



LEGISLATIVE BULLETIN

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Lyrically Based Policy Updates from Under the Dome

Now we got problems, and I don't think we can solve 'em...¹

The best stories are told with humor, not just for the benefit of the reader who must swallow unpalatable news, but also for the small amount of therapy it offers the author. While screaming and crying are viable alternatives, and at times necessary, they are hard to convey in a newsletter.

To that end, this article will use song lyrics municipal government advocates hear routinely in their heads as they float between committees, read proposed statutory language, listen to public hearings, and respond to anyone foolish enough to ask, "how was your day?"

Think of this as a music quiz without the melody or the beat. Clues might be supported by the bill theme and outcomes to aid in the "name that tune" process. Words may be changed to deliver the intent.

If you can't guess the title and artist, the answers to the songs and artists featured are available on page 5. For the reader who is exceptionally motivated, you can obtain the special "easter egg" of access to our master "Advocacy Chronicles in Sound" Spotify playlist by emailing staff with the magic password. We hope this helps bring levity to us all.

Municipal vs. State Transparency

Old fashioned (old fashioned) superstitions, I find too hard to break, Oh, maybe you're out of place, What's good enough (good enough) for you, Ain't good enough (good enough) for me...²

If municipal legislative processes operated the way state legislative processes do currently, you could bet your town would be receiving a letter from the Attorney General regarding the freedom of access law. As the session is about to wrap up, legislators are submitting 10–66-page amendments (not a typo) hours before a public hearing or work session and frequently just prior to a committee vote on the language. The amendments are no longer available on the committee materials page and because of the pace of votes and changes, not updated in the bill status page even when the vote has been recorded. In a perfect storm of newly minted analysts, overworked revisors and aggressive policy shifts, the substantive effect of statutory language is barely a consideration.

Perhaps more egregious is how legislators have normalized closed door decision making. As elected municipal officials are aware, and the Attorney General's Office has conveyed in writing, Maine law requires that deliberations and decisions impacting the public must be held in public and during a noticed meeting because the public deserves to know exactly how a legislative body arrives at its decision.

Contrary to that norm, several committees have adopted a posture of advising the public which bills they intend to vote on following a caucus where they will make decisions and return "on mic" to state their vote. While the caucuses may be partisan in construction, they frequently intermingle and are not transparent to the public regarding how the elected officials have arrived at their decision.

(continued on page 2)

Red Rover, Red Rover, Send Cannabis Right Over

The level of anticipation in the Veterans and Legal Affairs Committee Monday morning was akin to that moment an opponent runs towards your line in an attempt to break through the link in the playground game of Red Rover. As the committee prepared for the public hearing on LD 40, *An Act to Amend the Cannabis Laws*, sponsored by Sen. Craig Hickman of Kennebec County, the room was buzzing while droves of players appeared to offer testimony on the amended bill.

The fact that the 66-page amendment to the bill, which began as a concept draft in 2023 and was released to interested parties less than a week before the public hearing, was aptly pointed out by a committee member. Yet according to the sponsor, six days is plenty of time to do a comprehensive review of a 66-page document, when it includes a weekend.

Never mind your daughter's wedding that's been planned for months, you now have other plans for the weekend.

Once the committee was called to order, Sen. Hickman deferred to Alex McMahan, co-founder and CEO of The Healing Community MEDCo, who assisted in drafting the bill, to explain the changes contained in the amendment. The next

(continued on page 6)

Influence & Effect

You should see me in a crown. I'm gonna run this nothing town. Watch me make 'em bow; One by One by one....³

LD 772, *An Act to Establish a Process to Vest Rights for Land Use Permit Applicants*, sponsored by Sen. Matthew Pouliot of Kennebec County had a final work session Tuesday. Despite receiving MMA provided language that offered a sensible path to balancing the rights and agency of all parties to development, the language was rejected by the sponsor.

