



# LEGISLATIVE BULLETIN

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## Quick Work On A Smoking Topic *Cannabis revenue sharing is back.*

On Wednesday, the Veterans and Legal Affairs Committee made quick work of a public hearing on two bills seeking to share additional revenues generated from the sale of cannabis and related products with the communities that have allowed the businesses to operate within municipal boundaries. While the bills are similar with respect to the outcome, the paths forward diverge slightly with respect to the amount of revenue shared and the method used to distribute those revenues to municipalities.

LD 177, *An Act to Create Municipal Cannabis Revenue Sharing*, sponsored by Rep. Adams (Lebanon), directs the Office of Cannabis Policy to distribute 10% of the funds deposited in the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund equally among all municipalities that have permitted the operations of some or all adult use cannabis establishments within the community. LD 347, *An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales Tax and Excise Tax Revenue*, sponsored by Rep. Lee (Auburn), on the other hand, creates the Local Government Cannabis Revenue Fund and requires that 12% of the sales and excise taxes assessed on adult use cannabis and products be distributed proportionately to opt-in communities.

MMA has long supported initiatives of this nature as a means for better distributing the cost of adopting, administering and enforcing the ordinances authorizing the operations of all types of adult use cannabis sales and manufacturing within municipal borders. To that end, MMA's policy committee voted to support both initiatives.

Joining MMA in support for LD 177 was the owner of a cannabis retail establishment who shared concerns that municipalities that have opted in are frustrated with the burdens and costs associated with regulating the industry, and as a result are seeking to adopt moratoria to limit or curtail the number of related establishments authorized to conduct business in their communities. The proponent believes that providing additional funds to help offset related costs would make it easier for towns to opt in, thereby reducing the pressures placed on the communities that have already done so.

Rep. Caruso, the selectboard chair in Caratunk, and a member of MMA's Legislative Policy Committee, joined the bill sponsor in testifying in support of LD 347. She too addressed issues regarding the administrative and enforcement burdens placed on municipalities that opted in to host adult use cannabis businesses, and as a result supports the initiative to not only share 12% of the sales and excise tax revenue, but more importantly to do so proportionately with opt-in communities.

While many of the questions posed by committee members focused on the mechanics of the bill and specifically on whether the revenue should be shared equally or proportionally among opt in communities, it is still too early to tell if either initiative will gain support.

Work sessions on LD 177 and LD 347 have not yet been scheduled.

### **MMA Platform Bill - Rescheduled**

Due to the extended session on Tuesday February 11, the public hearing for MMA's platform bill, LD 283, *An Act to Expand Local Revenues by Including Meals and Lodging Sales Tax Revenue Under the State-Municipal Revenue Sharing Program*, has been rescheduled for **Thursday, February 27, 2025, at 1 p.m.**

Several other hearings for taxation bills with municipal impact will also be held that day.

If you'd like to watch the hearings, please visit <https://legislature.maine.gov/committee/#Committees/TAX> for the link to the livestream.

If you're interested in submitting electronic testimony, or testifying via Zoom, please visit <https://www.mainelegislature.org/testimony/> and follow the prompts.

# Election Bills Abound

Election policy is a popular topic with members of the 132<sup>nd</sup> Legislature as several bills targeting elections had public hearings and work sessions on Monday, February 10. What follows is a breakdown of the action.

**Election Day Holiday.** First up, the State & Local Government committee heard testimony from interested parties on LD 53, *An Act to Establish the November General Election Day as a State Holiday*, sponsored by Rep. Poirier (Skowhegan).

According to the bill sponsor, the original intent of the proposal was to keep children, school staff, and voters safe. Following the printing of the bill, the sponsor received feedback from both supporters and opponents of the measure, and due to the increased financial pressures that would result from a holiday, an amendment was introduced to change the designation from a state holiday to a school holiday.

Maine's Secretary of State (SOS) testified in support of LD 53 since many municipalities use schools as a local polling place because it is the most accessible and centrally located place to conduct elections. In her testimony, she pointed out that there were five polling locations swatted during the 2024 election, four of which were schools, which she believes underscores the security challenges associated with using schools

as polling places.

As mentioned in last week's Legislative Bulletin, LD 13, *An Act to Provide Funds Necessary for the Production and Delivery of Election Materials by the Secretary of State and to Reconvene the Working Group to Study Polling Places at Schools*, also had a hearing and if passed would reinstate the working group to study schools used as polling places. The SOS expressed support for that working group to continue their work on this critical topic.

