



# LEGISLATIVE BULLETIN

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## Budget Update...It's Not Great

On Wednesday, a representative from the Attorney General's Office provided members of the Appropriations and Financial Affairs Committee with an overview of the citizen veto initiative process currently underway for LD 609. The bill, enacted on March 20 along party lines, appropriates supplemental general fund revenues for FY 2025 and contains baseline funding for the FY 2026 – FY 2026 biennium.

As a refresher, citizen veto petitioners have until June 18 to gather and submit 67,682 signatures to the Secretary of State. If the signature collection effort is successful, implementation of the budget is suspended until after the November 4 referendum election results are certified. This will cause a government shutdown, as the state will not have the authority or the revenue necessary to provide and fund programs and services as of July 1, 2025. For local governments, this means delays in school funding, county jail support and municipal revenue sharing.

While both members of the public and the committee were hopeful Assistant AG (AAG), Jonathan Bolton would bring good news, it was in short supply.

In the process of exploring all available avenues, it became clear that the options to avert a state government shutdown are limited. When asked if a replacement bipartisan budget garnering support from two-thirds of the legislature could be adopted and implemented in place of LD 609, AAG Bolton pointed to a 1933 opinion of the Maine Supreme Court on the issue of prohibition. The non-binding opinion advised that an action of the legislature on an issue subject to a citizen's veto would frustrate the constitutional rights of voters to petition their government and therefore the adoption of a competing measure was deemed off the table.

However, the AAG did suggest that there was nothing preventing the sitting legislature from asking for a second opinion.

Questions were also raised with respect to the ability of petitioners to elect not to submit the collected signatures. While the AAG believes not submitting the signatures is an option, he noted that the petitioners would have an obligation to inform the signers of that decision. Again, highlighting the importance of the ability of Maine residents to challenge the decisions made by elected officials.

While the news is sobering, there is an opportunity for the legislature to get to work now on developing a bipartisan budget that can be implemented as soon as the citizen veto process allows. However, considering the exchange of barbs among members of the committee at the end of Wednesday's meeting, that option may also be off the table.

## Perfidious Processes

Just as the Legislature begins its work each January, municipal officials across the state are busy developing budgets and drafting warrant articles for their annual town meetings often held in the spring. In many communities, May is town meeting month where the legislative body, also known as the residents of the community, vote on the multiple warrant articles printed and sent to them in the mail and often available online.

With enough local signatures, individuals can even draft petitions to add their own articles to the warrant, but ALL are printed and provided in the final warrant with weeks to review by impacted residents. Those same impacted residents are the ones who vote for state legislators and the ones often pejoratively referred to as "the municipality" when described at the State House.

The warrant provides protection for both those who participate in the town meeting, and those who stay away, ensuring that no business other than what is printed will occur. Especially in communities using a "capped warrant" format, articles seeking to expend revenues can only be amended to decrease the value of the appropriation. So, getting it right the first time is paramount.

For all of its warts and challenges, this is why municipal government is the most trusted level of government. That doesn't mean the town meeting is pretty. Tough conversations rarely are. What it lacks in softness, it makes up for in individual agency and is the sandbox for progressive public policy. The meetings are also held during times convenient for most residents, including bankers.

Imagine what would happen to that public trust if town officers could submit ambiguous warrant titles like "To see if the town will support children" with no clarity required for what that meant until the day before the town meeting. Or worse, what if a printed warrant article asked the voters to accept a donation for playground equipment, only to have the selectboard clarify on the day of the town meeting that the intent was not to accept playground equipment but instead to purchase a \$300,000 ladder truck?

You can bet the fire truck would be needed at the town hall the very next day.

This is exactly what has become the new norm for the legislature, in spite of the newly adopted rules that require "concept draft" bills, with no language to review, to be dismissed if the sponsor fails to provide the necessary details two days before a scheduled public hearing. A new, once infrequent, perfidious process of rewriting a bill at the podium during the public hearing or replacing the bill

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entirely as drafted the day before the public hearing as though it was a “concept draft” has been deployed in its place.

Last week, after working several weeks in advance of the public hearing to correct language printed in LD 882, *An Act to Protect Communication with Providers of Critical Incident Stress Management Peer Support*, sponsored by Rep. Salisbury (Westbrook), was rewritten at the podium by another legislator, Rep. Gramlich (Old Orchard Beach). The amendment, presented only through testimony, not only changed the definition of both critical incident stress management (CISM) teams deployed post critical incidents and peer teams, but also linked the much needed confidentiality protections envisioned in the language, and expected on the day of the public hearing to only those teams with a contractual relationship with a licensed mental health provider.

