



Maine Municipal Association

2008 Federal Issues Paper



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The 2008 Federal Issues Paper is a publication of the Maine Municipal Association. Publishing of this paper coincides with the National League of Cities Congressional City Conference held each March in Washington, D.C., during which MMA arranges meetings with members of Maine Congressional delegation. The purpose of the paper is to highlight federal issues that are of concern to Maine municipal officials and to reflect the policy positions adopted by the MMA Executive Committee.

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Introduction

This Federal Issues Paper identifies a number of policy issues affecting the citizens of Maine during a period of economic uncertainty and financial pressures. **Our overriding message is the importance of maintaining meaningful intergovernmental dialogue and collaboration.**

Municipal officials appreciate the longstanding commitment of Maine's congressional delegation to work together to address issues of concern. We know from your personal experience you have an understanding and respect for the important role and accessibility of municipal governments in serving Maine citizens. It is imperative for federal, state and local officials to work together to maintain our infrastructure, provide essential public safety services, strengthen our economy, and provide services to the neediest of our citizens.

Given the changing role and approach of the federal government in recent years, we offer the following guideposts for your consideration:

- **Determine the appropriate federal government role while respecting state and local government authority and processes** – As legislation is considered, please ask what, if any, role is appropriate for the federal government. Is the issue more appropriately handled at the state or local level? The state legislature and local elected officials are close to their citizens. We have a solid record of establishing effective programs and processes. In recent years, the federal government has increasingly intruded upon, and in some significant cases, preempted state and local authority. The collective bargaining legislation discussed in this paper is an example of such intrusion.
- **Allow for flexibility** – Clearly one size does not fit all. The Homeland Security section of this paper outlines concerns and offers recommendations for simplifying requirements, particularly for smaller jurisdictions.
- **Maintain and restore the fiscal partnership for infrastructure needs** – The federal-state-local financial partnership has been instrumental in addressing environmental issues and maintaining a sound transportation system. The Water and Wastewater section and the truck weight limit section of this paper outline continuing needs.
- **Fund existing commitments & mandates** – Before establishing new programs, please ensure that current programs and requirements are fully funded. The sections of this paper describing the declining federal support for the CDBG program and the relationship between the impending Medicaid limitations and the incompletely funded Special Education mandate present two examples of this issue.

We appreciate your consideration of the issues outlined in this Paper and look forward to the opportunity to meet with you during the National League of Cities Congressional City conference.

Public Safety Employer-Employee Cooperation Act (S. 2123)

Maine's municipal leaders urge the delegation to oppose the bill that unnecessarily intrudes on State authority to adopt public sector labor relations law.

Congress is currently considering the Public Safety Employer-Employee Cooperation Act. This bill would federalize collective bargaining rights for public safety employees, specifically police officers, firefighters and EMS personnel. This bill would grant to the Federal Labor Relations Authority (FLRA) the power to create and enforce collective bargaining guidelines for all 50 states.

Since its enactment by the Maine Legislature in 1969, Maine has had in place a comprehensive set of laws and administrative guidelines governing collective bargaining and dispute resolution in the public sector. The Municipal Public Employees Labor Relations Law (26 M.R.S.A. §961 et. seq.) is enforced and administered by the Maine Labor Relations Board (MLRB), which is staffed by professional labor relations specialists and attorneys. For almost forty years employees and employers have looked to this agency to guide them through union organizational activities, collective bargaining disputes and grievance resolution.

Enactment of this federal legislation poses three serious problems for Maine public employers. Both employee groups and employers have been effectively utilizing the services of the MLRB. The MLRB has overseen an average of 5-6 elections for representation in public safety units annually since 2002. The majority of elections resulted in the employees selecting union representation. There is no impediment in Maine for employees who wish to be represented from engaging in that process. The MLRB provides quick turn around for meetings with parties in dispute and does so in a manner that strongly encourages the parties to work together to resolve their issues. Many times the parties are able to resolve their issues at this level without the use of outside counsel, which obviously helps keep the costs down for both parties. If they are in need of outside help, they can rely on local attorneys familiar with the MLRB and the processes currently in place. In short, the process in place in Maine works, for both public employees and public employers.

Having to deal with a federal authority to resolve the same kinds of problems can only increase the time and costs required to accomplish what the MLRB does now. Both parties will have to become familiar with an entirely new set of laws, rules and guidelines as they interact with the FLRA.

A second issue will be the potential requirement for employers to defend claims in multiple jurisdictions. Maine public employers know today that if they are unable to resolve a grievance or other dispute at the local level, that they will be in front of the MLRB for resolution. Having a federal authority also overseeing Maine labor relations provides another forum for an aggrieved party to file their complaint, potentially requiring the employer to defend itself twice on the same issue. It is not clear whether the legislation in question will prevent this duplication.

