or issuance of corrected birth, marriage or death certificates from \$10 to \$15 (for the first copy) and from \$5 to \$6 (for subsequent copies);
- The issuance of a burial permit from \$5 to \$40; and
- The issuance of a marriage license from \$30 to \$40.

After increasing each of these fees by these amounts, the bill further requires the municipality to remit to the Department of Health and Human Services 25% of the total fees collected.

Judiciary

LD 1551 – An Act To Further Regulate the Communications of Members of Public Bodies. (Sponsored by Rep. Dostie of Sabattus; additional cosponsors.)

This bill amends Maine’s “Right to Know” law by: (1) defining the terms “group electronic mail” and “substantive matter”; (2) prohibiting a member of a public body from knowingly sending a group electronic mail to a quorum of the members of that body regarding a substantive matter; (3) prohibiting a member of the public body from directly or through an intermediary communicating prior to a vote that a majority of that body is in agreement regarding a substantive matter that is before the public body to interested persons who are not members of the body; and (4) requiring that if a member of a public body sends electronic mail to a quorum of members of that same body regarding a substantive matter that is before the body, the electronic mail must be printed and made available to the public at the next public meeting before the body takes a vote on that matter.

Labor

LD 1626 – An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay. (Emergency) (Sponsored by Rep. Pingree of North Haven; additional cosponsors.)

This Act would allow employees who are laid-off to receive unemployment insurance payments for any period that the worker also receives vacation pay.

LD 1665 – An Act To Prevent the Spread of H1N1. (Emergency) (Sponsored by Sen. Mitchell of Kennebec County; additional cosponsors.)

This bill requires an employer who employs more than 25 employees during a calendar year to provide at least 52 accrued hours of paid sick leave per year, and further requires an employer who employs 24 or less employees during a calendar year at least 26 accrued hours of sick leave per year. The bill also details the various circumstances under which the employee could utilize the sick-time provided.

Legal & Veterans Affairs

LD 1579 – An Act To Facilitate Voting by Uniformed Service and Overseas Voters. (Sponsored by Rep. Willette of Presque Isle; additional cosponsors.)

This bill allows voters from all municipalities in the state to request absentee ballots using the Secretary of State’s online absentee ballot request service. The bill also allows the Secretary of State to facilitate voting by uniformed service and overseas voters by allowing for the central issuance, receipt and counting of their absentee ballots by the Secretary of State’s Office.

LD 1596 – An Act Regarding Mobile Service Bars at Municipal Golf Courses. (Sponsored by Sen. Perry of Penobscot County.)

Current law allows golf courses with appropriate liquor licenses to dispense malt liquor from a licensed mobile service bar. This bill authorizes municipalities that own golf courses to contract with restaurants or lounges licensed to sell alcoholic beverages so that the employees of the contracted restaurant or lounge may sell or dispense malt liquor from a mobile service bar on the municipal golf course.

Natural Resources

LD 1631 – An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products. (Sponsored by Rep. Walsh Innes of Yarmouth; additional cosponsors.)

This bill directs the Department of Environmental Protection to adopt rules for the implementation of a “product stewardship” program. Under this program, the DEP evaluates and identifies products sold in the state that according to a list of standards established in the bill

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HOPPER (cont'd)

should be managed by the producers of those products throughout their life-cycle with respect to the product's ultimate collection, transportation, reuse, recycling and disposal. Once the product and its producers are identified, the DEP is provided the regulatory authority to establish the implementation date of the stewardship responsibilities and otherwise oversee the stewardship program. Producers unwilling to participate in a stewardship program would be prohibited from selling their products in the state.

LD 1633 – An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program. (Sponsored by Rep. Johnson of Greenville; additional cosponsors.)

This bill extends the state's cost-share responsibility to the municipal landfills that have been allowed to remain in operation after almost all other municipal landfills were ordered to be closed, but are now being ordered to be closed and capped by December 31, 2014. Specifically, the bill provides a 75% state cost-share obligation with respect to the costs of capping any municipal landfill if the Department of Environmental Protection has previously issued a license for the operation of the landfill, but has since determined that the landfill must be closed or capped based on the finding that the original design no longer meets environmental protection standards.