This led to some accidental expletive commentary through Zoom open mics and stakeholders in the room wondering which bill was being discussed.

As Rep. Mathieson (Kittery), a co-sponsor of LD 882, observed in her testimony, the two programs are distinctly different, but both deserve participant confidentiality protections. The peer support model is built on trust and understanding, as peers share similar experiences and can relate more closely to the challenges faced by one another and those who are motivated to take on this role seek greater training to normalize talking about their shared challenges with a focus on wellness.

While licensed providers who are first responder literate may be necessary in CISM teams, peer support teams are more informal, and structured to provide trained peer navigation for a variety of ongoing daily pressures and to normalize asking for help. Peer teams are employee or volunteer led within a public safety agency or groups of agencies who provide emotional, social, and practical support to their colleagues facing challenges which can include signposting to appropriate ongoing behavioral and mental health providers. As amended at the podium, for those teams to be established and conversations protected from employers or lawyers, they would need an ongoing relationship requiring at least an annual meeting with a licensed mental health provider.

On the face, this sounds great. Practically, it means interdepartmental teams that provide leadership peer support or regional volunteer teams in mental health provider deserts like Aroostook and Washington Counties would not have implied confidentiality protections for their peer conversations or due process protections, unless the team also had an identified relationship with a licensed mental health provider.

The problem with the language was identified when the effort was printed in an open and transparent way in the last two legislative sessions. The new amendment only addresses concerns around state agency coordination and rulemaking for the programs and remains unconcerned that the mandated relationship could endanger volunteer efforts across the state.

Why not just appropriate funds and add a position for one individual to provide that relationship for all teams statewide, instead of burdening peer volunteers with building budgets along with internal relationships?

As of Thursday evening, a third copy of amended language was shared by the committee analyst, which thankfully removed the requirement for a peer team to have the ongoing relationship with a mental health provider. The bill has not yet been scheduled for a work session but is likely to be soon, but as it stands now, attorneys are advising police officers not to participate in CISM or peer teams as they continue to be unprotected and could have an additional barrier to get there without questioning the podium amended language.

A similar tactic was used on another bill with a public hearing yesterday, however at least the sponsor provided stakeholders some with advanced notice of the complete bill rewrite via public posting. LD 35, *An*

*Act to Strengthen Local Emergency Medical Services by Increasing the MaineCare Reimbursement Rate for Ambulance Services*, sponsored by Sen. Curry (Waldo County) was printed in January and would have increased the reimbursement rate for ambulance services under MaineCare to 140% of the three-year average allowable reimbursement rate for ambulance services.

The amended language, provided 21 hours before the public hearing, mirrors the ambulance tax language out of Part TT of Governor Mills’ proposed biennial general fund budget, printed as LD 210, which seeks to assess a fee on ambulance service providers to raise the amount of federal money received by the department. The budget initiative is detailed in the March 7 edition of the Legislative Bulletin.

The central problem is competing state directives, one that continues to ask municipalities to regionalize their emergency medical services and another that punishes that activity by not excluding interlocal services created by municipalities from the new “fee” that supplements Department of Health and Human Services (DHHS) operations. Worse, they may never be returned to those interlocal services through increased MaineCare payments as they largely serve populations that are private or Medicare subscribers. Tax and match schemes only work if the assessed fees are returned to those who are taxed and interlocal and non-profit municipally affiliated services are often found in rural areas with limited resources or great distances between served communities. All receive municipal funding that if taxed, and not returned, will result in rural agencies supplementing increased reimbursements to better resourced communities.

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## LEGISLATIVE BULLETIN

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# HEARING SCHEDULE

For the week of April 21, 2025

**Note:** It appears as though the legislative presiding officers have waived the requirement that bills be advertised for public hearings 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 scheduled 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/>. Below are the public hearings for which we have received notice prior to the publishing of this Legislative Bulletin.