Finally, this legislation represents yet another federal intrusion into an area best left to the people of Maine. There have been numerous attempts, some successful and some not, to change parts of the Maine Public Employees Labor Relations Act. Each time a change has been proposed, the State Legislature has considered the proposed changes and acted as it saw fit. The result is a broad statutory scheme governing public sector labor relations that the people of Maine, through their elected representatives, have selected that reflects their wishes in this area. The establishment of a federal agency to oversee public sector labor relations may certify Maine's existing statutory framework or it may not. If it does not, it will by design be imposing new requirements in the labor relations arena on the state of Maine that may not be compatible with the current wishes of the residents of the State.

It may be understandable that employees in states without our long history of state oversight of the public sector labor relations process desire a federal presence to establish their collective bargaining rights. Maine has no such problem. We have a comprehensive, detailed and successfully functioning labor relations environment and authority. Subjecting both employee groups and public employers to an entirely new level of labor relations oversight will be a new and unnecessary burden.

Community Development Block Grants – CDBG

Maine’s municipal leaders ask the delegation to fight for a funding increase in FY 09 to counter the steady erosion in funding for the Community Development Block Grant program.

Continued cuts over the past decade have seriously undermined the Community Development Block Grant (CDBG) program’s impact. Once again in FY 08, CDBG narrowly escaped drastic cuts in a last minute budget compromise. But major program cuts loom again in 2009 – the President’s proposed FY’09 budget would cut national CDBG funding by \$900 million or nearly 25%.

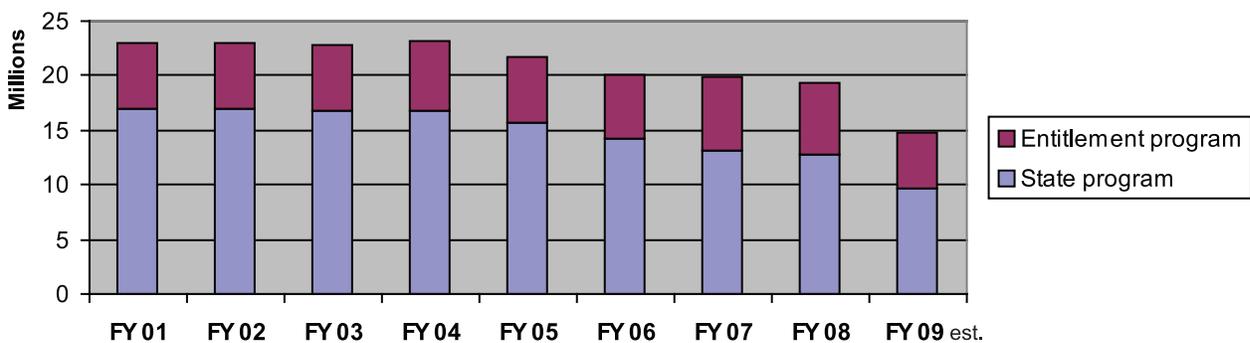
CDBG is vital to Maine municipalities and their citizens. Program funds are targeted to low-to-moderate income citizens and communities. CDBG funds water, sewer and stormwater systems, economic development projects, downtown revitalization, and public buildings. CDBG housing programs directly benefit low/moderate income citizens and help preserve the stock of housing for such groups. Without CDBG funding, most of these projects, if pursued at all, would significantly add to the local tax burden. With ever increasing federal mandates relating to infrastructure, education, security and emergency services, CDBG is an essential development tool, filling funding gaps that otherwise would be the responsibility of local taxpayers.

Just a few examples of the projects funded by the state program in 2007 include a \$300,000 grant to Blue Hill for a disabled elderly adult care facility, a \$300,000 grant toward rehabilitation of Monhegan Island’s pier – a facility essential to island access. Also, in 2007, Bethel received \$80,000 from the state’s Urgent Needs fund when the town’s water supply was damaged and contaminated by flash flooding.

Maine communities receive CDBG funding in one of two ways. The “Entitlement” entities of Portland, Bangor, Lewiston, Auburn, South Portland, Biddeford and (most of) Cumberland County receive funds directly from HUD. (FY 08 - \$ 6,708,886). The remainder of Maine is served by the “Small Cities” program administered by the State Office of Community Development (www.meocd.gov).

Since 2001, funding for Maine’s State program has decreased 25.6% from \$17,062,000 in FY’01 to the current \$12,690,754 in FY’08. The President’s newly proposed FY’09 budget would cut national CDBG funding again by almost 25%. Projecting a similar cut on the state level, Maine’s State program would be reduced to approximately \$ 9.6 million, a more than 40% reduction since FY’ 01.

