



LEGISLATIVE BULLETIN

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Bright New Year? Hold my...

If the official opening week of the second regular session of the 131st Maine State Legislature is a political weathervane indicating future policy winds, it may be safe to say the advocacy team's holiday wishes expressed in last week's digital Legislative Bulletin are unlikely to be fulfilled.

While solemn sentiments of loss and gratitude for all that our communities have endured in the months since the official adjournment of the legislature last July filled both chambers in a shared and bipartisan way, disrespectful shouts from the "peanut gallery" interrupted somber reflective moments. Just as public hearings and work sessions in committees began, the mood was further punctuated by the reckless stupidity of cybercriminals forcing the evacuation of the State House with a hoax bomb threat.

The evacuation significantly backed up the work of all committees which are directed to dispose of carried over legislation by the end of January. All bills scheduled to be evaluated Wednesday will now be added to the already packed meetings scheduled to take place over the next two weeks. The looming self-imposed deadline all but assures that discussions and deliberations on complex public policy will be rushed, resulting in bill language that falls short of the intended goals despite the efforts of a caring sponsor or diligent committee.

Somewhat ironically, at the time legislators, lobbyists and other interested parties were being ushered out of the State House, one such renewed work session was underway in the Criminal Justice and Public Safety (CJPS) Committee on LD 1742, *An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support*. The bill, sponsored by Rep. Lori Gramlich of Old Orchard Beach, maximized on the appreciation for first responders expressed earlier in the day in both the House and Senate chambers, as the committee was holding a second work session on a bill similar to one that was introduced in 2021.

At that time, the sponsor introduced LD 1504, *An Act To Enhance Use of Critical Incident Stress Management Teams for Firefighters*, which directed the Commissioner of the Department of Public Safety to provide critical incident stress management (CISM) team services to every firefighter in the state and require every fire department, including volunteer agencies, to have one member trained in critical incident stress management as well

as to provide ongoing behavioral health care related to any post-traumatic stress injury resulting from a critical incident experienced by a firefighter. The committee amended the bill to expand the provision of the CISM services from just fire departments to all public safety, added staff to the department for this purpose, and broadened the bill's scope to require contracting for the provision of services where appropriate. The bill died due to a lack of funding.

Yet another version of the legislation was passed in 2019 which was not only more inclusive of impacted public safety personnel and mirrored existing practice, but did so without placing a disproportionate burden on municipalities with few

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Tax Committee to Hit the Ground Running

Over the next week, the Committee on Taxation will hold hearings and work sessions on several bills of municipal interest.

Public Hearings. Tuesday, January 9, features public hearings for LD 2005, *An Act to Eliminate the Aircraft Excise Tax*, sponsored by Rep. Ann Fredericks of Sanford and LD 2006, *An Act to Amend the Laws Regarding Adjustments for Sudden and Severe Disruption of Municipal Valuation*, sponsored by Sen. Lisa Keim of Oxford County.

Since any infringement on the ability to collect local excise taxes potentially results in an increased property tax burden, MMA's Legislative Policy Committee (LPC) voted to oppose LD 2005. Not only will MMA offer testimony in opposition to the bill, but the Association will also provide suggestions for how to improve the aircraft excise tax collection process and increase much needed local revenues. In contrast, the LPC voted unanimously in favor of LD 2006, hoping that the bill's amendments impacting revenue sharing, specifically regarding a sudden and severe disruption in valuation, will ensure a consistent and equitable method for communities to manage significant tax base changes without sacrificing much needed state revenue sharing funds.

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firefighters or volunteer services. Most post critical incident stress processes are inclusionary in nature and encourage joint police, fire, and other emergency response involvement in debriefings, and many public safety agencies with capacity and staff willingness have more than one CISM trained employee. More importantly, several peer support teams have been developed around the state to address the different disclosure needs for supervisory positions in the debriefing process.

Unfortunately, the version of the bill currently in play doesn't address what has been lacking for many agencies without local capacity; the ability to build stress resiliency via access to knowledgeable and culturally competent providers that have the expertise necessary to lessen the impacts of repeated trauma exposure before post-traumatic stress disorder is established. Additionally, while cultural change is happening, the stigma of ongoing counseling continues to exist, especially when provided by the employer or used as an employee selection tool. Unless there is a statutorily significant reason for disclosure, protecting employee confidentiality is paramount.

LD 1742 neither contains such protections nor does the bill make a provider's cultural competency for the treatment of a particular first responder a requirement.

Just before the work session abruptly ended, the committee was informed that the sponsor did not have the amended language necessary to correct the issues identified during the bill's May 2, 2023 hearing. Key among those concerns is the provision in LD 1742 seeking to shift responsibility for the coordination and provision of CISM services from the Department of Public Safety to the Maine Emergency Management Agency which does not have a role in the current program, statutory authority for such programs, or topic expertise.