## MONDAY, APRIL 21 - HOLIDAY

## TUESDAY, APRIL 22

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

LD 493 *An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl Substances to Private Drinking Water Wells*

LD 500 *An Act to Ensure Access to Safe Drinking Water from Household Wells in Rural Areas by Expanding Testing*

LD 1326 *An Act to Protect the Drinking Water for Consumers of Certain Water Systems by Establishing Maximum Contaminant Levels for Certain Perfluoroalkyl and Polyfluoroalkyl Substances*

LD 1550 *Resolve, Directing the Department of Health and Human Services to Amend Its Rules to Protect Water Quality by Reducing Nutrient Pollution from Septic Systems*

LD 1570 *An Act to Prohibit Fluoridation of the Public Water Supply*

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

LD 1192 *An Act to Increase the Commercial Insurance Reimbursement Rate for Ambulance Services*

LD 1387 *Resolve, to Increase the Emergency Medical Workforce by Allowing Military Medical Personnel to Become Eligible for Licensure as Emergency Medical Services Persons*

LD 1470 *An Act to Create a Liaison Program to Self-insured Entities and Consumers*

LD 1497 *An Act to Amend the Laws Governing Primary Care Reporting by the Maine Quality Forum and to Establish the Primary Care Advisory Council*

LD 1530 *An Act to Improve the Sustainability of Emergency Medical Services in Maine*

**Transportation**  
**Room 126, State House, 2:00 p.m.**  
**Tel: 287-4148**

LD 312 *An Act Regarding the Rates of Speed at Which School Buses Travel*

LD 329 *An Act to Increase the Fine for Passing a Stopped School Bus*

LD 433 *An Act Relating to Requirements for School Bus Drivers*

LD 1714 *An Act to Create a New Pathway to Licensure to Drive School Buses*

## WEDNESDAY, APRIL 23

**Criminal Justice & Public Safety**  
**Room 436, State House, 1:00 p.m.**  
**Tel: 287-1122**

LD 786 *An Act to Promote Public Safety and Retain Essential First Responders by Funding the Maine Length of Service Award Program*

LD 1452 *An Act to Allow the Emergency Medical Services' Board to Assess Civil Penalties for the Noncompliance of Emergency Medical Services Persons with the Requirement to Administer Naloxone Hydrochloride in Compliance with Trainings and Procedures Developed by the Board*

LD 1536 *An Act to Amend the Laws Governing Bail*

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

LD 1071 *Resolve, Directing the Department of Education to Conduct a Review of the Implementation of Public Law 2021, Chapter 295 and Directing the Department of Health and Human Services to Consult with School Administrators Regarding Developing a Plan for Community-based Crisis Receiving Centers*

LD 1076 *An Act to Hire School Security Officers to Protect Students and Make Schools Safer*

**Environment & Natural Resources**  
**Room 216, Cross Building, 1:00 p.m.**  
**Tel: 287-4149**

LD 1423 *An Act to Improve Recycling by Updating the Stewardship Program for Packaging*

LD 1519 *An Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products*

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

LD 1505 *An Act to Phase out the Sales and Use Tax*

LD 1547 *An Act to Use a Portion of the Sales Tax on Snowmobiles to Fund Maine's Snowmobile Trail Programs*

**Transportation**  
**Room 126, State House, 1:00 p.m.**  
**Tel: 287-4148**

LD 1359 *Resolve, to Direct the Department of Transportation to Develop Practices Regarding Public Transit*

LD 1451 *An Act to Strengthen Coordination of Community Transportation*

LD 1531 *An Act to Better Protect Animal-drawn Vehicles and Motorists on Public Roadways*

LD 1562 *An Act Regarding Municipal Road Standards*

**Veterans & Legal Affairs**  
**Room 437, State House, 1:00 p.m.**  
**Tel: 287-1310**

LD 1551 *An Act to Support Maine Eating and Drinking Establishments by Allowing Vendors to Operate on the Premises of an Establishment with a Liquor License*

## THURSDAY, APRIL 24

**Agriculture, Conservation & Forestry**  
**Room 214, Cross Building, 1:00 p.m.**  
**Tel: 287-1312**

LD 1655 *An Act to Allow the Keeping of Chickens on Private Residential Property*

LD 1661 *An Act to Establish a Comprehensive and Interagency Approach to Invasive Species Management*

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The sponsor has made efforts to address identified concerns regarding municipally affiliated ambulance services through the original budget language. However, some regional services may not be fully covered, particularly those structured as 501(c)(3) organizations that consolidate multiple municipal volunteer services under a single nonprofit umbrella. These entities, while providing essential emergency response, may not qualify as governmental bodies. As a result, if they are taxed on income received from federal Medicare reimbursements and private insurance payments, municipalities may be required to increase their appropriations to fill the resulting funding gap.

