

Legislative **BULLETIN**

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Teachers' Salaries and the Supplemental State Budget

The Appropriations Committee will be holding hearings for the next few weeks on Governor Baldacci's proposed supplemental budget (LD 1968). LD 1968 is designed to rebalance the FY 06 and FY 07 state budget in response to an increased projection of state revenues and altered budgetary demands. There are several items of municipal interest in the proposed budget.

For example, the proposed supplemental budget would appropriate an additional \$42 million for the FY 07 state share of K-12 education, which brings the total appropriation to \$915 million. \$915 million is just shy of 50% of the full EPS model for FY 07, and is designed to conform to the state's statutory requirements for this second year in transition to full "55%" state funding. (For people who like arcane details, the specific statutory requirement is that the state provide 53.86% of the EPS model, with the model recognizing 90% of its operational costs.)

LD 1968 would also establish the "mill rate expectation" under school funding law at 7.6 mills for FY 07. The "mill rate expectation" for the current school year was 8.26 mills. The level of mill rate expectation controls what the local required share of a school budget will be. There are two factors driving the drop in required mill rate expectation: (1) the state is providing a greater level of support for public education; and (2) the overall taxable value of the state increased significantly between the 2004 state valuation and the 2005 state valuation, and the larger valuation allows a lower mill rate to generate the necessary revenue. It is the 2005 state valuation upon which

the upcoming school distribution will be based.

The budget bill also mandates that no certified school teacher beginning next year shall be paid less than \$30,000 in annual salary. This is a major issue, of course, for the teachers' union, which always work to obtain higher teacher salaries in local contracts and, when local negotiations don't advance pay scales fast enough, seeks legislatively-mandated pay raises as well.

In his State of the State address last week, Governor Baldacci said: "*The average teacher salary in Maine is under \$27,000. For our students, we must recruit and retain the best and the brightest. My budget proposes raising starting teacher salaries to \$30,000 starting next year.*" On one point the Governor misspoke. The average starting pay for a teacher in Maine was under \$27,000 in 2005, not the average teacher pay. The actual average 2005 teacher salary in

Maine is just under \$40,000. That average is listed at 38th in the nation by the National Education Association. That ranking makes some sense because the median household income for everyone in Maine is 41st in the nation, according to U.S. Census data, at \$37,619 (2003). The teacher-to-private sector pay ratio is favorable in Maine, which is ranked 21st in the nation in that regard. (American Federation of Teachers, 2004).

In any event, the real issue is the honest financial impact of mandating this increase in teacher pay, and who will end up paying those increased costs.

Financial impacts. The financial impacts of this proposal are easy to understate. In the most simple (but naïve) analysis, the immediate and direct cost is in the \$4 million range. There are apparently 2,800 teachers in Maine who are currently being paid less than \$30,000. In the Governor's proposed budget, approximately \$4 million of the \$915 million total school aid distribution would be especially targeted to those school systems to cover the costs of increasing the pay for those 2,800 teachers. The \$4 million is apparently available because of a

(continued on page 2)

TABLE I
EPS Teacher Salary Matrix for Current Year (FY 06)

Years of Experience	Education Level - Current				
	BA	BA+	MA	MA+	Doctorate
< 1	\$26,707	\$27,775	\$ 30,713	\$33,117	\$34,452
1-5	28,844	29,912	32,850	35,253	36,589
6-10	32,583	33,918	36,856	38,992	40,595
11-15	37,657	38,992	41,930	44,067	45,669
16-20	42,731	43,799	46,737	49,141	50,476
21-25	45,402	46,470	49,408	51,812	53,147
26-30	46,737	47,806	50,743	53,147	54,482
30+	47,538	48,607	51,545	53,948	55,283

TEACHERS (cont'd)

statutory relaxation of the Learning Results student assessment standards, which is also a part of the budget bill. Because the assessment standards are relaxed, the amount of state support for that student assessment system can be reduced, and the teachers' pay money for the first year becomes available.

