

Maine Town & City

The magazine of the Maine Municipal Association

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Legislative Takeover

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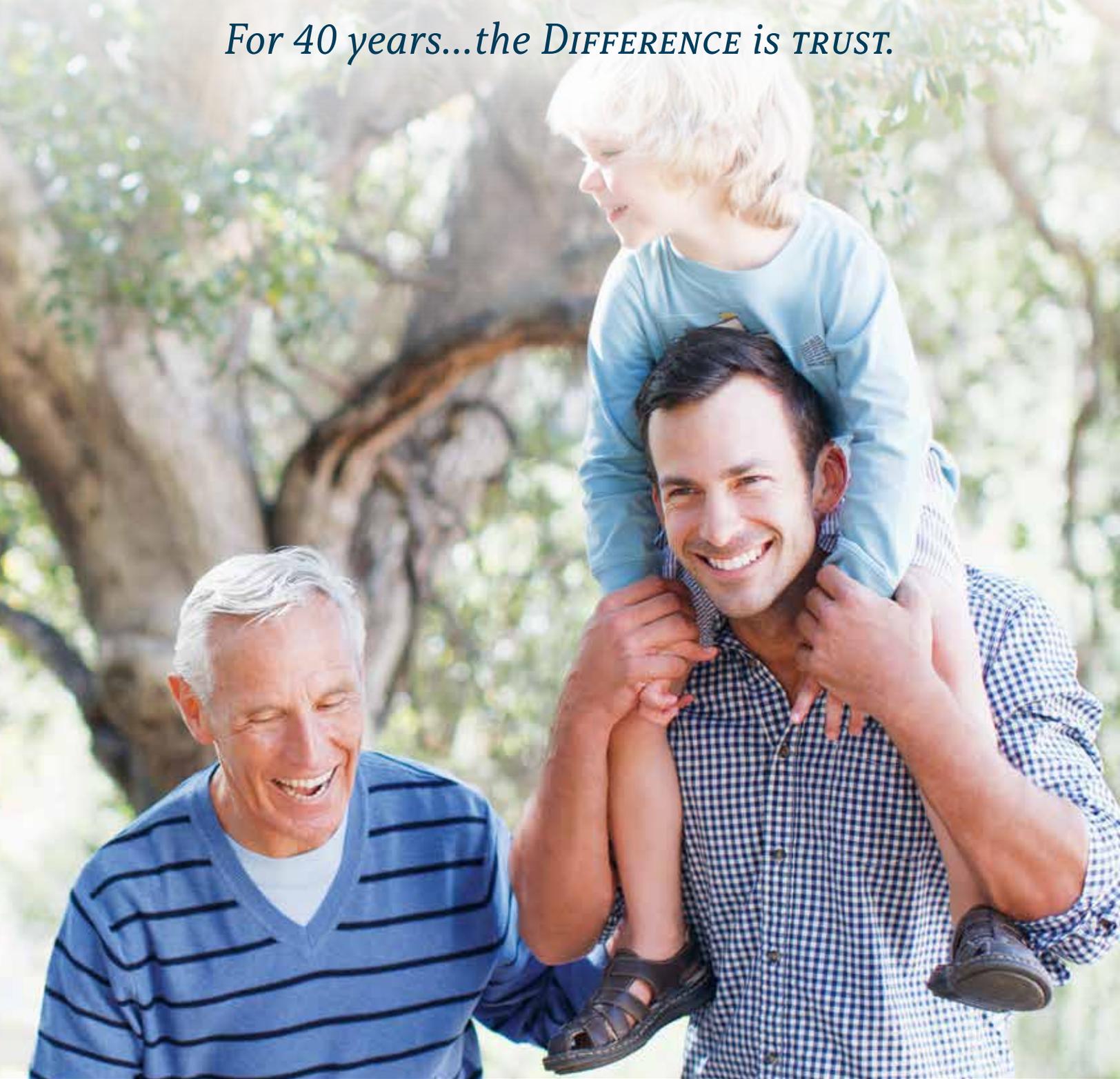
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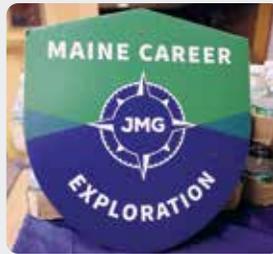
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MAKING PUBLIC SERVICE “EXTRA.” On April 26, MMA partnered with Jobs for Maine Graduates, the University of Maine at Augusta, and the City of Augusta to provide 70 high school students a hands-on opportunity to learn about careers in local government. It appears that public service is far from vanilla. [PAGE 7](#)

HOUSING, HOUSING EVERYWHERE. Could this edition even be called a legislative wrap-up if it didn't mention housing? Learn all about the legislative initiatives aimed at increasing housing opportunities in Maine. [PAGE 13](#)

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Advocacy Takeover – Legislative Edition

By Kate Dufour, Director, Advocacy & Communications



If the Town & City magazine had an audio function, upon cracking this cover readers would have been greeted by a grating, yet memory inducing, staticky noise and a message noting that the regularly scheduled magazine was being interrupted by a legislative update. Or better yet, a nearly complete takeover.

That's right, with the Maine State Legislature finally adjourning the 2024 session "without day" on May 10, lawmakers returned to their homes, families, and lives. Unless called to reconvene by either the Legislature or Governor Mills— both of which are unlikely— this session is over.

Upon reflection, it quickly becomes evident that this was not a traditional session, and perhaps even one of the oddest. While that observation seems to be shared annually, it does not change the fact that things strayed from the norm, or at the very least, from the municipal definition of normal.

With increasing frequency, committee chairs and leads called for "corner caucuses" where important issues were discussed behind closed doors, with only votes taking place publicly, leaving those impacted by the policy wondering why the decision had been made. On two occasions, orders adopted jointly by majorities in the House and Senate created a potential for extending the session, keeping deathbed ridden policy issues on life support with a hope that a future special session would change each initiative's fate. The use of "concept draft" legislation grew exponentially, leaving those impacted by proposed policies just a few days, and sometimes hours, to prepare meaningful testimony on complex, multi-page legislation.

Municipalities did suffer a few blows throughout the year and will soon be faced with pulling the many disparate policy initiatives together, often setting aside the needs and priorities of their communities to do the bidding of elected state officials. While of little solace to an overworked election clerk, tax collector attempting to discern how tax acquired property will be sold, or city manager trying to explain why changes must be made to land use ordinances, by shifting these tremendous burdens, it appears that state lawmakers recognize that municipal leaders are better able to deliver viable outcomes.

Laying frustrations aside, municipal leaders also have many reasons to celebrate.

An MMA Legislative Policy Committee initiative, proposing to provide first responders access to targeted and tailored work-related trauma based physical and mental health services, was moved into the supplemental budget (Part T of LD 2214) with a \$2 million appropriation to fund a pilot program. Municipal leaders have also retained the upper hand in the development, implementation, and oversight of cable and video service provider franchise agreements via passage of LD 1967. Finally, the so-called "LD 1" tax levy limit on municipalities has been repealed. What's that you hear? The collective relief of municipal officials tasked with calculating the annual LD 1 limit.

But that's not all.

What follows is a recap of the 2024 session, which includes a description of the newly enacted laws that will impact the delivery of municipal government services. This edition also includes four in-depth articles exploring some of the hot topic issues addressed during the session, including housing, General Assistance, elections, and public safety. As would be expected, advocacy is the subject of the month in the Elected Officials Series, and the Q&A segment features the experiences of members of MMA's Legislative Policy Committee.

However, it is not all about advocacy, as this edition also includes a summary of a career exploration event that MMA hosted with Jobs for Maine Graduates, the City of Augusta, and the University of Maine at Augusta, as well as our tremendously popular People, News and Legal Notes segments.

Additionally, I want to thank the members of MMA's Legislative Policy Committee for their work and support of our advocacy efforts, as well as municipal officials across the state who connected with legislators to explain how proposed initiatives would impact their communities.

Finally, my extreme gratitude goes out to the advocacy team, Rebecca Graham, Senior Legislative Advocate; Amanda Campbell, Legislative Advocate; Rebecca Lambert, Municipal Issues Specialist; and Laura Ellis, Advocacy Associate. Their dedication to our members, passion for those in municipal government service, tireless work in educating state policy makers on the role of municipal government, and their clever and hard-hitting contributions to the Legislative Bulletin are greatly appreciated. 🏡

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Making Public Service “Extra”

Inciting the next generation of municipal officials via a “hands-on” experience.

By Betty Adams

Photo by Rebecca Lambert

Black and white police cruisers, a paramedic-staffed red emergency response vehicle, a red fire truck, a white utility van and a yellow dump truck, a yellow grader and a whining black drone circling above drew the attention of 70 high schoolers outside Jewett Hall at the University of Maine at Augusta.

The vehicles and the men and women who drove them helped to illustrate the ways that the teens could choose a career that would offer good wages and benefits and the opportunity to reside in or near their hometown.

The display was part of “Exploring Hometown Careers,” a program designed to offer the students an opportunity to get a closer look at a variety of municipal career opportunities and the pathways that would get them there.

The pilot program held on April 26 was organized by the Maine Municipal Association, Jobs for Maine Graduates (JMG) and the City of Augusta with the hope that the idea might spread to other communities throughout the state.

As it was underway, Jay Collier, a regional “Extended Learning Opportunities” developer with JMG’s midcoast region, was “soaking up and absorbing ideas to bring students to their own town to learn about opportunities.”

Peter Osborne, educational services director at Maine Municipal Association, said the association in 2017 had launched “Maine HoMEtown Careers,” to promote municipal career opportunities to people in Maine and those outside the state, including younger people and

those seeking a career change. It was largely a media campaign.

But in the last year, a new Education and Training Advisory Council at MMA opted to focus on the next phase and new strategies to create opportunities for high school, career technical education, and post-secondary students, “giving them opportunities to come into the field and learn more about municipal careers in a more active, hands-on fashion,” Osborne said. He then connected with JMG, which used funds through the Maine Jobs and Recovery Plan to create a “Maine Career Exploration” badge to get high school students into the field to learn about different careers. Then a partnership developed with JMG, UMA and the City of Augusta.

In all, students from nine different high schools attended the “Hometown Careers” event, and Osborne noted afterward, “The partnership with JMG filled a lot of holes with our ability to reach out to schools. The hope is that we can take this program and work with JMG in other communities around the state to host it elsewhere in the future.”

In welcoming the students to the Augusta campus, UMA President Jenifer Cushman noted that UMA has the only public administration bachelor’s degree in the state and offers other programs that prepare employees for municipal jobs. Some of these include studies in business, justice studies, computer information systems, cyber security, mental health, information and library sciences, drone programs and others.

UMA Dean of Professional Studies Brenda McAleer, said that the university recently signed an agreement with the Maine Municipal Association which allows any-

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Photos by Rebecca Lambert

one working for a municipality, including those elected or appointed, as well as individuals serving as volunteers on municipal boards an opportunity to enroll in UMA classes at a 20% tuition discount.

Jared Mills, who became Augusta city manager on April 1 following a brief stint as assistant city manager and who has worked for the city for 25 years, much of that time as a police officer before retiring from that department as chief, said, “A city is like a business that has a lot to offer.” He credited Mary Ann Brenchick, the city’s deputy director of Public Works, with helping to coordinate the city’s participation in the Hometown Careers program.

As Mills watched the students listening to the various city employees, he pointed out that some ninth and tenth grade students work for the city as well.

Mills teaches American, state, and local government as well as municipal administration at UMA. Mills was the city’s assistant manager when he was approached about the Hometown Careers event by McAleer.

“I have seen this over the last 25 years with the police department. We have done a really good job connecting with high schools, colleges, internships, vocational education, and we’ve hired nine people from the vo-tech law enforcement program,” Mills said. “I know it works . . . if we can set our hooks in youth early on, that’s the key.”

Mills said they might remember something from the event years later. “When I was in ninth grade, I sat in on a discussion where a police officer came into our classroom. That was like the ‘aha’ moment for me. He said he wanted a job where he never knew what he was going to do from one moment to the next. And that was kind of the hook for me.” Eight years later – after he finished college – he became a police officer.

As students listened to other officers describing how they decided to enter law enforcement, Augusta Police

Chief Kevin Lully said, “We’ve all been where they are now, looking at ‘What do I want to do?’ I would have loved to have had something like this.”

Lully said that the city’s complement of 45 sworn officers currently had six vacancies.

However, he added that the department previously had partnered with JMG, as well as the Law Enforcement Academy program at the Capital Area Technical Center, and later had hired more than a half dozen officers who had been through those programs. “It’s been a good feeder program.”

Gabrielle Elliott, a junior enrolled in the semester-long Maine Career Exploration course at Hall-Dale High School, was thrilled to be able to sit behind the wheel of a 37,000-pound dump truck and sound the horn.

“When I first climbed into the truck, I asked if I could pull it,” she said. “No,” she was told, but when several people moved away from the front of the vehicle, the operator gave the all-clear. And it wasn’t the only machine she boarded. “I climbed in all of them,” she said. “It felt good being up that high. It felt powerful.”

Donte Henderson, a public works employee for seven years, said most of the students like all the buttons mounted in the dump truck, which doubles as a plow vehicle when equipped with a dustpan and wing. One student expressed interest in learning to drive it. “I told him we have a program to get a CDL and they’re paid as they’re going to school,” he said.

The heavy equipment vehicles had pay ranges clearly posted on them; for example, chief mechanic pay was listed at \$27-\$37 per hour.

Lesley Jones, Augusta Public Works director, said that the department currently had two vacancies, a far cry from last year’s 12.

The department has had success by offering its own driver education training for new employees to acquire

their commercial motor vehicle driver's licenses and comply with Federal Motor Carrier Safety Administration regulations. So far, all seven folks who tested qualified, she said.

As far as applicants to run the variety of machinery, including dump trucks which double as plows, graders, and other heavy equipment, she said, "We need people who have mechanical aptitude, like to be busy with their hands and have an understanding of building roads."

Richard Wurpel, Augusta's Parks and Recreation director, hires those ages 16 and up. Jobs include maintaining grounds, painting sports fields, helping with the city's pools and with burials in the city's 17 cemeteries as well as beautification projects. Some teens also work at the city's Bicentennial Nature Park, which offers swimming and other special programs, including ice fishing on Three Cornered Pond. At the Hometown Careers event, Wurpel distributed flyers with a job posting for seasonal parks laborers with a pay range of \$17.50 to \$19.25.

The city has 245 employees, about half of those full-time.

It's become more challenging to find municipal employees.

The City of Portland, for instance, announced in early April that it was setting up "Recruiter Chat," to help fill vacancies. It was described as "a new way for people to find the perfect job working on one of our City teams!" and as "an opportunity to meet with our City recruiter to learn more about our application process, share your career interests, and explore our open positions."

In late April, that city's website listed 76 openings among 1,400 employees.

A National League of Cities article by Jacob Gottlieb and Julia Bauer based on 2022 statistics concludes, "As municipalities continue recovering from the pandemic, it is critical for them to prioritize bolstering their municipal workforces to ensure continued equitable service delivery to residents. ...Given the clear loss of leadership due to staff departures, greater investment in the development of youth and young professionals into the public sector is advisable."

A Greater Augusta Utility District van was open for students to step in, and Jonah Waterman, who serves as water and wastewater manager, as well as GIS manager for the district, talked of how technology with drones and remote cameras can allow inspections of rooftops and underground pipes. "You can sit back in remote locations and not be in a dangerous area," he said. "It's actually a really good place to work," he said. Waterman noted that the students were particularly interested in the drones and the CCTV truck because they can see the tools and technology.

He does all the computer mapping for the stormwater system. "It's like Google maps, but it's all utilities," he said. "You can click all of our pipes and valves and return information to us about the condition."

The district employs 45-50 workers.

The van displayed a sign saying \$27/hour and up for a treatment plant operator and \$30.25 and up for an engineer.

The regional public utility provides water, sewer and stormwater services in Augusta and wastewater services for Hallowell, Manchester, Monmouth, and parts of Winthrop.

Nearby, Daniel Leclair, director of UMA's "Uncrewed Aircraft Systems" and Alex Haggan, the program's laboratory manager, explained the workings of the drone that flew overhead and showed the paperwork that permitted them to fly it in the controlled airspace not far from the Augusta State Airport.

Through UMA's program, Leclair said, "We've trained over 500 pilots in the State of Maine on drones."

Many of those certified pilots work for municipalities



Photo by Rebecca Lambert



Photos by Rebecca Lambert

and agencies, and he listed a number of them, including the Windham Police Department, York County EMA, the City of Brunswick, City of Lewiston, Maine State Police, and Maine Department of Transportation.

Receiving any amount or type of payment for flying the drone makes it a commercial drone. “Any amount of payment. Food can be payment, and that counts in the FAA’s mind.” Haggan added.

“Right now, we’re in controlled air space,” Leclair said, holding up a document permitting the drone to fly. The Augusta State Airport is less than a mile from UMA’s Augusta campus as the drone flies.

He noted that the students were most interested in learning about the technical aspects of drones: how high it will fly, how fast it will go, how much it costs, what can it do, can it do flips?

Leclair said that the drones on exhibit at the Hometown Careers event were specialized drones designed by the military and used mostly for survey and photography work.

“We teach students to build and design these,” he added, “That’s some of our research work.”

UMA’s Uncrewed Aircraft Systems program is based at Brunswick Aviation Center at Brunswick Landing and works with a number of sites and University of Maine system campuses as well as Maine Maritime Academy.

At lunch the students talked about what they learned at the event.

Shayanne Young, a senior at Medomak Valley High

School, was most interested in the EMT and firefighting programs and said, “I didn’t realize how easy it was to get into them.”

Many of the students took a good look inside the police cruisers. “I figured out something,” said Emily Leonard, a junior at Medomak. “The seatbelts are on the outside.”

And she liked what she learned about the schedules of EMTs and the amount of time off they had.

Caleb Neal, a junior at Lawrence High School, volunteered to be arrested by one of the officers and placed in a cruiser. “It’s not very comfortable,” he said, adding that the handcuffs were tight. He liked the pay scales for both police dispatchers and utility operators.

“There was a lot more opportunity than I thought there was going to be,” said Lawrence freshman Gabe Sinclair, who was interested in law enforcement. “I think it would be cool to just be on the road all the time.”

Deanna Lowe, a junior at Gardiner Regional High School, had been considering a career as a police officer or firefighter and said, “It was nice to have them here and hear about all the different things they do, and how they approach a crash scene.”

Emma Murphy, a junior at the same school, said “I really liked how we could get in and see how the police and fire trucks were set up. I really liked the grader and the way that they’re making the equipment easier to use for this newer generation.”

At the wrap-up session, Mills told the students, “We were all sitting in your seat at one time.” 🏔️



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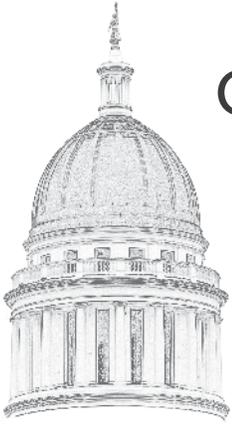
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Greeks Bearing Gifts

Shaping the 131st Legislature's housing legislation.

