

Information Resources for Municipal Budgeteers

In preparation for town meetings and municipal budget development, many municipal officials have contacted MMA to get information on how the latest state budget decisions will impact the municipal budgets currently being prepared. The purpose of this article is to provide information to municipal budgeteers about how to connect with the best data available for those purposes. As it stands now, it appears that state-level decisions will impact funding for four local government programs: 1) General Purpose Aid for Local Schools (GPA); 2) Municipal revenue sharing; 3) Tree Growth reimbursements; and 4) the Homestead property tax exemption. Municipal officials should also be aware of the proposed cuts to the Circuit Breaker property tax and rent rebate program.

Municipal elements of the most recent state budget “change package”. On Wednesday this week, Governor Baldacci presented to the Appropriations Committee his recommended uses of approximately \$78 million that recently became available to the Legislature as a result of a retroactive change in certain federal Medicaid cost-sharing rates (yielding \$27 million over the biennium) and a modest upward re-projection in state revenues announced by the state’s Revenue Forecasting Committee (yielding \$51 million over the biennium).

With respect to municipally-related programs, the Governor is recommending that about half of that \$51 million would be used to:

- (1) reduce the size of the cut in next

year’s General Purpose Aid to Local Schools appropriation by \$20 million. The initial recommended cut was \$35 million for FY 2011. Under the change package it would be \$15 million;

- (2) reduce the size of the cut to the current year’s municipal revenue sharing distribution by \$6 million. The initial recommended cut was \$12 million.

Under the change package it would be \$6 million. The deep cut to municipal revenue sharing for next fiscal year -- \$40 million in all – remains unchanged; and

- (3) add \$1.75 million in disaster relief reimbursement to the \$1.75 million already proposed in that category,

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Telecommunications Taxation Bill Gets Public Hearing

Telco Personal Property Would Be Given Over to Municipal Tax Jurisdiction

On Tuesday this week the Taxation Committee held a public hearing on a bill developed over the last year by the Committee. The bill is currently designated as LR (Legislative Resolve) 2612, *An Act to Update the Telecommunications Taxation Laws*. The intention of the Taxation Committee is to further develop this proposal and ultimately forward it as a recommendation to the Appropriations Committee to be included in the supplemental state budget.

The substance of this bill was described in the February 19th edition of the *Legislative Bulletin*. The goal of the legislation is to modernize the state’s system of taxing the telecommunications industry. In summary, the bill would repeal the

state-based property tax on “interactive” telecommunications personal property. There is approximately \$830 million worth of that property in the state. That repeal would reduce the state’s revenue from that source by roughly \$18 million a year, and according to the bill, the lost state revenue would be made up by imposing a 3% sales tax on the value of the telecommunications services that are actually provided to customers.

The underlying policy is to base the state’s tax system on the value of the telecommunications services actually provided rather than on the value of the property that is used to provide those services, because different telecommunications

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RESOURCES (cont'd)

in order to bring the state completely up-to-date in that category.

No changes are being proposed to the originally proposed or enacted cuts to the Homestead Exemption program or the Tree Growth reimbursement program.

What follows is how to connect with the best information for municipal budget development purposes.

General Purpose Aid for Local Schools (GPA). The up-to-date spreadsheet showing the distribution of GPA to each school system is found at the Department of Education's website at this link <http://www.maine.gov/education/data/eps/fy11/prelimgpafy2011.pdf> or on the homepage of MMA's website at www.memun.org.

Revenue Sharing for FY 2011. On Friday last week, the FY 2011 revenue sharing distribution estimates were posted on the State Treasurer's website. That information can be found at the Treasurer's website at this link: <http://www.maine.gov/treasurer/revenue-sharing/projections.html> or on the homepage of MMA's website at www.memun.org. The data in the Treasurer's spreadsheet details the reductions in revenue sharing for FY 2011 that were adopted by the Legislature last spring as well as the reductions proposed in Governor Baldacci's FY 2010-11 supplemental budget, as updated with the most recent state revenue re-projection data.

The data presented in the Treasurer's spreadsheet combines both the "natural" reductions in revenue sharing associated with projected changes in state sales and income revenue collections, as well as the "legislative transfers", which are the actual taking of revenue sharing funds

by the Legislature for the purpose of balancing the state budget.