The hope would be that the committee will consider revising the language to ensure all municipally affiliated emergency response services—regardless of their organizational structure—are included, or alternatively, explore ways to offset the tax impacts on these services, especially if increased MaineCare reimbursements will not reach them.

There's an understandable desire for simplicity, but the suggestion by some stakeholders that each dollar in taxes will generate a two-dollar return through the program may be overly optimistic. The

notion that state or federal funding will seamlessly backfill local revenue needs is a long-standing challenge and often leaves municipalities navigating complex financial uncertainty. The DHHS MaineCare services representative shared the same view in their testimony and emphasized that greater scrutiny is being applied to similar waiver programs and the federal program was extremely complex for most ambulance services.

Although a work session date for the bill has not yet been set, municipal leaders believe this process—and the broader implications for local emergency services—warrants greater transparency. The Maine EMS Director concurred, sharing they need a two week lead to have testimony reviewed internally before a public hearing and since the bill was printed and testimony reviewed in January, the 11<sup>th</sup> hour amendment presented a significant problem with their ability to understand the implications.

Building and maintaining public trust requires openness and thoughtful engagement. As perceptions often shape reality, it's crucial we do all we can to inject as much sunlight as possible to promote understanding and reduce the growing frustration with government processes.

## A Win for GA

While MMA's Legislative Policy Committee gathered to establish positions on nearly 60 bills of municipal interest, on Wednesday, the Health and Human Services Committee unanimously voted to support an amended version of LD 1081, *An Act to Support Access to General Assistance at Municipal General Assistance Offices and Designated Places*.

The bill, sponsored by Rep. Sachs (Freeport), addresses the mandate enacted in 2024 requiring municipalities to accept and process general assistance (GA) applications during regular business hours by clarifying that a person can obtain a GA application during all regular business and authorizing municipalities to designate the hours when applications will be accepted and processed. The bill also provides that the time designated to accept and process applications cannot be less than 50% of the municipality's regular business hours.

The amendment to the bill supported by the committee simply clarifies the wording on the GA program poster required to be displayed in prominent locations in all municipalities to better reflect the change proposed by LD 1081.

GA administrators and municipal leaders greatly appreciate Rep. Sachs' efforts and the committee's support for the bill.

## 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).)

### Agriculture, Conservation & Forestry

LD 1655 *An Act to Allow the Keeping of Chickens on Private Residential Property* (Sponsored by Rep. Poirier of Skowhegan)

This bill authorizes municipalities to adopt an ordinance regulating the raising of chickens on private residential land, provided the ordinance does not prohibit the activity. The bill also: (1) limits the number of chickens to 36; (2) requires chickens to be housed in a coup that is located at least 15 feet from all property lines, is enclosed with predator-proof mesh wire and a door with a latch, and provides four square feet of inside space per chicken and at least 10 square feet of secure outdoor space per chicken; (3) prevents trespassing and disturbing abutters with noise or order; and (4) requires owner to reduce the attraction of predators and rodents.

### Criminal Justice & Public Safety

LD 1452 *An Act to Allow the Emergency Medical Services' Board to Assess Civil Penalties for the Noncompliance of Emergency Medical Services Persons with the Requirement to Administer Naloxone Hydrochloride in Compliance with Trainings and Procedures Developed by the Board* (Sponsored by Sen. Baldacci of Penobscot Cty.)

This bill amends the law requiring emergency medical services providers to administer and dispense opioid overdose-reversing medication by providing that failure to comply with requirements, as well as adhering to protocols and training mandates is a civil violation for which a fine may be assessed in an amount not to exceed \$1,000 per incident.

### Education & Cultural Affairs

LD 1076 *An Act to Hire School Security Officers to Protect Students and Make Schools Safer* (Sponsored by Rep. Perkins of Dover-Foxcroft)

This bill authorizes municipal police departments and county sheriff's offices to hire personnel specifically as school security officers, who must be trained by the Maine Criminal Justice Academy and certified as part-time law enforcement officers under the preservice training program.

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# HEARING SCHEDULE (cont'd)

For the week of April 21, 2025

## Education & Cultural Affairs

Room 208, Cross Building, 1:00 p.m.