CDBG Funding Since 2000



Source: U.S. Dept. of Housing & Urban Development (HUD)

This year, as in each recent year, the program has had to fight merely for flat funding, preventing real needs for expanded funding from being addressed. A decade of cuts has seriously undermined the program's effectiveness, particularly in light of rising local tax burdens, increasing municipal service costs and mandates. Although CDBG funds have been shifted among priorities over the years, there has been an overall decrease in the percentage of applications funded.

CDBG Funding Reductions Since 2002

Grant Program	Percent of applications funded					
	2002	2003	2004	2005	2006	2007
Housing	77%	46%	42%	35%	46%	50%
Public Infrastructure	56%	71%	55%	29%	41%	58%
Public Facilities	44%	52%	48%	38%	68%	53%
Public Service	50%	27%	78%	67%	45%	57%
Economic Dev.	94%	67%	86%	60%	58%	36%
Downtown/Façade	100%	60%	50%	58%	64%	50%
Planning	89%	69%	62%	84%	89%	58%

Source: Maine Dept. of Community & Economic Development (DECD)

To date, the 2008 State program has received letters of intent for several of its programs. Given current budget levels, Orman Whitcomb, Director of the State program, predicts the program will fund approximately half of the Public Facility, Public Infrastructure, Community Enterprise and Housing Assistance applications received. As an example, with a budget of \$2.5 million for Public Infrastructure projects, the program will only be able to fund about half of \$5.4 million in requests. Funding decisions have not been made yet, but some of the requests received include: \$500,000 to help Ellsworth address sewer treatment problems identified in a consent decree with the Maine Department of Environmental Protection, and water infrastructure requests from Athens, Danforth and Newport, which all must replace deteriorated water systems that have become contaminated and pose health issues.

Funding cuts translate directly into fewer projects assisting communities with the least resources. Maine's CDBG program has been a truly effective tool for communities and federal financial support for CDBG should be increased in light of the current economic climate.

Homeland Security – NIMS Compliance and Preparedness Funding

Maine's municipal leaders are asking the delegation to work with the Homeland Security Agency to make several improvements in the National Incident Management System.

Since September 30, 2006, municipalities have been required to implement the National Incident Management System (NIMS) in order to receive federal emergency preparedness funding. The NIMS implementation requirements exist to promote interoperability of communications systems and chain-of-command protocols used by various municipal, state and federal emergency responders. This is certainly an important goal. Unfortunately, although a significant portion of Maine's local and regional emergency response providers have received the required training, adoption is by no means universal. The way the NIMS training requirements and system adoption process is currently structured, Maine's municipal leaders are concerned that the NIMS requirement may be perceived by some as a bureaucratic hurdle that will evolve over time into another public safety mandate to be managed over the long term, fueled only with short-term federal funding.

There are three components of the current NIMS adoption process that we believe should be addressed so as not to impede the process of obtaining needed funding and otherwise accomplish the purposes for which NIMS was implemented: (1) direct outreach services from the federal government to the elected local government officers should be available to explain NIMS to ensure objective, complete and accurate program description; (2) NIMS training should be progressive and enriching rather than repetitive and stagnant; and (3) the way by which the homeland security grants are coordinated among public safety agencies both geographically and programmatically should be made more available to the general public.

Maine municipalities have approached the NIMS requirement in one of several ways.

Some have simply failed to implement NIMS, either because they do not know about the requirements or they feel the cost of training and implementation of the system is not matched by equal benefit. When printed off the federal website, the NIMS explanation material and handbooks are several hundred pages long, full of public safety jargon, and can be daunting to say the least. Although the public safety departments and regional public safety agencies in Maine are very quick to support any agreement on paper that opens the door to federal grants, many elected municipal officers are justifiably leery about agreeing to abide by a wide-open set of protocols that could become expensive down the road.

Other municipalities have relied on regional emergency management agencies to obtain the needed training and to receive any grants, and can only hope that those regional agencies do not begin increasing their assessments to the participating municipalities in the future to address ongoing "NIMS" requirements, especially in the areas of training and coordinated telecommunications.

And the remaining municipalities have expended a good deal of time and effort to fulfill the training and implementation requirements so that they will remain directly eligible for federal grants.

Each of these scenarios highlights the need for additional mechanisms to ensure universal implementation and maintenance of interoperable response systems.