The following chart documents the impact of both the natural reductions as well as the legislative transfers, which in combination have reduced a \$130 million distribution, as originally projected, to an \$83.5 million distribution.

Current-year Revenue Sharing. As discussed above, the Governor is proposing to reduce the size of the legislative transfer out of revenue sharing for the current fiscal year (FY 2010) by \$6 million. MMA's Kate Dufour has

generated a spreadsheet that projects the impact of that proposal on the current year's distribution. That spreadsheet is also found on the homepage of MMA's website at www.memun.org. Municipal officials working on the budget development process should be aware that these MMA projections are predictions that are made using the state's revenue forecasting data as base information. The predictions made on this spreadsheet should be carefully compared to the actual revenue sharing receipts your

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Two Additional Budget Items of Interest

Municipal and school officials who are in the process of putting together their budgets to present to the voters should be aware of two additional items that are in the Governor's "change package".

• **School Budget Validation Referendum "Opt Out".** According to the law governing the school budget validation referendum process, every three years a question must be placed on the ballot asking the voters if they wish to continue with the required referendum voting to "validate" the school budget as it was previously adopted at the open meeting or by the town or city council. That law was not written very clearly, and so there was a legitimate question as to exactly when the 3-year rule applied for certain school systems. A provision in the Governor's change package, apparently a recommendation of the Education Committee, is that the 3-year rule must be implemented this year for all school systems. That is, every school budget that is presented to the voters in 2010 must also include a question as to whether the voters want to continue with the referendum validation process. If they vote that they do, the process continues for another three years, when the question is presented to them again. If they vote that they do not, the referendum element of the process is discontinued for three years. After that three-year period, either the school board or the voters by petition can put a question before the voters that would restore the referendum validation process.

• **Timing of the Validation Referendum Vote.** At the request of MMA, and perhaps others, the Education Committee also recommended another procedural change to the validation referendum voting process, and that recommended change is also in the Governor's "change package". Under current law, the budget validation referendum vote must be held within 14 days of the vote to adopt the school budget conducted at open meeting or by the town or city council. That 14-day requirement was not working well from a scheduling point of view, and it was raising havoc with the absentee voting process. The provision that would be in the supplemental state budget would make it a 30-day window within which to have the budget validation referendum, rather than a 14-day window. While that would be a very helpful change, a question still exists as to whether the change will be enacted in time to be effective for the upcoming voting season. If the supplemental state budget is adopted as an emergency bill (i.e., by a supermajority in both the House and Senate) sometime toward the end of March, this change could be implemented this voting season. If, on the other hand, the budget is not adopted as an emergency bill, the change could not be implemented this voting year.

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RESOURCES (cont'd)

town or city is experiencing in order to calculate your FY 2010 total revenue sharing receipts most accurately.

Tree Growth. Full funding for Tree Growth reimbursement for the upcoming year would be \$6.25 million. By actions taken by the Legislature last spring, in combination with further cuts to Tree Growth reimbursement in the supplemental state budget currently being considered, it is anticipated that the total amount of revenue available to fund the Tree Growth program in FY 2011 will be \$4.78 million, a 23% cut from full funding.

On the basis of that information, as well as the actual town-by-town Tree Growth distributions of the most recent years, MMA is able to make a prediction of the reimbursements that will be sent out to the communities next July. If you would like that information, please do not hesitate to contact MMA's Kate Dufour at 1-800-452-8786 or kdufour@memun.org.

Homestead Exemption. With respect to the status of property on April

1, 2010, the value of the Homestead property tax exemption will be just \$10,000, a 23% reduction from the \$13,000 exemption value that has been in place for the last several years. As a matter of the state's Constitution, each municipality will have to be reimbursed for 50% of the tax revenue lost as a result of that exemption. The financial impact of the legislative decision to cut the Homestead property tax exemption will be borne directly by the homeowners through increased property taxes, not by the municipal governments. Simply put, the roughly 23% reduction in Homestead exemption reimbursement from the state will be fully covered by increased property tax collections from the homesteaders. It is likely, however, that municipal officials will bear the public relations costs associated with the increase in the homeowner's taxable property.