Tel: 287-3125

LD 1433 *Resolve, to Establish a Working Waterfront Infrastructure Engineer Corps Pilot Program and to Conduct a Feasibility Study of a Higher Education Service Corps Program*

LD 1627 *An Act Regarding Workforce Development, Education Reform and Talent Retention*

## Health Coverage, Insurance & Financial Services

Room 220, Cross Building, 1:00 p.m.

Tel: 287-1314

LD 1361 *An Act to Require Insurance*

*Coverage for Covered Dental Services Provided by Licensed Dental Hygienists and to Authorize Licensed Dental Hygienists to Bill Commercial Dental Insurance*

LDL 1496 *An Act to Ensure Ongoing Access to Medications and Care for Chronic Conditions and Conditions Requiring Long-term Care by Changing Requirements for Prior Authorization*

## Marine Resources

Room 202, Cross Building, 1:00 p.m.

Tel: 287-1337

LD 1595 *An Act to Strengthen Working Waterfronts Against Nuisance Complaints Regarding Aquaculture*

## Taxation

Room 127, State House, 3:00 p.m.

Tel: 287-1552

LD 1621 *An Act to Allow Municipalities to Use Tax Increment Financing Revenues to Support Lake Restoration and Protection Activities*

LD 1630 *An Act to Amend the Open Space Tax Law*

LD 1657 *An Act to Expand the Use of Tax Increment Revenue for Affordable Housing by Adding Authorized Project Costs*

## IN THE HOPPER (cont'd)

### Health & Human Services

LD 1326 *An Act to Protect the Drinking Water for Consumers of Certain Water Systems by Establishing Maximum Contaminant Levels for Certain Perfluoroalkyl and Polyfluoroalkyl Substances* (Sponsored by Rep. Shagoury of Hallowell)

This bill establishes maximum levels of PFAS in the drinking water of community and non-transient, noncommunity water systems and allows the Department of Health and Human Services, through rulemaking, to lower the maximum levels of regulated PFAS contaminants or include additional contaminants on the list. Beginning January 1, 2029, the bill also requires the department to direct water systems to implement treatment and notify consumers of PFAS, if contaminants exceed acceptable levels, as well as to submit drinking water samples. Beginning January 1, 2026, all water systems must conduct monitoring of PFAS at detectable levels established by the United States Environmental Protection Agency.

### Health Coverage, Insurance & Financial Services

LD 1192 *An Act to Increase the Commercial Insurance Reimbursement Rate for Ambulance Services* (Sponsored by Sen. Baldacci of Penobscot Cty.)

This bill increases the reimbursement rate an insurance carrier must pay for ambulance services to the ambulance service provider's rate or 400% of the Medicare rate, whichever is less.

LD 1530 *An Act to Improve the Sustainability of Emergency Medical Services in Maine* (Sponsored by Sen. Curry of Waldo Cty.)

This bill provides that care, including the administration of overdose-reversing medications, provided at the scene of an emergency medical services event by an ambulance service or non-transporting emergency medical service is reimbursable care regardless of whether a patient is transported to another facility. The bill also requires reimbursement for certain services provided through community paramedicine.

### Marine Resources

LD 1595 *An Act to Strengthen Working Waterfronts Against Nuisance Complaints Regarding Aquaculture* (Sponsored by Rep. Rielly of Westbrook)

This bill amends the law that prohibits private nuisance actions against a person engaged in a commercial fishing activity or commercial fishing operation to include activities associated with aquaculture and commercial fisheries businesses, which include enterprises concerned with the commercial harvest of wild or aquacultured marine organisms.

### Taxation

LD 1621 *An Act to Allow Municipalities to Use Tax Increment Financing Revenues to Support Lake Restoration and Protection Activities* (Sponsored by Rep. Bridgeo of Augusta)

This bill allows municipalities to use tax increment financing revenue for lake restoration and protection projects.