The naïve part of the analysis is the notion that you can increase the base salary in any step-pay system without impacting the salary expectations of every other teacher in the system. Mandating a base-pay increase will obviously create a domino effect that will ripple through teacher contract negotiations throughout the state. The teachers' union is not going to agree to some sort of compressed teacher's pay plan, where the lower end of the scale is increased and the upper end of the scale is unaffected.

Unfortunately, there does not appear to be any ongoing recognition of the real impacts of increasing the teachers' starting salary. The teacher salary matrix that forms the basis of the EPS model is not going to be modified to reflect this mandated change anytime soon. It is only through biennial surveying by the Department of Education, beginning in 2008, that the EPS model will begin to respond to the broad-based teacher contract increases triggered by this mandate in state law, well after those contracts are executed. The EPS model will likely be lagging behind reality in the area of teacher salaries for many years to come. The politicians, media and business community will take pot shots at the "municipalities" for the increasing (school) costs. The teachers' union will reward the politicians who support their raises. And so it goes.

Legislative Bulletin

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Editorial Staff: Geoffrey Herman, Kate Dufour, Jeff Austin, and Laura Veilleux of the State & Federal Relations staff.

TABLE II

Projected EPS Teacher Salary Matrix with base salary at \$30,000

Years of Experience	Education Level - Projected				
	BA	BA+	MA	MA+	Doctorate
< 1	30,000	31,200	34,500	37,200	38,700
1-5	32,400	33,600	36,900	39,600	41,100
6-10	36,601	38,100	41,400	43,800	45,600
11-15	42,300	43,800	47,100	49,501	51,300
16-20	48,000	49,199	52,500	55,200	56,700
21-25	51,000	52,200	55,500	58,200	59,700
26-30	52,500	53,701	57,000	59,700	61,200
30+	53,399	54,600	57,901	60,600	62,099

A snapshot of reality. Table I shows the teacher salary matrix in the EPS model that governed school funding distribution for the current fiscal year (FY 06). These model salaries, according to the teacher's educational attainment and years of experience, are based on statewide average salaries. As will be noted, for 2005, the statewide average salary of a starting teacher was \$26,707, and the average statewide salary of a teacher at the very top of the scale was \$55,283.

If we now recreate the matrix (Table II) plugging in the mandated minimum teacher salary, instead of the actual, and adjust all the remaining cells in the matrix by the same percentage differentials that separated the cells in the existing

matrix, the financial implications to both the state taxpayers and the property taxpayers become fairly clear. The average teacher pay increase is \$4,000 to \$5,000 a year. With 15,000 teachers in Maine, the impacts could range from \$50 million to \$75 million statewide in the few short years it will take the teachers' real-life pay scales to adjust to the new base. These impacts will be largely borne by property taxpayers in the first years out, and eventually shared by property taxpayers and state taxpayers alike. This change will suck up the capacity to turn increased state aid to education into property tax relief more than any other single idea that has been considered by the Legislature since Learning Results.

State & Local Government Update

Chart of Accounts

On Monday of this week, the State and Local Government Committee unanimously voted to support an amended version of LD 1713, *Resolve, to Direct the State Planning Office to Establish a Working Group to Standardize Accounting Standards at All Levels of Government*. MMA's Legislative Policy Committee (LPC) voted to oppose the bill as printed. Although municipal officials identified several technical problems with the bill, the primary municipal concern was that the proposed study could lead to another mandate. As originally drafted, there was nothing in the legislation that would lead municipal officials to believe that the accounting process developed by the working group could be adopted voluntarily by municipi-

palities.

As amended, the bill addresses the municipal concern about a new mandate by clearly stating that the adoption of the system created by the working group will be voluntary. The amendment also shifts responsibility for leading the working group from the State Planning Office to the State Auditor. Finally, the amendment charges the working group with developing a model chart of accounts, rather than a standardized accounting system.