MMA testified in opposition to LD 53 but expressed appreciation that the amendment would make Election Day a school holiday instead of a state holiday. However, municipal officials urged the committee to consult with interested parties in the education field to better assess the bill's impacts. The Maine School Management Association testified in opposition to the measure, as well as the amendment, citing the desire to retain control over which days schools will use for in-service days.

**Ballot Identifiers.** In the Veterans & Legal Affairs Committee (VLA), the first bill of municipal interest to be heard was LD 313, *An Act to Improve Voter Confidence in Electronic Ballot Counting by Requiring Ballots to Contain Unique Identifiers*, sponsored by Rep. Foster (Dexter). The bill seeks to require that a unique identifying number be added to each ballot, and be uploaded, along with the votes cast, to the town's website once the election is complete.

The intent is to provide greater confidence to a voter that their ballot was counted correctly. Functionally, the process would result in a voter receiving a ballot, either absentee or in person, and the voter would take note of the unique identifying number of that ballot. When the election was over, that information would be on the website and include the way that individual voted.

There were no proponents for the bill.

The SOS offered compelling testimony in opposition for many reasons including harming voter confidence, eliminating ballot secrecy, the potential for voter intimidation, and the exorbitant

cost to update the tabulators—approximately \$6 million.

MMA and the League of Women Voters (League) were also both opposed to LD 313 on the basis that the bill could erode voter confidence and potentially eliminate ballot secrecy.

**Repealing Same Day Registration.** Also heard on Monday by the VLA Committee was LD 349, *An Act to Repeal the Laws That Allow Same-day Voter Registration*, sponsored by Rep. Bagshaw (Windham), which establishes the Thursday before Election Day as the deadline for voter registration.

Interested parties including SOS, MMA, the Maine Town & City Clerks Association (MTCCA), Maine Conservation Voters, the American Civil Liberties Union, and the League, all testified in opposition to LD 349, by sharing the sentiment that same day voter registration allows the opportunity for all voters to cast their vote. With 22 other states and the District of Columbia offering same day registration, Maine is not an outlier in this practice.

**Absentee Ballot Distribution Date.** Moving right along, the committee shifted into work session mode with three bills of municipal interest on the agenda. The first bill was LD 158, *An Act to Direct the Secretary of State to Establish a Date Each Year for Voting by Absentee Ballot*, sponsored by Rep. Parry (Arun-del).

As described in last week's Bulletin, the proposal would set a date each year for absentee ballots to begin being issued and accepted in municipalities as a means for ensuring all voters across the state are treated fairly. The analyst advised the committee that as the bill is currently written, it does not accomplish the intended goal but could, if the bill is amended to not require municipalities to start issuing absentee ballots as soon as they are received.

SOS representatives were invited to explain the deadlines associated with elections and the challenges around setting specific start dates. Committee members agreed that ensuring voters have consistency and confidence when

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# HEARING SCHEDULE

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For the week of February 17, 2025

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There are no public hearings the week of February 17th.

## *Election Bills Abound...cont'd*

casting their absentee ballot is paramount. Based on the desire for fairness, the committee unanimously voted LD 158 “ought to pass as amended,” with the amendment being that in person absentee voting will begin no earlier than 30 days before the election but a municipality could still accept a ballot by mail at any time.

**Candidates at the Polls.** VLA committee members then tackled the work session on LD 199, *An Act to Change the Limits on Candidates’ Communications with Voters at the Polls*, sponsored by Sen. Libby (Cumberland County), which the analyst advised had two other similar proposals forthcoming.

Rep. Malon (Biddeford) offered a motion of “ought not to pass” immediately after the analyst’s summary that was seconded by Sen. Duson (Cumberland County). There was much discussion and disagreement among committee members as to what constitutes electioneering and whether candidates or their representative should be allowed to state their name, the office they are seeking and their party affiliation while greeting voters at the polls.

Sen. Timberlake (Androscoggin County) asked if there were any court cases that had set precedence for candidates’ speech at the polls. Deputy Secretary Flynn responded that there has been no litigation that she is aware of in Maine, and therefore no case law to refer to for guidance.

The bill came out of committee with a split vote along party lines, with the majority opposing passage of LD 199.

**Polling Place Study.** The final bill of municipal interest in front of the VLA committee for the afternoon was a work session on LD 13, *An Act to Provide*

*Funds Necessary for the Production and Delivery of Election Materials by the Secretary of State and to Reconvene the Working Group to Study Polling Places at Schools*, sponsored by Sen. Hickman (Kennebec County), previously referenced in this article.

The analyst reminded the committee that the intent of the bill was to provide consistent funding for the printing and delivery of election materials and to reinstate the working group to study schools as polling places and reported that the working group was supported in the 131<sup>st</sup> Legislature but ultimately died on the appropriations table.