Connect NIMS with the elected officials. Until there are efforts to assist with and fund the implementation of NIMS at the local level, there will be municipalities that will not implement the system. By requiring implementation of NIMS only of grant applicants, the government is failing to provide an incentive for all municipalities to participate. Not all municipalities have the need or means to apply for federal grant money, and with those funds becoming ever more scarce, municipalities certainly cannot be assured that implementation

of NIMS will be rewarded. Compliance is particularly burdensome in small towns with volunteer services, limited budgets and insufficient equipment to meet the NIMS requirements. For these municipalities, a more direct gateway to the NIMS program should be developed and the federal government should make available a direct outreach program to assist the elected municipal officers with an objective understanding of the program's benefits and potential financial liabilities.

Enriched training. For those municipalities that are already NIMS-compliant, the focus should be on ensuring that the ever-changing training requirements remain worthwhile. It is a waste of scarce resources to make officials relearn the same material again and again. Some municipal officers have taken the required compliance tests but have never been informed about the results. Materials should be designed to promote continuous development of skills and technologies. At the same time, they should be geared toward developing standards that are practical and attainable for every community. What's good for Boston, Massachusetts is not necessarily good for Presque Isle, Maine.

Grant coordination. The desired end result of NIMS compliance is to create a network of emergency responders that are able to effectively communicate and work with one another to handle a regional, statewide or national emergency. Even if NIMS can be universally implemented, it is highly important to ensure that scarce grant funding is used as efficiently as possible. Often, grants are being channeled to local, county, regional and state entities without any coordination, and with no assurance that the funds are being used to support systems which will truly work together. This is especially evident in a state like Maine, which lacks the type of regional or county administration found in other states. Heightened coordination between grantors and county or regional emergency management agencies will help prevent redundancies and better target the use of funds.

Water and Wastewater Infrastructure

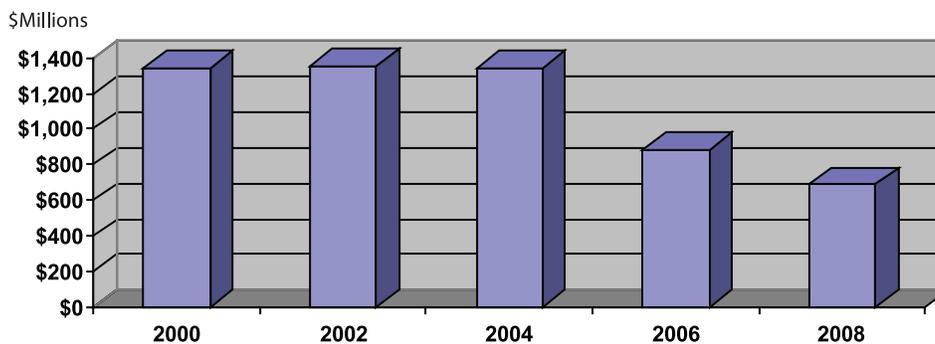
Maine's municipal leaders are requesting that the delegation fight for a reversal of the cuts to Clean Water funding.

The two primary federal funds that support water and wastewater infrastructure in Maine are the Drinking Water State Revolving Fund which is part of the federal Safe Drinking Water Act and the Clean Water State Revolving Loan Fund which is part of the federal Clean Water Act.

Clean Water

Federal support for the Clean Water Revolving Loan Fund has dramatically eroded in recent years. The Clean Water Funds are used for sewer rehabilitation, the remediation of combined sewer overflow systems (CSO), treatment plant upgrades and bio-solid composting facilities.

**Clean Water State Revolving Fund
Federal Appropriations, FY 2000-2008**

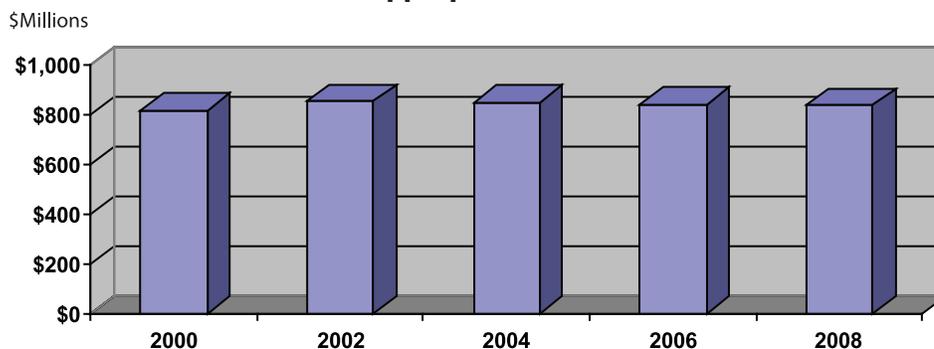


In FY 2000-2004 the federal allotment was held steady at around \$1.35 billion. Since then, it has declined dramatically. In FY 2006, it was cut to just under \$900 million. For FY 2008, the allotment is down to under \$700 million. Maine's share of the federal allotment is less than 1% (0.7829%). Accordingly, the federal assistance to Maine has been reduced from just over \$10 million to just over \$5 million. Maine's assistance has been cut in half.