Efficiency Fund

On Monday, the State and Local Government Committee also unanimously voted to support an amended version of LD 1712, *An Act to Restore the*

(continued on page 3)

Tax Committee Snapshots

Lobster traps. The Taxation Committee considered a bill last week that was designed to change the tax code — one way or another — to make the taxation of lobster traps equitable throughout all coastal Maine.

LD 1739, *An Act To Clarify the Taxable Status of Lobster Traps*, was submitted to the Legislature by Sen. Mary Andrews (York Cty.). LD 1739 is a “concept draft” bill, and the drafted concept is “to clarify the law regarding the taxable status of lobster traps, thus eliminating the inconsistent treatment of lobster traps from municipality to municipality.”

The work session on LD 1739 was conducted this week. The Taxation Committee decided to address this bill by tabling it for now and seeking permission to create a new bill that would establish a \$20,000 threshold of personal property ownership in order to trigger any personal property tax liability. (Instead of a straight \$20,000 exemption, the bill would apparently be structured so that if you owned \$19,000 worth of personal property, there would be no tax liability. If you owned \$21,000 of personal property, all \$21,000-worth would be subject to taxation.)

The Committee also wants the bill to be structured as a Constitutional amendment so that the voters could adopt the exemption, thus avoiding any state reimbursement obligation for the lost property tax revenue. If simply enacted by the Legislature, the \$20,000 threshold exemption would trigger a requirement for the state to reimburse the municipalities for 50% of the lost tax revenue.

It is unclear how the Committee intends to fit this new idea into the much larger proposal of Governor Baldacci and legislative leadership to repeal the tax on business equipment and machinery and almost all other categories of personal property.

When rolled out over time, the Governor’s proposal (LD 1660) would cut tax revenue to municipalities by \$50 — \$60 million a year even after the state provides the constitutionally-required 50% reimbursement to the affected mu-

nicipalities.

Although sweeping in almost all types of personal property, the proposal the Governor and Legislature are advancing focuses on a tax break for major industrial corporations. This new proposal of the Taxation Committee would exempt the personal property tax base from the other end — from the bottom up — with no reimbursement for lost revenue.

Snow grooming equipment. Another bill proposing to exempt a category of personal property was also given its hearing last week. LD 1799, *An Act To Exempt Snow Grooming Equipment and Machinery from the Personal Property Tax*, was presented to the Committee by sponsor Sen. Paul Davis (Piscataquis Cty.). LD 1799 would exempt from taxation all “snow grooming equipment”. According to his presentation to the Committee, Sen. Davis was more specifically focused on snowmobile trail grooming equipment. Apparently Maine Revenue Services assessed a volunteer snowmobile club in the unorganized territories for the association’s grooming machine, and the club doesn’t have the wherewithal to pay the tax.

At work session this week, the Committee made some technical changes to the bill, focusing the exemption on snowmobile trail grooming equipment and placing the exemption in the same section of statute where the regular snowmobile exemption is found. The bill is now being analyzed for its fiscal implications.

Affordable housing taxation. The Taxation Committee came to a resolution on LD 1796, *An Act To Ensure the Continued Viability of Affordable Housing*. The purpose of the bill was to direct assessors to exclude the impact that federal tax credits have on the property tax value of affordable housing projects.

The assessment of these projects is very complicated and states around the country are quite inconsistent in how they approach these valuations. However, Maine’s Constitution requires property to be assessed at just value. MMA had concerns with the bill because it could force assessors to unconstitution-

ally ignore a factor that is likely to be relevant to the determination of just value. The Maine Revenue Services shared MMA’s concerns.

The Committee chose to ask the parties to gather more information on this issue and report back next February on how assessments are currently conducted in Maine and how other states handle the issue. It appears that the bill will be converted into a legislative resolve to bring the stakeholders together. Affordable housing developers and owners, assessors, Maine Revenue Services, MMA, Maine State Housing Authority, lending institutions, appraisers and others with expertise are going to be needed to try and sort out this complicated issue.