Information on the number of election threats reported to the SOS for preceding years requested at the public hearing was lacking, but the analyst shared the clerks’ concerns with privacy since these reports are subject to FOAA. When asked to elaborate on the concern, the analyst described that reports made to the SOS were subject to FOAA while those

reported to law enforcement have a layer of privacy while under investigation. Having some assurance against retaliation is important to clerks.

There was again disagreement among committee members about whether the targeted funding was necessary. According to Sen. Timberlake, elections have been held every year without the establishment of this fund and operational revenues should be included in the biennial budget process.

A motion of “ought to pass as amended” was offered and seconded. After a brief corner caucus, the committee voted the bill out of committee along party lines.

With all the election legislation swirling around the state house, we are reminded of the song written for the inauguration of President Thomas Jefferson, by Oscar Brand, “Law and order be the stake, with freedom and protections. Let all stand by the ballot box, for fair and free elections.”

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## PTSD Presumption Permanent

By a unanimous vote of members present, the Labor Committee supported an amended version of LD 82, *An Act to Amend the Workers’ Compensation Laws by Extending Indefinitely the Presumption Applying to Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder*, which was sponsored by Rep. Mathieson (Kittery).

As the title suggests, the initiative makes permanent an exception to the workers’ competition laws providing that a post-traumatic stress disorder (PTSD) suffered by a first responder

and diagnosed by a licensed allopathic or osteopathic physician is presumed to have occurred as a result of and due to the course of employment, thereby requiring the employer to prove otherwise. Under current law, the PTSD presumption is scheduled to be repealed as of October 1, 2025.

The committee amended the bill to include an emergency preamble, making the presumption of workplace injury permanent and effective law, once enacted by the Legislature with a two-thirds majority vote and signed by the governor.

The bill will now go to the House and Senate for further debate.

## Essential Services and Impaired Enforcement

On Monday of this week, the Criminal Justice and Public Safety Committee held public hearings on several bills regarding emergency medical services (EMS) and approaches to law enforcement which took unexpected turns. One bill potentially created municipal opposition where there was initially none, while another found opposition against one state agency initiative from another state agency. Oddly, yet another bill created a regional authority for municipalities with no municipal support or opposition.

While MMA took no position on the first bill of the day, LD 176, *An Act to Establish a Regional Ambulance Service in Southern Penobscot County*, sponsored by Rep. Fredette (Newport), the testimony drew out interesting points that would later become relevant for positions on another EMS initiative.

In his introduction, Rep. Fredette shared that the bill was needed to create a structure which municipalities could elect to join by a simple vote of their municipal officials to provide a regional ambulance service and fill a void created by Northern Light Medical Transport's, a nonprofit hospital-based ambulance service, decision to no longer serve some communities' emergency response needs. The bill uses statutory creation to establish a cooperative framework under a "if we build it, they will come" approach to municipal partnerships.

Interlocal agreement frameworks can already be constructed without statute and have created successful regional ambulance services in Northern Penobscot County. When a regional approach is adopted through interlocal agreements it does not require a return to the legislature to amend contract conditions. No municipalities have submitted testimony yet.

A second bill, LD 245, *An Act to Implement the Recommendations of the Blue Ribbon Commission to Study Emergency Medical Services in the State*, sponsored by Sen. Talbot Ross (Cumberland County), veered sharply from a collaborative to a municipal mandate approach in opening testimony where she introduced an amend-

ment to change the permissive language in the first section of the bill from "may" to "shall" requiring all municipalities to adopt a "plan" for the provision of transporting ambulance services, to share the plan with the state agency who licenses the services, and post it publicly.

Originally, MMA's Legislative Policy Committee was "neither for nor against" the bill in hopes the committee would consider other tangible needs that would immediately improve EMS service provision identified by the former Blue-Ribbon Commission, such as removing identified barriers to the training necessary for EMS professionals or allowing reimbursement for on-scene care without transport. However, staff advised the committee that the position is likely to change as the sponsor's amended language effectively requires municipalities to contract with an existing service provider that may not have the resources to meet the need or be able to travel the vast distances between communities who have a service and those who do not.

Municipalities are already faced with establishing their own transport services or paying for the expansion of another municipality's service to guarantee a proper response time. Municipal services may also be forced to provide coverage for other areas and figure out how to pay for it, without the employees to fill the roles in many areas. The language does not affect the ability for a non-profit hospital-based service or for-profit service from ending their contract to provide emergency services for municipalities placing them in a precarious situation as highlighted in public testimony under LD 176, because the mandate language only applies to municipalities.