LD 1630 *An Act to Amend the Open Space Tax Law* (Sponsored by Rep. Sayre of Kennebunk)

This bill: (1) increases the amount of the reduction of property taxes that land enrolled as open space is eligible for from 20% to 45% and reduces the additional reduction of property taxes that permanently protected open space land is eligible for from 30% to 25%; (2) eliminates the additional percentage reduction in property taxes for forever wild open space land and managed forest open space land; and (3) provides an additional 25% reduction for enrolled land governed by an approved wildlife habitat management plan or forest climate resilience and carbon management plan. The bill also defines: (1) a wildlife habitat management plan as a written document prepared by a licensed professional forester or a wildlife biologist from the Department of Inland Fisheries and Wildlife that: (a) describes activities to maintain or enhance wildlife habitat on a parcel; (b) identifies and describes specific activities, including silvicultural and other practices to meet the plan's goals; and (c) includes a map of forest

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# Competing Schedules

## Kind of like a game of Tetris...

At this point in the legislative session, both legislators and advocates alike have been playing Tetris with their schedules, as they try to manage all the public hearings and work sessions that are being scheduled with lightning speed.

This race to the finish line was evident on Monday as the State & Local Government (SLG) Committee's schedule was packed tighter than a can of sardines with six public hearings and seven work sessions on the docket. Of municipal interest and detailed in the April 4<sup>th</sup> edition of the Legislative Bulletin was LD 1013, *An Act to Protect Taxpayers by Requiring Referenda on Significant Municipal Debt*, sponsored by Sen. Nangle (Cumberland County), which seeks to require a municipality to conduct a referendum when seeking to issue a bond for more than \$10 million.

The analyst reminded committee members that MMA testified in opposition to the bill and pointed out that the language around the November election would have to be amended to read the "first Tuesday after the first Monday in November" to reflect what current statute indicates for the general election day. As discussion ensued this comment would wind up being dubbed the "MMA amendment."

Committee members questioned where the dollar amount came from, but also agreed that for some communities, particularly small rural communities, a large price tag should be considered by voters. Of course, this train of thought doesn't take into consideration that these same voters would approve the spending at a town meeting or that the timing of bonds can impact flexible rates.

A motion was made to pass the measure with the "MMA amendment," which as a reminder was to simply to correct the November election language, almost along party lines, with the other half voting "ought not to pass."

As the Tetris block fell into Wednesday's slot, the SLG committee again had a schedule stuffed with a smorgasbord of six work sessions, five public hearings and a presentation and report from the Abandoned and Discontinued Roads Commission, as the cherry on top.

One of the scheduled work sessions was for LD 1090, *Resolve, to Form a Working*

*Group to Address Vacancies in Municipal Government Management Positions*, sponsored by Rep. Rollins (Augusta), which aims to address the workforce shortages in municipal government by establishing a working group to study municipal management recruitment, retention, and staff development challenges.

Rep. Rollins informed the committee that although a working group is unlikely, he has been working with stakeholders on options with one rising to the top in terms of feasibility. He invited MMA to speak to the bill who confirmed there are some irons in the fire that aren't quite ready for prime time. This led the committee to table the bill until a later date to allow some more time for the process to play out.

Immediately following that discussion, the committee turned to LD 1091, *An Act to Reinforce Free Speech at Town Meetings by Allowing Persons a Minimum Amount of*

*Time in Which to Speak*, sponsored by Rep. Hymes (Waldo), which seeks to allow residents a minimum of two minutes to speak at a town meeting. However, the bill sponsor confirmed at the public hearing held on March 31 that his intention was to include all public meetings by a municipality and not only at the annual town meeting.

The analyst provided a summary of the bill noting that current law for school boards requires a public comment period but does not dictate how the comment period should be conducted and leaves it as a local decision. The analyst also conducted brief research of municipalities which showed many already offer public comment periods at their business meetings.

Based on the discussion among committee members, it was apparent they favored adding something into statute that mirrors the school board statute regarding public comment periods, but were hesitant to step

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## Life Safety Safe, For Now

Inflated prices for materials, a scarce workforce that can demand a living wage and inflated land costs spurred by interstate speculative buying are major factors in the expense of construction. Minor factors like regulation and oversight of projects to meet long established standards for the protection of the environment, health and welfare of future occupants or the safety of adjacent neighbors are largely all that seem to be the focus of the long list of bill titles and resulting language proposed this legislative session.

One bill, LD 659, *An Act to Reduce Housing Costs by Not Requiring Fire Sprinkler Systems for Single-family Homes and Duplexes*, sponsored by Rep. Crafts (Newcastle), had its work session on Thursday afternoon. As drafted, the bill would preempt municipal legislative bodies from adopting ordinances or enforcing provisions of codes, including the adoption of National Fire Protection Association standards, that require the installation of sprinkler systems in single-family homes or duplexes.