STATE & LOCAL (cont’d)

Funding to the Fund for the Efficient Delivery of Local and Regional Services. As originally printed, the bill took the first step in restoring the Efficiency Fund by repealing the section of the final budget bill, enacted last June, that redirected \$2.3 million in FY 06 and \$2.5 million in FY 07, originally dedicated to the local government efficiency fund, to the state’s coffers in order, to balance the General Fund budget. The Legislature redirected those funds even though they had been dedicated to the efficiency fund directly by the voters in the package of law adopted as Question 1A on June 8, 2004.

As amended, the bill would restore the FY 07 Efficiency Fund to the tune of \$2.5 million. The members of the Committee felt that there was not enough time in FY 06 to start up the program and process applications to warrant the immediate appropriation of \$2.3 million. While it is true that time may be limited this year, there is nothing to prevent the FY 06 appropriation to be spent in FY 07. As a matter of law (Title 30-A, section 6202), all revenues dedicated to the Efficiency Fund must be carried forward into the next fiscal year. The Efficiency Fund is a dedicated, special revenue account, which has to be said with some irony given the way it’s been treated. It all depends on the degree to which the Legislature wants to honor a program that was directly adopted by the voters. The voters adopted the program two years ago next June, but it’s been a very low legislative priority thus far.

Déjà vu All Over Again

In the first session of the 122nd Legislature, the Judiciary Committee created the Freedom Of Access Advisory Committee (“FOAAC”) in Resolve 2005, chapter 123. The creation of the Committee was one of many recommendations that resulted from the investigations done by the press into the current state of public access to public records. The FOAAC Committee members include representatives of the Legislature, state and local government, the Attorney General’s Office, the press and the public.

FOAAC was directed to meet three times and undertake the following tasks: (1) assist the Judiciary Committee in its statutorily mandated review of all existing public records exceptions, (2) review the public’s access to public proceedings and, (3) make recommendations to the Governor and Legislature for changes. The FOAAC Committee was directed to have its first meeting in October and to report its recommendations to the Judiciary Committee by December 7, 2005.

Its not clear that FOAAC accomplished very much.

The first meeting was held on December 20, 2005 (two weeks after its report-back deadline). The members discussed some of the changes to access laws that were made last session. They also discussed some topics in general such as e-mails as public records, training on access law, etc.

The Committee’s second meeting on January 11, 2006 involved several good presentations on access issues. The Committee reviewed the recent public records problem that occurred at the Department of Environmental Protection, along with the Attorney General’s opinion on the matter. The group received a report from the Secretary of State’s Office on a very interesting issue regarding the attempt to archive digital records such as e-mails. They also heard from the DEP about the volume of “right-to-know” requests and the amount of time it takes to respond to them.

At the final meeting, January 26, the group’s recommendations were to be fi-

nalized. Most of the meeting time was spent with the Committee reacting to various proposals made by the three press representatives. (Note: the membership created by the Resolve included only two members of the press, appointed by the Governor. Somehow, there are now three press representatives on the Committee.)

Unfortunately, most of the press’ recommendations were the same recommendations the Maine press has been advocating for years. First, the Committee wants to promote training. They did not have a specific proposal, but simply supported the recommendations made by the AG’s Office as a result of its review of the DEP issue. While its good that the FOAAC group support the AG’s recommendation, it does not appear that FOAAC has added anything of value to that recommendation, which would have been made anyway.

Their second recommendation was to create a Public Ombudsman within state government to handle access complaints and related issues. This was a recommendation which they made and which was rejected by the Judiciary Committee last session. The issue then, as now, is funding. The AG provides as much of the Ombudsman duties as possible, but money is limited. FOAAC had no solutions to the money issue. A press representative was adamant that charging the public for access to public records was inappropriate.