Maine EMS testified against the creation of a permanent Blue-Ribbon Commission for EMS services which was the main thrust of the bill, as it would add an additional level of bureaucracy over the existing Board of Emergency Medical Services. However, director Will O'Neal supported the mandate language change because he explained municipalities need

to own the essentiality of the service provision enacted by the legislature (PL 2021, c. 749, §1), which also directs legislative intent to create a state level emergency medical system.

Maine's Constitution is clear, if the state deems a government service essential, the state must provide or pay for it, or two-thirds of the legislature must relieve the state of the obligation, ideally facing the voter backlash for the unfunded impact on the property tax when they return to their communities. In reality, it is municipal officials who face the backlash from residents who cannot afford property tax increases when the legislature fails to pay for their policies, or services collapse for lack of staff or profitability.

The final bill of the day found municipal support anchored between an interagency dispute. LD 96, *An Act to Amend the Motor Vehicles and Traffic Law Governing Mandatory Driver's License Suspension for Refusing Testing for Drugs or a Combination of Drugs and Alcohol*, sponsored by Rep. Bunker (Farmington), was an initiative of the Bureau of Highway Safety to bring parity to the act of refusing to submit to a test at the request of a law enforcement officer when there is probable cause to believe a driver is operating under the influence of drugs or alcohol.

Under current interpretation, an individual pulled over by a law enforcement officer who has probable cause to believe the driver is impaired and who refuses a blood test, will have their license suspended by the Secretary of State's Office (SOS) if the primary suspected intoxicant is alcohol. However, if a driver is pulled over by a law enforcement officer who has probable cause that the driver is impaired and refuses a blood test, their license will not be suspended if the officer believes the primary suspected intoxicant is a drug, unless a drug recognition expert (DRE) is involved in the investigation.

The probable cause of impaired driving is already established prior to DRE involvement. DREs are not ubiquitously

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## Essential Services and Impaired Enforcement...cont'd

available at all hours or to all agencies. They add to successful conviction and are trained in identifying the category or categories of drugs causing the impairment but are equally dependent on the initial observation of the officer who has established the probable cause for impaired operation.

The bill was supported by Maine Prosecutors' Association, Maine Chiefs of Police and MMA. Staff shared that in the 41 days of 2025 before the public hearing on the bill, Maine had 106 crashes

caused by impaired drivers with 57 of them involving personal injury to self or others. While traffic enforcement has plummeted for a variety of reasons, the Bureau of Highway Safety shared that over 80% of OUIs involve drugs or drugs and alcohol since 2020. Fatal accidents involving drugs was close to 70%, with over 50% having drugs alone in a driver's system in 2023 statistics.

Opposition to the bill came from the Secretary of State, who expressed

concerns that the language would create two different probable cause standards for administrative drug suspensions and may create civil liberties concerns. These concerns were indeed echoed by the American Civil Liberties Union of Maine, as well as the Maine Association of Criminal Defense Lawyers in their opposition.

A work session on the bills has not yet been scheduled but will likely occur later in the month.

## 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](http://www.memun.org).)

### Health & Human Services

LD 453 *An Act to Require the State to Pay 90 Percent of All General Assistance Expenses of Municipalities and Indian Tribes* (Sponsored by Sen. Baldacci of Penobscot Cty.)

This bill increases from 70% to 90% the amount of state reimbursement for the costs of general assistance incurred by each municipality and Indian tribe.

### Housing & Economic Development

LD 161 *Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Laws* (Sponsored by Rep. Ducharme of Madison)

This resolve directs the Department of Agriculture, Conservation and Forestry to convene a nine-member stakeholder group to review Maine's subdivision laws. One member of the stakeholder group must be either a municipal official with experience with subdivision law or a currently employed code enforcement officer. By December 3, 2025, the department is further directed to submit a report with findings and recommendations to the joint stand committees of the Legislature having jurisdiction over subdivision statutes, which are authorized to submit related legislation in 2026.

LD 427 *An Act to Prohibit Mandatory Parking Space Minimums in State and Municipal Building Codes* (Sponsored by Rep. Roeder of Bangor)

This bill prohibits the state or municipalities from adopting or enforcing any rule, code or ordinance, including the Maine Uniform Building Code, that imposes a minimum parking requirement on new development, land use or occupancy of land or a building. The bill also provides that the state or municipalities may make recommendations regarding the amount of parking necessary.