Rebecca Graham, Senior Legislative Advocate

Readers of the Legislative Bulletin will be familiar with all the ironic legislative decisions that came out of the Joint Select Committee on Housing this session. Less discussed were the number of times that easy and inexpensive solutions to provide real dynamic housing tools for all municipalities were missed either because their outcomes wouldn't fit in a campaign sound bite, or perhaps did not come with free lunch or a flashy award. If that sounds cynical, it is. What follows is the breakdown of the housing legislation that made it out of committee, and what didn't, along with the potential implications for readers to decide their own level of snark.

Benevolent Gifts

To be certain, there were some great things that happened this session to fill gaps created by the lack of federal investment in housing over the past 30 years. Like prior federal investment, these advancements will create more housing of a particular form and design that communities and occupants will have to live with for the foreseeable future. They will be cookie cutter in appearance, easily recognizable in the landscape, and densely packed when concerted municipal efforts and community conversations to shape development are not accomplished in advance.

Some bills closed gaps in existing programs that have grown in recent years, which bridge the equity divide amongst lower paid residents, and provided a path toward ownership. Housing cooperatives are programs that facilitate co-ownership opportunities among residents leveraging group equity to maintain affordability and create a tangible asset that can be leveraged to get onto the property ladder, while also helping another individual into the cooperative program.

Like traditional homeowners and renters, group and cooperative owners can sometimes fall on to hard times and qualify for general assistance programs that help with utilities, food, fuel, and rental assistance. LD 1505, *An Act to Amend the Maine Cooperative Affordable Housing Ownership Act*, sponsored by Rep. Kristen Cloutier of Lewiston, closed a loophole in statute that did not recognize a mixed rental, cooperative equity model for the purposes of receiving emergency housing or general assistance. Additionally, the bill more explicitly defined how cooperative ownership housing models could work and qualify for other home programs like weatherization, fuel assistance, and housing voucher programs.

Several programs were supported by the enactment of LD 2214, also known as the supplemental General Fund budget. One of those efforts allocates \$5 million in unappropriated surplus to support more efforts like housing cooperatives and

to assist in creating resident owned mobile home parks when a park owner places the housing development up for sale.

Another \$30 million has been allocated to create a subsidy program for homeless students, and a pilot program to help prevent evictions with rental assistance of up to \$800 for eligible households making less than 60% of the median income in the area where they reside. An additional \$13.5 million was allocated to programs addressing emergency housing like warming shelters and wraparound services to get individuals into the workforce. Low barrier shelters that cater to individuals who are actively using substances, also referred to as "wet shelters," will receive \$2.5 million and must be operated by private entities that are not receiving federal funds which prevents individuals actively under the influence of drugs or alcohol from accessing those traditionally funded shelters.

An additional \$10 million has been added to MaineHousing's coffers to supplement the efforts of developers building affordable housing, with another \$20 million allocated to growing the Rural Affordable Rental Housing Program to partner with federal low-income rental and housing tax programs. These are the programs that are supplementing developer "capital stacks" in ways that allow them to achieve their profit needs and leverage financing in a banking environment that is leaning on more cautious lending practices following the housing collapse of 2007.

Redundant Gifts

While the MMA Legislative Policy Committee establishes a legislative gift registry in the form of MMA platform bills each biennium, many legislators either ignored it entirely, or have little experience with municipal government in general. As a result, many pieces of legislation even outside the area of housing policy can be considered redundant to what can already occur under current home rule authority. The danger not easily conveyed to legislators is that placing already allowed activities in statute can have the unintended consequence of limiting the needed flexibility enabling all towns to approach tasks creatively. In short, redundant gifts can cause unintended harm, akin to forgetting and regifting an extra toaster to your mother-in-law who gifted it to you four months earlier.

To that end, some gifts bestowed by the legislature this session did nothing more than apply what could already be done municipally to a statewide policy. The impact of this legislation will be narrow, but it certainly spurs on discussion about what types of housing are allowed and what really has been blocking its use. LD 337, *An Act to Amend the Law Governing the Regulation of Manufactured Housing to Increase Affordable Housing*, sponsored by Rep. Cheryl Golek of Harpswell, initially redefined important distinctions be-

tween modular and manufactured housing, and preempted all municipal authority to regulate their placement including compliance with other land use standards like setbacks on individual lots. The amended version rolled back on those definition changes but ultimately mirrors authority for placement already afforded to their bespoke “bougie” cousin, the tiny home.

While downtown areas of compact cities may have limitations on mobile homes, prefabricated modular homes that meet Maine Uniform Building and Energy Code standards are rarely prohibited from use in any area except private developments. Additionally, mobile home parks, something frequently discussed during the bill’s hearing, are not impacted by the enacted or proposed versions. Nonetheless, the enacted version of the bill preempts home rule authority on the placement of mobile homes in any area of a municipality beyond meeting a design standard, in hopes it will generate more affordable housing.

Lamenting the poor placement of mobile home parks in swampy or unattractive areas of communities, planners from several cities supported the bill, even though it will not affect municipal authority to determine a mobile home park’s placement. Such restrictions on placement could have easily been removed through existing home rule authority and community conversations.

LD 492, *An Act to Repurpose Vacant Shopping Malls and Retail Space to Mixed-use Housing and Retail*, sponsored by Rep. Richard Campbell of Orrington enacted in January of this year, has a similar effect as LD 337. As enacted, the bill allows municipalities to adopt ordinances authorizing the development of residential units in high density areas zoned for commercial use including vacant retail spaces—an authority a municipality already possessed without statute. However, the new law required that any ordinance, existing or new, seeking to limit residential units in a commercial zone be proportional to the space available for residential units. Undoubtedly, a court will need to decide what is “proportional” to the space available.

To confuse the matter even more, the law created by LD 492 was amended by the same legislature, in the same committee, a mere three months later in March. LD 1294, *An Act Regarding the Ordinances Governing Residential Units Located in Buildings in a Location Zoned for Commercial Use*, sponsored by Rep. Traci Gere of Kennebunkport, who chaired the same committee that enacted LD 492, amended the mandatory proportionality test provision by making the test an option rather than a required element of any ordinance that limits residential units in commercial zones.

If that sounds confusing, that’s because it is. The law effectively achieves nothing but informing municipalities they can do what they already had the power and authority to do. The thank you note is in the mail. Unfortunately, the legislation did not fix the real problem of finding a willing developer to bring cheaply constructed strip malls up to the residential code and make them attractive to willing occupants without significant speculative investment.

White Elephant Gifts

To punish the courtiers who displeased him, the King of Siam, now Thailand, is alleged to have given them a white elephant. Overnight, the gift required exorbitant expense, was unable to be housed comfortably in modest accommodations, and difficult to be adequately cared for on modest salaries. Equally as burdensome was the political fallout for disrespecting the gift due to lack of resources, sealing the fate of financial ruin for the courtier.

Some legislation this session can truly be considered white elephant gifts. Even if the intent was to achieve a grand gesture, the effect is punitive to civil servant time at best. LD 1673, *Resolve, Establishing a Working Group to Coordinate Collaboration Among State Agencies for the Purpose of Promoting Smart Growth and Development in High-use Corridors*, sponsored by Rep. Gere might even qualify for both a white elephant and a redundant gift category.

The resolve establishes and directs a working group of interagency commissioners from Transportation, Agriculture, Conservation and Forestry, Environmental Protection, Economic and Community Development and the Maine State Housing Authority to design a plan for agency coordination to maximize state resources and promote smart growth, walkable neighborhoods, mixed-use development, and mixed-income housing in high use corridors near higher density downtowns, or village centers from infilling and redeveloping underutilized lands. Additionally, the group which lacks any municipal representation and includes the Governor’s Office of Policy Innovation and the Future (GOPIF), also needs to propose a plan for delivering technical assistance grants to municipalities for the development of ordinances and zoning around high use corridors and establish a model for transit-oriented development.

Unfortunately, due to the late adjournment of the legislature and the lack of an emergency preamble, the working group cannot begin its effort until after August 9, and must report out all recommendations to the legislature by January 1, 2025, or four months later. If four months to develop and provide an informed model for local planning and tackle technical support options for applying for federal grants wasn’t already a problem without municipal stakeholders, it is also equally redundant to the tasks established by the creation of the Maine Office of Community Affairs.

The new Maine Office of Community Affairs is version 2.0 of the state planning office with more internal and external coordination, and technical support for regional planning. Enacted as part of the governor’s supplemental budget, the effective date of the office faces the same August 9 starting line as LD 1673, and all the same tasks. However, the search for the individual to fill the new coordinating and technical assistance role cannot even begin until the funds are officially allocated. Hopefully, the state’s hiring process is quick enough to report that the LD 1673 white elephant needs a little more time and a deeper dive to avoid a mess in the municipal policy arena. Or perhaps the stakeholder group can accomplish in four months what municipalities have been asking state government to do for the past 16 years.

Using a reverse tactic that leads with municipal work already accomplished as a model, LD 1721, *Resolve, to Establish a Plan to Provide Transitional Housing and to Support the Growth of Maine's Workforce*, sponsored by Sen. Jill Duson of Cumberland County, directs GOPIF to propose a state level plan for transitional housing for persons seeking federal work permits that uses leased former hotels and non-profit support agency contracts to provide services to guide and prepare them for entry into Maine's workforce. The direction of the resolve includes identifying state and federal as well as philanthropic funding opportunities to support the plan and use the existing model's successes and short comings to guide a deeper statewide path. Like its white elephant cousin LD 1673, the work can't begin until August 9 and the report deadline is January 1, 2025. Unlike LD 1673, the work builds off an existing municipally informed model, and is half written even without staff in place.

An even bigger lift in the narrow timeframe between enactment and reporting deadlines is the resolve enacted under LD 2158, *Resolve, to Improve the Housing Voucher System and Reduce the Number of Voucher Expirations*, sponsored by Rep. Golek. This vast and diverse stakeholder group has a list of nine tasks to complete that includes digging into the complex landlord-housing voucher holder issues that plague low-income households trying to find housing. The stakeholder group will receive 15 more days to complete its work, as the reporting deadline is January 15, 2025.

Just to round out the work of making recommendations to the next legislature for housing related issues that were not addressed by the sitting legislature, LD 2169, *Resolve, Directing the Office of Policy Innovation and the Future to Recommend Proposals to Support the Development of Attainable Housing*, sponsored by Sen. Matthea Daughtry of Cumberland County, is also in the study mix. This resolve directs GOPIF to recommend solutions aimed at filling the "missing middle" housing market and requires the report to be completed before January 15 as well.

Lost Gifts

The two biggest categories of housing related legislation that should be kept in mind as potential candidates knock on municipal doors for support, are the policy gifts lost and those that undermine balanced governance meant to protect against unscrupulous actors.

One such lost gift is LD 1493, *An Act to Increase Affordable Housing by Expanding Tax Increment Financing*, sponsored by Rep. Raegan LaRoche of Augusta. The bill was one of MMA's platform bills, carried over from the 2023 session, that would have provided a powerful tool enabling municipalities to use their own retained value from Tax Increment Financing (TIF) districts to address the very problems LD 2169 seeks to study. Better still, the bill was proposed as a technical tool, not a state appropriation, that can only be used as directed by the community's residents.

The amended version of the bill would have allowed communities with a TIF district to use retained value accrued from the district to advance and protect naturally occurring afford-

able housing and workforce projects that market forces work against. With direct input from the municipal legislative body, communities would have been authorized to identify neighborhoods at risk of displacement due to gentrification or even singular projects like redevelopment of downtown areas for residential housing, in exchange for keeping the rents of the resulting units in their naturally affordable range. This would have resulted in keeping the workforce often connected to local economies and improved or expanded housing, without encouraging market displacement of current residents.

The retained value from TIF districts could have been used in many ways and was only limited by the municipal imagination. Projects from supporting demolition costs for a small developer to rebuild units rented at before development rates, incentives to relieve the high cost of bringing old buildings up to a new residential code without turning them into luxury or high end market units, or even the division of larger dwellings for older individuals allowing them to age in place while also housing another elderly resident, could have been pursued at the direction of the community.

The municipally powered bill was a neighborhood level tool that provided an opportunity for communities to take charge of creative new ways to keep their neighborhoods whole and offer small projects from community technical skills educators to grow a workforce.

Unfortunately, LD 1493 fell victim to the chaos of partisan games around adjournment and was never taken up by the House once voted out of the Senate. The single bill that had the only ability to address every spectrum of housing need from providing one off projects as learning environments to disrupting frenetic market forces that see depressed neighborhoods as targets for gentrification died for lack of palm card appeal. The lack of action on LD 1493 reinforced the general tone from the legislature which can be interpreted as it's more politically expedient to blame municipalities for the housing crisis than to provide local leaders with tools to disrupt the market forces that created it.

Rest assured it will return next session. We encourage municipal officials interested in saving and growing their neighborhoods to remind legislative candidates seeking their endorsement that the best tools empower communities, not direct them, and encourage candidates to support the reincarnated version of LD 1493 in January 2025.

Offensive Gifts

Additional benefit of the tool that could have been provided by LD 1493 would be to disrupt "Not in My Back Yard" (NIMBYism) through community conversations on how to use community value to incentivize building more housing without drastically changing the feel of a neighborhood. Somewhat ironically in this context, the legislature enacted LD 772, *An Act to Limit Retroactive Application of Land Use Ordinances to Pending Permit Applications That Propose Housing*, sponsored by Sen. Matthew Pouliot of Kennebec County claiming to be spurred on to address these forces by providing developers with "vested rights" protections from a late-stage community veto.

The tax incentives and need to have a high enough rate of return on a project automatically spur development types that seek to have as many units of housing as practical for the least amount of construction expense possible. This generally means proposing large scale projects for dense development on undeveloped lands, which also automatically generates neighborhood ire due to their boxy behemoth nature. The developer's capital stack, rather than community desires, will determine the shape of the development. However, it's not unreasonable to have infrastructure and impact concerns around placing 95 households and multiple businesses in a former cow field or forest on a dead-end road. Some development undoubtedly changes the nature of a neighborhood, just as much as a 50-unit subdivision off a narrow back road changes the rural traffic pattern.

What makes real estate valuable? Realtors would say "location, location, location." To that end, it's worth asking what makes any location attractive. While wealth might top the list for real estate developers, the real answer is the collectively created value of the community built by ordinary individuals residing in the location.

In answer to community concerns around new large-scale development, housing advocates scream NIMBYism hoping the moniker, seen as akin to racism, would shame opposition while developers either use the courts or walk away only when the prospect of scaling down projects fail to meet their return-on-investment desires. In truth, both arguments have

validity. More often than not, amid the finger pointing chaos, municipal planners and officials work on gathering data to "right size" a development, protect habitats identified at risk, address aesthetic concerns and find a more willing developer quietly. When this work occurs well in advance with deliberate community involved conversations, opposition is easily addressed. Time may be considered money in the developer world, but expediency is the enemy of stable long-term habitability and manageable growth in the municipal world.

Maine courts already recognize that it is unpalatable and unfair to change the rules of the game through ordinance amendments in a discriminatory and targeted way and require that ordinance changes that will be applied retroactively to explicitly state its retroactive intent and be well reasoned. They also recognize that the act of filing an application and pursuing a planning review process alone is not a substantive enough investment to bestow vested rights on a developer. In court, the rights of a developer are weighed against the legitimate government interest in retroactive application. In other words, the courts use facts and weigh them fairly in balance with the rights of the community who must live with it.

LD 772 disrespected this fair and balanced approach and instead created a loophole to be exploited by less than community-oriented developers while targeting the communities who have the least planning resources. While the bill received several amendments throughout committee discussions, the



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consistent target was to undermine the constitutional authority granted to municipalities and limit the democratic voice of the residents who build the value for development. The final bill is more limited in its application, and most ironically, does not apply to the communities complained about in the public hearing.

So, what does the new law achieve?

The first part of the enacted version restates what is already practiced and enshrined in case law regarding the retroactive application of ordinances. Any intended retroactive application of new ordinances must explicitly state that intent on enactment. The second part of the law provides that new ordinances cannot be retroactively applied to pending applications for land development that also proposes even a single unit of housing. Finally, and possibly most egregiously, the law provides that the moment an applicant submits proof of legal authority to develop a property that includes at least one housing unit, the developer has vested rights to the ordinances in place.

Think of the new statutory threshold to stop the clock on ordinances for vested rights as a copy of a deed and a napkin drawing of the proposal submitted to the code enforcement officer. Current law requires a substantive review of an application by the review authority before such retroactivity is viewed less favorably by the courts, not just an incomplete application with two components submitted to a clerk or other official.

The changes also define what a proposed date of an ordinance amendment is for application purposes, which only

applies in communities where the ordinance adoption occurs at town meeting or for citizen-initiated ordinance changes. Instead of the current publicly noticed ordinance discussions and public hearings on the proposal before the issue is placed on the warrant serving as fair and open notice, the new threshold is the final vote of the community on the completed ordinance, not when the public conversations began.

The law explicitly does not preempt constitutional authority for when ordinance changes can take effect as prescribed by municipal charter in communities with a council form of government. Hence, the retroactive application prohibition is only applicable to a majority of Maine communities that amend their ordinances through direct democratic governance from the legislative body at town meeting or any proposed citizen-led democratic initiative. This should concern those who believe in balanced and open democratic governance.

While proponents who think this effort disrupts nimbyst responses may be comfortable with stripping democratic voices from their neighbors, it should be noted that it is equally as problematic to amend ordinances to allow a development activity to promote housing in an area where it was prohibited, once a partial application was received. Under current provisions, there are no prohibitions on an applicant requesting to waive their protections and have their application reviewed under a new ordinance. However, the new statute removes this possibility, and a proposed development will have to withdraw their application and amend it in some way for resubmission following a vote at town meeting, or citizen lead initiative, which may not occur for 11 months. Conversely, if a town meeting community does not have a big box store ordinance or a designated business district and receives a proposal for such a development regardless of the location, it could not place a moratorium to write an ordinance and have it applied, if the proposal also included a single residential unit. This loophole is now available to any other undesirable development not yet imagined as well.

Arguably, the net effect only adds fuel to the very reasons why neighbors block development. Capital stacks and profits drive development, while belonging and sense of place drive community culture. Elevating the interests of developers, who frequently lack any tie to a community beyond their project, above the respectful path of community conversations and intentional engagement with those who will live in and alongside the effort, is a legislatively bestowed gift in the form of a Trojan horse filled with garbage delivered to the wrong door. While this effort would never be a candidate for a guardians of democracy award, it did result in an award to committee members from the real estate and development lobby.

Legislators should be thanked for the significant budgetary gifts that will directly support needed housing programs and government coordination. However, make sure to ask new and returning candidates in your communities what their return policy is for their gifts left on the municipal doorstep. ▲



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The Desperate State of General Assistance

Clients aren't the only ones in need.