MMA's language balanced the democratic governance structures built by previous legislatures to ensure those without agency had a voice against non-residential interests with legal expense lines built into their business model as an allowable tax deduction. The Housing Committee reverted to discussing language provided by those vested interests, shortly after announcing they had received an award from the group and should gather for a picture before going to caucus on their votes.

As amended, the bill allows a developer proposing to develop housing to simply submit they have legal title or authority to develop a piece of property, and "notwithstands" municipal legislative authority to require anything further to determine an application "complete" to stop the clock on the application of future ordinance changes. Instead of a signed application, including the checklist of materials required by the site plan, there will be no need to submit a surveyed development plan, proof of adherence to current permit law for state or federal requirements, septic plan, or proof of adequate wastewater or drinking water all of which are required to consider an application complete and ready for a typical substantive review. Upon returning from their closed-door discussions, the committee voted unanimously to allow a developer to submit a copy of their deed

with a napkin drawn plan attached to prevent a municipality from applying any ordinance in process from affecting their interests.

A cynical person might suspect that special interests have adopted the "shiny favors" approach to influence public policy in the most independent and pragmatic of states. Surely, they would be wrong. Right?

Worse still, there is no time limit to the period of vested interest that the meaningless application offers. While the amended version of LD 772 will include language that the retroactivity restriction only applies to housing, the language presented to the committee "notwithstands" the legislative authority of a municipality to apply an application abandonment clause and preempts the rights of the voters who circulate an initiative for a new ordinance not yet in effect to apply to the applicant, in perpetuity too. The sponsor made it clear that he and other members of the committee desired the version to enact the same provision for all land use applications but reluctantly conceded.

While municipal comprehensive plans may have new supports with the passage of Part DD of Governor Mills' supplemental general fund budget (LD 2214), codifying the recommendations born from LD 1934, *Resolve, to Improve the Coordination and Delivery of Planning Grants and Technical Assistance to Communities in Maine*, sponsored by Rep. Melanie Sachs of Freeport, the enactment of LD 772 may leave municipalities tempted to emulate the state's proclivity for closed-door discussions. It is only a matter of time before the municipal exploration of affordability provisions for large scale development ordinances triggers a flurry of deeded napkin applications.

As the measure was unanimously voted out of committee, the bill will go under the hammer on the consent agenda in the Senate first, with the House to follow unless someone else pays attention.

Subject Matter Experts vs. Special Interest

Clowns to the left of me, Jokers to the right, Here I am stuck in the middle with you...⁴

Government advocates are all experiencing a legislative atmosphere that sees government subject matter experts as some form of special interest and the very obvious special interests as subject matter experts, despite never serving or working at any level of government or having even a basic understanding of the operational rules they seek to change. In some cases, we've learned that the new "experts" were not even aware of department rules behind statute before they tried to amend it. But the special interests bring shiny objects and pay for lunch.

At least government advocates at all levels are, in honest, inadequately staffed, and poorly funded good company. Sometimes *we are thrown a bone⁵*.

(continued on page 4)

LEGISLATIVE BULLETIN

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HEARING SCHEDULE

For the week of March 11, 2024

Note: As of now, the legislative presiding officers have waived the requirement that bills be advertised for public hearing two weeks in advance; therefore, you should check your newspapers for Legal Notices as there may be changes in the hearing schedule. It is not uncommon at this time of the session to have a bill printed one day and a public hearing within a couple of days. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

TUESDAY, MARCH 12

State & Local Government

Room 214, Cross Building, 1:00 p.m.

Tel: 287-1330

LD 2241 – An Act to Eliminate Inactive Boards and Commissions

Taxation

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

Tel: 287-1552

LD 803 – An Act Regarding Taxation

LD 2251 – An Act to Amend the Mining Excise Tax Laws

SUBMITTING TESTIMONY AFTER THE PUBLIC HEARING

(particularly for carryover and supplemental budget bills)

As many of you have likely noticed, legislative committees are currently working through several concept draft 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.

A Promise Kept...