A third topic, for which there was disagreement between the press members and the government representatives, were penalties for non-compliance with the access laws. The press believes that making noncompliance with the Right-to-Know law a criminal act may be premature for Maine, but that the current Maine penalty (currently \$500) for non-compliance must be increased.

A fourth topic, also disputed among the members, was another legislatively rejected proposal from last session to grant attorneys fees in disputes over public access. This second version of the proposal was actually worse than the original proposal rejected by the Judi-

ciary Committee. The original proposal would have allowed either party (the government or the press/public) to seek attorneys’ fees. The new proposal would only give that protection to the press/public.

A fifth recommendation, also a repeat of another rejected idea from last session, was to make FOAAC a permanent committee. The new press proposal did not retain the current 13-member FOAAC committee created by the Legislature; instead, the new press proposal was to increase the membership with another representative of the press and another for the public. Again, the primary reason this permanent committee idea was rejected last session was the ongoing cost.

What was surprising during the FOAAC discussion was the lack of press creativity in resolving the funding challenge posed by many of its proposals (making itself a permanent subcommittee of the Legislature, an ombudsman, training). Oftentimes, the Legislature will fund public interest goals by taxing the most relevant industry rather than through general fund revenues raised with the sales and income tax.

For example, fees on the telecommunications industry provide revenues to provide universal telephone service and to wire schools and libraries. Another example is the way the fee on new tires funds part of the budget of the DEP. Real estate transfer taxes help fund affordable housing and cigarette taxes fund health related issues.

A logical proposal to fund public access services such as an ombudsmen and government training would be to remove the special sales tax exemption the press enjoys for advertising space (or time) they sell, or the special sales tax exemption for newspapers. The commercial industry that profits the most from the public access laws is the press in that they repackage and resell public materials. It is only logical that the industry that benefits from the access laws should shoulder some of the burden to fund the public interest programs it believes should be created.

Given the results of this short-lived experiment with an access advisory committee, its hard to understand the mo-

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Substance Abuse Rehabilitation Clinics

On Tuesday of this week, the Health and Human Services Committee held a lengthy public hearing on LD 1875, *An Act to Improve Substance Abuse Rehabilitation Services*. The bill, sponsored by Rep. Sawin Millett of Waterford, proposes to make several changes to the way substance abuse rehabilitation clinics are sited in Maine. Some of the standards proposed in the bill include requiring a determination of need for a rehabilitation clinic, creating a local advisory committee to oversee the licensing process, and establishing criteria for client counseling.

Rep. Millet sponsored the bill on behalf of the town managers, police chiefs and planning board chairs from the towns of Norway, Oxford and South Paris. The impetus for the legislation came as the result of a notification that was sent to the three towns from a rehabilitation service provider expressing an interest in establishing a clinic in the Oxford Hills area. The municipal officials in affected towns met and concluded that they were unprepared at the time to accept the rehabilitation clinic into their communities. While the municipal officials clearly understood the importance of the rehabilitation clinic, they did not feel they had the tools necessary to address and balance residents' concerns with the need for the services. As result, the three towns adopted moratoria on the development of the clinic and asked Rep. Millet to sponsor a bill to address their concerns. The communities felt they lacked a real voice in the process.

At the public hearing, Norway town manager, David Holt, provided testimony in support of the bill. Holt made it clear to the members of the Health and Human Services Committee that his interest in the bill was not fueled by NIMBY-ism (not in my backyard), but rather by the need to carefully plan for the development of a rehabilitation clinic in the Oxford Hills area. Holt further stated that the proponents of the bill were looking for opportunities for greater local control in the siting of the facility. The proponents of the bill want to ensure that the best interest of the residents will

be taken into account when the clinics are sited.

Other proponents of the bill included Dennis Gray, Norway Planning Board chair, and David Verrier, Paris police chief. Both Gray and Chief Verrier believe that the bill would provide communities with the tools necessary to ensure that municipal concerns are addressed and that the clinics are good neighbors. The focus of the proponents' testimony was to ensure that lines of communication between all the interested parties are open.