Local Road Assistance Program (URIP). On the Highway Fund side of the state funding ledger, the news is neutral. Generally, municipalities can expect flat-funded reimbursements from the state because the amount of revenues available to fund the local

road assistance program are projected to increase slightly.

Circuit Breaker. Last spring, the Legislature cut the benefit distribution of the Circuit Breaker property tax and rent rebate program by 20%; that is, the method of calculating eligibility was essentially unchanged, but after each benefit was calculated, it is cut by 20%. In the Governor's proposed supplemental budget, an 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. It is estimated that approximately 13,000 Circuit Breaker recipients will be cut from the program because of this change.

FY 2011 Municipal Revenue Sharing

	A	B	C	D
	FY 2011 Original Projection	FY 2011 Natural Reduction	FY 2011 Legislative transfers (PL 2009, c. 213)	FY 2011 Additional leg. transfers (LD 1671)
Revenue Sharing Transfer	127,955,558	121,292,121	96,021,867	81,021,867
Revenue Sharing I (84%)	107,482,669	101,885,382	80,658,368	68,058,368
Revenue Sharing II (16%)	20,472,889	19,406,739	15,363,499	2,963,499
Revenue Sharing II (Additional Transfer)	2,500,000	2,500,000	2,500,000	2,500,001
Total Revenue Sharing	130,455,558	123,792,121	98,521,867	83,521,868
	Loss	(6,663,437)	(31,933,691)	(40,270,253)

Source: Office of Fiscal and Program Review

New Permit for PWD Garages?

The *Legislative Bulletin* focuses on the activities of the Legislature. However, outside of the Legislature, state agencies make regulatory decisions that can have impacts on municipal government. This article explores a new permitting requirement that the Department of Environmental Protection (DEP) is going to propose this spring for certain construction companies and state and municipal public works garages.

Background. In 2001, the federal EPA delegated authority to the Maine DEP to regulate stormwater discharges for Maine.

Stormwater (rainwater/snowmelt) can pick-up various pollutants as it washes over parking lots, roads, construction sites, industrial facilities and other surfaces. This stormwater often finds its way to the waters of the state, negatively impacting water quality.

Among the myriad laws, regulations and permits enacted in Maine constitute a regulatory scheme known as the Multi-sector General Permit for Industrial Activity (MGP). The MGP is a five-year permit issued in 2005 and expiring October, 2010.

The 124-page MGP requires any entity undertaking certain industrial activities to first receive a permit from the DEP. The DEP will issue a permit to an applicant authorizing an industrial site to discharge stormwater as long as the applicant agrees to meet the terms and conditions of the permit. Those terms and conditions generally include certain "Best Management Practices", such as installing silt fences or cleaning-up spilled chemicals.

The federal EPA identified the industrial sectors that are required to be permitted. Examples of industrial sectors include Sector A – Timber Products, Sector G – Metal Mining, and Sector P – Land Transportation and Warehousing.

In each sector there are slightly more detailed descriptions of the regulated entities by their Standard Industrial Classification (SIC) code number.

For example, within Sector P is the Motor Freight and Transportation SIC code. This would include passenger bus companies, like Peter Pan.

The industrial activities that are regulated include: vehicle and equipment maintenance, mechanical repairs, painting, fueling and lubrication and equipment cleaning.

Essentially, each affected company has to adopt a Stormwater Prevention Plan that outlines the "good housekeeping" practices the mechanics and others will follow as they change the oil and wash the vehicles.

The DEP believes that municipal public works garages should be treated just like private motor freight companies, and therefore wants to sweep public works garages into the next 5-year permit to be issued in late 2010 or early 2011.

First Try. The DEP wanted to include municipal public works garages in the permit program back in 2006. It filed a bill in the 122nd Legislature (LD 2035) seeking authority to require "publicly owned" maintenance garages to get a MGP permit.

That bill was defeated and instead the DEP was required to study the issue and report back to the Legislature in 2008. The DEP's conclusion, predictably, was that municipal public works garages and construction companies should be included in the 2010 permitting program.

Second Try. DEP staff are currently crafting the permitting language and reaching out to potentially impacted entities. This time, however, DEP is not seeking the Legislature's approval. Instead, it is using its regulatory power under the stormwater program to "designate" other activities for permitting.