Amanda Campbell, Legislative Advocate

Maine state statute defines General Assistance (GA) as, “a service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves and their families.” This is not a new concept, and the basic underlying themes can be traced back to the 17th century English pauper laws. Those concepts were brought across the pond to the colonies and eventually became part of Maine law. Created to act as the “program of last resort,” recent changes in society, economics and other unavoidable hardships have made that distinction arguably less than accurate. This state mandated program, administered exclusively by municipal officials, has been under fire for providing too much, not enough, to too many or the wrong people. Ask anybody, and it's the greatest and worst program all at the same time.

In September of 2022, MMA's Legislative Policy Committee (LPC) voted to include General Assistance reforms in their platform of initiatives for the 2023-2024 legislative session. A subgroup of LPC members met with advocacy staff to brainstorm ideas, eventually resulting in two bills that would provide program updates and increase municipal reimbursements. By April of 2024, those initiatives were barely recognizable and following the legislative process GA administrators and advocates, for municipalities and clients alike, were beyond frustrated.

To better understand the ongoing levels of frustration, a brief history of the GA program is in order.

GA in the 20th Century

A Social Security bulletin titled *The Administration of General Relief in the States During 1940*, dated March 1941, describes “the diversity in the type and amount of care provided” in the “more than 10,000 local units throughout the country.” In 1935, the federal government ended its contributions to local general relief programs, which had been initiated in 1933 as part of the Federal Emergency Relief Administration. Instead, employable individuals were required to gain employment through the 1935 Works Program. Unemployable individuals once again became the responsibility of the states and local communities. In 1940, general relief aid was administered by 36 states, but was provided exclusively by local governments, described as “minor civil divisions,” in twelve states, of which Maine was one. Maine was also one of only ten states that provided state funds for general relief and was one of 24 states to provide relief to applicants deemed both employable and unemployable.

Legislation in the 1970-80s updated the GA laws to reflect less of a seventeenth century vibe, crafting a more twentieth century version of the program forming the backbone

of what today's GA administrators follow. During the 1990s, several changes in federal welfare programs triggered states to reevaluate their GA programs. The Urban Institute reported that between 1989-1998, when most other states offering GA scaled back their programs, Maine did not. Many states eliminated eligibility for childless, employable adults or those adults awaiting benefit determinations for Supplemental Security Income. Maine is one of very few states that continues to have uniform eligibility requirements and offers benefits to any applicant who qualifies, not just those identified as unemployable.

GA in the 21st Century

The last twenty years have been marked by an increased polarization around the idea of general assistance. Increases in immigration by asylum seekers and refugees have stressed the GA system and those, by virtue, who administer the program. While the basic law of yesteryear implemented the earliest version of a current day residency requirement by focusing on “settlement” to determine what locality was responsible for the needy, no such requirement exists for GA applicants today. As a result, Maine service center communities became overwhelmed with GA applicants. Aside from the increased volume, these new applicants were not just seeking assistance with a one-time heating bill, but rather needed total assistance to become part of their new community. Federal policy doesn't allow asylum seekers to work for six months after arrival in the U.S., further compounding the necessity for extended services through GA for all manner of need, including housing. Add to that the heated political views of who is deserving of assistance and it's no wonder that GA administrators are desperate for help and reforms.

Fast forward to 2020 and a report from the Center on Budget and Policy Priorities that explains, “the number of states with GA programs has fallen from 38 to 25 since 1989 and benefits have shrunk in inflation-adjusted terms in nearly every state since 1998.” In Maine, this statement holds true as the biennial appropriation for GA has remained unchanged at \$10 million for the past ten years, if not longer. While each supplemental budget cycle has appropriated the additional funds necessary to continue the statutory municipal reimbursement of 70% of the direct aid provided to an eligible applicant, those additional funds are merely filling the gap created by insufficient initial baseline funding. Combine a stagnant appropriation with increased costs in every aspect of daily life and a budget shortfall should come as no surprise.

GA & COVID-19

The worldwide COVID-19 pandemic had very local impacts on the GA program. Town offices were temporarily closed. Shelters were impacted by social distancing rules and almost overnight, traditional, and historically appropriate solutions for individuals facing homelessness, were unavailable. With shelters filling up faster due to space limitations, hotels, motels, and other lodging options were utilized for GA housing. Closed businesses meant people were facing unprecedented economic hardships due to involuntary unemployment. Children home from school, with no available daycare, meant more families needed to provide an additional meal each day and utility usage increased with remote options for work and school. For the first time ever, GA became a necessary lifeline for those other than the most vulnerable members of Maine's communities.

A combination of financial resources provided by both the federal and state governments helped Mainers keep their heads above pandemic waters. The U.S. Census reported that Maine outspent both the New England and federal average expenditures on public welfare in fiscal year 2021, likely due, in part, to the federal funds made available through the Coronavirus Aid, Relief, and Economic Security Act. However, with those funds now gone and little foresight into how the individuals who relied on those funds would fare without them, local GA programs are bearing the brunt of the increased requests for assistance.

GA Here & Now

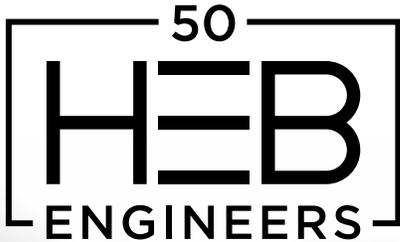
While caring for society's most vulnerable populations is

an age-old practice, the roadblocks and hardships of current times have added significant strain to both the GA program itself and those municipal officials who administer it.

Perhaps most frustrating is the recent ten-year span during which two statutorily directed reports (2013 and 2020) and department led listening sessions (2023) identified the same issues with, and in some cases the same solutions to, the GA program. Yet despite these documented needs and solutions, there has been little, if any, implementation of recommended changes.

For that reason, and as mentioned above, in 2022 MMA's LPC drafted legislation, printed as LD 1732 and sponsored by Rep. Michele Meyer of Eliot, which offered meaningful and achievable reforms that would have had positive impacts for everyone who administers and receives general assistance. For the first time ever, advocates for municipalities and GA clients were united in support of a single measure that would have provided additional training at the state and local level; expanded state response to municipal requests; increased reimbursements to communities; created a statewide database; and made clarifications for the municipality of responsibility in certain instances.

In December 2023, after multiple interim committee meetings, the Health and Human Services (HHS) Committee acknowledged the bill as the appropriate vehicle for delivery of GA reform. However, come January 2024, advocates were met with a completely stripped, amended version of the bill that the LPC could no longer support, but that unanimously passed quickly out of committee. Gone were the tastefully crafted reforms and the additional funding, leaving the



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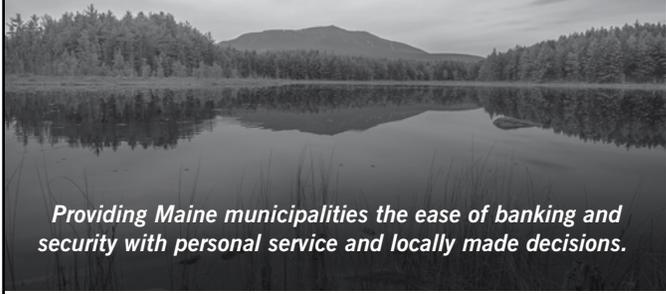
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property taxpayers on the hook to foot the bill. Although the requests for a database and updates for the municipality of responsibility remained, additional requirements for municipalities to provide “trauma informed” and “culturally and linguistically appropriate services” were added.

At a March work session focusing on their supplemental budget report-back to the Appropriations and Financial Affairs (AFA) Committee, HHS proposed support for GA and three specific bills to address the ongoing needs of the program.

The plan included LD 1732 described above and enacted as PL 2023, c. 575, as well as two others that would: (1) address the increased usage of GA funds for housing assistance; and (2) increase municipal reimbursement. The policies of LD 1540 were intended to alleviate housing pressures on GA and direct the MaineHousing to create and administer a program aimed at preventing evictions. The third bill, LD 1664, also from the LPC’s legislative platform, would have increased the municipal reimbursement for GA from 70% to 90%. Sponsored by Sen. Marianne Moore of Washington County, LD 1664 was carried over into the 2024 session and placed on the Special Appropriations Table where it remains today. It is expected that LD 1664 will succumb to the fate of death upon the convention of the newly elected members of the 132nd Maine State Legislature in December of this year.

This trifecta of bills was presented as a package, with the report-back stating, “the HHS committee would like to ensure that the AFA committee is aware of this committee’s multi-pronged approach to the great need within the General Assistance program.” The housing assistance bill was incorporated into the supplemental budget, as the Stable Home Fund Program, with a one-time appropriation of \$18 million for the two-year pilot program, yet the reimbursement funding bill, with its \$8 million fiscal note, was not.

While some might say that “two out of three ain’t bad,” in this case municipal leaders were left with a significantly shortened end of the stick, and no carrots in sight.

In addition, the Governor’s supplemental budget included language to decrease the reliance on short term housing solutions for longer term housing needs. When the law becomes effective, GA administrators will be limited to one 30-day period, over twelve months, when housing maximums can be exceeded to cover rents in hotels and motels used as emergency housing. While it’s undeniable that this policy will reduce spending at both the local and state levels, the change will leave administrators’ hands tied after that initial 30-day period and the neediest residents potentially facing crisis level situations.

The Future of GA

There’s really nothing “general” about administering the General Assistance program. Each client is unique, as is each municipality to which clients apply for help. Unfortunately, a lack of appreciation for and understanding of the services provided by municipal officials hinders the advancement of any reforms, regardless of how realistic they may be. Political disagreements surrounding eligibility, including accusations that municipal officials are providing services to ineligible applicants, only stifle the discussion of who is truly in need and what solutions can be provided by elected officials.

No one will argue that providing care, of any kind, to the most vulnerable populations in our state is a daunting task. However, until adequately caring for those residents through this state mandated program becomes a priority, municipal officials will be left to continue providing those services without additional assistance for themselves or the taxpayers in their communities. ▲

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The Perspective of a Policy Wonk

Why municipal officials serve on MMA's Legislative Policy Committee.

Kate Dufour, Director, Advocacy & Communications

In this legislative edition of the Q&A series, Steven Buck, Liz Caruso, Melissa Doane, Jay Feyler, David "Mike" Ray, Laurie Smith, and Dwayne Young discuss their experiences guiding the Association's advocacy work as members of MMA's 2022-2024 Legislative Policy Committee (LPC). As described in greater detail in this month's edition of the Elected Officials Series, two municipal officials from each of the State's 35 senate districts are elected by the selectboards and councils within the district to serve on the policy committee, and in part, establish MMA's positions on bills of municipal significance.

The questions posed to these esteemed municipal officials ranged from learning why they decided to run and serve on the committee, what policy areas get their engines running, and the messages they would like to share with current and future members of the Maine State Legislature.

As would be expected, the answers are enlightening.

About the Interviewees

Steven Buck, who currently serves as Sanford City Manager, has over 15 years of experience in municipal management, having served as the Caribou's city manager for 12 years. Prior to beginning his municipal government career, Buck was self-employed in a multi-generational agricultural operation and founded a marketing, warehousing, and east coast distribution corporation for agricultural products. While self-employed he served for 16 years as an elected official as well as on numerous state and local boards. He has also served on the board of directors for two Maine hospitals and has founded and consulted on several municipal ambulance services.

For the last 19 years, **Liz Caruso** has served as the Town of Caratunk's First Selectman, managing the majority of municipal affairs and correspondences. She has also served as registrar and deputy clerk when necessary. Caruso served on MMA's Legislative Policy Committee in 2023-2024 and enjoyed discussing the legislative issues, how they affect areas of Maine differently, and how best to protect municipalities and the people they serve.

Melissa Doane has served the Town of Bradley in several capacities for more than 19 years, including as manager, clerk, treasurer, tax collector, road commissioner, and general assistance administrator. She has served on MMA's Executive Committee, most recently as MMA Vice President, and serves as chair of the LPC.

Jay Feyler has served as Union Town Manager for the past 16 years. He has also served on the school board, budget committee, appeals board, selectboard and as a Pullen Trustee. Feyler has served as President of the Maine Welfare

Directors' Association, President of the Executive Board of the Maine Town, City and County Managers' Association, Vice President of the Mid Coast Managers' Association and has also served on the MMA Nominating Committee.

David Michael Ray has served the town of Lincolnville in several capacities over the past 21 years. He is currently serving a term as a selectboard member, is on the broad-band committee and previously served on the conservation commission, land use committee and planning board. Ray has also served as ballot clerk since 2003.

Laurie Smith has served as manager in the Town of Kennebunkport for the past 10 years. Prior to that she served as manager in the Towns of Wiscasset, Boothbay, Boothbay Harbor, and Oxford; and as assistant manager in the City of Auburn. Smith has served on MMA's Executive Committee, including a term as President, and as chair of the LPC when she served as the Executive Committee's Vice President. She has also served on MMA's Risk Pool and Workers' Compensation Boards.

Dwayne Young has served as Administrative Assistant in the Town of Weston since 2013. He also served as treasurer, tax collector and clerk in the Town of Orient and as counter clerk in Lubec. Young also serves as deputy treasurer in Reed Plantation. He currently serves on the executive board of the Maine Town and City Clerks' Association's Legislative Policy Committee and has represented his district on MMA's LPC since 2018.

Q. What motivated you to serve on the LPC?

Buck: The most efficient and effective means of offering legislative action or providing an amplified voice on State legislation is through the LPC process. Leveraging the influence of the MMA as the voice of our municipalities to positively impact past and future legislation that governs and financially affects our operations is both an opportunity and a responsibility towards our municipal services.

Caruso: I was asked to serve and fill the vacancy in this district which is comprised of many rural, mostly smaller, and often remote municipalities and townships. We all know the disparity of Congressional District 1 and Congressional District 2 and that the heavily populated southern Maine, coastal, and urban cities carry loud voices in comparison to the less populated Maine geography. These are the very areas of Maine that are easily overlooked and not well-represented in Augusta – either in the legislature or in administrative and regulatory agencies. I greatly appreciate and admire our MMA staff for always being conscious of reflecting the needs of all areas of Maine. However, to determine a legislative position on a bill, MMA staff need

more testimonies and votes from the LPC members. Being a voice on the LPC is a worthy cause as well as a valuable service to our area, residents, and way of life.

Doane: As a longtime municipal manager in a smaller community, the struggle to keep up with the new laws has always been a challenge. I was motivated to serve on the LPC because I felt insight into the legislative process may not only assist with understanding the laws better but also help with understanding the development of the bills and laws. Serving on the committee and then having the opportunity to chair the committee certainly has provided insight. The advocacy team works hard to provide the committee with information on the bills that are being proposed. It is, however, necessary to do your best due diligence to be prepared.

Feyler: I was interested in supporting municipal interests and quite frankly nobody in my district was interested, so I jumped on board and glad I did.

Ray: Being on the selectboard, you quickly realize that very often a town needs to know what's going on in Augusta. Or at least what legislation might be coming that will affect how things are done, the costs to the town, and, most importantly, the implications for the people you serve. I figured being on the LPC might give me a bit of insight into all that. Besides, how often do you get the chance to (politely) tell a lobbyist what to do?

Smith: The work of the LPC is one of the most important in the municipal world. It is an opportunity to network with others across the State to learn more about the legislative process and dive in depth into the many bills impacting municipalities. It also increases your awareness of the issues facing the entire State, and not just your portion of the world, and work in partnership to bring our voices to the halls of Augusta.

Young: I would say my motivation to serve on the LPC was the thought that someone from a very small community could have a voice in helping to guide the process of responding to bills that affect municipalities of all sizes. It is all too often though that small or rural areas aren't considered in many of the discussions, I wanted to change that.

Q. What policy areas are of greatest interest and importance to your municipality and district?

Buck: Preservation of Home Rule for our municipalities is a primary focus followed by tax reform to better provide the continuum of services within our State, focused at the municipal level.

Caruso: The progressive erosion of local control has never been more concerning as in the past few years. The new public policies and legislative agendas being forced upon local towns, planning boards, and taxpayers are overwhelming municipal offices, changing our landscapes, reducing our

small business viability, causing constitutional violations, and negating townspeople's democratically enacted comprehensive plans and local town ordinances. It's imperative that the legislature recognizes how rural Maine operates differently than urban Maine, and that all are protected and represented. Preserving local control, maintaining the authority, unique character and autonomy of our varied Maine culture is critical.

Doane: My greatest interest and area of importance would likely be any laws that have an impact on smaller Maine municipalities. My career has been with a community with a population of 2,000 and under. I am not able to rely on a team or a person that has expertise in particular areas; I am expected to have the expertise. This is the norm for smaller municipalities. It is not only the manager/administrator's responsibility to learn the new laws, but also that person's responsibility to explain the new laws to elected officials, staff, and residents.

Feyler: Guarding revenue sharing, pushing back on mandates, and keeping home rule viable.

Ray: Lincolnville has a population of 2,300 and is fairly far from larger municipalities. So, while the town may not have some of the pressures Maine cities deal with, our size also means we don't have the staff to always plan for future challenges. So, I tend to look out for opportunities for regional collaboration. The LPC definitely helped me spot some of those - and how the State government can make those more accessible to rural Maine. Such things just might lower the tax bills of the folks you represent.

Smith: Of greatest concern to Kennebunkport are the issues surrounding land use, state revenue sharing and reimbursements, home rule authority and the need to engage in statewide solutions for issues such as immigration, homelessness, and affordable housing.

Young: Taxation, education, and anything that attempts to degrade the home rule authority of the municipalities are the top areas of interest to my municipality and district. Taxation affects everyone regardless of size, but what makes sense in southern Maine may not be a good fit for here and likewise. Education and its costs are a huge area of concern to all communities. The costs keep rising and more of the burden is being passed down to the communities through mandates and changes to the Essential Programs and Services funding model.

A prime example of the degrading of home rule is the recently passed housing bills that just bulldozed over local zoning ordinances. It seems as though one-size-fits-all thinking is the current trend.



Q. What are the biggest rewards or challenges you have encountered during your term?

Buck: Over many terms on the LPC, the greatest challenges have been the preservation and formulation of State Revenue Sharing as well as amendments to education funding to a minimum of 55%. Further challenges revolve around legislation focused on the State empowering municipal operations towards the economic development and infrastructure improvements within our State with a new focus on housing. The challenge and reward is obtaining recognition through legislation that our cities and towns are the most important service providers in our State and our laws should reflect that role.

Caruso: I found that the biggest reward was being present to listen as fellow Maine municipal leaders discuss the various challenges they face. As a selectman of a small town for the last 19 years, I appreciated the LPC dialogue which spanned the challenges and concerns from larger towns and cities who are faced with larger population and administrative/logistical issues. Maine is rich in its resilient people and natural resources and also quite diverse in its topography, population, sources of economy (tourism, agriculture, forestry), and contrasting rural, remote, coastal, urban and/or industrialized areas. These pronounced differences present various challenges to our local leaders tasked with administering programs across our 480 municipalities and townships. Similarly, it is hard for the more populated towns/cities to relate to small towns with a skeletal municipal administrative structure comprised of part-time selectmen, tax collectors, clerks, a shared CEO and animal control officer, and a town office that is uninhabited except for monthly meetings. One size does not fit all. Our CD 1 and CD 2 regions face different challenges and have different population groups, economies, natural resources, political views, and ways of life. It's important all are represented at the LPC – to be given a voice and likewise to be heard.