The sponsor advised the committee that she will address all concerns raised with final language when the committee meets again to finish its work on Monday, January 8.

The bill will be worked alongside other carryover concept draft bills such as LD 913, *An Act to Support First Responders*, sponsored by Rep. Maureen Terry of Gorham and LD 630, *An Act to Ensure Rural Law Enforcement Services in Maine*, sponsored by Rep. Anne Graham of North Yarmouth. The summary of LD 913 provides that the bill's intent is to enact measures to support first responders. Although LD 630 was originally intended to address rural patrol needs through an engagement process between county and state agencies, it will now require the Maine State Police to pay for deputy sheriffs in rural areas, further reducing the ability for the state agency to provide the statutorily obligated and highly technical services to all municipalities and public safety agencies.

Any municipal official not otherwise engaged in the thousands of new tasks assigned to municipal government that went into effect October 25 may want to watch the proceedings via the CJPS committee website beginning at 10:00 a.m. with popcorn and a beverage of choice. Afterall, it's high noon somewhere.

Work Sessions. On Thursday, January 11, the committee will hold work sessions for several carryover bills, including LD 1153, *An Act to Allow Municipalities to Tax Personal Solar Energy Equipment Under 5 Megawatts*, sponsored by Rep. David Woodsome of Waterboro and LD 1345, *An Act to Permit Municipalities to Establish by Ordinance a Program for Partial Deferral of Property Taxes for Seniors*, sponsored by Rep. Stephen Moriarty of Cumberland, both of which the LPC voted to support.

As written, LD 1153 would remove the existing property tax exemption on solar equipment from large scale energy developments. In addition to supporting the bill, MMA testimony encouraged the committee to retain the existing exemption provided to smaller scale solar equipment, specifically that attached to residential property. Municipal officials appreciate the recognition of home rule authority in LD 1345 and the allowance that each community utilizes different strategies to address the varied needs of their senior taxpayers. The use of the term "may," instead of "shall," is a welcome change of pace.

Taking a position of "neither for nor against" affords the advocacy team a place at the discussion table and was the position of the LPC on LD 191, *An Act to Amend the Laws Regarding Certain Business Equipment Tax Benefits*, sponsored by Sen. Trey Stewart of Aroostook County; LD 1538, *An Act to Provide Tax Benefits to Persons Constructing Accessory Dwelling Units*, sponsored by Sen. Stacy Brenner of Cumberland County; and LD 1737, *An Act to Provide up to \$5,000 in Property Tax Relief to Veterans*, sponsored by Rep. Benjamin Hymes of Waldo. As with many bills, these three have potential unintended consequences and significant impacts on municipalities that the sponsors or committee may not have considered.

In the coming weeks the committee will consider additional bills with municipal tax implications, including local option sales taxes or fees, changes to current use programs like Tree Growth and Open Space, and several bills presented by the Department of Administrative and Financial Services seeking to make needed, technical changes to Maine's tax laws.

Upcoming changes are all but guaranteed. Whether they're needed is a taxing thought indeed.

Only 103 Days Left!

Although the Legislature reconvened on January 3, final adjournment is clearly on the minds of legislative leaders as the "projected" April 17 adjournment date is over three months away.

To achieve this ambitious goal, committees were informed that decisions on bills carried over from the 2023 session must be made no later than January 30; 60% of authorized second session bills must be reported of out committees by February 9; and 100% of all committee work completed by March 8. To further highlight the expectation of expeditiousness, February vacation has been cancelled.

HEARING SCHEDULE

For the week of January 8, 2024

Note: What follows is a schedule of public hearings which were known to us at the time of this publication. To sign up for direct committee notifications of meetings, hearings and work sessions, you can choose which committees you would like to hear from at this link: <https://lists.legislature.maine.gov/sympa>. Also, you should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can also be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

TUESDAY, JANUARY 9

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

LD 2016 – *An Act to Implement Recommendations of the Distributed Generation Stakeholder Group*

Health & Human Services
Room 209, Cross Building, 1:00 p.m.
Tel: 287-1317

LD 2036 – *An Act to Remove the Exemption for Certain Roadside Springs from Regulation as Public Water Systems in the Laws Regarding Water for Human*

LD 2050 – *An Act to Expand Accreditation Options for Laboratories That Conduct Blood-alcohol or Drug Testing*

Innovation, Development, Economic Advancement & Business
Room 202, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 1981 – *An Act to Extend and Expand the Loring Job Increment Financing Fund*

Joint Select Committee on Housing
Room 216, Cross Building, 1:00 p.m.
Tel: 287-4149

LD 602 – *An Act to Provide Regional Support to Deliver State and Federal*

Programs to Cities and Towns in the State

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

LD 1027 – *An Act to Prohibit Local Sales Taxes*

LD 2005 – *An Act to Eliminate the Aircraft Excise Tax*

LD 2006 – *An Act to Amend the Laws Regarding Adjustments for Sudden and Severe Disruption of Municipal Valuation*