LD 1699 – An Act To Update and Modernize Maine's Floodplain Mapping. (Sponsored by Rep. Legg of Kennebunk; additional cosponsors.)

This bill provides a \$250,000 appropriation to the State Planning Office during FY 2011 for the purpose of updating and modernizing the state's floodplain maps.

LD 1716 – An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge. (Sponsored by Rep. Duchesne of Hudson; additional cosponsors.)

This bill changes the status of rules adopted by the Department of Environmental Protection relating to the agronomic utilization of sludge. Those rules are currently "major substantive" rules, ultimately requiring legislative approval before final adoption. This bill gives those rules a "routine technical" status, so that legislative approval is not a necessary step in the approval process.

LD 1725 – Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection. (Emergency) (Reported by Rep. Duchesne of Hudson for the Department of Environmental Protection)

This emergency resolve provides final legislative authorization of a rule promulgated by the Department of Environmental Protection (DEP) entitled Chapter 305 Permit by Rule Standards. This resolve is the result of legislation enacted last spring which required the Department of Environmental Protection to amend its permit-by-rule standards under the Natural Resources Protection Act (Chapter 305) in such a way as to require municipalities to achieve "natural stream flow" when installing road culverts, and the proposed rule requires two significant changes. First, culverts must be embedded in a riverbed and not just laid upon it. Second, the size of the culvert must equal the size of the river channel at its "bankfull" level. In its rulemaking materials, the DEP has noted: *"The cost increase between a culvert or a bridge crossing cannot be generalized but could in some cases increase a project cost 10 times."*

State & Local Government

LD 1513 – An Act to Authorize Municipal Officers to Resolve Road-naming Disputes. (Sponsored by Rep. Magnan of Stockton Springs.)

This bill authorizes the municipal officers to make the final decision when there is a dispute in the naming of a town way, private way or private road for E-911 purposes.

LD 1554 – An Act Regarding Document Fees at County Registries

of Deeds. (Sponsored by Rep. Crockett of Augusta; additional cosponsors.)

This bill establishes the basis for a fee a county may charge for providing a person copies or abstracts from its records. Under the bill, the charge could be based on the cost of depleted supplies, record storage media costs, actual mailing and alternative delivery costs, amortized infrastructure costs, direct equipment operating and maintenance costs, media processing costs, personnel costs, associated costs paid to private contractors, and a reasonable rate related to the dedication of a computer server.

LD 1569 – An Act To Clarify the Informed Growth Act. (Emergency) (Sponsored by Rep. Beaudette of Biddeford; additional cosponsors.)

This emergency bill amends the Informed Growth Act (IGA), which generally covers the land use review and approval process for "big box" retail establishments, by establishing that the IGA procedures do not apply when a land use permit is being sought for a change of use only.

LD 1717 – An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses. (Emergency) (Sponsored by Rep. Crockett of Augusta; additional cosponsors.)

This emergency bill authorizes a municipality, on its own or in collaboration with other public and private entities, to enter into a "clean energy improvement financing program" under which financing for clean energy improvements located on qualifying real property is secured by a municipal lien on the property. California is the origin of these so-called PACE (Property-Assessed Clean Energy) or CEAD (Clean Energy Assessment Districts) programs, which use the municipal tax lien system to securitize clean energy improvements, typically for the benefit of residential and small commercial properties.

Taxation

LD 1635 – An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program. (Emergency) (Sponsored by Rep. Weston of Bath; additional cosponsors.)