While all municipal public works garages and private construction companies will be subject to the permitting requirement, not all will actually have to seek a permit. For example, if the location of the facility is such that stormwater does not flow to a surface water of the state, no permit is needed. In 2003, a DEP intern surveyed approximately 100 public works garages and determined that about half might require a permit. A phone survey of 150 construction companies by DEP staff a few years ago indicated that a third of those companies potentially discharge polluted stormwater to a protected resource.

Policy Issue. The federal government

identified hundreds of SIC codes encompassing thousands of companies to be included in the permitting scheme. But, not every activity was included.

Anytime the government draws a line there are those who will question where it was drawn. The drinking age is 21; some question why it's not 20 others feel it should be 22.

The way the federal government drew the line, municipal (and state) public works garages and the maintenance garages for most construction companies were excluded. Also excluded were generic auto body shops.

The DEP is seeking to include public works garages and some construction companies but not the hundreds of auto body shops scattered about the state. The DEP's rationale for drawing the line where it did is that it doesn't have the staff to regulate auto body shops.

The goals of the DEP are understandable and it appears that the required "good housekeeping" measures are not terribly onerous. However, because it's a bureaucratic permitting program it requires:

- a plan to be developed,
- training and education of employees,
- 8 monitoring events (4 during sunshine, 4 during rain),
- an annual report, and
- a \$300 fee (allowing a state worker to convert from part-time to full-time status).

It may be more of a challenge to implement the red tape than the program itself.

MMA has asked DEP to consider working with municipalities and the construction industry to promote these best practices rather than expanding a regulatory program.

When one considers that the DEP is also pushing new and very expensive culvert requirements on towns right now, it seems as if the DEP simply hasn't gotten the message that towns and cities, and the property taxpayers that support them, are facing deep financial difficulties and could benefit from a different approach to the regulatory business-as-usual.

The DEP will be setting-up a webpage shortly to provide materials related to this proposal. Municipal public works directors should stay tuned.

Enhancing Public Safety Through the Use of Technology

On Friday, February 19th, the Transportation Committee voted to support an amended version of LD 1561, *An Act To Regulate the Use of Traffic Surveillance Cameras*, by a margin of 10 to 1.

As originally drafted, LD 1561 would have prevented municipalities from using traffic surveillance cameras, known as “automated license plate recognition systems”, to collect and save data that could be used to identify a vehicle or individual. Municipal officials opposed the ban because it would prevent communities from using existing technology to enforce state laws more efficiently, while simultaneously providing improved public safety services. Although municipal officials understand the privacy concerns raised by the proponents of the bill, they believe that the concerns can be addressed without banning the use of cameras. By establishing statewide rules, regulations or policies that guide the use of this technology, the Legislature could implement the necessary privacy-protection measures.

Ten members of the Committee supported an amended version of LD 1561. As amended, the bill limits the use of the camera technology for the enforcement of laws and provision of public safety services by state, county and municipal law enforcement agencies. (An exemption is also extended to the Maine Turnpike Authority for its use of cameras to identify toll violators and the Department of Transportation for its use of cameras to protect the state’s transportation infrastructure and enhance work zone safety.) The amendment places further restrictions on the public safety agencies that use the technology by limiting the storage of the license plate data to a 21-day period. Access to the stored data by non-authorized individuals is a Class E crime.

Furthermore, the data collected is exempt from the Freedom of Information Act. However, reports aggregating the data to show, for example, the number of license plates identified, number of

plates stored for the 21-day period, and the number of arrests made because of the use of the technology may be generated and made available to the general public.

Finally, the amended bill directs the Secretary of State to convene a working group including representation from the Departments of Transportation and Public Safety, local and county law enforcement agencies, Maine Turnpike Authority, and organizations and individuals representing constitutional or privacy concerns, such as the Maine Civil Liberties Union.

The working group is tasked with studying the impacts of LD 1561, reviewing reports addressing national polices for the use of this technology, and developing a model policy or draft legislation to address the issues raised by the study. The working group is charged with reporting its findings and recommendations to the Legislature by January 15, 2011.