Drinking Water

The Drinking Water Revolving Loan Fund has been held flat for the past several years. The Loan Funds are used for system upgrades, new infrastructure, storage tanks and watershed protection.

**Drinking Water Revolving Fund
Federal Appropriations, FY 2000-2008**



In FY 2000 the federal funding for this program totaled \$816 million, in FY 2004 it totaled \$845 million and for this fiscal year the total is \$837 million. As a minimum receiver state, Maine's share is 1% of the total federal allotment.

The flat-funding of this program looks relatively good compared to the steep reductions of the Clean Water Revolving Fund appropriations. Yet, even by a modest inflationary growth rate, the fund should be well over \$950 million today. And as most know, the growth in construction costs has exceeded the general inflationary rate.

Maine Needs

Maine's Department of Environmental Protection recently released its water facilities needs. Over the next five years, approximately \$295 million is needed for various water-related capital projects including \$20 million in CSO work in Augusta, \$1.7 million in sewer replacement in Dover-Foxcroft and \$7 million waste water treatment plant improvement in Houlton.

Impact of Federal Actions on Maine

Maine voters, who have consistently approved environmental bonds to support both clean water and drinking water programs, would undoubtedly provide additional support to these programs if more federal matching funds were available.

Low-Income Home Energy Assistance Program (LI-HEAP)

Maine's municipal leaders appreciate very much the delegation's support for the federal fuel assistance program, and support studying some possible administrative changes that could result in improved distribution of benefits.

The federal formulas used to issue Low-Income Home Energy Assistance Program (LI-HEAP) funds are hyper-complicated. Based on the amount of total federal funding available, the distributions to states are based on the "old federal block" formula or on the "new formula". The "old formula" is used when total LI-HEAP appropriations are less than \$1.975 billion. The "new formula" is used when total appropriations are above \$1.975 billion. While the "old" distribution formula relies on factors such as home energy expenditures, low-income population estimates and the number of heating days to distribute funds to states, the "new" formula is based on each state's share of expenditures by low-income households for home energy.

As would be expected, some states benefit under the old formula, while others fare better under the new formula. As one of the "hold harmless" states, Maine is guaranteed that its LI-HEAP allocation will not be less than what it was in FY 1984, provided the funding is available. Even though the "hold harmless" clause for Maine is based on the amount it received nearly 25 years ago, our state continues to fare well under the program on this per capita analysis of funding.

According to the 2006 appropriations, Maine's per capita LI-HEAP allocation was \$21.03, second only to North Dakota. As shown in the table on the next page, the funding formulas used in FY 2006 appear to ensure that the nation's cold weather states receive a larger share of the available revenue. In 2006, the six New England states and New York collectively received \$443 million in LI-HEAP funding, accounting for 21% of total program allocations.

While municipal officials appreciate that the formulas currently used to distribute LI-HEAP funds are benefiting the New England region as well as other cold weather states, they believe that an evaluation of the

program is warranted. At the federal level, the program is plagued by constant threats of under funding and political squabbling.

At the state level, those closely involved with the program have suggestions for making the administration of the program better. For example, municipal General Assistance (GA) administrators often direct applicants to apply for LI-HEAP as a way to supplement the benefits provided locally. Some GA administrators have expressed frustration with the way the program is administered, especially with its “first come, first serve” approach to issuing available funding. Some GA administrators believe the income-related qualifications are too prohibitive. These administrators have ideas on how to improve the distribution of LI-HEAP benefits to Maine’s low income population.

These municipal officials would like to work collaboratively with the delegation and LI-HEAP experts on the federal level to review some elements of the program and make recommendations for change. With the level of expertise our organizations have at both the state and federal levels, many positive changes could occur. MMA is willing to take a lead in organizing an effort to evaluate the program. In addition, the Association is exploring the possibilities of working with other New England state leagues to take a more regional approach to the process. Municipal officials would encourage the delegation to similarly work with Maine’s congressional peers throughout the Northeast to make the evaluation as broad based as possible.