WEDNESDAY, JANUARY 10

Environment & Natural Resources
Room 216, Cross Building, 9:00 a.m.
Tel: 287-4149

LD 2030 – *An Act to Exempt Certain Emergency Activities and Structure Elevation Increases in Flood Zones from Permit Requirements Under the Natural Resources Protection Act*

LD 2058 – *An Act Regarding Compliance with Environmental Permit and License Application Requirements*

LD 2059 – *An Act Regarding Processing of Applications Under the Natural Resources Protection Act to Ensure Consistency with Shoreland Zoning Laws*

THURSDAY, JANUARY 11

Education & Cultural Affairs
Room 208, Cross Building, 1:00 p.m.
Tel: 287-3125

LD 808 – *An Act to Amend Laws Affecting Tuition at State-approved Schools*

Health Coverage, Insurance & Financial Services
Room 220, Cross Building, 1:00 p.m.
Tel: 287-1314

LD 2073 – *An Act to Amend the Application of the Law Requiring Motor Vehicle Liability Insurance Policies to Cover Towing and Storage Charges for Certain Vehicles*

Marine Resources
Room 206, Cross Building, 1:00 p.m.
Tel: 287-1337

LD 2003 – *An Act to Protect Maine's Intertidal Zone*



POTHOLES & POLITICS

"Potholes & Politics: Local Maine Issues from A to Z" is a podcast about municipalities in Maine and the people and policies that bring local government to your doorstep. Check out our episodes:

MMA: <https://www.memun.org/Media-Publications/MMA-Podcast>

Spotify: <https://open.spotify.com/show/1LR5eRGG1gS2gu5NRoCUS1>

Apple Podcasts: <https://podcasts.apple.com/us/podcast/potholes-politics-local-maine-issues-from-a-to-z/id1634403397>

SUBMITTING TESTIMONY AFTER THE PUBLIC HEARING

(particularly for carryover bills)

As many of you have likely noticed, legislative committees are currently working through several concept drafts bills that have already had public hearings but were carried over into the Second Regular Session to allow more time for bill sponsors to develop the language necessary to advance the initiative. Even after a public hearing, members of the public can submit written testimony and comments on proposed language to a concept draft. This can be done online at <https://www.mainelegislature.org/testimony/>. When you get to the webpage, select "public hearing," then select the committee, for example,

"Criminal Justice and Public Safety." From here, you will need to find the date of the original public hearing for the bill you wish to comment on (not the new work session date). Once you find the date, click on it and you will see a list of bills that had public hearings on that day, and you can select the bill from that list. The committee clerks, as well as MMA staff, do our best to get written materials into the hands of committee members prior to work sessions. And of course, when a work session allows for public comment members of the public may also show up in person to speak or request a zoom link from the committee clerk.

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Legislative Bulletin

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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.

Environment & Natural Resources

LD 2030 – *An Act to Exempt Certain Emergency Activities and Structure Elevation Increases in Flood Zones from Permit Requirements Under the Natural Resources Protection Act* (Sponsored by Sen. Lyford of Penobscot Cty.)

This bill exempts certain activities from permit requirements under the Natural Resources Protection Act. The activities exempted are emergency activities to alleviate flood events, elevating or replacing existing building foundations in areas of special flood hazard and one-time increases in the height of existing piers over coastal wetlands.

LD 2059 – *An Act Regarding Processing of Applications Under the Natural Resources Protection Act to Ensure Consistency with Shoreland Zoning Laws* (Sponsored by Rep. Fay of Raymond)

This bill authorizes the Commissioner of Environmental Protection to return as incomplete an application for a permit under the Natural Resources Protection Act if the commissioner finds that there is a reasonable likelihood that the proposed activity would be inconsistent

with the minimum guidelines for municipal zoning and land use controls adopted by the Board of Environmental Protection under the laws governing shoreland zoning.

Joint Select Committee on Housing

LD 602 – *An Act to Provide Regional Support to Deliver State and Federal Programs to Cities and Towns in the State* (Sponsored by Rep. Gere of Kennebunkport)

This concept draft bill would clarify and enhance the relationship between state agencies and regional planning commissions by providing: (1) direct resources to regional planning commissions for the development of municipal ordinances and the examination of regional suitability for new housing developments; (2) technical assistance through the existing regional planning commission structure to provide cities and towns access to federal and state programs for housing, land use and economic development; and (3) improved mapping and geographic information system support to accomplish state and regional goals.

Taxation

LD 1027 – *An Act to Prohibit Local Sales Taxes* (Sponsored by Rep. Perkins of Dover-Foxcroft)

This bill prohibits a municipality from imposing a local sales tax.