The bill, which was strongly opposed by municipal officials and fire chiefs, was voted out of the Housing and Economic Develop-

ment Committee late Thursday afternoon unanimously "ought not to pass" by those members present. However, another bill remains on the committee's docket. LD 1272, *An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units*, sponsored by Speaker Fecteau (Biddeford) would preempt the sprinkler installation requirement for all new accessory dwelling units in constructions that result in five or less units on a lot. A public hearing on that bill has not yet been scheduled.

For now, the hard work undertaken by municipal fire chiefs that protects adjacent buildings in densely populated areas, protects first responders who must battle fully engulfed buildings and prevents the entire community from being burned by a 21<sup>st</sup> century Captain Mowatt remains intact. However, a study is proposed to consider what fire chiefs already know, in balance with what developers don't want to pay for, to make sure it's not life safety, but profits are preventing the children of first responders from affording homes in the communities their parents serve.

Stay tuned for the next round.

## Competing Schedules . . . . .cont'd

on local control by dictating a time limit or where in their meetings the comment portion should take place, and further questioning the correct section of law to place the proposal.

After a brief corner caucus, the committee unanimously voted the bill out of committee “ought to pass as amended,” which would instruct a municipality to conduct a public comment period during their business meetings, but specified that the proposal would not dictate how or when the comment period would take place, leaving it a local decision. Rep Salisbury also commented that she would like to keep the language referring to when someone was continually disorderly, they could be removed from the meeting.

The afternoon portion of the SLG schedule held some time for a public hearing on LD 1462 *An Act to Promote Artisans and the Creative Economy*, sponsored by Rep. Hepler (Woolwich), which seeks to allow artists to share their expressive matter. The bill would prevent a municipality from adopting an ordinance that would prevent this type of activity except to dictate where, when and the way in which they may sell their work.

The bill sponsor clarified that the bill was not intended to burden municipalities in any way but pointed out that courts have affirmed that expressive works are protected under freedom of speech protections and the bill

limits the vending to the artist only and not a family member or employee.

One committee member asked for an example of a court case that has set precedence to inform his position better, while another noted that music wasn’t included in the definition of expressive matter and wondered why. This led to a discussion on noise ordinances in municipalities and how this bill would affect those ordinances.

Patrick Corey, a resident of Windham, testified in favor of the bill since he believes it affirms the freedom of expression. He stressed that the municipality would still be able to control when these events happened and further at what time, which would help with the noise issue discussed earlier in the hearing. He also noted that the bill includes the term performance which he thinks music would fall under.

Corey was able to provide court case examples in which the court affirmed instances where expressive works sold were protected under the first amendment rights. Where his concern lies is that many municipalities are silent on the issue of expressive vending and would urge this bill to pass so that these artists who don’t have a gallery may also be able to share their art with others, without issue.

The distinction was then made that this is not intended to be an event like a craft fair

where an artist would purchase a table to sell their work, but that expressive vending is constitutionally protected, sold only by the artist, and doesn’t fall under the same umbrella as a craft fair.

Since the public hearing was taking place at the same time MMA’s Legislative Policy Committee meeting was being held, and obviously two Tetris pieces can’t occupy the same slot, MMA submitted placeholder testimony until there was an official position—updated testimony in opposition was subsequently submitted.

The updated testimony by MMA reflects the desire for municipalities to maintain local control over the activities in their communities. Currently, during the summer months you can find artists peppered across the state performing or creating their art on sidewalks, rocky cliffs, island communities, or mountainous terrain.

Municipal officials appreciate and support all their residents, which includes artisans, and fail to see a problem that this bill would solve. The bill sponsor confirmed to the committee at the public hearing of her intent to reach out to MMA to discuss options to move forward. Any recommendations from those discussions will be brought to the work session which has not yet been scheduled.

## IN THE HOPPER (cont'd)

types or natural community types and locations of all water bodies and wetlands; and (2) a forest climate resilience and carbon management plan as a written document prepared by a licensed professional forester that: (a) describes activities to enhance, on forested land or farm woodland, climate resilience or the storage or sequestration of forest carbon; (b) identifies and describes specific activities, to meet the plan’s objectives; (c) includes schedules, specific forest stand locations and acres and silvicultural prescriptions for recommended practices; and (c) includes a forest type map and locations of all water bodies and wetlands. The bill allows a nonprofit landowner to apply for classification for more than an aggregate total of 15,000 acres under the laws governing the valuation of open space land.