Less than one month after its public hearing, work session and unanticipated exemption from the appropriations table by the Appropriations and Financial Affairs Committee, LD 646, *An Act to Fully Reimburse Municipalities for Lost Revenue Under the Property Tax Stabilization Act for Senior Citizens Program*, sponsored by Rep. Melanie Sachs of Freeport, was signed into law by Governor Mills on March 6.

As an emergency measure this law went into effect immediately upon the governor's signature, which means the ball is rolling to get the missing reimbursement funding into town and city coffers. In addition to the \$15 million appropriation necessary to fully reimburse municipalities, the bill also appropriates \$50,000 to cover the local administrative costs associated with the stabilization program. While specifics about how the additional funds will be allocated to municipalities or when revenues will be disbursed are not currently available, recognition of the monumental local effort spent to administer this program is welcomed.

Thanks to all the municipal officials who contacted their legislators about this program, repeal, and reimbursements. Your hometown advocacy does not go unnoticed.



**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:

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

Law Enforcement

*I woke up in a SoPo doorway, A policeman knew my name, She said, "You can go sleep at home tonight, If you can get up and walk away"...*⁶

On Tuesday, Wednesday, and Thursday, straw polls were held in the Criminal Justice and Public Safety and Transportation Committees following reviews of the supplemental budget recommendations found in LD 2214, and one public hearing held in the Transportation Committee took testimony regarding the highway budget proposed under LD 2229. Both LD 2229 and LD 2214 included a 32-position increase, the first in 30 plus years, for the Maine State Police to better enable them not only to beef up rural patrol commitments but also to move away from an overtime trend that is burning out their staff.

While multiple provisions this session have attempted to address shortfalls in the shared system of policing statewide, none have manifested in a more concrete way than the Governor's biennial request to increase the ranks to the agency in the face of an explosion in population and rural pressures.

Opposition to the increased headcount came from special interest agents who see the police as only enforcers against the mentally ill and in service of incarceration. I'm sure the election clerks already receiving threats in rural communities without local police in an expansive county will appreciate that view in November. Starve those with no coverage and save those with it? If only that were the case, how simple public safety would be.

Even in organized communities, the services of the state police are necessary and relied upon. From specialized evidence collection teams to large event planning with specialized communication and crowd management expertise, each deliver and support municipal operations in ways that cannot be scaled up on their own. Throughout all law enforcement agencies, the overtime needs are taking their toll on employees and communities alike. Every Jenga piece pulled from the state system undermines another need and creates a vacuum that can only be filled at greater local expense. *How long must we sing this song?*⁷

Tuesday, the Transportation Committee supported the modest head count budget appropriation under LD 2214 and Thursday under LD 2229, which is less than what the agency needs to expand its current rural patrol agreements with counties, but is still a major improvement. Wednesday, the Criminal Justice and Public Safety Committee took a symbolic vote largely in support, with two in opposition. Still, this is a step in the right direction that will hopefully mean fewer delays in specialized response for all agencies in the future. While all agencies are merely "rearranging the deck chairs on the Titanic," until a concerted effort to improve the future climate facing public safety draws wider attention, the time is now, not in the face of yet another significant emergency to understand the impact of under resourcing public safety.

Emergency Response

*Ooh, a storm is threatening my very life today, If I don't get some shelter, Ooh yeah, I'm gonna fade away.*⁸

On Wednesday, the Appropriations and Financial Affairs Committee (AFA) held a public hearing on LD 2225, *An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events*, the Governor's bill to transfer \$50 million from the Budget Stabilization Fund to the Department of Transportation to fund significant infrastructure adaptation, repair, and improvements to mitigate climate impacts and hopefully leverage more federal funding for the effort. The projects eligible for funding could be regional, state, or municipal or in support of public safety including stormwater infrastructure, working waterfront needs, culverts, and water system upgrades.

While the appropriation may seem large, as many communities have experienced, a single culvert and installation can cost over \$2 million. The funds will be able to support the local portion of federal grant requirements that may otherwise not be possible to be funded by the community.