Opponents of the bill included Rep. Anne Perry of Calais, who is a nurse practitioner for a rehabilitation clinic in Calais, Kim Johnson from the Office of Substance Abuse (OSA) and a contract lobbyist representing the Discovery House rehabilitation clinics. The opponents believe that the licensing standards included in the bill were unnecessary because the federal and state licensing requirements already in place are sufficient. The opponents also believe that the municipal voice issue was addressed last session with the adoption of LD 21, which directed OSA to develop rules requiring municipal involvement in the early discussions about a proposed program and the options for siting the facility.

However, the opponents also indicated an interest in working with the proponents. OSA representative, Kim Johnson, indicated that she was willing to address three concerns with the siting of rehabilitation clinics by developing standards that will: 1) locate facilities where they are needed (all agree that a clinic should be located in an area where there is a need); 2) address on-going counseling requirements for the clients of the clinic; and 3) require community involvement throughout the re-licensing process for an established clinic.

Under the direction of the Legislative Policy Committee (LPC), MMA also provided testimony in opposition to LD 1875. Although municipal officials appreciate the efforts of Rep. Millett and support the underlying goal of the bill, there was some disagreement over how

best to achieve that goal. While LD 1875 focuses on the communication aspects of local voice, municipal officials on the LPC were more interested in finding every opportunity possible to provide municipalities greater control over the siting of facilities. Municipal officials understand that federal laws preempt some level of state and local control, but they believe there is also some level of state and local flexibility. The LPC believes that one of the ways to address the control issue is to require the state to develop standards that guide how municipalities can regulate the siting of these facilities. It is important that municipal officials have the tools necessary to address all of the issues surrounding the siting of a facility ranging from simple parking issues to the more significant neighborhood compatibility issues. MMA also expressed a willingness to work with the interested parties to help develop a proposal that address everyone's needs.

Managing Waste

The Natural Resources Committee has spent most of the first month of this session reviewing a variety of bills dealing with waste management.

Two bills of municipal interest deal with the importation of out-of-state waste. LD 141, *An Act to Ensure Proper Disposal of Debris and Protection of the Environment*, is a carryover bill which, as originally drafted, sought to ban construction and demolition debris (CDD) from being disposed of in Maine. This was not a major issue for municipalities in the First Session.

However, a proposed amendment by Representative Bob Duchesne (D-Hudson) would ban all construction and demolition debris from being beneficially reused in a biomass boiler. According to the DEP approximately 100 municipalities send an aggregate of 52 tons of CDD waste to biomass boilers each year. A ban such as this would force these municipalities to send their CDD to landfills at

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(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.)

Appropriations & Financial Affairs

LD 1968 – 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, 2006 and June 30, 2007. (Emergency) (Governor's Bill) (Sponsored by Rep. Brannigan of Portland; additional cosponsor.)

This bill is the Governor's proposed supplemental budget to rebalance the FY 06 and FY 07 state budget in response to an increased projection of state revenues and altered budgetary demands. Of municipal interest, this proposed budget would:

- Appropriate an additional \$42 million for the FY 07 state share of K-12 education, which brings the total appropriation to \$915 million. \$915 million is just shy of 50% of the full EPS model for FY 07, and is designed to conform to the statutory requirement that the state provide 53.86% of the EPS model at 90% of its operational costs.
- Establish the "mill rate expectation" under school funding law, (which was 8.26 mills for this year (FY 06)), at 7.6 mills for FY 07.
- Designate \$1 million in FY 07 for the Fund for Efficient Delivery of Educational Services, which was originally established in Question 1A to be 2% of the total GPA appropriation (or \$18 million) but repealed by the Legislature in 2005. Despite repeated attempts to create a statutory management system to govern the distribution of this fund, none has been created thus far, leaving the fund management entirely to the discretion of the Department of Education.
- Designate \$1 million in FY 07 for the Fund for the Efficient Delivery of Local and Regional Services. This Fund was also created by Question 1A and subsequently repealed and raided by the Legislature. This proposal would partially restore the Fund, which should have been funded at the rate of over \$2 million a year for FY 06 and FY 07. Unlike the school efficiency fund, there is a statutory management system in place that governs the local government efficiency fund.
- Mandate that no certified school teacher beginning in FY 07 be paid less than \$30,000 per year.
- Shift \$1 million for FY 06 and FY 07 from an account that previously provided supplemental SSI benefits to the General Assistance reimbursement account.