**Top 15 Recipient States
Per Capita Expenditures on FY 2006 LI-HEAP**

	2000 Population	2006 Allocations	Per Capita	% Total Allocation
North Dakota	642,200	\$15,769,687	\$24.56	0.8%
Maine	1,274,923	\$26,815,321	\$21.03	1.3%
Vermont	608,827	\$11,746,617	\$19.29	0.6%
Alaska	626,932	\$10,827,790	\$17.27	0.5%
South Dakota	754,844	\$12,807,748	\$16.97	0.6%
Montana	902,195	\$14,516,847	\$16.09	0.7%
Minnesota	4,919,479	\$78,362,555	\$15.93	3.8%
New York	18,976,457	\$250,974,273	\$13.23	12.1%
Wisconsin	5,363,675	\$70,537,552	\$13.15	3.4%
Massachusetts	6,349,097	\$82,797,407	\$13.04	4.0%
Rhode Island	1,048,319	\$13,628,926	\$13.00	0.7%
New Hampshire	1,235,786	\$15,671,860	\$12.68	0.8%
Iowa	2,926,324	\$36,762,408	\$12.56	1.8%
Connecticut	3,405,565	\$41,391,850	\$12.15	2.0%
Wyoming	493,782	\$5,903,426	\$11.96	0.3%
Total - Top 15	49,528,405	688,514,267	\$13.90	33.3%
Total - New England & New York	32,898,974	443,026,254	\$13.47	21.4%
Total - Nationwide	281,421,906	2,069,393,664	\$7.35	100.0%

Source: U.S. Department of Health and Human Services: Low Income Home Energy Assistance Program

Finally, municipal officials would like to most sincerely thank Maine’s congressional delegation for its efforts to increase this year’s federal funding for LI-HEAP. According to the Maine State Housing Authority, Maine will be receiving approximately \$40 million in LI-HEAP funding for this tough winter season. Those funds will be used to help 47,300 Maine households.

The Medicaid Limitations and Special Education Funding

In light of the sharply negative financial impacts of the new Medicaid limitations as they affect Maine's public schools, Maine's municipal leaders strongly urge Congress to increase funding for the Individuals With Disabilities Education Act.

We do not pretend to understand all the details regarding the sweeping changes to the Medicaid system, and as of this writing the financial impacts are just rough estimates. On the basis of these estimates, we understand that there will be very significant reductions in Medicaid reimbursement to a wide range of service providers, including the state, medical professionals, non-governmental organizations and public school systems. According to impact estimates prepared by the Maine Department of Education, the annual reduction in Medicaid reimbursement to Maine's public school systems for the services provided to MaineCare eligible students will approach \$27 million.

The public policy behind the Medicaid cuts are for others to debate. What their impact on Maine's public school systems trigger in the municipal consciousness, however, is the chronic underfunding of the federal special education mandate.

When we last crunched the numbers in 2006, there was an \$80 million gap between the actual federal appropriation for Maine the Individuals With Disabilities Education Act (IDEA) and the appropriation that would be required under the so-called "40%" rule that Congress promised when the special education law was enacted. Special education affects all municipal budgets to a significant degree and hits some local budgets with a special intensity in an unpredictable way.

The Medicaid program provided a limited capacity to bridge part of that gap and protect the property taxpayers in Maine from so large an exposure to the unfunded federal mandate. If the Medicaid program was not the right way to provide funding for these special needs, so be it.

But it is just plain wrong to on the one hand close out the Medicaid approach to special education needs and on the other hand do nothing with regard to the underlying unfunded federal obligation.

Truck Weight Limits

Municipal leaders are asking the delegation to consider the commission of a transportation fuel conservation analysis to build additional justification for harmonizing the truck limit weights on I-95 and I-295 to the interstate weight limit that applies throughout the Northeast.

We're caught in a pickle over truck weight limits.

Logs, pulp, paper, and commodities of all kinds are moving through this state and throughout the nation in trucks that weigh up to 100,000 lbs. when loaded. That is a fact of commercial necessity and economic reality and it is not going to change.

But the allowable gross vehicle weight on the federal interstate system in Maine is fixed at the 80,000 lb. limit established 35 years ago. That limit is essentially the same as the original federal weight limit established 60 years ago.

And we are told that the politics are such that the 80,000 lb. limit is not going to change, either.

In order to sensibly pair-up the actual freight transportation system with the appropriate road infrastructure, a rationally-designed management system would allow the largest and heaviest vehicles to use the roads that were designed and built for them.

In this state, that would mean the very same trucks that are allowed to move on the federal interstate highway systems in all the states and provinces that border Maine would be allowed to move throughout I-95 and I-295 in Maine. Instead, they have to jump off in Freeport or Augusta to wend their way – less safely and less efficiently – through the downtowns and neighborhoods on the blue roads, the minor collectors, and the local roads.

For the last decade the state's municipal leaders, state transportation officials and representatives of the trucking industry have been imploring Congress to fix what on the ground here in Maine seems like a mistake, an obvious error, an aberration of logic.