Doane: The biggest reward is listening to municipal officials from all over the state explain how bills will affect them and how the issue at hand is currently handled. It is fascinating to hear what other communities are doing and the processes they have had or are going through. The biggest challenge would be speaking in a room full of really smart people. Maine is lucky to have such amazing and intelligent leaders in municipal government.

Feyler: Meeting and networking with fellow municipal officials, I have met some knowledgeable people who I work with outside the LPC.

Ray: Rewards...Being able to go back to our selectboard and citizens and say "This is what's going on. Any interest?" Challenges...Seeing how the State Legislature produces legislation and policy. It's messy, but it is what we have.

Smith: Sometimes it is challenging to find rewards when you feel that you are not heard or recognized as a partner at the State level. Overall, the ability to share thoughts

with a variety of officials from different regions and reach consensus on platforms is gratifying. The other piece where the LPC finds value is the ability to educate the staff on how implementation of these laws impacts citizens and operations. This effort allows them to be more successful in their lobbying efforts on our behalf.

Young: I feel the challenges are mostly geography and population based when it comes to setting the LPC's priorities; however, the ability of the 70 members to talk through the issues and come to a majority decision is the greatest reward.

Q. What have you learned during your term on the LPC?

Buck: Every legislative session is a new session; especially as longer-term institutional knowledge has diminished over the past two decades. The more complex the issue the more difficult it is to effect positive change. Additionally, there is little continuity or stability in our State's legislative process especially as the Legislature has become ever more polarized by parties. We must always start from the first point given these dynamics as we seek legislative support for our municipalities.

Caruso: I can't emphasize enough the great need for effective and consistent advocacy at the statehouse to bridge the divide between Augusta lawmakers and municipal officials. I witnessed members of the legislature mandating legislation without first consulting the municipalities tasked with implementation and administration of the policy change. Lawmakers receive more input and guidance from lobbyists, special interest groups, and administrative/regulatory agencies than the constituents they were elected to represent or the municipal employees at the local level. This is why a diverse LPC, representing all Maine towns and cities, is necessary. Many lawmakers have good intentions to solve a particular issue, but neither they nor their staff tasked with drafting bills, are innately familiar with the day-to-day operations (selectboards, clerks, planning boards, CEOs) and/or are unaware that their line-by-line statutes could be in conflict with either local ordinances (or the Constitution) nor that the dictates could be heavily burdensome and/or unreasonable in implementation. It is critical that town officials make the time and worthwhile effort to testify before legislative committees when bills are being heard – it's a worthy sacrifice.

Doane: I have learned to speak in a room full of really smart people. I have enjoyed contributing greatly. I not only hold the title and responsibility of Town Manager, but I am also the Tax Collector, Treasurer, Road Commissioner, General Assistance Administrator, and until recently the Town Clerk. This municipal experience provides me with some expertise in many municipal roles. It is rewarding to offer and receive know-how from leaders representing all sizes of municipal government.



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Feyler: In depth of how the legislature works, and in my opinion, it has not worked well recently. How valuable our advocates at MMA are, we have stopped many LDs that were devastating and have promoted some other great bills.

Ray: That it doesn't matter the town or city's size, or where it is in Maine, LPC members and the elected officials they represent take very seriously their responsibilities to the people "back home."

Smith: I have learned how frustrating the process can be and how challenging the politics have become. I have also learned that when the municipalities across the state become unified behind a cause we can create change and affect the future of the State.

Young: My exposure to the LPC has helped me better understand the legislative process and the complexity of some issues. It also has allowed me to expand my knowledge of how municipalities are affected differently by each proposed bill.

Q. What strategies and tools do you utilize when performing your LPC related duties?

Buck: The LPC is very diverse across locations in our State both small towns and larger cities. One should listen to the wide array of views first and speak last of a position that both recognizes that diversity while speaking to a needed position that I must represent for my District. Support is gained by supporting the needs within and outside my District. This has consistently produced positive outcomes within the LPC.

Doane: I made a valiant effort to read the proposed bills and do some research on current bills that are slated to change. It can be time-consuming and can take you into a rabbit hole, but I think the work was helpful. I know that I need to do better at reaching out to legislators and providing them with my thoughts on municipal impacts. I also need to do better at contacting other municipalities in my district and request that they do the same.

Feyler: I try to reach out to my district members on controversial issues before I vote on some bills.

Ray: A lot of research into the proposed legislation. Both the MMA and the State Government website make that easier.

Young: I read the summary then read the entire bill to see if I understand it correctly. The next step is to see if it is going to affect my community and/or district and what that looks like. I then listen to the other points of view and if I feel I can make a contribution to the conversation I will.

Q. What message would you like to send to the members of the Legislature?

Buck: I would ask all Legislators to both remember and especially recognize that the towns and cities, and their residents, from which they were elected to represent should be

first and foremost in their minds when voting on new legislation. Working together, State and municipal governments, we can accomplish more than if separate. There has been a loss of this perspective, and we should seek to restore it.

Caruso: Unfortunately, I witnessed that some Augusta lawmakers not only appear to be uninterested in MMA's testimony, but for some unknown reason are skeptical of the association's motives and sometimes downright hostile. Local town officials rely on MMA legislative staff to be our voice at the state house. MMA staff are representing the majority vote of the Legislative Policy Committee which is comprised of representatives from nearly all local towns and cities. Furthermore, MMA staff, more than House and Senate staff and legal analysts, have a working comprehension of the day-to-day logistics and innate challenges in municipal administration across all areas of Maine (rural small towns and urban cities). MMA staff is therefore well able to relevantly represent municipal views on legislative issues. Municipal officials are the grassroots representatives of Maine residents, businesses, and taxpayers. Any kind of disregard for MMA staff is a disregard for the voice and cry of town officials democratically elected by the voters.

Doane: The message I would like to send is that most of us, if not all, are on the same side. Municipal officials of Maine want to do the best for their residents as do legislators. I am not sure where the disconnect is or how we repair it, however, it is evident that many legislators do not fully understand municipal government. I would also like to send the message of maybe leave "it" alone for a while and see how "it" works before trying to fix something that is or is not broken. Oh, and can we have some actual public notice and opportunity for public comment and input (and if they could listen to the comments provided, that would be super cool).

Feyler: The political party is not more important than the people, and they need to ask and listen to the municipalities when they are voting on bills that impact us. I have heard some representatives talk and it is obvious they have no understanding of local government. A zero fiscal note for the State may not be the same for the municipality.

Ray: Maybe imagine that you're a town employee, or a resident getting a permit, registering a car, or paying your taxes when considering legislation.

Smith: I would like the legislature to understand we are their partner in the delivery of public services, and they need us as much as we need them. We are not their enemy but rather on the same team and we need to develop joint goals that serve all our citizens.

Young: Firstly, I'd like to thank them for stepping up and putting themselves in a thankless job. Secondly, I'd like to remind them that they were elected to represent all their constituents, whether they voted for them or not. Thirdly, if their ideas don't allow for compromise, then they are no longer ideas, they are barriers. ▲

An Insider View of the Maine Election Process

Annually election officials and volunteers seamlessly conduct several elections, but that flawlessness is due to months of preparations.

By Rebecca Lambert, Municipal Issues Specialists

Elections in Maine are not just a civic duty but are a communal event at the heart of our democracy. Yet, behind the curtain of the voting booth lies a meticulous preparation process, ensuring the smooth orchestration of this patriotic event. From the perspective of a Maine town or city clerk, ensuring that elections are conducted with integrity and transparency while adhering to election law is paramount, which requires work that is not only limited to voting day. In this article you will get a glimpse into the intricate preparations and considerations that go into making sure every election day is a success.

Understanding the election process. Maine's election process is governed by a set of laws outlined in Title 21-A of the Maine Statutes in addition to federal election regulations. These rules are designed to uphold the democratic principles of fairness and accessibility for citizens to execute their fundamental right to vote. Town and city clerks must be fluent in their understanding of these laws with support from the Secretary of State's (SOS) Office. From voter registration deadlines to absentee ballot requests, every detail must be precisely followed to ensure compliance and enfranchise every eligible voter.

"I love elections and have for 50 years. I want voters to feel welcome and appreciated for coming to vote."

~Merton Brown,
Kennebunk Town Clerk

Preparing for a large election can start up to a year prior with the budget process to ensure enough funds are requested to cover the cost of administering the election. These costs include supplies, necessary replacement of equipment, staffing needs, and additional training sessions for new and seasoned election workers. Attention to the polling location, signage, accessibility and safety concerns, and the layout of the voting floor are all included in the checklist of duties.

For Kristin Parks, Readfield town clerk, preparations all depend on how many elections are going to happen each year, but that typical election activity starts 120 days prior to election day. "We have already tackled the

March Presidential Primary, upcoming in June we have the State Primary along with our Annual Town Meeting and RSU referendum, and in November we have the Presidential General Election. So, it definitely has been a busy year for elections. We are still wrapping up one election and hopping onto the next one."

In more urban cities like Lewiston, preparations also vary based on the number of elections, and for the more popular elections, preparations begin approximately five to six months prior, according to Kathy Montejo, Lewiston city clerk. "Voters can start to request absentee ballots 90 days before election day, so we can be busy processing requests several months before election day. We are constantly thinking about elections – are there any changes in the buildings that serve as polling places, recruiting workers, marketing ideas for more voter involvement, etc."

The daily work of Maine town and city clerks doesn't stop when an election rolls around, who must still process meeting agendas, and marriage and death records, among the multitude of other tasks required of them. Clerks rely on professional member organizations, like MMA and the Maine Town & City Clerks Association, who help clerks stay on top of changing laws, advocate for change when necessary, and answer any questions that arise. Clerks are also encouraged to contact the SOS's office with any questions, at any time, regarding the administration of elections.

Professional organizations that advocate for town and city clerks are crucial to mitigating unintentional consequences and wind up playing more of a defensive than offensive role in the legislative arena. Many times, proposals to change election laws and procedures are brought forward by non-election administrators and though well intended, when practically applied, could conflict with current election law.

Maintaining voter rolls. A crucial aspect of election preparation is maintaining accurate voter rolls. The clerk in each municipality is responsible for maintaining voter lists pursuant to rules adopted by the SOS and required by the National Voter Registration Act of 1993. This in-

volves updating voter registration information, purging ineligible or deceased voters, and processing new registrations.

Registrations cannot be cancelled solely because the registered voter did not vote in previous elections and must be based on one of two following reasons: (1) when it has been determined that a voter has registered to vote in another Maine jurisdiction, or (2) when it has been determined that the voter has registered to vote in another state.

The process for updating the voter rolls for deceased individuals is guided by Maine statute Title 21-A, section 128, which states that the “registrar shall review the records of...death...in the office of the clerk or the assessors or as provided by the Department of Health and Human Services, Office of Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and shall revise the central voter registration system accordingly.”

Additionally, the registrar or the Secretary of State may use death notices as a basis to cancel a voter’s record as long as the record matches that of the registered voter in one of the following ways: (1) a published obituary if it contains the name of the registered voter along with the date and place of death of that voter, or (2) a notice from an immediate family member of the registered voter if it contains the name of the voter along with the date and place of death of that voter and is signed by an immediate family member.

Leveraging technology plays a significant role in

streamlining the maintenance of voter rolls. In Maine, a team of staff from the Bureau of Corporations, Elections, & Commissions have been methodically working with a vendor to implement a new Central Voter Registration (CVR) system. This system uses a digital database to facilitate efficient data management and retrieval.

In February, staff successfully launched the online voter registration system that will keep clerks up to date when any changes to the process occur. In addition to the new online voter registration, voters can still register to vote in person on the day of the election at the polls.

Absentee voting. In Maine, absentee voting provides an essential avenue for voters who are unable to cast their ballots in person, on election day, or for any reason. Currently, any registered voter may request an absentee ballot from their municipal clerk or online at the SOS’s website. The no-excuse absentee voting law simply means that any voter can cast an absentee ballot, whether in person at the municipal office or at home.

As of February 1, 2024, a change in law allows a voter to self-identify as having a disability to apply for ongoing absentee status in addition to voters aged 65 and over who are currently eligible to use the ongoing method. Acquiring an ongoing absentee status qualifies the voter to receive a ballot for any election automatically and eliminates the need to complete a request every year. Efforts were made in the 131st Legislature in 2023 to expand ongoing absentee status to all voters but was eventually amended to only extend that benefit to those

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who self-identify as having a disability—removing the requirement for a physician to certify the disability.

The number of people using an absentee ballot to vote has increased over the years. Merton Brown, clerk for the Town of Kennebunk, has seen a significant increase in absentee voting that he attributes to being sparked by the COVID pandemic. In the November 2020 election, he shared that nearly 70% of Kennebunk registered voters cast an absentee ballot—that is nearly 7,000 voters.

Likewise in Lewiston, voter participation pre-COVID was 70% in person voting and 30% absentee voting. Post-pandemic those numbers have flipped to 30% in person and 70% absentee. Montejo noted, “We are back down to about 40% absentee voting now. Voters appreciate being able to have the ballot in advance so they can study it, research candidates and referendum questions, and understand the complex wording of some of the referendum questions. They also appreciate the ballot drop box so they can return it at their convenience directly to City Hall and not worry if it got lost in the mail system.”

Facilitating the absentee voting process is an arduous process that involves accepting requests, issuing ballots, and further ensuring the ballot’s secure return. Technology again assists the process by the ability to check the status of an absentee ballot through an online tracking system. The system will show the date an absentee ballot request has been accepted by the municipal clerk, the date the ballot has been mailed to the voter, and the date when the completed ballot has been received. Safeguards are in place so when an absentee ballot is returned, the status is updated on the voter roll to show that the voter has cast an absentee ballot, preventing a voter from casting a second ballot in person. Regardless of how an absentee ballot is requested or returned, it can be tracked using the system.

Semi-open primaries. In 2024, Maine joined six other states with semi-open primaries that allow unenrolled voters to participate in primary elections without having to enroll in a party. The shift in policy broadened participation by approximately 30% in Maine, according to an article published by Maine Public.

For unenrolled voters, this change allows them to pick a Democratic or Republican ballot when entering the polling location for the primary election and register to vote the same day, if needed. Voters enrolled in a party may only receive the opposite ballot if they have changed their party affiliation at least 15 days before the primary election.

Changes to laws can cause confusion among voters, but over in Readfield, Parks has received positive feedback from a lot of residents about the semi-open primaries, much like across the rest of the state.

Ranked choice voting. When authorized, ranked choice voting enables voters to choose candidates in order of preference for races with at least three candidates. On election night, only first-choice candidates are counted

and if no candidate receives over 50% of the vote, the race moves into ranked choice voting rounds.

After determining that no candidate received a majority vote, the ranked choice voting rounds begin. The process starts with all the ballots and tabulator memory devices being transported by courier to a secure location in Augusta for counting. The ranking rounds can get a little confusing, but I’ve tried to explain the process using a simple example here.

In this ranked choice voting example, we will call the candidates Bob, Fran, Mary, and Fred.

On election night, the first round of counting looks at the voters’ first choice candidates. If Fred had the fewest votes, in total, he would initially be eliminated. However, the voters that listed Fred as their first choice, still get to have a voice. Those with Fred as their first choice also have Mary as their second choice. These votes that were originally for Fred, now get added to Mary’s total.

After calculating the totals from round one, the candidate left with the least number of votes is eliminated. Like in the first round, those voters still have a voice and their second or in some cases the third choice is activated. The process continues until all ballots have been counted and a winner has been determined.

This is a very basic example of how ranked choice voting works. However, it is important to point out that by using this process, even if a voter’s first choice candidate isn’t successful, the ballot remains active for the remainder of the process.

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Preparing polling locations and ensuring security.

Creating an accessible and efficient voting environment is essential for conducting a smooth voting process. This includes logistical preparations such as selecting suitable polling locations, arranging for necessary equipment like voting machines and ballot boxes, and training poll workers to assist voters and maintain order on election day.

Typically, polling locations have already been established, but when a change must occur, the municipality will work with the SOS office to be sure the new location meets a variety of criteria. Keeping a polling place in the same location is beneficial since the predictability of a polling location increases the likelihood of better voter participation.

As voting is a constitutional right, accessibility for voters with disabilities is a key consideration, and provisions must be made to accommodate their needs. The SOS provides the Accessible Voting System at every polling place required under the Help America Vote Act of 2002, and works with municipalities across Maine to ensure their polling place is accessible for all citizens.

In 2023, the Maine Legislature passed LD 419, *Resolve, to Establish a Working Group to Study Polling Places at Schools in Order to Protect Security and Accessibility*, creating a working group charged with identifying the number of school buildings in the State used as polling places, examining and identifying practices in other states around the use of schools as polling places, evaluating the criteria necessary to protect the security of school students and staff, election staff, and voters when schools are used as polling places, identifying possible changes, and making recommendations based on the findings of the working group.

The recommendations from the working group included encouraging municipalities and school districts to develop and sign agreements for the use of schools as polling places. The report also envisioned directing the SOS to develop a resource bank that would contain a model memorandum of understanding and other resources to assist in negotiations for the use of school buildings as polling places as well as to enhance accessibility and security. Finally, the working group recommended that it continue to meet during 2024 to facilitate coordination between election officials and school officials on issues of security and accessibility of voting, as well as to explore best practices for effective coordination between schools and election officials.

Maintaining the integrity and security of the electoral process is of utmost importance, and safeguarding

against potential threats to election security is a top priority. Implementing robust security measures, such as tamper-evident ballot containers and secure transmission of election results, helps instill confidence in the electoral process and protects against interference.

In Lewiston, there has always been a police presence at the polls due to the large number of people that flow in and out, which helps to promote a sense of security for all. As a seasoned election worker, security has always been a concern for Brown. In

his early years, the security was more focused on ballots, yet Kennebunk maintains a police officer presence at the polls, like Lewiston. In more recent years, he and other clerks have attended many training sessions through MMA and the SOS regarding election security. "I have great concerns for some of my fellow clerks who have had serious issues arise in the area of security," said Brown.

Educating voters. An informed electorate is essential for a healthy democracy. Town and city clerks, among others, take on a major role to help educate voters about their rights, the voting process, the candidates, and issues at stake. Providing accessible and accurate information through voter guides, public outreach efforts, and educational materials helps empower voters to make informed decisions on election day. Additionally, educating voters on the absentee voting process and related deadlines is crucial for maximizing voter participation.

One of the biggest election challenges for both Kennebunk and Readfield is mastering all the changes in election laws and helping voters understand those changes. In Kennebunk, Brown aims to keep voting lines short and takes immense pride in making the process as easy as possible for every voter. At each election, you will likely find him positioned near the door offering a hearty greeting to each resident who shows up to vote.

Voter education is an ongoing effort for all municipal staff, and even if a municipality is following the law, it doesn't always mean the action is well received. Election workers and clerks do the best they can to manage the situation, even when tensions rise.