An additional boost is built into Part Q of the supplemental budget under LD 2214 for the Disaster Recovery Fund which is proposed to increase from \$3 million to \$15 million.

County Jails

*And I'm here to remind you; Of the mess you left when you went away. It's not fair to deny me; Of the cross I bear that you gave to me. You, you, you oughta know...*⁹

In 2022, the 130th legislature passed LD 1654, *An Act To Stabilize State Funding for County Corrections*. Not only did the law create the County Corrections Professional Standards Council, but also clearly identified in the bill's preamble that "...current laws regarding county jail funding standards and tax assessments for correctional services do not address the needs of the counties for stable and predictable funding with which to operate the county jails in a professional and fiscally responsible manner..." As a result, the law provides a path for advising the Commissioner of the Department of Corrections and the administration of the needs for jails statewide, and the adequate appropriation to be placed into the state's contribution for the task. At the same time, the state mandated that all facilities provide medically assisted treatment (MAT) to all identified residents, and licensed mental health services under a contract with the facility.

At that time, the cost of running a county jail was shared in a rather inequitable 80/20 split with the state ordering the lobster and leaving the property tax assessment to pick up 80% of the tab. For the past two years, the bill split percentage has tipped toward local coffers, while the expenses have grown for the mandate. Twice now the established county corrections council has submitted funding requests to the department using data to support an inflationary increase less than what was experienced by

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The Right to Know...or Not

In 2023, the Right to Know Advisory Committee established a subcommittee to review the public records exceptions found in Titles 22 and 22-A that resulted in the presentation of LD 2215, *An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions*, reported by Rep. Matt Moonen of Portland on behalf of the Joint Standing Committee on Judiciary.

A public hearing was held on February 27 with support coming from the Office of the Attorney General (AG), specifically to the section of the bill clarifying that a record relating to a medical examiner case is confidential and that the location or person in custody of the record does not affect the confidentiality of the record. The AG explained that there have been instances

Lyrically Based Policy Updates cont'd

the state correctional budget to no avail. The request submitted this year was for \$7.8 million with \$3.9 million of the shortfall directly attributed to the cost of MAT for residents. During this supplemental funding period, the Governor included only a one-time allocation of \$4 million for MAT.

Welcomed as this is, it leaves jails falling behind with only the tax bill they send to municipalities to fall back on. The Criminal Justice and Public Safety Committee agreed and voted to send a letter to AFA with their recommendations for the funding of all state mandates presented in the \$7.8 million request as part of LD 2214.

Conclusion

*I will go down with this ship, and I won't put my hands up and surrender. There will be no white flag above my door, I'm municipal and always will be...*¹⁰

A ray of light this week may be that on more than one occasion advocacy staff heard representatives in Augusta calling out the frenetic pace, substantive unreviewed amendments, and general non-transparency. Perhaps none more eloquently than Sen. Brad Farrin of Somerset County at the close of the Transportation Committee meeting on Thursday afternoon. In speaking to how his committee was approaching the bill disposal process he offered, "We make rules, and then we break them, and we don't follow them, and we are supposed to be working in the public's interest. The excuse that another committee is doing it, or somebody else is doing it, doesn't make it right."

If the poorly reviewed 66-page bills and constitutional infringements make it through both legislative bodies and past the governor's desk, there will be a significant opportunity to shape the way the next legislature understands municipal operations. We'll keep sharing your stories but make sure you hold your state elected officials accountable at your door, and thank them when appropriate.

where the medical examiner's office has released records to a law enforcement agency in relation to a criminal investigation, which were then released through an FOAA request submitted to the law enforcement agency. The clarification makes clear that if a record request was denied by the medical examiner's office, the same restriction would exist for the law enforcement agency in possession of the record.

The bill also proposed many changes to the public records exceptions for the cannabis industry, which were met with much opposition from industry stakeholders but supported by the Office of Cannabis Policy. Those opposed to the measure cited the work of the Veterans and Legal Affairs subcommittee that has been meeting between sessions to discuss the needed changes to the current cannabis statutes.