The map at the end of this article speaks for itself. The wide breath of this state that could be served more safely and efficiently if it were not for the federal limit is a matter of great frustration. That frustration is felt throughout the full expanse of Maine north of Augusta, and it is also felt throughout the populated midcoast area that should so obviously be served by I-295 instead of scenic Route 1. When looking at the wider region on this map, it seems as though Maine has been singled out for the purpose of preventing the implementation of a coherent interstate transportation system.

Without understanding exactly why, we know the politics are lined up against opening up the federal interstate in Maine to the modern roadway weight limits that apply almost everywhere else. But maybe the energy crisis can reframe the debate.

The truckers in Maine were nearly shut down this winter when the cost of diesel fuel approached \$4.00 per gallon. Any number of strategies were considered to keep them on the road. The fuel inefficiency associated with the truck routing necessitated by the federal weight limit was cited as a contributing factor to the problem.

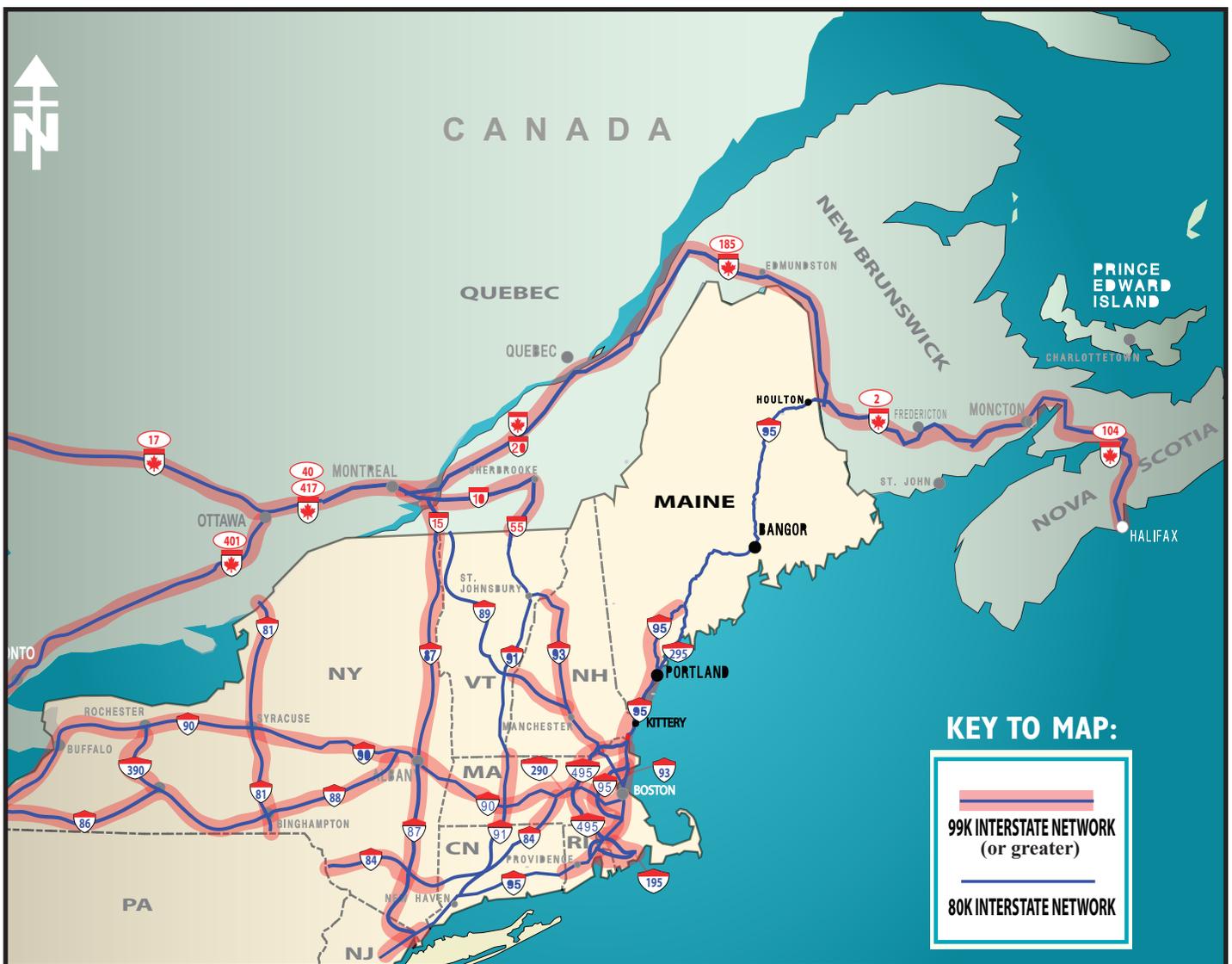
We know that connecting the interstate limit with that of our neighboring states would improve road

safety. The opponents argue otherwise, but their arguments are based on the non-viable premise of turning time back and actually prohibiting all trucks throughout Maine that weigh over 80,000 lbs.