One member of the Committee voted “ought to pass” on LD 1561, which would implement an outright ban on the use of this technology.

Safe PACE Utilities Committee Reports Out Weatherization Bill

The February 12th *Legislative Bulletin* described LD 1717, *An Act To Increase The Affordability of Clean Energy for Homeowners and Businesses*, which was worked by the Utilities and Energy Committee this week.

The federal government has made funding available to states, on a competitive basis, to implement a revolving loan program for weatherization efforts. LD 1717 is Maine’s method to implement such a program and is needed to complete the state’s application for a \$75 million federal grant.

The bill reviewed at the initial public hearing (which was not the printed bill) was very detailed legislation that attempted to establish many of the administrative provisions that it would take to create a revolving loan program.

As further amended by Committee, LD 1717 creates a more general framework while providing flexibility in terms of implementation.

A loan may not be issued in a community unless a municipality voluntarily agrees to participate. While there is no mandate in the bill for municipalities to participate, the program will not work without cities and towns.

Here is the general outline of the program.

Like any loan there are three basic elements: (1) executing a loan agreement (2) billing and collecting the re-payments, and, (3) enforcing the loan in cases of delinquency.

Pursuant to the amended bill, a municipality will have the option to administer all three of these steps, a few of these steps, or none. In the latter case, the Efficiency Maine Trust would handle the bulk of the program for a municipality.

Some of the original PACE programs implemented across the country have the municipality include the weatherization loan repayment on the property tax bill; and if the borrower is delinquent, the loan is secured by a superior lien that takes precedence over all other loans and is enforced like a tax lien.

Under Maine’s program, the weatherization loan will not have automatic seniority. Instead it will be junior to existing loans (and refinanced senior loans) and senior to subsequent loans and liens.

Consequently, municipalities will be free to use any billing and collection system they deem appropriate. Preliminary

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TELCO TAX (cont'd)

systems require very different levels of property tax infrastructure to make their otherwise similar services available. In other words, moving toward a sales tax system creates greater tax equity among the various service providers.

The other way this bill creates greater equity is to have all telecommunications property, no matter what type of service is being provided, taxed at the municipal level, because the result of repealing the state's tax jurisdiction over that property leaves it to fall into the municipal jurisdiction. Under current law, some telco personal property in a town is being taxed by the state at a full 22 mills, while other telco property in the same town is being taxed by the municipality, usually at a much lower effective tax rate. Some people believe that the taxation of similar property at different rates rubs roughly against a provision in Maine's Constitution that requires all taxes on property to be assessed and apportioned equally, according to just value.

MMA testified in support of this legislation. Hundreds of bills have been submitted over the last decade that propose to somehow reduce the municipal tax base by creating tax exemptions of one kind or another; it is extremely rare to see a bill submitted that would actually increase the municipal tax base. Although the increase to the tax base would be modest, it would be most welcome at time when extraordinary reductions are being made to municipal revenue sharing, General Purpose Aid to Education, and the Homestead Exemption and the Circuit Breaker property tax relief programs. To put all of that into some context, the Legislature is now poised to cut \$40 million out of municipal revenue sharing for FY 2011. The value of \$830 million dollars of taxable property at the statewide full value mill rate of 11.4 mills is \$9.5 million, just a quarter of what is being taken out of revenue sharing. Even though under this proposal, that property would not be subject to municipal taxation until April 1, 2011, to help with the FY 2012 fiscal year, it would nonetheless be a very welcome benefit.

After all, municipalities have long

wondered why the telecommunication companies are provided total access to the municipal right of ways, where the bulk of this property is located, without having to make any contribution toward the upkeep of those right of ways to the town or city that provides that service. The electric companies contribute. The cable t.v. companies contribute. But the "telecommunications companies" do not pay a tax on their personal property to the communities where it is located.

Two types of telecommunications service providers testified at the public hearing.