According to Montejo, it's important to understand how voting will affect the voter personally, whether it is a school referendum or electing local officials, since each affects their lives in different ways. "Voters also need to believe in the system and have confidence in it. Elections are run by their neighbors and a good variety of democrats, republicans and unenrolled (independent) voters. Maine elections have transparency – residents can watch ballots being counted; they are being counted by their fellow community members; and voting machine results

"They (elections) are not as scary as in the beginning when I was the interim Town Clerk. It feels good to know that I can help other clerks that may need guidance. It's a great feeling at the end of the night, and to have a great crew of workers just helps make it all the better!"

~ Kristin Parks, Readfield Town Clerk

have proven extremely accurate during recounts. Voters should realize their vote does matter; many elections are won/lost by less than 10 votes. Voters sometimes don't vote because they are not familiar with the issues – so much information is available online now, voters could invest the time to learn about the issues.”

Coordinate, collaborate, and communicate. Collaboration with local and state election officials is critical for ensuring the success of elections in Maine. From conducting poll worker training sessions to resolving logistical challenges, effective communication and cooperation are essential for overcoming obstacles and adapting to changing circumstances.

Local officials are available to answer questions from voters on the process and are happy to share knowledge about elections. The SOS office can also answer questions from voters but also stand ready to assist election workers with any issues that arise during the process or on election day. Having an open line of communication helps to deter misinterpretations and allows for the smooth administration of an election.

For Parks, it takes several calendars, lists, and binders to manage all the notices and deadlines needed to administer an election. When it comes to a smaller town meeting election, the wealth of information still comes in handy to ensure she hasn't forgotten anything. The tricks she personally employs in addition to the detailed memos and packets for each election from the SOS help to keep her on top of her election game. “I will admit, elections used to scare me, but now that I have some under my belt, I can finally breathe. They are not as scary as in the beginning when I was the interim Town Clerk.”

The entire team in Lewiston has access to a master calendar and preparation checklist for each election, on which each member of staff is assigned specific tasks. For Brown, he relies on calendars, notes, training, and institutional knowledge for the smooth administration of elections in Kennebunk.

Finding election workers. Finding individuals who are willing to help administer elections is easy when you have a dedicated pool of poll workers to utilize but can be more difficult when there is a lack of workforce. Although Kennebunk, Lewiston, and Readfield are blessed with a solid election worker supply, Brown in particular, is always on the lookout for someone who may be a good fit and when he sees someone, he asks. Having been involved with the administration of elections since 1975, Brown can talk about elections with anyone at any time, even in the grocery store.

Lewiston hires and trains approximately 135 residents to serve as election workers each year with about a 10-15% turnover rate for various reasons. Their effort to recruit poll workers includes reaching out to retired city employees, local organizations such as the Kiwanis and Rotary clubs, veterans' organizations, and local colleges, just to

name a few. Montejo shared, “We are constantly recruiting, if we meet customers at the window who seem to be welcoming and interested in getting more engaged with their community, we will ask them to consider serving as an election worker. We reach out to the members on our city boards and committees to see if they might be interested, if their spouse or partner might be interested.”

According to Joann Bautista, Deputy Secretary of State, Policy Advisor, poll workers are needed at all stages of the election process and reminds citizens that Mainers who are registered to vote, even if they are 16 or 17 years old and not able to cast a ballot, are allowed to serve as poll workers in the municipality they live in. Training is provided by municipal clerks and their staff and individuals interested in serving as poll workers should contact their municipal office or can obtain more information at www.maineelectionworkers.org.

It's important to keep in mind that at least half of the total number of poll workers must be in equal numbers from both Democratic and Republican parties, or only unequal by one person, at most. The other half can be enrolled in minor parties or unenrolled voters. It can be a challenge for some municipalities to get an equal number of poll workers from the major parties and if a situation such as that arises, the clerk may select additional poll workers from the minor parties or unenrolled voters. Further, a candidate or a member of a candidate's immediate family is excluded from serving as a poll worker.

Preparing for and administering elections in Maine can be seen as a labor of love, driven by a commitment to uphold the principles of the democratic process and ensure every voice is heard. Town and city clerks and election officials take pride in the role they play in facilitating the electoral process and empowering voters to participate in shaping the future of our communities and our state. Through meticulous preparation, dedication to transparency, and a steadfast commitment to integrity, election officials uphold the sacred trust bestowed upon them. On election day, as the polls open and voters cast their ballots all over this great state, we stand united, not by vote but in our shared commitment to the fundamental principles that underpin our democracy. ▲▲

“(Election) successes (for Lewiston) are the efficiency that voters can be processed at the polls, we rarely have lines and voters can be in and out in less than 20 minutes, many times less than 10. We see in the news some states have hours long wait at their polls for their voters, Maine does not have that.”
~ Kathy Montejo, Lewiston City Clerk

New Laws 2024

EFFECTIVE DATE. Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is noted before the Public Law (PL) citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted in the Legislature's Second Regular Session is Friday, August 9, 2024.

Agriculture, Conservation & Forestry

LD 2033 – *Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey a Parcel of Land in the Town of Woodstock* (Sponsored by Sen. Keim of Oxford Cty.) **Resolves 2023, c. 128** This resolve authorizes the Director of the Bureau of Parks and Lands to convey a parcel of land in Woodstock.

LD 2061 – *Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey Peacock Beach State Park to the Town of Richmond* (Sponsored by Rep. Cluchey of Bowdoinham) **Emergency Passed; Resolves 2023, c. 172 (4/22/24)** This emergency resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to the Town of Richmond all the State's interest in a parcel of land known as Peacock Beach State Park. Future use of the property must be for noncommercial public recreational use and the department retains the right of first refusal regarding future property conveyances.

Appropriations & Financial Affairs

LD 646 – *An Act to Fully Reimburse Municipalities for Lost Revenue Under the Property Tax Stabilization for Senior Citizens Program* (Sponsored by Rep. Sachs of Freeport) **Emergency Enacted; PL 2023, c. 520 (3/06/24)** This emergency act directs the Department of Administrative and Financial Services to immediately transfer from unappropriated General Fund revenue \$15 million to fully reimburse municipalities for lost revenue under the property tax stabilization program, and on or before June 30, 2024, transfer an additional \$50,000

to reimburse municipalities for the state-mandated costs related to implementation and administration of the program.

LD 912 – *An Act to Authorize a General Fund Bond Issue to Restore Historic Community Buildings* (Sponsored by Rep. Millett of Waterford) **PL 2023, c. 653** This bond issues \$10 million to restore historic community buildings, with funds being issued contingent on a 25% local match from either private or nonprofit sources and further authorizes the Maine Historic Preservation Commission to use up to 1% of bond proceeds to administer the program.

LD 1156 – *An Act to Authorize a General Fund Bond Issue to Promote the Design, Development and Maintenance of Trails for Outdoor Recreation and Active Transportation* (Sponsored by Rep. Fay of Raymond) **Enacted; PL 2023, c. 652** This bond issues \$30 million, matched by \$3 million in public and private contributions, to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to be awarded by a competitive grant process to municipalities, other qualified subdivisions of the State, and non-profit organizations for the design, development and maintenance of nonmotorized, motorized and multi-use trails statewide.

LD 2214 – *An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025* (Governor's Bill) (Presented by Rep. Sachs of Freeport) **PL 2023, c. 643** This act makes supplemental appropriations and

allocations for the expenditures of state government for fiscal years ending June 30, 2024, and June 30, 2025. Of municipal interest, the supplemental budget:

- Establishes a two-year public safety health and wellness program designed to provide grants to government entities for the purpose of providing public safety employees with wellness visits or specialized cardiac and metabolic screenings that specifically address the physical or mental health effects experienced by public safety employees.
- Provides a one-time \$4 million appropriation to county jails for medication assisted treatment and medical care, which was recently mandated in Public Law 2021, chapter 732, Part C.
- Provides a one-time \$18 million allocation to the Stable Home pilot program designed to help prevent evictions.
- Allocates \$1.7 million as the General Fund's share for 16 positions within the Department of Public Safety, Maine State Police.
- Establishes the total cost of funding for K-12 education as calculated by the Essential Programs & Services model to be \$2.622 billion and appropriates \$1.442 billion (55% of the total) as the state's share; appropriates \$272 million as the state's contribution of the unfunded actuarial liabilities of the Maine Public Employees Retirement System attributable to teachers and retired teacher health and life insurance; and sets the minimum mil rate expectation at 6.62.
- For the school year beginning after June 30, 2025, sets the minimum salary paid to an education technician at 125% of the minimum hourly wage and for other school support staff at 115% of the minimum hourly wage. For the first year of implementation only, the state funds 100% of the increased expenditures.
- Creates the Maine Mass Violence Care fund to provide a sustainable source of revenue for expenses eligible for reimbursement by the newly created Victims' Compensation Board.
- Increases from \$3 to \$15 million the revenues held in the Disaster Recovery Fund.
- Provides that as of July 1, 2028, all school administrative units (SAU) are responsible for ensuring a free, appropriate public education for children ages three to five with disabilities. Beginning on July 1, 2024, an SAU may be approved to pilot implementation of the program and during the 2026 and 2027 school years additional SAUs will be approved to provide educational services to impacted students. SAUs are authorized to either provide the required services or contract with public or private entities via a memorandum of understanding to do so. SAUs providing the services will be reimbursed for 100% of the costs as calculated by the Essential Programs & Services formula, which will be appropriated outside of the regular general-purpose aid for education funding.
- Establishes the Maine Office of Community Affairs (MOCA) within the Governor's Office of Policy Innovation and the Future (GOPIF) and creates a director position for the office. The budget initiative further directs the office to foster partnerships between the State and town and cities, tribal governments, and regional entities and coordinate efforts, technical assistance, and financial support to better plan for challenges, pursue solutions, and create stronger and more resilient communities.
- Transfers \$5 million from unappropriated General Fund surplus revenue to the Community Resilience Partnership program to support grants and provide technical assistance to municipalities and tribes for climate planning, including adaptation and resilience projects, emissions reduction initiatives, and energy efficiency projects.



Michael A. Hodgins

Land Use and Zoning Attorney

Mike represents towns in contract disputes and other general litigation, land use enforcement actions, Rule 80B appeals to Superior Court and he has participated in several appeals to the Law Court. Mike was recently recognized as a Lawyer of the Year by The Best Lawyers in America® for land use and zoning law. Mike has been recognized for his general litigation practice by New England Super Lawyers.

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- Establishes the Office of New Americans within GOPIF to improve the economic and civic integration of immigrants into the state's workforce and communities and creates a council to advise the office.
- Transfers \$10 million in unappropriated General Fund surplus revenue to the Maine State Housing Authority for the Affordable Homeownership Program to expand affordable, energy-efficient housing options that support state workforce needs.
- Transfers \$13.5 million in unappropriated General Fund surplus revenue to the Maine State Housing Authority to supplement or establish programs addressing the needs of people experiencing homelessness or facing other immediate housing needs and to support other uses that address related emergencies, such as through privately-operated low barrier shelters, winter warming shelters, legal services, and other wraparound settlement services intended to help individuals integrate into the workforce and communities.
- Transfers \$7.5 million in unappropriated General Fund surplus revenue to the Maine State Housing Authority to support privately operated low-barrier shelters.
- Prohibits a municipality from exceeding maximum levels of assistance under the General Assistance (GA) program for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn, or other lodging place. The law also amends the section of GA statutes regulating the provision of emergency benefits prior to full verification of eligibility by limiting the assistance to a maximum of 30 days, prohibiting the issuance of additional benefits until eligibility has been confirmed, and prohibiting exceeding the levels of assistance established in Title 22, §4308.
- Transfers \$10 million in unappropriated General Fund surplus revenue to the Department of Health & Human Services to reimburse municipalities for direct aid provided under the GA program.
- Transfers \$4 million in unappropriated General Fund surplus revenue to the School Revolving Renovation Fund established within the Maine Municipal Bond Bank to support the renovation needs of SAUs that have voluntarily assumed the free and appropriate public education for children between three and five years of age.
- Authorizes the Department of Health & Human Services to develop a plan for a network of community-based crisis receiving centers that provide immediate and short-term, walk-in access to an array of clinical and non-clinical mental health and substance use disorder stabilization services. The department is further directed to: (1) establish guidelines in consultation with law enforcement agencies, municipalities, public health experts, and behavioral health providers; (2) assess geographical locations for maximization of community impact; (3) provide technical assistance to places and providers interested in joining the network; (4) coordinate regular meetings with centers and provide technical assistance; and (5) engage in continual process improvement and planning updates.
- Establishes and transfers \$1 million in unappropriated surplus General Fund revenue to the Coastal Sand Dune Restoration and Protection Fund. The act also authorizes the Department of Environmental Protection (DEP) to pay up to 50% of the eligible expenses incurred to restore, protect, conserve, nourish or revegetate a coastal sand dune system and up to 100% of project cost for related technical assistance and public education, provided the public is able to access an abutting beach or waterfront area.
- Notwithstanding any other provision of law, authorizes DEP to grant a permit for construction of an offshore wind terminal on Sears Island to be located on the jetty dune, provided the project satisfies all applicable permitting and licensing criteria.
- Amends certain provisions of the Paid Family Medical Leave Act, including: (1) amending the definition of "base period" to reflect calendar quarters for which wage information would be available and the definition of "benefit year" to consider the date that leave begins in order to ensure parity between family and medical leave; (2) clarifying that intermittent leave requirements reflect an individual's actual work day instead of a set eight hours and further provides that an employee and employer may not agree to a reduced leave schedule that permits leave increments of less than one hour; and (3) increasing the cap on the cost of administering the program from 5% to 10% of the amount annually deposited to the Paid Family and Medical Leave Insurance Fund.
- Transfers \$20 million in unappropriated General Fund surplus revenue to the Maine State Housing Authority for the Rural Affordable Rental Housing and federal Low-income Housing Tax Credit programs.
- Transfers \$5 million in unappropriated General Fund surplus revenue to the Maine State Housing Authority for maintaining housing affordability in manufactured home and mobile home parks.
- Authorizes the Department of Health & Human Services to establish two crisis receiving centers, one in Aroostook County and the other in Penobscot County, which provide walk-in access to an array of culturally sensitive crisis services to individuals experiencing behavioral health, mental health, and substance use challenges. The department is also tasked with developing a plan to expand access to crisis receiving centers statewide, with at least one center located in each county.
- Establishes the Office of Violence Prevention within the Maine Center for Disease Control and Prevention to coordinate and promote efforts to reduce violence in the state, including gun violence and related trauma, as well as to promote research regarding the causes of and evidence-based response to violence.
- Provides \$50 million in one-time funding to the Department of Transportation for municipal, state or regionally significant infrastructure adaptation, repair and improvement that supports public safety, protection of essential community assets, regional economic needs, and long-term infrastructure resiliency.

Criminal Justice & Public Safety

LD 2051 – *An Act Regarding the Duties of Bail Commissioners* (Sponsored by Rep. Lee of Auburn) **PL 2023, c. 508** This act amends the Maine Bail Code to allow county jail employees to prepare and execute bail paperwork for defendants having bail set at personal recognizance or unsecured appearance bond by a bail commissioner.

LD 2053 – *An Act to Exempt Buildings Used to Cultivate Crops from the Maine Uniform Building and Energy Code* (Sponsored by Rep. Shaw of Auburn) **PL 2023, c. 527** This act exempts buildings used to cultivate crops from the Maine Uniform Building and Energy Code, except for buildings used to cultivate cannabis.

LD 2054 – *An Act to Exclude Certain Operating Under the Influence Crimes from the Immunity Provisions That Are Triggered When Law Enforcement Is Called for a Suspected Overdose* (Sponsored by Rep. Hasenfus of Readfield) **PL 2023, c. 507** This act adds operating under the influence and operating or attempting to operate a watercraft, snowmobile or all-terrain vehicle to the list of crimes that do not qualify for immunity from arrest, prosecution and certain revocation and termination proceedings when assistance has been requested for a suspected drug-related overdose.

LD 2071 – *Resolve, to Fill All Vacant and Expired Seats on the Emergency Medical Services' Board* (Sponsored by Sen. Farrington of York Cty.) **Emergency Passed; Resolves 2023, c. 154 (3/26/24)** This emergency resolve directs the Governor to appoint members to fill vacant or expired terms on the Emergency Medical Services Board within 30 days of the effective date of the resolve. Current vacancies include Southern Maine Region 1, Northeast Region 4, Non-Transporting Services, For Profit Ambulance Services, Emergency Professional Nurses, Pediatrics, with all other appointments set to expire in January of 2023 or expired in 2020-2022.

LD 2094 – *Resolve, to Require the Establishment of a Stakeholder Group to Examine and Improve the Recruitment, Retention and Wellness of Law Enforcement Officers* (Sponsored by President Jackson of Aroostook Cty.) **Resolves 2023, c. 165** This resolve directs the Department of Public Safety to convene a 12-member stakeholder group, including representatives from the Maine Association of Police, Maine Chiefs of Police Association, and the Maine Sheriffs' Association, to study the long-term solutions necessary to improve the recruitment, retention, and wellness of law enforcement officers. No later than January 2, 2025, the department is further directed to submit a report of the working group's findings and recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, which is authorized to submit legislation in 2025.

Education & Cultural Affairs

LD 957 – *An Act Requiring Water Bottle Filling Stations in New and Renovated Public Schools* (Sponsored by Rep. Millett of Cape Elizabeth) **PL 2023, c. 492** This act requires new public schools and those undergoing substantial renovations to be equipped with water bottle filling stations and authorizes students to possess refillable water bottles. Under the terms of the act, a "substantial renovation" means a renovation for

which the cost exceeds 50% of the building's value prior to renovation.

LD 2089 – *An Act Regarding Drug Awareness Instruction in Secondary School* (Sponsored by Sen. Farrin of Somerset Cty.) **Enacted; PL 2023, c. 601** This act clarifies that health education in a secondary school must include reference to the effects of dangerous drugs such as fentanyl in addition to alcoholic drinks, stimulants and narcotics. The act also allows a secondary school to supplement substance use instruction by observing a drug awareness week during the month of October each year.

LD 2179 – *Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank* (Sponsored by Rep. Brenner of Portland at the request of the Department of Education and the Maine Municipal Bond Bank.) **Emergency Passed; Resolves 2023, c. 144 (3/19/24)** This emergency resolve allows for the immediate enactment of rules the Department of Education has proposed under portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund for major substantive legislative review.

LD 2180 – *Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty Two, a Major Substantive Rule of the Department of Education* (Sponsored by Rep. Brennan of Portland at the request of the Department of Education.) **Emergency Enacted; Resolves 2023, c. 173 (4/22/24)** This emergency resolve allows for the immediate enactment of rules proposed under portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty-Two, for major substantive legislative review and as necessary authorizes the Department of Education to make grammatical, formatting, punctuation and other technical, non-substantive editing changes to the rule prior to final adoption.

LD 2181 – *Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education, State Board of Education* (Sponsored by Rep. Brennan of Portland at the request of the Department of Education.) **Emergency Passed; Resolves 2023, c. 141 (3/14/24)** This emergency resolve allows for the immediate enactment of rules the Department of Education has proposed under portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects for major substantive legislative review.

LD 2182 – *Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education* (Reported by Rep. Brennan of Portland for the Department of Education) **Emergency Passed; Resolves 2023, c. 167 (4/13/24)** This emergency resolve prohibits the adoption of Chapter 132: Learning Results: Parameters for Essential Instruction rules promulgated by the Department of Education and directs the department to initiate rulemaking on the social studies portion of Chapter 132 and to submit the provisionally adopted rules to the Legislature in 2025.