We know that increasing the interstate weight limit would improve the general efficiency of freight transport in Maine. The trucking industry has been making that case for many years.

Perhaps a commissioned study that quantifies the fuel efficiency benefits of harmonizing Maine's interstate weight limit with the limit that generally applies throughout the Northeast could overcome the politics that has thus far prevented that from happening.

Maximum Gross Weight Limits Interstate/Trans-Canada Highways 2008



Flood Plain Mapping

Municipal leaders request that the delegation hold DHS/FEMA accountable to meet the agreed-upon timetable to update and modernize floodplain maps in Maine.

What follows is a proposed resolution to be considered by the Maine Legislature asking the federal government to honor its commitments with respect to floodplain mapping. The impact of inaccurate federal maps is having a disproportionately negative impact on Maine's citizens and businesses relative to other states. While we are aware that resolutions of this kind are often more politically charged than substantively realistic, this resolution appears to be an exception. Maine's municipal leaders urge the delegation to make sure the necessary steps are taken to implement an accurate revision of the out-of-date floodplain maps according to a timeline previously negotiated between FEMA and the State.

RESOLVE: Requesting that the Federal Department of Homeland Security, Federal Emergency Management Agency, carry out the Modernization of Maine's Flood Hazard Maps as Originally Scheduled

WHEREAS, the State of Maine is actively involved with the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) in administering the National Flood Insurance Program (NFIP); and

WHEREAS, the NFIP is a Quid Pro Quo Program in which the federal government underwrites flood insurance and provides communities with flood hazard identification in the form of Flood Insurance Rate Maps, in exchange for the communities regulating development in Special Flood Hazard Areas, which are areas with a 1% annual chance of flooding; and

WHEREAS, approximately 93% of Maine's communities participate in the NFIP; and

WHEREAS, there are 5,779 lakes and ponds, approximately 5,000,000 acres of wetlands, approximately 5,300 miles of coastline and 91,000 miles of streams and river shoreline in Maine; and

WHEREAS, there are more than 2,772 square miles of floodplain in Maine, a greater land area than the State of Rhode Island; and

WHEREAS, there are approximately 33,000 civic, business, and residential structures in Maine at risk of flooding, and

WHEREAS, there are more than 8,200 flood insurance policies in effect in Maine with more than 1.5 billion dollars in coverage; and

WHEREAS, there have been 4,079 claims paid by the NFIP in Maine since 1978, totaling \$___ million in paid claims; and

WHEREAS, the number and intensity of flooding events both riverine and coastal are increasing, and

WHEREAS, the State of Maine is famous for its beautiful and rugged coastline and picturesque water bodies which continue to experience significant growth pressures, and

WHEREAS, there are over 2,700 Flood Insurance Rate Map Parcels in effect in the State of Maine, with an average age of over 20 years; and

WHEREAS, many properties are erroneously included in Special Flood Hazard Areas due to age and inherent mapping inaccuracies, including inadequate scales and inaccurate flood level delineation; and

WHEREAS, due to the inherent inaccuracy of Maine's Flood Maps, Maine leads the nation in the per capita number of requests to FEMA for map corrections; and

WHEREAS, the expense of addressing these inadequacies has fallen upon the citizens and business of the State, and

WHEREAS, the State of Maine eagerly sought to participate in the NFIP's Map Modernization Management Support Program, prepared a business plan that was accepted by FEMA to identify the state's mapping needs priorities, and consistently updated that business plan; and

WHEREAS, the timeline accepted by FEMA to update Maine's Flood Insurance Rate Maps was to have all floodplain maps in the revision process by 2009; and

WHEREAS, despite initial Federal commitments and mid-course modifications which, because of funding shortfalls, will only serve to provide less floodplain area in Maine with floodplain maps having a reasonable accuracy necessary for conducting community planning and floodplain management activities. FEMA has been unable to maintain the proposed map modernization process for Maine, leaving the actual timing for more accurate maps to be completed well beyond 2009. Unless changes are made that ensure increased and adequate federal support needed to complete the work FEMA set out to accomplish in Maine, well over half of Maine's communities will have floodplain maps with no better accuracy in 2010 than they had 30 years ago in 1980.

NOW THEREFORE BE IT RESOLVED THAT Maine hereby requests that DHS/FEMA take the steps necessary to ensure that the Flood Hazard Rate Maps for Maine are revised in accordance with the original 2009 schedule, as outlined in the State's business plan that was accepted by DHS/FEMA in 2004.





Maine Municipal Association

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