This bill provides a one-year extension to the requirement that the owner of a parcel of land enrolled in the Tree Growth tax program submit a revised harvest management plan every 10 years in order to maintain eligibility in the program. Under the terms of the bill, if a property owner fails to provide the updated forest management plan, the municipality must provide the owner with written notice of the original due date for filing the required statements and further notify the owner that the parcel will be suspended from the special tax benefit for the subsequent year. The owner will then have one year to provide the necessary update to the harvest management plan. If the owner provides the plan update within the year of suspension, the property is re-enrolled in the program and the Tree Growth tax break is restored for the following tax year. If the owner fails to provide the plan update within the year of suspension, the property is permanently withdrawn from the program and the Tree Growth penalty is applied.

LD 1694 – Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs. (Sponsored by Rep. Cain of Orono; additional cosponsors.)

This resolve directs the Department of Administrative and Financial Services to convene a working group of state agencies for the purpose of developing a report that defines the purpose of each tax expenditure program, designing a method of collecting data that measure the economic impact of each tax expenditure program, recommending a regular reporting schedule for that data to be presented to and reviewed by the Taxation Committee. The Working Group's report must be presented to the Legislature by November 3, 2010.

Transportation

LD 1501 – An Act To Dedicate Surplus Transportation Funds to Highway Maintenance and Paving. (Emergency) (Sponsored by Sen. Courtney of York County.)

This emergency bill requires the uncommitted balance in the

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HOPPER (cont'd)

Highway Fund unallocated surplus account to be transferred at the close-out of each state fiscal year to the Highway and Bridge Light Capital program for state highway maintenance and paving purposes. The bill also appropriates \$142,000 from the surplus in the Highway Fund account remaining after the close-out of the FY 2009 fiscal year for those highway maintenance and paving purposes.

LD 1503 – An Act To Establish Emergency Zones on Public Ways To Minimize Accidents. (Sponsored by Sen. Trahan of Lincoln County; additional cosponsors.)

This bill authorizes the Department of Transportation and the Maine Turnpike Authority to establish reduced speed limits on roadways under their jurisdictions as “emergency zone” limits that would be implemented by installation of appropriate signage whenever a traffic accident, weather conditions or other circumstance has occurred on a public way for which police, firefighter or emergency medical personnel are summoned to aid an injured victim.

LD 1561 – An Act To Regulate the Use of Traffic Surveillance Cameras. (Sponsored by Sen. Damon of Hancock County; additional cosponsors.)

This bill adds to the general prohibition against using traffic surveillance cameras to enforce motor vehicle traffic violations by further prohibiting the use of any traffic surveillance camera to uniquely identify a vehicle or individual in any way. The bill also further defines a “traffic surveillance camera” to include an automated license plate recognition system.

LD 1641 – An Act To Direct Funds from the Highway Fund to the Highway and Bridge Light Capital Program. (Emergency)

(Sponsored by Rep. Browne of Vassalboro; additional cosponsors.)

This bill directs that 7.5% of gross Highway Fund revenues must be allocated to the Department of Transportation Highway and Bridge Light Capital program for maintenance surface treatment.

LD 1675 – An Act To Reduce Noise Caused by Motorcycles and Improve Public Health. (Sponsored by Sen. Sullivan of York County; additional cosponsors.)

This “concept draft” bill proposes to enact measures designed to improve public health by limiting the amount of noise that may be caused by motorcycles.

Utilities & Energy

LD 1589 – An Act To Authorize Sanitary Districts To Waive an Automatic Sanitary District Lien Foreclosure. (Sponsored by Rep. Chase of Wells; additional cosponsors.)

This bill authorizes the trustees of sanitary districts to waive the automatic foreclosure of a sanitary district lien mortgage by recording in the registry the appropriate waiver.

LD 1645 – An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities. (Sponsored by Rep. Fitts of Pittsfield; additional cosponsor.)

This bill allows a consumer-owned water utility that also provides sewer services to disconnect water service to a user when the user fails to pay the utility’s sewer service charges.

LD 1697 – An Act To Protect Universal Service. (Sponsored by Rep. Fitts of Pittsfield; additional cosponsor.)

This bill prohibits any instrumentality, institution or agency of the state from providing telecommunications service or information service to any person other than itself and its tenants.