LD 2257 – *An Act to Allow School Administrative District No. 52 to Issue Temporary Notes for a Wastewater Treatment Project* (Sponsored by Sen. Timberlake of Androscoggin Cty.) **Emergency Enacted; P & SL 2024, c. 20 (3/28/24)** This emergency private and special act extends the time period for School Administrative District 52 to issue temporary notes to finance a wastewater treatment plant project delayed due to the COVID-19 emergency and difficulties locating a suitable site for subsurface waste disposal in Turner.

LD 2286 – *Resolve, Directing the Maine Education Policy Research Institute to Review Certain Components of General Purpose Aid for Local Schools and the Essential Programs and Services Funding Formula* (Reported by Rep. Brennan of Portland) **Resolves 2023, c. 164** This resolve directs the Maine Education Policy Research Institute (MEPRI), in conjunction with the Department of Education, to conduct a review of certain components of general purpose aid for local schools and the essential programs and services funding formula that have been identified as driving inequity within the formula, including, but not limited to expenditure-driven components, including special education costs; determination of a municipality's ability to pay; the regional adjustment; and other adjustments to the state share of the total allocation, including, but not limited to, enhancing student performance and opportunity costs and targeted education funds. MEPRI is also required to include stakeholder representatives in the review and recommend potential adjustments to the funding formula to be modeled by the Department of Education.

Energy, Utilities & Technology

LD 122 – *An Act to Update the Electric Vehicle Rebate Program and to Establish a Pilot Program to Support the Uptake of Medium Duty and Heavy Duty Zero-emission Vehicles* (Sponsored by Sen. Ingwersen of York Cty.) **PL 2023, c. 535** This act increases the maximum retail price of an electric vehicle (EV) that may qualify for the EV program from \$50,000 to \$55,000 and clarifies that, to qualify for an incentive, the requirement that the purchase or lease be from an in-state entity only, also applies to purchases or leases from licensed automobile dealers and authorized licensees of the original equipment manufacturer. The act also: (1) requires that a recipient of an incentive under the EV incentive program maintain a Maine registration for 36 months to retain the full amount of the incentive; (2) clarifies that the Efficiency Maine Trust must establish incentive amounts that will most effectively increase the use of eligible electric vehicles in Maine; (3) directs the trust to establish a pilot program to provide incentives for the purchase or lease of medium and heavy duty EVs for use in commercial applications; and (4) no later than December 31, 2026, requires the trust to provide a report to the joint standing committee of the Legislature having jurisdiction over energy matters on the activities and findings of the program.

LD 1962 – *Resolve, to Direct the Public Utilities Commission to Adopt Rules Regarding Utility Shut-offs* (Sponsored by President Jackson of Aroostook Cty.) **Resolves 2023, c. 145** This resolve directs the Public Utilities Commission to adopt rules governing electric and gas utility service terminations and disconnections due to unpaid bills. For residential customers the rules must prohibit termination during extreme weather conditions occurring between April 16 and November 14 and

establish a threshold dollar amount of greater than \$50 owed for termination or disconnection. For low-income customers, the rules must prohibit the utility from charging fees related to restoration or reconnection, requiring a security deposit for restoration of service, or assessing late fees that accrued prior to the termination or disconnection.

LD 2087 – *An Act to Protect Property Owners by Making Certain Changes to the Laws Governing the Use of Eminent Domain by Transmission and Distribution Utilities* (Sponsored by Sen. Curry of Waldo Cty.) **Emergency Enacted; PL 2023, c. 644 (4/22/24)** Of municipal interest, this emergency act prohibits the Public Utilities Commission from approving a transmission and distribution utility's taking of a location for a high-impact electric transmission line by eminent domain if the location is on a lot or parcel of real property that is 200 contiguous acres or less and the utility seeks to take less than the entire property, unless the utility can demonstrate it made offers for both the entire property and the specific location. If the utility seeks to take less than the entire property, the law requires the county commissioners' estimate of damages to include one for the entire property in fee simple absolute and one for the portion of the property approved for a taking. The law also provides that the owner of the property may require the utility to take the entire property, provided the commission approves the taking of the entire property. The law also requires the commission to adopt rules regarding the notice and educational materials that must be sent by certified mail to an owner of real property whose property may be taken by eminent domain, as well as to an owner whose property abuts the proposed development.

LD 2104 – *An Act to Amend the Charter of the Wiscasset Water District* (Sponsored by Sen. Reny of Lincoln Cty.) **P & SL 2023, c. 22** This private and special act includes the Town of Edgecomb in the Wiscasset Water District subject to a referendum vote in the towns of Wiscasset and Edgecomb. The act further authorizes the district to supply water to existing customers in Woolwich and to contract with Wiscasset for the management, oversight, operations and billing related to the functions of the Wiscasset Wastewater Department. The act also amends the provisions of the charter governing trustees of the district to include a trustee who is a legal voter in Edgecomb.

LD 2242 – *An Act to Set a Debt Limit for the Anson and Madison Water District* (Sponsored by Sen. Farrin of Somerset Cty.) **Emergency Enacted; P & SL 2023, c. 21 (4/09/24)** This emergency act provides that the trustees of the Anson and Madison Water District can issue bonds or notes of indebtedness payable within a period of more than 12 months after the date of issuance in an amount of up to \$20 million.

LD 2245 – *An Act to Clarify the Definition of "Underground Facility" and Reduce Administrative Burdens Under the So-called Dig Safe Law* (Reported by Sen. Lawrence of York Cty.) **PL 2023, c. 572** This act amends the "dig safe" laws by: (1) provide that an underground facility includes any item of personal property buried or placed below ground for use in connection with the storage or conveyance of liquefied propane gas; (2) exempting from the definition of "underground facility" liquefied propane gas distribution systems that have underground pipes when that system is located on a residential lot that has

no more than one structure connected by underground pipes to the liquefied propane gas distribution system, the structure has no more than two dwelling units and the liquefied propane gas tank is located 25 feet or less from the structure; (3) providing that the owner or operator of any underground facility furnishing liquefied propane gas is considered an underground facility operator; and (4) directing the Public Utilities Commission to amend its Chapter 895: Underground Facility Damage Prevention Requirements rule to reduce the administrative burdens for underground facility operators.

LD 2254 – *An Act to Clarify Permissible Election and Lobbying Expenditures by Consumer-owned Water Utilities and the Casco Bay Island Transit District* (Sponsored by Sen. Lawrence of York Cty.) **Emergency Enacted; PL 2023, c. 596 (4/09/24)** This emergency act provides that a consumer-owned water utility, a consumer-owned transmission and distribution utility and the Casco Bay Island Transit District may include or incorporate in operating expenses to be recovered in rates expenditures for lobbying and costs related to notifying the public of or conducting trustee elections and local referendum elections directly related to or legally required for the operation of the utility or transit district.

LD 2270 – *An Act to Create the Lincoln Mill Facilities District* (Presented by Sen. Tipping of Penobscot Cty.) **Emergency Enacted; P & SL 2023, c. 23 (4/16/24)** This emergency private and special act establishes the Lincoln Mill Facilities District to support the town’s efforts to secure financing for the acquisition, remediation, and redevelopment of the mill site, which requires the creation of a district by state legislation for infrastructure and related services.

LD 2278 – *An Act to Require Public Safety Answering Point and Dispatch Center Cost Reporting and to Direct the Formation of a Staffing and Recruiting Stakeholder Group* (Reported by Sen. Lawrence of York Cty. For the Committee on Energy, Utilities and Technology) **PL 2023, c. 609** This act requires: (1) each public safety answering point and dispatch center to annually provide a report to the Public Utilities Commission, Emergency Services Communication Bureau on the costs incurred for the provision of enhanced 9-1-1 services; (2) the bureau to contract with one or more third-party vendors, using revenues in the E-9-1-1 fund, to provide quality assurance reviews related to the provision of emergency medical dispatch services and answering fire 9-1-1 calls by public safety answering points and; (3) the bureau to convene a stakeholder group to develop a coordinated 9-1-1 staffing and recruiting effort for all public safety answering points. The bureau must ensure that there is representation on the stakeholder group from state, county and municipal public safety answering points and submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

Environment & Natural Resources

LD 1537 – *An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution* (Sponsored by Sen. Ingwersen of York Cty.) **PL 2023, c. 630** This act establishes deadlines for prohibiting the sale of products in Maine that contain intentionally added PFAS and extends an exemption from the prohibition to several products, including certain public health, environmental and water quality testing products, firefighting foams, and products required to meet certain federal standards or requirements. The act also stipulates the process by which the Department of Environmental Protection may by rule determine that the use of PFAS in a product is a currently unavoidable use and by January 1, 2026, and biennially thereafter, to submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report regarding implementation of the law and other state laws governing the presence of PFAS in products, including any recommendations for necessary legislative changes.

LD 1660 – *An Act to Ensure Proper Regulation of Chemical Plastic Processing* (Sponsored by Sen. Carney of Cumberland Cty.) **PL 2023, c. 517** This act defines the term “plastic-to-plastic recycling” as the production from plastic waste of new plastic material to be used as industrial feedstock in place of raw material for the manufacture of new products made of or containing plastic that either retains the chemical structure of the plastic waste or deconstructs the plastic waste using methods that result exclusively in the production of new plastic material. Plastic-to-plastic recycling does not include chemical plastic processing, which is defined as the processing of plastic waste using chemical or molecular methods into basic raw materials, feedstock chemicals, fuel for combustion, waxes, or lubricants. The law also adds the owner or operator of a facility that processes plastic waste through chemical plastic process to the list of facilities required to submit annual reports to the Department of Environmental Protection.




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LD 2030 – *An Act to Exempt Certain Emergency Activities and Structure Elevation Increases in Flood Zones from Permit Requirements Under the Natural Resources Protection Act* (Sponsored by Sen. Lyford of Penobscot Cty.) **Emergency Enacted; PL 2023, c. 531 (3/12/24)** This emergency act exempts from permitting requirements under the Natural Resources Protection Act (NRPA): (1) emergency activities necessary to alleviate flood events, provided a local government conducting or overseeing such activity notifies and maintains communication with the Department of Environmental Protection; (2) elevation of buildings located in coastal sand dune systems, or a pier, wharf or dock located wholly or partially in, on or over a coastal wetland or adjacent to a protected natural resource subject to additional specified limitations; and (3) an increase in the height of a pier, wharf or dock located wholly or partially in, on or over a coastal wetland where the height of the pier, wharf or dock is increased by no more than the amount necessary for the bottom of the lowest horizontal structural component of the deck to be four feet above base flood elevation, subject to additional specified limitations. The act also authorizes the Department of Environmental Protection through the NPRA permit by rule process to increase the height of a pier, wharf or dock located wholly or partially in, on or over a coastal wetland when reconstructed or replaced where the height of the pier, wharf or dock is increased by no more than the amount necessary for the bottom of the lowest horizontal structural component of the deck to be four feet above base flood elevation, subject to additional specified limitations or to reconstruct or replacement of a pier, wharf or dock in, on or over a coastal sand dune system if the pier, wharf or dock that was in existence on January 1, 2024 and the structure is built on pilings, posts or similar supports that allow for the free movement of water, wind and sand under the deck, subject to additional specified limitations.

LD 2058 – *An Act Regarding Compliance with Environmental Permit and License Application Requirements* (Sponsored by Rep. Bridgeo of Augusta) **PL 2023, c. 509** This act provides that the Department of Environmental Protection can deny acceptance of a permit or license when an application is received after the activity requiring a permit or license has begun provided the applicant knowingly violated a requirement to obtain the permit or license or the applicant, within the five years immediately preceding the submission of the application, violated a requirement to obtain a permit or license pursuant to Title 38.

LD 2059 – *An Act Regarding Processing of Applications Under the Natural Resources Protection Act to Ensure Consistency with Shoreland Zoning Laws* (Sponsored by Rep. Fay of Raymond) **PL 2023, c. 497** This act authorizes the Commissioner of Environmental Protection to return as incomplete an application for a permit under the Natural Resources Protection Act if the commissioner finds that there is a reasonable likelihood that the proposed activity would be inconsistent with the minimum guidelines for municipal zoning and land use controls adopted by the Board of Environmental Protection under the laws governing shoreland zoning.

LD 2261 – *An Act Regarding New Motor Vehicle Emissions Rules* (Sponsored by Rep. Soboleski of Phillips) **PL 2023, c. 624** This act provides that new motor vehicle emissions standards rules, including zero-emission requirements, adopted by the

Department of Environmental Protection by rule are major and substantive. By January 1, 2025, and annually thereafter, the department is also directed to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resource matters regarding the status of the regulatory program adopted by the California Air Resources Board for new motor vehicle emissions, as well as the adoption of that program by other states, and any updates regarding federal motor vehicle emissions control requirements.

Health & Human Services

LD 536 – *An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil* (Sponsored by Rep. Doudera of Camden) **PL 2023, c. 676** This act provides for the treatment of human remains by natural organic reduction as an alternative to burial in a casket or cremation and clarifies that the Department of Health and Human Services is responsible for oversight of the program.

LD 1732 – *An Act Regarding the General Assistance Program* (Sponsored by Rep. Meyer of Eliot) **PL 2023, c. 575** This act amends the municipal general assistance program in the following ways, it: (1) requires overseers and designated or appointed municipal officials administering the program to complete training within 120 days of election or appointment and directs the Department of Health and Human Services to ensure overseers and GA administrators have access to training that can be completed in less than four hours and made accessible either in person, online or via pre-recorded video. The training must include instruction on the purpose of the program, the delivery of trauma-informed services and culturally and linguistically appropriate services, and the laws governing the program's administration, procedures, and requirements; (2) requires municipalities to accept applications for general assistance during regular business hours; (3) requires municipalities to provide "trauma-informed services" defined as the provision of services that recognize the unique signs and symptoms of trauma in applicants, and seek to actively avoid traumatization, as well as "culturally and linguistically appropriate services" defined as services that are designed to serve culturally diverse populations in a person's preferred language, within the context of cultural beliefs, and in an environment that supports diversity, promotes community engagement, and builds trust and relationships with applicants and recipients; (4) amends provisions governing the municipality of responsibility to increase the provision of assistance from 30 days to six months when a municipality assists an applicant in relocating to another community and from six months to 12 months when an applicant is residing in a group home, shelter, rehabilitation center, nursing home or hospital or in a hotel, motel, or other temporary housing; (5) requires the department to provide municipal administrators with access to a statewide database; and (6) no later than January 30, 2026, and January 30 of each odd-numbered calendar year thereafter, directs the Department of Health and Human Services to submit a report to the joint standing committee of the Legislature having jurisdiction over general assistance matters regarding the individuals served by the program, the technical assistance provided to municipalities, and the number and content of complaints received.

LD 2036 – *An Act to Remove the Exemption for Certain Roadside Springs from Regulation as Public Water Systems in the Laws Regarding Water for Human Consumption* (Sponsored by Sen. Ingwersen of York Cty.) **PL 2023, c. 524** This act amends the definition of “roadside spring” to exempt from regulation as a public water system, springs that serve an average of no more than 25 individuals daily 60 days out of the year.

LD 2050 – *An Act to Expand Accreditation Options for Laboratories That Conduct Blood-alcohol or Drug Testing* (Sponsored by Rep. Meyer of Eliot) **PL 2023, c. 498** Under current law, a laboratory certified under the federal Clinical Laboratory Improvement Amendments of 1988 may test blood samples to determine blood-alcohol level or the presence of a drug or drug metabolite. This act adds an additional accreditation option for laboratories.

LD 2082 – *Resolve, to Review the Timeliness of Contract Payments by the Department of Health and Human Services* (Sponsored by Sen. Bennett of Oxford Cty.) **Resolves 2023, c. 182** This resolve directs the Department of Health and Human Service to review the timeliness of contract award payments made to grantees responsible for the provision of behavioral health services and housing assistance programs for fiscal year 2024 and 2025 and to review the department’s process for payment of late fees. By February 1, 2025, the department is also directed to provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services regarding the required reviews.

Health Coverage, Insurance & Financial Services

LD 227 – *An Act Regarding Legally Protected Health Care Activity in the State* (Sponsored by Rep. Perry of Calais) **PL 2023, c. 648** This act protects persons who seek, health care practitioners who provide, and those who assist health care practitioners in providing gender-affirming and reproductive health care services in accordance with the applicable standard of care. Of municipal interest, the act prohibits public agencies, including law enforcement agencies, from knowingly cooperating with or expending public resources in the furtherance of an investigation or proceeding against a person for engaging or aiding and assisting in a legally protected health care activity. It also prohibits the arrest of a person in this State if the arrest is related to criminal liability for engaging or aiding and assisting in a legally protected health care activity. The amendment does not prohibit a public agency, including law enforcement, from cooperating or assisting an investigation or proceeding or from responding to a warrant or extradition demand on the good faith belief that the warrant or demand is valid in this State or when exigent circumstances make compliance impossible.

LD 1832 – *An Act Continue the Study of Community Paramedicine and to Make Changes Related to Health Insurance Coverage and Prior Authorizations Requirements for Certain Ambulance Service Providers* (Sponsored by Rep. Cyrway of Albion) **PL 2023, c. 591** This act makes permanent the requirement that an insurance carrier reimburse an out-of-network ambulance service provider at the established out-of-network rate. The act also prohibits a health insurance carrier from requiring an air ambulance service provider to obtain prior authorization before transporting an enrollee to a hospital or

between hospitals for urgent care. The joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters is also authorized to report out, after further study, legislation in 2025 related to reimbursement by health insurance carriers for health care services provided by community paramedicine personnel.

LD 2156 – *An Act to Authorize the Provision of Emergency Medical Treatment for Certain Dogs* (Sponsored by Rep. Fay of Raymond) **PL 2023, c. 587** This act authorizes licensed emergency medical services personnel to provide treatment to law enforcement canines and search and rescue dogs in accordance with protocols adopted by the Medical Direction and Practices Board. The act also requires the board to consult with an individual with expertise in emergency veterinary medicine, designated by the State Board of Veterinary Medicine, when adopting or amending protocols for providing treatment to law enforcement canines or search and rescue dogs.

Inland Fisheries & Wildlife

LD 1342 – *An Act to Increase Funding for the Prevention and Control of Invasive Aquatic Species* (Sponsored by Rep. Rise-man of Harrison) **PL 2023, c. 612** This act increases the fees for new or renewal certificates of number for resident motorboats and personal watercraft and the fees for lake and river protection stickers for all motorboats and personal watercraft not registered in Maine. Beginning January 1, 2025, the fees for certificates of number are first increased by \$10, and by an additional \$10 as of January 1, 2028. The same is provided for lake and river protection stickers fees, which are increased by \$15 on January 1, 2025, and by another \$15 on January 1, 2028. The act also provides that beginning January 1, 2025, 70% of fees are credited to the Invasive Aquatic Plant and Nuisance Species Fund, and 30% of fees are credited to the Lake and River Protection Fund.