Criminal Justice & Public Safety

LD 1969 – Resolve, To Evaluate the Public Safety Answering Points for the State of Maine. (Emergency) (Reported by Rep. Blanchette for the Maine Fire Protection Services Commission.)

This resolve would create a 9-member task force to evaluate the

state's current policy and direction regarding the consolidation of public safety answering points (PSAPs). Specifically, the resolve would direct the task force to review technological achievements that may allow a reduction in the number of PSAPs below the currently targeted range of 16-24 PSAPs statewide. The task force would include 6 legislators, one Sheriff's representative, one fire chief representative, and the Commissioner of Public Safety.

Inland Fisheries & Wildlife

LD 1695 – An Act To Authorize the Commissioner of Inland fisheries and Wildlife To allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State. (Emergency) (Sponsored by Sen. Martin of Aroostook County; additional cosponsor.)

This bill would resolve conflicting legislation from the previous legislative session by reasserting the authority of the Commissioner or Inland Fisheries and Wildlife to allow the operation of snowmobiles registered in other states at special snowmobile events occurring in Maine.

Taxation

LD 1972 – An Act To Preserve Maine's Working Waterfront. (After Deadline) (Sponsored by Sen. Damon of Hancock County; additional cosponsors.)

In November 2005, voters of the state voted to amend the Constitution of Maine to permit the Legislature to authorize current use taxation of waterfront land that is used for or that supports commercial fishing activities, similar to the treatment available for farms, open space and forestland. This "concept draft" would enact enabling language for the current use taxation program that would include the following elements: (1) the bill would enact a section of law, similar to that contained in the laws governing the taxation of farmland, open space and forestland, declaring that it is in the public interest of the state to encourage the preservation of working waterfront; (2) would establish definitions necessary to implement the program, including: (a) define "working waterfront" as waterfront land with the facilities, capacity and services needed to support commercial fisheries businesses; (b) define "commercial fisheries" as enterprises directly concerned with the commercial harvesting of wild or aquacultured marine organisms; and (c) define "marine organism" as an animal, plant or other life-form that inhabits waters below head of tide; (3) establish a valuation methodology designed to encourage the continuation of working waterfront by increasing the tax advantages if the property us is restricted by additional easements; (4) mitigate or minimize the loss of tax revenue experienced by local governments and provide for a recapture penalty provision if the property changes use; (5) enact a recapture penalty provision that would discourage changing the use of working waterfront to some type of noncommercial fishing support use; and (6) would establish a method to assess current use valuation on that portion of a multiple-use property that is used to support commercial fishing.

LD 1974 – An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006. (Emergency) (Governor's Bill) (Sponsored by Rep. Marley of Portland; additional cosponsors.)

This bill is the Governor's proposed supplement Highway Fund budget to rebalance that budget for the FY 06 and FY 07 biennium.

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 30

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

LD 1968 – 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, 2006 and June 30, 2007. (Emergency) (Governor's Bill) (Sponsored by Rep. Brannigan of Portland; additional cosponsor.)

With Administrative and Financial Services, Department of Fund for a Healthy Maine

10:00 a.m. and 1:00 p.m. With Department of Human Services

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

LD 1889 – An Act To Amend the Election Laws. (Emergency) (Sponsored by Rep. Fisher of Brewer; additional cosponsors.)