Cannabis caregivers deal with theft regularly and are concerned that having personal information available could be used for criminal means and punctuated that argument with the fact that they are prevented from owning firearms and are limited in terms of personal protection.

Several requests were made by opponents to allow the subcommittee to continue its discussions to assure the changes are supportive of the growing industry, particularly as stakeholders work to loosen the stigma associated with cannabis consumption.

All of this took place before the amendment for LD 40, *An Act to Amend the Cannabis Laws*, was released to interested parties and referenced in the "Red Rover" article in this issue of the Legislative Bulletin. With the confidentiality provisions removed in LD 40, the likeliness for conflicts with this bill are high.

In response to a directive for all bills in committee possession to be reported out by a March 8 deadline, public hearings and work sessions are being scheduled at a pace more akin to the hare than a tortoise. Yet, while the race is on, the work session for LD 2215, originally scheduled for Wednesday, March 6, at 1:30 p.m., was not taken up as scheduled.

With no notice requirement in place for scheduling, keep an eye on the Legislature's calendar for when this bill is re-scheduled.

Song Quiz Answers

- 1 Bad Blood, Taylor Swift
- 2 The Goonies 'R' Good Enough, Cyndi Lauper
- 3 You Should See Me in a Crown, Billie Eilish
- 4 Stuck in the Middle With You, Stealers Wheel
- 5 Nobody Home, Pink Floyd
- 6 Who Are You, The Who
- 7 Sunday Bloody Sunday, U2
- 8 Gimme Shelter, The Rolling Stones
- 9 You Oughta Know, Alanis Morissette
- 10 White Flag, Dido

hour was spent listening to a line-by-line explanation of the amendment. The changes to the bill, in particular the reduction to some of the perceived red tape experienced by cannabis operators, were largely supported by business owners, however strong opposition came from state and public health officials as well as other cannabis business owners who were seemingly left out of the conversation completely. They criticized the timing, lack of transparency, and the introduction of sweeping regulatory changes so close to the deadline for reporting bills out of committee.

Commissioner Kristen Figueroa of the Maine Department of Administrative and Financial Services testified against the measure saying, “We can’t ignore the fact that cannabis is still federally illegal and all the complications that stem from the fact that cannabis is, for the time being, still a Schedule I substance. ... Contrary to the assertions laid out in this bill, it is not the role of the regulator to ‘promote’ and ‘advance’ the interests of the industries they regulate. That is the obligation and role of the industry and its trade groups.”

Well said, Commissioner.

Even with valid opposition, there appeared to be some glimmers of positivity for industry participants under LD 40 as it would broaden the production capabilities for businesses manufacturing cannabis products. Under current law, businesses are not allowed to manufacture products without cannabis and the amended proposal would authorize those businesses to make products with or without cannabis.

Matt Hawes, owner of Novel Beverage in Scarborough, explained to the committee that his business produces THC-infused drinks but cannot under current law utilize his significant equipment investment to make non-THC-infused beverages during the business’ downtime. The reasoning for this is to prevent cross contamination between the products with cannabis and those without, yet business owners argue that those regulations are not the same for those who manufacture beverages both with and without alcohol. It is the hope of cannabis businesses that they would be entrusted to keep the production lines separate by using best practices and cleaning methods to avoid cross contamination.

Tensions were running high as committee members questioned Vern Malloch of the Office of Cannabis Policy (OCP). Although he wasn’t offering testimony, he was asked to come to the podium following the testimony of Commissioner Figueroa. Rep. David Boyer of Poland started, with what felt like to spectators, a confrontational line of questioning but was cut off by the chair, Rep. Laura Supica of Bangor, who felt his questions were not germane to the bill at hand. In obvious disagreement and frustration, Rep. Boyer left the committee room, followed by a round of applause from the viewers.

After a reminder on appropriate behavior expected at these meetings, the public hearing resumed.