LD 2272 – *An Act Related to Airboats and Airboat Noise Limits* (Reported by Rep. Landry of Farmington for the Committee on IF&W) **Emergency Enacted; PL 2023, c. 583 (3/28/24)** This emergency act enacts the recommendations of a stakeholder group on Inland Fisheries established by Public Law 2021, chapter 585. The act provides that a person may not operate an airboat: (1) if the noise level of the airboat exceeds 90 decibels when measured in a stationary sound level; (2) between 7 p.m. and 7 a.m. if the noise level of the airboat exceeds 75 decibels, except to the extent necessary to achieve headway speed when leaving a boat launch or to move the airboat from a stationary position on a tidal flat; or (3) between 7 a.m. and 7 p.m. if the noise level of the airboat exceeds 90 decibels when measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to move the airboat from a stationary position on a tidal flat. The law also defines “airboat” and outlines penalties for violating these provisions and provides exceptions for certain law enforcement officers.

LD 2276 – *An Act to Increase Funding for the Snowmobile Trail Fund and the ATV Recreational Management Fund* (Reported by Rep. Landry of Farmington for the Committee on Inland Fisheries and Wildlife) **PL 2023, c. 668** This act makes several changes to the gasoline tax allocation to provide additional funding to the Department of Agriculture, Conser-

vation and Forestry, Bureau of Parks and Lands' Snowmobile Trail Fund and ATV Recreational Management Fund.

LD 2284 – *An Act to Implement Recommendations in the Department of Inland Fisheries and Wildlife's Report on Wake Boats* (Reported by Rep. Landry of Farmington) **PL 2023, c. 611** This act defines “wakesurfing activity” and requires that information regarding boat safety and education courses be provided at the time of purchase of a motorboat from a dealer in the state of Maine. The act also prohibits the operation of a motorboat with a wakesurf activity in tow in less than 15 feet of water or within 300 feet of the shoreline and directs the Department of Inland Fisheries and Wildlife to develop an outreach program for wakesurfing and report to legislative committee with jurisdiction over inland fisheries and wildlife no later than February 1, 2027 which is then authorized to report out a bill in the 133rd Legislature.

Joint Select Committee on Housing

LD 337 – *An Act to Amend the Law Governing the Regulation of Manufactured Housing to Increase Affordable Housing* (Sponsored by Rep. Golek of Harpswell) **PL 2023, c. 552** This act provides that a municipality must allow manufactured housing wherever single-family dwellings are allowed, subject to the same design criteria as the municipality may establish for single-family dwellings. Current law governing land use ordinances states that municipalities must allow manufactured housing in certain locations on undeveloped lots where single-family dwellings are allowed.

LD 492 – *An Act to Repurpose Vacant Shopping Mall and Retail Space to Mixed-use Housing and Retail* (Sponsored by Rep. Campbell of Orrington) **PL 2023, c. 490** This act adds a requirement that, as necessary to meet statewide regional housing production goals, a municipality is required to adopt ordinances allowing the development of residential units in buildings on property zoned for commercial use including vacant or partially vacant retail space.

LD 772 – *An Act to Limit Retroactive Application of Land Use Ordinances to Pending Permit Applications That Propose Housing* (Sponsored by Sen. Pouliot of Kennebec Cty.) **PL 2023, c. 598** This act prevents a municipality or local planning board from retroactively applying a land use ordinance on a development that includes one or more units of residential housing, provided the ordinance was proposed after: (1) the permit application is filed; and (2) deemed complete for processing. The act further defines the term “deemed complete for processing” as when the application is filed with the municipality or planning board and at the time of submission, the applicant demonstrates legal title or right to or interest in all the property proposed for development.

LD 1294 – *An Act Regarding the Ordinances Governing Residential Units Located in Buildings in a Location Zoned for Commercial Use* (Sponsored by Rep. Gere of Kennebunkport) **PL 2023, c. 536** This act amends the law authorizing a municipality, as necessary to achieve statewide and regional housing production goals, to adopt ordinances allowing residential units within buildings located in an area zoned for commercial use. Current law requires that an ordinance that establishes a limit on the number of residential units within

a building in a location zoned for commercial use be proportional to the space available for residential units in that building. This amendment removes that requirement and makes the proportional limit optional.

LD 1505 – *An Act to Amend the Maine Cooperative Affordable Housing Ownership Act* (Sponsored by Rep. Cloutier of Lewiston) **PL 2023, c. 513** This act amends the Maine Cooperative Affordable Housing Ownership Act to include a “group equity cooperative” that is organized to provide and preserve housing for classes of low- or moderate-income households and describes the standards of operation, including a directive maintaining affordability and a requirement that 80% of the units be owner occupied. Additionally, the law provides that owners of a group equity cooperative are eligible for all state and municipal housing assistance programs.

LD 1673 – *Resolve, Establishing a Working Group to Coordinate Collaboration Among State Agencies for the Purpose of Promoting Smart Growth and Development in High-use Corridors* (Sponsored by Rep. Gere of Kennebunkport) **Resolves 2023, c. 156** This resolve directs the director of the Governor's Office of Policy Innovation and the Future (GOPIF) to convene a working group consisting of the commissioners from the Departments of Transportation, Environmental Protection, Agriculture, and Conservation and Forestry, and Economic and Community Development, as well as the director of the Maine State Housing Authority to design a plan for agency coordination to maximize state resources and promote smart growth, walkable neighborhoods, mixed-use development and mixed-income housing in high-use corridors near higher-density downtowns, village centers or crossroads through infilling and redevelopment of underutilized lands. The working group is also required to propose a plan for technical assistance grants to municipalities for the development of ordinances and zoning regulations governing high-use corridors including model transit-oriented development zoning ordinances. No later than January 15, 2025, the resolve further directs GOPIF to submit a report regarding the working group's findings and recommendations to the joint standing or select committee of the Legislature having jurisdiction over housing matters, which is authorized to report out legislation in 2025.

LD 1721 – *Resolve, to Establish a Plan to Provide Transitional Housing and to Support the Growth of Maine's Workforce* (Sponsored by Sen. Duson of Cumberland Cty.) **Resolves 2023, c. 136** This resolve directs the Governor's Office of Policy Innovation and the Future (GOPIF) to propose a plan providing transitional housing to persons seeking federal work permits based on a model consisting of leasing a property formerly used as a hotel and contracting with a private nonprofit entity to provide support services. The plan must include an evaluation of options for purchasing or allocating funds to a nongovernmental entity to purchase a similar property, or to provide transitional housing concurrent with services aimed at supporting entry into the workforce and an evaluation of the financial impacts on the State and the municipality in which the property is located. The plan must identify potential funding sources, including but not limited to existing state and federal funds. GOPIF is further directed to: (1) provide information regarding who is being served by the model, how many enter the workforce, the amount of time those being

served use transitional housing and accompanying services before successfully entering the workforce and how workforce needs are affected by the model; and (2) no later than January 15, 2025 submit a report to the joint standing or select committees of the Legislature having jurisdiction over housing matters, which is authorized to report out legislation in 2025.

LD 2158 – *Resolve, to Improve the Housing Voucher System and Reduce the Number of Voucher Expirations* (Sponsored by Rep. Golek of Harpswell) **Resolves 2023, c. 159** This resolve directs the Maine State Housing Authority to establish a stakeholder group, including a member who has experience in the administration of municipal general assistance, to develop recommendations to improve the system governing the distribution and use of housing vouchers. No later than January 15, 2025, the authority is further directed to submit a report to the joint select or standing committee of the Legislature having jurisdiction over housing matters, which is authorized to submit legislation in 2025.

LD 2169 – *Resolve, Directing the Office of Policy Innovation and the Future to Recommend Proposals to Support the Development of Attainable Housing* (Sponsored by Sen. Daughtry of Cumberland Cty.) **Resolves 2023, c. 162** This resolve directs the Governor’s Office of Policy Innovation and the Future (GOPIF) to develop proposals to financially support the development of rental housing for persons making 80% to 150% of the area median income and programs to support homeownership by persons making 120% to 180% of the area median income. The office is required to seek input from entities familiar with programs that assist with the development of affordable housing as well as commercial real estate developers, the Maine State Chamber of Commerce and the Maine State Housing Authority. No later than January 15, 2025, GOPIF is directed to submit a report to the joint standing or select committee of the Legislature having jurisdiction over housing matters, which is authorized to report out legislation in 2025.

LD 2277 – *Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale the Interests of the State in 3 Properties Located in Biddeford, Sanford and York (Governor’s Bill)* (Presented by Rep. Gere of Kennebunkport) **Resolves 2023, c. 166** This resolve transfers the state’s interests in three former courthouses located in Biddeford, Sanford and York for use as residential housing and provides that if any of the parcels are not transferred to the Maine State Housing Authority or a local public housing authority for residential housing under an option to purchase, the property must be sold using a competitive process via sale or auction.

Judiciary

LD 279 – *An Act to Protect Against Discrimination by Public Entities* (Sponsored by Speaker Talbot Ross of Portland) **PL 2023, c. 489** This act provides that a public entity is not required by the Maine Human Rights Act to permit an individual to participate in services, programs or activities if that individual poses a direct threat to the health or safety of others that cannot be eliminated by a modification of the public entity’s policies, practices or procedures or by the provision of auxiliary aids or services.

LD 870 – *An Act to Strengthen Freedom of Speech Protections by Enacting the Uniform Public Expression Protection*

Act (Sponsored by Sen. Tipping of Penobscot Cty.) **PL 2023, c. 626** This act repeals state law prohibiting strategic lawsuits against public participation, or the anti-SLAPP law, and replaces it with the Uniform Law Commission’s Uniform Public Expression Protection Act, which takes effect January 1, 2025.

LD 1937 – *An Act Regarding the Transportation of Hazardous Materials by Railroad Companies* (Sponsored by Speaker Talbot Ross of Portland) **Emergency Enacted; PL 2023, c. 618 (4/12/24)** This emergency act clarifies that railroad company reports related to a derailed train carrying hazardous materials are not exempt from Freedom of Access requirements. The act also requires, within 180 days of adoption of the law, a railroad company to submit a prevention and response plan to the Department of Environmental Protection and in the event of a main line train derailment involving hazardous materials, to make a 9-1-1 call, and provide timely notice to the Departments of Public Safety and Environmental Protection, as well as to and the Maine Emergency Management Agency, which is authorized to notify the Department of Transportation and municipal fire chiefs within the affected areas. The railroad company is also required to offer training to fire departments in communities that abut routes where oil or other hazardous materials are transported. By March 1 following a year where one or more post-accident reviews are performed, the Department of Transportation is directed to submit a report to the joint standing committee of the Legislature having jurisdiction over railroads and public record matters.

LD 2035 – *An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate* (Sponsored by Sen. Brenner of Cumberland Cty.) **PL 2023, c. 585** This act requires sellers of residential and nonresidential real property to notify and inform prospective buyers in writing of whether: (1) the property is in a special flood hazard area mapped on a Federal Emergency Management Agency flood insurance rate map; (2) the property has been impacted by flood events or flood-related damages; or (3) if flood insurance claims were filed or disaster-related aid was provided.

LD 2085 – *An Act to Update Maine’s Domestic Violence and Stalking Laws* (Sponsored by Sen. Carney of Cumberland Cty.) **Emergency Enacted; PL 2023, c. 519 (3/06/24)** This emergency act more closely aligns statutes with the federal standard set by *Counterman v. Colorado*, 600 U.S. 66 (2023) by specifying that, for an actor to commit “abuse” within the meaning of the protection from abuse laws based on the content of the actor’s speech or for an actor to commit the crime of terrorizing, domestic violence terrorizing, stalking, domestic violence stalking or harassment by telephone based on the content of the actor’s speech, the actor must have consciously disregarded a substantial risk that the actor’s speech would place a reasonable person in fear of bodily injury.

LD 2192 – *Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission (Governor’s Bill)* (Sponsored by Speaker Talbot Ross of Portland) **Emergency Passed; Resolves 2023, c. 129 (2/13/24)** This emergency resolve amends the authorities and responsibilities assigned to the Independent Commission to Investigate the Facts of the Tragedy in Lewiston, which was created by Governor Mills via executive order on November 9, 2023. The

resolve addresses the way witness testimony is accepted and transcripts are prepared and distributed; authorizes the commission to request and receive records in the possession of a state agency or instrumentality; and ensures that the commission's records are maintained in compliance with federal and state laws, rules and regulations.

LD 2215 – *An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions* (Reported by Rep. Moonen of Portland) **PL 2023, c. 637** Of specific municipal interest, this act replaces the provisions of law governing the confidentiality of records and information under the Maine Medical Use of Cannabis Act by specifying that: (1) information identifying a qualifying patient, a visiting qualifying patient or a registered patient is confidential and may not be disclosed by the Department of Administrative and Financial Services (DAFS), except with the written consent of the patient or pursuant to a court order or a subpoena; (2) information identifying a caregiver who is exempt from registration under the Maine Medical Use of Cannabis Act is confidential and may not be disclosed by DAFS, except with the written consent of the caregiver, pursuant to a court order or a subpoena or when necessary to protect the public from a threat to public health or safety; (3) the personal contact information of a registered caregiver or of an applicant for registration as a registered caregiver is confidential and may not be disclosed by DAFS, except with the written consent of the registrant or applicant, pursuant to a court order or a subpoena or when necessary to protect the public from a threat to public health or safety. In addition, if the registered caregiver resides at the same address where the registered caregiver engages in activities authorized under the Maine Medical Use of Cannabis Act, the department may disclose that address to a state, county or municipal employee responsible for the administration of the act rules, ordinances or warrant articles authorized under the act, including a law enforcement officer or code enforcement officer; (4) the personal contact information of a holder of a registry identification card who is an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility or of an applicant for a registry identification card as an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility or registration certificate for a dispensary, manufacturing facility or cannabis testing facility is confidential and may not be disclosed by DAFS, except in response to a court order or a subpoena; and (5) a final written decision of DAFS imposing an administrative penalty, ordering forfeiture and destruction of cannabis or suspending or revoking a registry identification card or registration certificate is not confidential. The act preserves the obligation of DAFS under current law to provide information to the department's Bureau of Revenue Services for the administration and enforcement of taxes and the requirement in current law that law enforcement officers obtain a warrant before they may require a caregiver, dispensary, manufacturing facility or cannabis testing facility to disclose information that could reasonably identify an individual or require a person who accompanies a patient to disclose information that could reasonably identify a patient.

LD 2224 – *An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System* (Governor's

bill) (Sponsored by Sen. Rotundo of Androscoggin Cty.) **PL 2023, c. 675** Of greatest municipal impact, this act provides that if a law enforcement officer is unable to take a person into protective custody to conduct an assessment in connection with an extreme risk protection order, the officer may apply for a protective custody warrant to a justice of the Superior Court, judge of a District Court or to a justice of the peace. The warrant must be issued when there is sufficient evidence to establish: (1) probable cause to believe the person may be mentally ill and presents a likelihood of serious harm; (2) probable cause to believe the person possesses a dangerous weapon; and (3) the officer has made reasonable attempts to take the person into custody without a warrant. The act amends the laws regulating the possession and sale or transfer of firearms to a prohibited individual, including increasing from a Class D to C crime violations of related statutes. The law also provides, with exceptions for transfers between family members and collectors of curio or relics, that sales of firearms at gun shows or via an advertisement may not be completed unless the sale is facilitated through a federally licensed firearms dealer. Additionally, the dealer is required to perform a background check using the Federal Bureau of Investigation, National Instant Criminal Background Check System and if the prospective buyer is prohibited from purchasing or possessing a firearm, the dealer must inform the seller of that fact and that the transaction may not proceed. Finally, the act directs the Department of Health and Human Services to develop a plan for a network of community-based crisis receiving centers located across Maine to support both clinical and nonclinical mental health and substance use disorder stabilization services. In carrying out the directive, the department is required to: (1) consult with law enforcement agencies, municipalities, public health experts, behavioral health care providers and others; (2) access geographical locations for maximization of community impact; (3) provide technical assistance to persons, entities and providers interested in joining the network; (4) coordinate regular meetings with and provide technical assistance to crisis receiving centers; and (5) engage in improvement and planning in updates.

LD 2236 – *An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana* (Sponsored by Rep. Moonen of Portland) **PL 2023, c. 639** This act changes the definition of "eligible criminal conviction" in the Maine Revised Statutes, Title 15, section 2261, subsection 6, which identifies what is considered an eligible crime for an individual to file a post-judgment motion to seal criminal history record information related to a conviction for that crime, to include crimes committed prior to January 30, 2017 that are no longer considered illegal under Maine's adult use cannabis laws.

LD 2238 – *An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases* (Sponsored by Sen. Rotundo of Androscoggin Cty.) **PL 2023, c. 678** This act prohibits a seller from delivering a firearm to a buyer sooner than 72 hours after an agreement for the purchase or sale of a firearm has been reached. A seller who violates the waiting period provision commits a civil violation for which a fine between \$200 to \$500 may be adjudged for a first violation, and a fine of \$500 to \$1,000 for subsequent violations. The

waiting period does not apply to sales: (1) to law enforcement officers, corrections officers, or persons employed by a contract security company; (2) to federally licensed firearm dealers; or (3) between family members and collectors of curio, relic, or antique firearms.

LD 2290 – *An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine* (Reported by Rep. Moonen of Portland) **Emergency Enacted; PL 2023, c. 646 (4/22/24)** This emergency act corrects several language conflicts in state statute because of previously passed legislation. Of municipal interest, the law: (1) clarifies that a municipal firefighter as defined by in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer or dispense intranasal naloxone hydrochloride or another opioid overdose reversing medication as clinically indicated if the municipal firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B; (2) clarifies that an individual authorized to possess, obtain, store, administer or dispense naloxone hydrochloride is immune from civil liability and professional disciplinary action for the possession or administration of the drug and any resulting adverse outcomes for the individual that was administered the drug if the person acted in good faith and with reasonable care; (3) requires a cannabis testing facility to obtain and display on demand to a municipal code enforcement officer documentation of the facility’s accreditation under the International Organization for Standardization; (4) clarifies the definition of an “assisted housing facility” to include one that is licensed pursuant Title 22 chapter 1663; (5) clarifies that transportation policy be consistent with the purposes, goals, and policies of the Growth Management Act in Title 30-A, chapter 187, subchapter 2; (6) clarifies that for the purposes of correctional services, a county may not increase its base assessment limit established by the 30-A MRSA §701, sub-§2-C if the county has not reported the revenues, expenses and population information required by Title 34-A, section 1208-B, subsection 5; (7) clarifies that a licensed emergency medical services provider must administer and dispense naloxone or other opioid overdose-reversing medication in compliance with their license and drugs approved by the federal Food and Drug Administration; and (8) changes the cross reference to which facilities are licensed and able to apply for one-time funding for emergency medical service sustainability grants to the appropriate statute section for the licensing authority.

Labor & Housing

LD 372 – *An Act to Increase Enforcement and Accountability for Wage Violations* (Sponsored by Sen. Tipping of Penobscot Cty.) **PL 2023, c. 651** This act authorizes the Director of the Bureau of Labor Standards within the Department of Labor to order an employer, officer, agent, or other person to pay unpaid wages due to an employee in addition to an amount equal to twice the value of unpaid wages as liquidated damages and a reasonable rate of interest. The law also clarifies that an employee may not receive payment more than once for the same unpaid wages.