LD 1657 *An Act to Expand the Use of Tax Increment Revenue for Affordable Housing by Adding Authorized Project Costs* (Sponsored by Rep. Kuhn of Falmouth)

This bill expands the use of tax increment revenue for affordable housing by adding authorized project costs, including costs for the development, sale, purchase, financial support and operation of affordable housing and for the creation, maintenance and administration of a municipal loan or grant program to provide assistance to qualifying purchasers of affordable housing.

## Transportation

LD 622 *An Act to Implement a Surcharge on Electric Vehicle Registration* (Sponsored by Rep. Hepler of Woolwich)

This bill directs the Secretary of State to require the owner of an electric vehicle to pay an electric vehicle registration surcharge of \$250 per year. The money collected from the surcharge must be transmitted to the Treasurer of State to be credited to the Highway Fund.

LD 807 *An Act to Limit the Number of Free Motor Vehicle Registrations That May Be Provided to a Disabled Veteran and Reimburse Municipalities for the Loss of Excise Taxes* (Sponsored by Rep. Drinkwater of Milford)

This bill specifies that only three registered motor vehicles may be exempt from excise taxes for a disabled veteran and requires 100% state reimbursement for the lost excise tax revenue.

LD 1562 *An Act Regarding Municipal Road Standards* (Sponsored by Rep. McIntyre of Lowell)

This bill amends the provision of law that requires legally established highways, town ways and streets to be opened and kept in repair in accordance with standards established by the Department of Transportation

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## IN THE HOPPER (cont'd)

and provides that differences in roadway surface and the season of the year must be taken into consideration when determining whether the highway or road is opened and in repair. The bill also repeals the provision of law that provides for a petition process involving the county commissioners when a town liable to maintain a way unreasonably neglects to keep it in repair and instead provides for an updated petition process in accordance with standards established by the department.

### Veterans & Legal Affairs

LD 1320 *An Act to Prevent Illicit Cultivation and Trafficking Within Maine's Regulated Cannabis Industry* (Sponsored by Sen. Timberlake of Androscoggin Cty.)

This bill amends the definition of “disqualifying drug offense” in the Maine Medical Use of Cannabis Act and in the Cannabis Legalization Act to provide that a conviction within the three-year period prior to an application for licensure or registration, for a crime related to the cultivation or distribution of cannabis that is not authorized in related statutes, is a disqualifying drug offense.

LD 1365 *An Act to Allow Consumption of Adult Use Cannabis in Locally Approved Hospitality Lounges* (Sponsored by Rep. Boyer of Poland)

This bill authorizes the operation of cannabis hospitality lounges that are open to persons who are at least 21 years of age for the consumption of adult use cannabis and products, as well as edible products that do not contain cannabis. The bill also authorizes a municipality to adopt ordinances

governing licensing or other approval requirements applicable to cannabis hospitality lounges.

LD 1455 *An Act to Prevent Illegal Cannabis Growing Operations in the State* (Sponsored by Sen. Cyrway of Kennebec Cty.)

This bill amends the definition of “disqualifying drug offense” in the medical and adult use cannabis laws to provide that a conviction occurring after October 1, 2025, related to the cultivation or distribution of cannabis that is not authorized in Maine statutes is a disqualifying drug offense. The bill also prohibits the Department of Administrative and Financial Services from registering or issuing a registration certificate for cannabis to a facility, as well as the Office of Cannabis Policy from issuing a license to an applicant proposing to operate licensed premises, if the physical location of the facility or person is under investigation by state or federal law enforcement officers for the illegal cultivation or distribution of cannabis or was used by a person convicted of illegal cultivation or distribution of cannabis for those purposes.

LD 1559 *An Act to Authorize Medical Cannabis Farmers' Markets* (Sponsored by Rep. Chapman of Auburn)

This bill amends the Maine Medical Use of Cannabis Act to provide for the licensure of a medical cannabis farmers’ market, which is defined as a building, structure or place, used by one or more registered caregivers or registered dispensaries and licensed by the Office of Cannabis Policy, for the direct sale of harvested cannabis and products to qualifying patients and for the consumption of harvested cannabis and products purchased by qualifying patients from the registered caregivers or registered dispensaries.