FairPoint Communications, along with the Telephone Association of Maine (TAM), testified in conceptual support of LR 2612, but the telephone companies want the bill amended so that instead of the property falling over to the municipalities for taxation purposes, it would still be assessed by the state but taxed at the statewide average full value mill rate (approximately 12 mills) rather than at a fixed (and rather high) mill rate fixed in statute (22 mills). Under this FairPoint/TAM proposal, because the state would still get to tax this telecommunications property although at a lower rate, the sales tax rate to be applied to telecommunications services could be significantly reduced to make up for the reduced state tax revenue. From the telephone companies' perspective, as long as similar property is being taxed – some by the state and some by the municipalities -- according to roughly equal rates, there would be no constitutional problems.

The wireless telecommunications companies testified in opposition to the bill with a short encyclopedia of argumentation. From the perspective of AT&T and Verizon Wireless, Sprint Nextel, T-Mobile and US Cellular, the legislation would: (1) increase the overall tax burden on telecommunications industries; (2) be particularly disadvantageous to wireless service providers; (3) place an increased cost on the wireless services to trigger a "tipping point" where customers would discontinue using cell phones; (4) be misguided because there is no real inequity in the current distribution of tax burden among the various service providers when the entirety of tax and fee exactions are

taken into account; and (5) put the state in even greater non-conformity with the multi-state "streamlined sales tax" system, which is an attempt to essentially align the sales tax codes among dozens of states in order to improve the ability of states to collect sales taxes on catalogue and Internet sales.

The work session on LR 2612 is scheduled for March 10th.

SAFE PACE (cont'd)

indications from some municipalities indicate that instead of utilizing the tax billing and lien process (which are based on superior status) they would instead utilize their economic development offices or regional economic development agencies which have some experience with revolving loan funds.

In fact, the towns of Kittery, Eliot, York, South Berwick, Ogunquit and North Berwick have established something called the Seacoast Energy Initiative that will provide weatherization loans in those communities using a \$500,000 grant from the PUC. The loans will be administered by the Biddeford Saco Area Economic Development Corporation.

LD 1717, as finally amended, contains some details. For example, the loans can be no more than \$15,000, the weatherization improvements must be "cost effective", the applicant may not be delinquent on property taxes or sewer bills, and the debt-to-income ratios cannot be more than 50%.

Consumer disclosure and truth-in-lending provisions will be adopted by rule.

Finally, this bill is designed to implement the federal grant program that will hopefully materialize. Many would like to see the program expanded to include other sources of funding, including state bonds, private sources and municipal borrowing.

The bill calls for a stakeholder group to review the federally-funded program and whether a locally funded program should include a more senior lien.

LD 1717 appears to provide both the framework and direction sought by the federal government and the flexibility to work in Maine.

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/>.

Tuesday, March 9

Judiciary

Room 438, State House, 3:00 p.m.

Tel: 287-1327

LD 1802 – An Act To Exempt Personal Constituent Information from the Freedom of Access Laws.

Natural Resources

Room 214, Cross State Office Building, 1:45 p.m.

Tel: 287-4149

LD 1794 – An Act Regarding Solid Waste Facilities.

LD 1797 – An Act Regarding Planning for the Management of Solid Waste.

Taxation

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

Tel: 287-1552

LD 1807 - An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11.

Thursday, March 11

Health & Human Services

Room 209, Cross State Office Building, 1:00 p.m.

Tel: 287-1317

LD 1811 – An Act To Amend the Maine Medical marijuana Act.

Legal & Veterans Affairs

Room 437, State House, 1:00 p.m.

Tel: 287-1310

An Act To Allow a Casino in Oxford County.

Utilities & Energy

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

Tel: 287-4143

LD 1810 – An Act To Implement the Recommendations of the Governor's Ocean Energy Task Force.

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.)

Judiciary

LD 1802 – An Act To Exempt Personal Constituent Information from the Freedom of Access Laws. (Sponsored by Rep. Hill of York; additional cosponsors.)

This bill allows certain written or electronic communications from a constituent to an elected official and from the elected official back to the constituent to not be considered a "public record" under

the state's Right To Know law. Specifically, communications that by their nature or content clearly imply that the constituent expects the communication is confidential.

Natural Resources

LD 1797 – An Act Regarding Planning for the Management of Solid Waste. (Reported by Rep. Duchesne of Hudson for the Joint Standing Committee on Natural Resources.)

This bill moves the responsibility for preparing the state solid waste management and recycling plan from the State Planning Office to the Department of Environmental Protection.