A main concern from the cannabis industry is that OCP has been overstepping its authority and has employed bad actors who are targeting business owners for violations. OCP claims they have heard these rumors too but have no evidence that this has actually happened since no one has come forward with the claim. The department urged that any cannabis business owner who feels they have been retaliated against to reach out so the office can investigate what happened and correct an issue if there is one.

OCP held the hot seat for quite some time which led to a point of order by Rep. Karen Montell of Gardiner, who noted that the purpose of a public hearing was to hear from the public and questioned why the committee was hearing from and asking questions of someone who didn’t even testify. Again, the tension could be cut with a knife, as the chair overruled the point of order. The committee continued with the questioning while Rep. Montell left the room.

To gauge the bill’s impact on municipalities, MMA reviewed LD 40 and flagged problematic provisions in the bill for both the medical and adult use cannabis laws, of which there are several, and many are substantive.

Medical Cannabis

- **Creates a new caregiver retail store loophole.** This bill changes the definition of “caregiver retail store” (22 MRS § 2422(1-F)) to essentially eliminate the requirement for a municipal legislative body to approve such operations. If LD 40 were to pass as written, all caregivers would have to do to circumvent the need for approval of the municipal legislative body is to launch a commercial scale operation and simply sell products “by appointment only.”
- **Authorizes unfettered sale of medical cannabis outside registered properties.** LD 40 expands the “authorized activity” for registered caregivers to the sale of cannabis plants and harvested cannabis, not only on their own property or property they rent or lease, but also at “trade shows, festivals or other industry related events, or through deliveries or other private arrangements.”

All terms are undefined and could be interpreted to mean that caregivers would have an unfettered right to sell products however and whenever they want. This part is drastically different from the adult use cannabis law, which allows municipalities to regulate or prohibit off premises sales by cannabis stores at “specialized events” within their jurisdiction, and the authority rendered is essentially ineffectual if it does not also include medical cannabis sales at similar “specialized events.”

- **LD 40 cripples local safety and land use regulatory authority over caregiver operations.** This bill repeals the current confidentiality provision for registered caregiver

(continued on next page)

and dispensary applications (22 MRS § 2425-A(12)(E)) and replaces it with a new provision that greatly expands the confidentiality protections for applications and accompanying information.

Currently, municipalities have the limited ability to contact OCP to verify caregiver registration identification cards. The proposed confidentiality provision limits this authority even further to only allow access to this information by law enforcement and code enforcement officers and only for release of addresses (no additional information) of registered caregivers residing on the same property where the operation is located. This is problematic since large-scale cannabis operations do exist on property other than the caregiver's residence.

- **Eliminates the prohibition on caregiver collectives.** As written, this bill repeals 22 MRS § 2430-D, which is the provision that prohibits caregivers from establishing a collective, or a group of caregivers who combine operations for mutual benefit. Absent regulation of large-scale medical cultivation operations (which currently is nonexistent in the medical law because they are not allowed) this will drastically expand a caregiver's cultivation operation ability. Registered caregivers are currently only allowed 30 plants, or 500 sq. ft., and they cannot combine or share the plants they cultivate with other caregivers growing in common facilities.

Adult Use

Overall, it's worth noting that the adult use law currently contains more effective regulatory structures than the medical law, and LD 40 erodes these regulatory structures, especially with respect to coordination between state and local regulatory authorities.

- **Eliminates local authority to approve license renewals for adult use cannabis establishments.** Currently, in 28-B MRS § 209(5), a licensee seeking a license renewal with the state must demonstrate continued compliance with all applicable licensing criteria, including obtaining a local authorization form. OCP cannot issue the renewal until it receives local authorization. This bill would eliminate that requirement and that once local approval has been provided, it is presumed effective until the municipality contacts OCP to rescind its local authorization.
- **Eliminates notification requirements for license ownership transfers.** LD 40 would only require licensees to notify OCP of a transfer in ownership, rather than seeking approval of the transfer at the time of license renewal. Coupled with the changes to the renewal process, eliminating the condition of local approval means that municipalities will not receive notice of ownership transfers from the state, and licensees

will have no reason to notify the municipality themselves, unless required to by a local licensing process.