State & Local Government
Room 216, Cross State Office Building, 1:00 p.m.
Tel: 287-1330

LD 1846 – An Act To Streamline Criteria for Municipal General Assistance for Heating and Utility Assistance. (Sponsored by Rep. Schatz of Blue Hill; additional cosponsors.)

LD 1865 – An Act To Clarify the Time Period in Which Municipalities Must File Notices of Intent with the State for Purposes of Issuing Building Permits. (Sponsored by Rep. Barstow of Gorham.)

Tuesday, January 31

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

LD 1968 – Governors FY 06–07 Supplemental Budget.

With Department of Administrative and Financial Services re: Fund for a Healthy Maine

2:00 p.m. With Department of Administrative and Financial Services re: Capitol Construction/Repairs/Improvements - Admin.

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

LD 1817 – An Act To Protect Access to Social Security Numbers. (Sponsored by Rep. Hotham of Dixfield.)

Wednesday, February 1

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

LD 1968 – Governors FY 06–07 Supplemental Budget.

With Department of Health & Human Services re: General Assistance – Reimbursement to Cities & Towns

Thursday, February 2

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

With Department of Defense

LD 1968 – Governors FY 06–07 Supplemental Budget.

2:00 p.m. With Department of Economic and Community Development

3:00 p.m. With Department of Agriculture, Food and Rural Resources and Dept. of Conservation

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

LD 1747 – An Act To Assist Maine Military Families. (Emergency) (Sponsored by Sen. Schneider of Penobscot County; additional cosponsors.)

WASTE (cont'd)

a much higher cost. Complicating matters is that the Board of Environmental Protection (BEP) is simultaneously reviewing rules that would clarify some standards for CDD wood used in biomass boilers. That is, the BEP is reviewing *how* this should be done while the Legislature is reviewing *if* this should be done.

A second bill, LD 1795, *An Act To Ensure the Long-term Capacity of Municipal Landfills*, would ban municipalities from accepting any out of state waste or allowing a private entity to operate a municipal landfill unless the municipality bans the facility from accepting out of state waste. While municipalities are generally not seeking to import out of state waste they had a few concerns with the bill. One of which was the Legislature's seemingly anti-regional approach to this nationwide issue. Much of Maine's waste goes out of state to New Hampshire, Massachusetts and Canada. Accordingly, municipal officials were uncomfortable imposing a ban on other states from importing their waste to

Maine. Further, there is a potential constitutional issue due to the fact that waste can be considered a commodity and the commerce clause in the U.S. Constitution generally prohibits state border discrimination.

Several other bills continue the recent legislative trend to manage recycling issues product-by-product. Three bills dealing with mercury batteries, thermostats and cellular phones are before the Committee, each attempting to find the right solution, whether it be manufacturer take-back programs, bottle-bill type deposits, or simple disposal bans without any underlying management programs.

Lastly, LD 1777, *Resolve To Direct the Department of Environmental Protection To Consolidate the Management of Solid Waste*, deals not with waste but management. Currently, most of Maine's waste management responsibilities fall to the Department of Environmental Protection (DEP). However, the State Planning Office (SPO) is responsible for developing and promoting waste policy. DEP is charged to take regulatory steps that will protect the environment and

public health, whereas SPO is more focused on issues not necessarily relative to public health, such as preserving landfill capacity, promoting recycling and other capacity-related issues.

Municipal officials expressed concern that combining policymakers and regulators under the same roof could be problematic. The administration testified against the bill and no one spoke in support of the proposal except the sponsor, Sen. Scott Cowger (Kennebec Cty.).

Déjà vu(cont'd)

mentum or justification to extending the life of a group that simply went back to the same dry wells that failed less than a year ago. This is unfortunate. There are a lot of topics in this field that could benefit from serious review and discussion by representatives of the interested stakeholders, particularly fitting the Right to Know laws with new communication technologies. However, repetitive complaints about more training, more penalties and more oversight committees isn't that discussion.