LD 445 *An Act to Stimulate Housing Production by Increasing the Threshold Before Participation in the Maine Uniform Building and En-*

*ergy Code Is Mandatory* (Sponsored by Rep. Ducharme of Madison)

This bill increases from 4,000 to 10,000 the population threshold for municipalities mandated to enforce the Maine Uniform Building and Energy Code.

### Taxation

LD 7 *An Act to Increase the Homestead Property Tax Exemption for Residents 65 Years of Age or Older* (Sponsored by Sen. Bennett of Oxford Cty.)

This bill extends a \$75,000 exemption on the homestead of a permanent Maine resident who is 65 years of age or older and who has resided in the home for at least 10 years.

LD 140 *An Act to Incrementally Increase the Homestead Property Tax Exemption* (Sponsored by Sen. Baldacci of Penobscot Cty.)

Beginning on April 1, 2026, this bill increases the value of the homestead exemption by \$10,000 annually, until the exemption is \$85,000 and beginning on April 1, 2033, requires the exempt value to be adjusted annually by the rate of inflation.

LD 288 *An Act to Make Technical Changes to Maine's Tax Laws* (Sponsored by Rep. Cloutier of Lewiston)

Of municipal interest, the bill proposes technical changes to property tax related laws, including: (1) requiring fulltime property assessors to be certified by Maine Revenue Services as having "the basic knowledge required to perform the assessing function" rather than certified as "professionally trained assessors;" (2) repealing the requirement that Maine Revenue Services provide municipalities with printed homestead exemption applications; (3) correcting a conflict in the payment due date in the state's homestead property tax deferral program; and (4) making changes to conform with current drafting standards.

LD 294 *An Act to Expand Municipal Volunteer Program Eligibility Requirements in the Municipal Property Tax Assistance Laws* (Sponsored by Rep. Bunker of Farmington)

Under current law, municipalities are authorized to adopt ordinances enabling volunteers who are at least 60 years of age to earn up to \$1,000 or 100 times the minimum wage as a benefit on the taxes assessed on their homesteads. Beginning January 1, 2026, this bill expands that authority by allowing municipalities, via ordinance, to extend the benefit to volunteer firefighters, volunteer municipal firefighters or volunteer emergency medical services persons.

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## IN THE HOPPER (cont'd)

LD 399 *An Act to Amend the Laws Regarding the Retention of Proceeds from Municipal Foreclosures* (Sponsored by Rep. McIntyre of Lowell)

This bill amends a provision of the tax lien foreclosure by providing that if excess proceeds from the sale of tax acquired property are not claimed in a timely fashion, then the municipality retains the revenue rather than transferring those funds to the Unclaimed Property Fund.

LD 440 *Resolve, to Study the Economic Effects of Instituting a Seasonal Sales Tax* (Sponsored by Rep. Rana of Bangor)

This resolve directs Maine Revenue Services (MRS) to conduct a study on the effects of a seasonal sales tax, including an: (1) estimate of the revenue that would be collected and share of the revenue collected from year-round residents; (2) analysis of the effects on the economy, consumer spending, businesses and tourism; and (3) investigation of the impacts in other states that have adopted seasonal sales tax schemes. No later than December 3, 2025, MRS is also directed to submit a report to the legislature.

### Transportation

LD 2 *An Act to Allow Military Vehicles Purchased for Civilian Use to Be Registered and Operated on Maine Roads* (Sponsored by Sen. Libby of Cumberland Cty.)

This bill allows demilitarized vehicles, defined as automobiles built for and used by the U.S. Armed Forces, including the Space Force and Coast Guard, to operate over Maine roads. The bill directs the Secretary

of State to register these vehicles and issue registration plates in a three-number and three-letter combination. An application for registration must include evidence of transfer of title from the federal government and an affidavit that the vehicle is garaged or maintained in the state. Additionally, demilitarized vehicles are subject to motor vehicle inspection requirements, except that the Chief of the State Police can provide certain exemptions under rulemaking authority.

LD 159 *An Act to Require Vehicle Registrations to Include the Next of Kin of the Vehicle Owner* (Sponsored by Rep. Perkins of Dover-Foxcroft)

This bill adds to the list of required information on a vehicle registration application and certificate the legal name and address of the registrant's next of kin.

### Veterans & Legal Affairs

LD 266 *An Act to Require the Updating of Voter Registration Signatures* (Sponsored by Rep. Smith of Palermo)

Beginning on January 1, 2026, this bill provides that a voter signature in the central voter registration (CVR) system is valid for five years. The bill also requires municipal registrars to annually review the system and notify and provide voters whose signatures will expire in the current calendar year with a registration update form authorized by the Secretary of State. Municipal registrars are also required to load a voter's updated signature into the CVR.