- **Alters notice of termination requirements.** The bill would still require the licensee to notify OCP and the municipality of a voluntary abandonment of a licensed premises but would not require notification to the municipality if the abandonment is due to a license revocation. It also would eliminate the 48-hour timeframe within which the licensee must notify OCP and the municipality prior to voluntary abandonment.
- **Eliminates ability of authorized state and local officials to inspect licensed premises on demand.** The bill would amend 28-B MRS § 512 to require 24 hours' notice of an inspection during regular business hours.

Although not municipally relevant, yet somewhat alarming, is the avenue used to shift responsibilities for limiting underage access to cannabis. While the bill reduces the requirements and safeguards for adult use cannabis establishments to ensure customers are 21 years of age when that individual enters their establishment, it also imposes additional financial penalties on minors who access products for their personal use.

The part of the bill that did not get much attention at the public hearing is the provision creating a task force to study how cannabis hospitality establishments are regulated in other states. A bill to allow cannabis social clubs is likely to return in the next session and thankfully a representative of municipal government would have a seat on that task force.

Almost all the testimony in opposition included statements of frustration with the size and complexity of the amendment and the lack of time given for review. Clearly this hit a nerve with the bill sponsor as his annoyance was evident when he announced that LD 40 would be worked on Friday, March 8, and that those interested who claim they were not included would need to get together with Mr. McMahan to work it out.

In the meantime, it appears committee members and industry stakeholders are scrambling to come up with another amendment that would include the public health voice and with a goal of coming to a consensus by the work session on Friday. However, while the attempt is appreciated, it comes a bit too late given the strong opposition from public health experts on so many sections of the bill.

Simply put, a bill of this size, with the sweeping overhaul to regulations without input from *all* interested parties, is just bad public policy and we are hopeful this will be recognized at the work session.



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.

State & Local Government

LD 2241 – An Act to Eliminate Inactive Boards and Commissions (Sponsored by Rep. Stover of Boothbay).

This bill eliminates the following boards and commissions that either failed to file an annual report with the Secretary of State in both 2022 and 2023 or filed a report that indicated the board or commission was inactive during 2022 and 2023, which includes Cannabis Advisory Commission and Maine Fire Protection Commission.

Taxation

LD 803 as amended – (new title) Resolve, Directing the Department of Economic and Community Development to Review Tax Expenditures Related to Economic Activity (Sponsored by Rep. Perry of Bangor)

The amendment replaces the concept draft bill. It directs the Department of Economic and Community Development in consultation with other identified agencies to review aspects of the

State's tax expenditures and other programs that provide incentives for economic development and evaluate the effectiveness of the programs and ways in which the programs could be more effective. The department is directed to make a report to the Legislature regarding the findings and recommendations of the review group.

LD 2251 – An Act to Amend the Mining Excise Tax Laws (Reported by Rep. Perry of Bangor for the Committee on Taxation).

This bill makes changes to the mining excise tax as recommended by the Bureau of Revenue Services, Office of Tax Policy, as required by Resolve 2023, chapter 83, section 1 including: (1) providing a sales tax exemption for sales to a mining company for use in mining; (2) simplifying the excise tax imposed on a mining company by establishing a formula of the gross proceeds of that mining company multiplied by 0.35 and eliminating credits for payment of certain property taxes and prepayment of taxes; (3) renaming the Mining Oversight Fund the Mining Excise Tax Fund; (4) simplifying the distribution of excise tax revenues by requiring all revenue to be deposited in the Mining Excise Tax Fund, instead of being split between the General Fund, the Mining Excise Tax Trust Fund and the Mining Impact Assistance Fund; (5) eliminating the Mining Impact Assistance Fund, which is used to provide grants to municipalities, counties and the unorganized territory to offset the loss of property tax revenue and to provide necessary new or additional public facilities and services related to mining; and (6) requiring the Governor to propose uses for the Mining Excise Tax Fund as part of the biennial budget.