LD 1896 – *Resolve, Directing the Workers’ Compensation Board to Analyze Data on the Adequacy of Certain Maine Workers’ Compensation Benefits* (Sponsored by Sen. Nangle

of Cumberland Cty.) **Resolves 2023, c. 139** This resolve directs the Workers’ Compensation Board, using data supplied by insurers, third-party administrators, and group and individual self-insurers, to identify and analyze the compensation and benefits provided to an individual claimant for incapacity or death and any other relevant data and available reports. The board is further directed to provide monthly updates and no later than August 16, 2025, submit a final report to the joint standing committee of the Legislature having jurisdiction over workers’ compensation matters with its findings, recommendations, and suggested legislation. The committee is authorized to submit legislation in 2026.

Marine Resources

LD 2065 – *An Act to Amend Maine’s Aquaculture Leasing Laws* (Sponsored by Rep. Hepler of Woolwich) **PL 2023, c. 564** This act amends the laws governing the aquaculture leasing process. It eliminates provisions that are no longer applicable regarding operations that were in effect prior to January 1, 1994. It amends the notice requirement for standard lease applications to the general public to specify that notice must be published once in a newspaper of general circulation in the area of the State affected and by any other manner considered appropriate by the Department of Marine Resources at least 30 days before the public hearing and increases from five to 10 the number of requests necessary to require the department to hold a public hearing. Of municipal interest, the act: (1) requires the department to send a completed copy of the application and notice of hearing to the owners of riparian land and the municipal officers of the municipalities in or adjacent to the location of the lease; (2) changes the 30 day deadline for comments on proposed limited purpose leases from 30 days from receipt of notice to 30 days specified in the notice or within the publication of the limited purpose lease summary and; (3) prohibits the commissioner from issuing a lease under this subsection for the intertidal zone within the municipality without the consent of the municipal officers in municipalities with a shellfish conservation program under section 6671.

State & Local Government

LD 86 – *An Act to Restore the Former State of Maine Flag*. (Sponsored by Rep. Paulhus of Bath) **PL 2023, c. 487** This act provides that the current State of Maine flag be replaced with the version in use before 1909, which must be approved by the Secretary of State before being kept in the office of the Adjutant General.

LD 380 – *An Act to Transfer the Monhegan Water Company to Monhegan Plantation and to Repeal the Monhegan Water Company Charter* (Sponsored by Rep. Crafts of Newcastle) **Emergency Enacted; P&SL 2023, c. 17 (2/29/24)** This emergency private and special act, if enacted by the voters, allows for the dissolution and acquisition of the assets and liabilities of the Monhegan Water Company by Monhegan Plantation for the purpose of establishing and operating the water district.

LD 1233 – *An Act Regarding the Maine State Cemetery Preservation Commission* (Sponsored by Rep. Greenwood of Wales) **PL 2023, c. 677** This act changes the Maine State Cemetery Preservation Commission from an advisory board to an inde-

pendent advisory board with mandatory duties and directs and authorizes the commission to: (1) investigate complaints of violations of laws governing burying grounds and cemeteries reported to the commission; (2) hire an executive director to carry out the functions of the commission and authorizes the executive director to hire additional staff as needed; (3) develop an annual budget; and (4) by December 15 of each year, file a report detailing the commission's activities to the joint standing committee of the Legislature having jurisdiction over state and local matters. The act also establishes the Cemetery Preservation Commission Fund for use by the commission to accomplish its duties and requires the State Controller to deposit into the fund, on a quarterly basis, \$5 collected on each burial-transit permit. Additionally, the department is instructed to amend its rules to increase the fee for a burial-transit permit by \$5.

LD 1967 – *An Act to Support Municipal Franchise Agreements* (Sponsored by Rep. Melanie Sachs of Freeport) **PL 2023, c. 502** This act makes several changes to the franchise agreement statute including: (1) defining a video service provider (VSP) as “any person in Maine that directly or through one or more affiliates sells access to video, audio or computer-generated or computer augmented entertainment and owns or operates facilities located in whole or in part in a municipality’s public rights-of-way that are used to provide those services, irrespective of the technology or application used to deliver such services;” (2) making a VSP responsible for all costs associated with public, educational and government (PEG) facility equipment, as deemed necessary by the municipality; (3) prohibiting a VSP from offsetting costs through franchise fees but enabling providers to recover fees assessed to subscribers to the extent applicable by law and as negotiated by the municipality; (4) repealing language in current statute allowing municipalities to enter into exclusive franchise agreements; (5) prohibiting a VSP from providing services in a municipality unless they have entered into a franchise agreement; (6) allowing municipalities to use franchise fees for the purposes the municipality deems pertinent; (7) establishing a quarterly payment schedule with allowable interest for late payments; (8) requiring a VSP to maintain certain financial records related to the calculation of payment; (9) allowing a municipality to challenge or audit the amount of the payment; (10) clarifying that a violation is one that violates the unfair trade practices act and requires action within seven years; (11) developing a dispute resolution process; and (12) establishing a 30-day notice for the movement of channels to a different tier or lineup.

LD 2101 – *An Act to Strengthen Shoreland Zoning Enforcement* (Sponsored by Sen. Nangle of Cumberland Cty.) **PL 2023, c. 602** This act authorizes the Maine Land Use Planning Commission and municipalities to take certain actions when a violation of a law, ordinance, standard, rule, permit or order occurs on land in a shoreland zone. Before taking any of the actions, the commission or municipality must provide the owner and any occupant with written notice of the violation and 10 days within which to remove, abate or otherwise correct the violation. The actions that the commission or municipality may take include: (1) denying, suspending or revoking a permit for further development of all or a portion of the land on which the violation occurred until the violation is corrected

and any penalties and court-awarded fees are paid; (2) filing a civil action against the owner or occupant to recover unpaid penalties, the cost to correct the violation, court costs and reasonable attorney’s fees necessary to file and pursue the civil action; and (3) claiming a lien against the land on which the violation occurred if the commission or municipality is the prevailing party in the civil action. The act also requires persons selling property to disclose any actual or alleged violations of shoreland zoning statutes, ordinances, rules or regulations.

LD 2102 – *An Act to Support Municipalities by Repealing the Law Limiting the Municipal Property Tax Levy* (Sponsored by Rep. Pierce of Cumberland Cty.) **PL 2023, c. 603** This act repeals the law limiting the municipal property tax levy, also known as LD 1.

LD 2201 – *An Act Regarding the Placement of Portable Toilets* (Sponsored by Sen. Libby of Cumberland Cty.) **PL 2023, c. 614** This act authorizes a person not subject to statutes regulating the operations of eating establishments, lodging places, campgrounds, sporting and youth camps, and public pools and spas (Title 22, chapter 562), to place and use a temporary portable toilet provided the facility is maintained and serviced in a reasonable manner to protect public health, safety, and the environment.

LD 2264 – *An Act to Clarify the Use of Public Equipment on Public Easements* (Committee Bill Reported by Sen. Nangle of Cumberland Cty.) **PL 2023, c. 642** This act clarifies that a legislative body of a municipality may authorize the use of the municipality’s highway equipment to plow, maintain or repair private ways, otherwise known as public easements. The act allows the Maine Abandoned and Discontinued Roads Com-



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mission to meet up to 12 times per year and directs the commission to consider the scope of property owner liability and public use of public easements, property owner liability on public easements, options for creating a road inventory, and the creation of a right-of-way template for property owners of land along an abandoned or discontinued road.

LD 2288 – *An Act to Allow a Member of the Town of Perham Select Board to Facilitate the Election to Vacant Seats on the Select Board and to Approve and Sign Disbursement Warrants* (Presented by President Jackson of Aroostook Cty.) **Emergency Enacted; P & SL 2023, c. 24 (4/16/24)** This emergency private and special act allows a member of the Town of Perham selectboard to take action to facilitate an election to fill empty seats on the board and until a quorum of members is elected, allows a member to approve and sign disbursement warrants, approve general assistance applications, and perform any necessary functions to administer the town's general assistance program.

Taxation

LD 1153 – *An Act Regarding Municipal Taxation of Certain Solar Energy Equipment* (Sponsored by Rep. Woodsome of Waterboro) **PL 2023, c. 682** This act provides that for property tax years beginning on or after April 1, 2025 solar energy equipment is exempt from property taxation if: (1) the energy produced is used on site; (2) the equipment is collocated with a net energy billing customer or customers subscribed to at least 50% of the energy produced on site; or (3) the produced energy is transmitted through an electric utility and accounted for using a bill credit mechanism and the generator of electricity had a fully executed interconnection agreement prior to June 1, 2024.

LD 1345 – *An Act to Permit Municipalities to Establish by Ordinance a Program for Partial Deferral of Property Taxes for Seniors* (Sponsored by Rep. Moriarty of Cumberland) **PL 2023, c. 547** This act authorizes municipalities to adopt an ordinance establishing a program providing seniors a partial stabilization of property taxes accompanied by the deferral of the payment of taxes due in excess of the stabilized amount. The act further clarifies that residents of a municipality that adopts such a program may not participate in the State's property tax deferral program.

LD 1714 – *An Act to Create a Sustainable Funding Source for Recovery Community Centers Using a Percentage of the Adult Use Cannabis Tax Revenue* (Sponsored by Rep. Rana of Bangor) **PL 2023, c. 658** This act creates the Recovery Community Centers Fund, which beginning on July 1, 2025, is supported by redirecting \$2 million annually from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund. The law further defines these centers as independent, nonprofit organizations led and governed by representatives of local recovery communities with a primary focus on recovery from substance use disorder that provides nonclinical, peer recovery support services such as recovery support groups, recovery coaching, telephone recovery support, skill-building groups, harm reduction activities, recovery-focused outreach programs to engage people seeking recovery or in recovery and recovery focused policy and advocacy activities.

LD 2006 – *An Act to Amend the Laws Regarding Adjustments for Sudden and Severe Disruption of Municipal Valuation* (Sponsored by Sen. Keim of Oxford Cty.) **Emergency Enacted; PL 2023, c. 629 (4/16/24)** Beginning on April 16, 2024, this emergency act provides that the portion of undesignated fund balance used by a municipality that qualifies for an adjustment for sudden and severe disruption of valuation to mitigate property tax assessment increases does not reduce the amount of revenue sharing distributed to the impacted municipality.

LD 2023 – *An Act to Make Technical Changes to Maine's Tax Laws* (Sponsored by Sen. Grohoski of Hancock Cty.) **PL 2023, c. 523** In part this act amends the property tax laws to: (1) update outdated terms referencing municipalities and municipal officers; (2) remove and replace gender-specific language; (3) correct a conflict in the state property tax deferral program created by Public Law 2023, chapters 360 and 412, which affected the same provisions of law, by combining the provisions; (4) remove an obsolete reference to an application and instructions in the laws governing the sale of tax-acquired properties since they are no longer required; and (5) make other technical and grammatical changes.

LD 2027 – *An Act Regarding the Property Tax Exemption, Business Equipment Tax Exemption and Business Tax Reimbursement for Facilities Storing Spent Nuclear Fuel and Radioactive Waste* (Sponsored by Sen. Remy of Lincoln Cty.) **Emergency Enacted; PL 2023, c. 588 (4/02/24)** This emergency act provides that emissions from and particles of spent nuclear fuel and radioactive waste and the facilities that store such waste that are classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste are not exempt from property tax as an air pollution control facility. The act also provides that facilities that store spent nuclear fuel or radioactive waste are not eligible for the benefits under the business equipment tax exemption or business equipment tax reimbursement.

LD 2028 – *An Act to Amend Certain State Tax Laws* (Sponsored by Sen. Grohoski of Hancock Cty.) **Enacted; PL 2023, c. 613** This act clarifies that a property taxpayer who owns more than one residential property subject to an existing municipal lien is ineligible for the state property tax deferral program.

LD 2048 – *An Act to Amend the Content of Notices Provided with Respect to Tax Liens on Certain Property* (Sponsored by Rep. Perry of Bangor) **PL 2023, c. 579** This Act requires the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to post on a publicly accessible website information that may be used by municipalities, and the State Tax Assessor for the unorganized territory, to inform an owner of homestead property subject to tax lien foreclosure of the resources available to help avoid foreclosure. The act replaces current statute requiring a municipality or the state to include language in a notice of lien providing that the taxpayer may contact the bureau regarding options for finding an advisor to assist the taxpayer in avoiding tax lien foreclosure.

LD 2076 – *An Act to Exempt from Excise Tax Vehicles of Active Duty Service Members Stationed Out-of-state* (Sponsored by Rep. Lemelin of Chelsea) **PL 2023, c. 565** This act extends

the motor vehicle excise tax exemption provided for certain persons deployed for military service to include individuals who are not deployed at the time of making the request for an exemption from excise tax but who were deployed for a period of at least 180 consecutive days in the 12 months preceding the request for an exemption. The law also clarifies the documentation necessary to verify military service.

LD 2162 – *An Act Regarding the Current Use Valuation of Working Waterfront Property* (Sponsored by Rep. Ankeles of Brunswick) **PL 2023, c. 671** This act expands the definition of property eligible for a discounted tax assessment under the working waterfront current use program to include wharfs or piers used either primarily or predominately by persons engaged in commercial fishing activities that include berthing a boat and the location of small fishing houses for commercial fishing gear maintenance and storage. Additionally, the act: (1) increases from 20% to 30% the tax assessment reduction for property used *predominately* as working waterfront and from 10% to 20% for land used *primarily* as working waterfront; (2) provides that land subject to a legally binding right-of-way or easement that permits access to intertidal land for commercial fishing activity is eligible for an additional reduction of 10%; and (3) allows the owner of waterfront property subject to a program penalty to request an up to two-year delay in the payment. The act also directs the State Tax Assessor to create an information bulletin regarding the working waterfront current use program and by December 31 of each odd-numbered year, submit a report to the joint standing committee having jurisdiction over taxation matters, including a comparison of the sales price and the assessed value of the working waterfront property.

LD 2262 – *An Act to Amend the Process for the Sale of Foreclosed Properties Due to Nonpayment of Taxes* (Reported by Rep. Perry of Bangor for the Committee on Taxation) **PL 2023, c. 640** This act makes several changes to the law regulating the sale of property for nonpayment of taxes by: (1) requiring a notice of impending automatic foreclosure to specify that the municipality may sell the property and pay any excess sale proceeds to the former owner; (2) allowing municipalities to use an agent as well as a real estate broker in the sale of the property; (3) increasing from six to 12 months the length of time the property may be listed for sale; (4) allowing the deduction from the proceeds of the sale fees incurred in selling the property but only to the extent those fees are not included in the broker or agent fee agreement; (5) requiring any fees imposed by a municipality on the property to be reasonable; (6) requiring an itemized written account of the deductions from the sale proceeds to be provided to the former owner when requested; (7) requiring an appraisal report to be prepared within 120 days, if a municipality chooses to retain the property; (8) specifying that a person receiving the excess sale proceeds waives the right to challenge the taking of the property but not the right to commence an action relating to the effective conveyance of the excess sale proceeds; and (9) providing that, if the former owner of foreclosed property cannot be located, that the excess amounts be turned over to the unclaimed property division of the Office of the Treasurer of State.

Transportation

LD 402 – *Resolve, to Rename Bridges in the Towns of Limerick, Hiram and Limington* (Sponsored by Sen. Chipman of Cumberland Cty.) **Resolves 2023, c. 176** This resolve directs the Department of Transportation to designate Bridge 3157 on Route 11 in the Town of Limerick the Sokokis Lake Veterans Memorial Bridge; Bridge 2373 on Route 113 in the Town of Hiram the Hiram Veterans Memorial Bridge; and Bridge 2918 on Route 11 in the Town of Limington the Limington Veterans Memorial Bridge.

LD 1640 – *An Act Directing the Department of Transportation to Adopt Rules Regarding Corrosion Mitigation Methods for Steel Bridges* (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2023, c. 657** This act directs the Department of Transportation to adopt routine technical rules governing corrosion mitigation methods for steel bridges wholly under the control of the State and specifies that the rules must: (1) include a process for ensuring that corrosion mitigation activities are carried out in accordance with established federal standards and under the supervision of personnel who are industry-trained and certified in corrosion mitigation methods; (2) require plans to prevent environmental degradation that might result from corrosion mitigation activities; and (3) require compliance with all applicable state and federal rules.

LD 2056 – *Resolve, Designating Route 127 in Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway* (Sponsored by Rep. Hepler of Woolwich) **Resolves 2023, c. 132** This resolve directs the Department of Transportation to designate Route 127 in the Town of Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway.

LD 2072 – *An Act to Amend the Laws Governing Motor Vehicles* (Presented by Sen. Nangle of Cumberland Cty. on behalf of the Secretary of State) **PL 2023, c. 634** Of municipal note, this act clarifies that a set of disabled veteran plates are optional for a veteran who has lost both legs or the use of both legs when the veteran receives a registration fee and excise tax exemption; authorizes the Secretary of State to issue a registration certificate and special designating plates for more than one vehicle owned by certain disabled veterans; allows for the issuance of titles for semitrailers no more than 25 years old; and expands the list of medical professionals who may issue a certificate to exempt an adult from the seat belt requirement.

LD 2229 – *An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025* (Governor's Bill) (Presented by Rep. Crafts of Newcastle) **Emergency Enacted; PL 2023, c. 645 (4/22/24)** Of municipal interest, this emergency act allocates \$2.1 million as the Highway Fund's share for 16 positions within the Department of Public Safety, Maine State Police.

LD 2239 – *Resolve, to Rename a Bridge in the Town of Mechanic Falls the Bill Dunlop Memorial Bridge* (Sponsored by Sen. Bennett of Oxford Cty.) **Emergency Passed; Resolves 2023, c. 161 (4/02/24)** This emergency resolve directs the Department of Transportation to designate Bridge 2540 on Elm Street in

the Town of Mechanic Falls, currently known as the Mechanic Falls Bridge, the Bill Dunlop Memorial Bridge.

Veterans & Legal Affairs

LD 40 – *An Act to Protect Liberty and Advance Justice in the Administration and Enforcement of the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act* (Sponsored by Sen. Hickman of Kennebec Cty.) **PL 2023, c. 679** Of interest to municipalities, this act amends the adult use cannabis laws as follows: (1) amends several definitions including: (a) “caregiver retail store” as an authorized store used by a registered caregiver to sell cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and other items to the general public at a fixed location; (b) “cultivation area” by excluding the requirement that these areas are enclosed and equipped with locks or other security devices that permit access only to an authorized person; and (c) “cultivation facility” to include the authority to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores or adults; (2) adds a waiver of application for transfer when the transfer in ownership is less than 5% ownership interest but retains the provision requiring demonstrated compliance with all applicable requirements for licensure at the time the license is renewed; (3) expands authority for the collocation of adult use and medical cannabis cultivation facilities to allow a cultivation facility licensee to share a facility with a registered caregiver or registered dispensary as long as at least one owner of the facility is also the registered caregiver or an owner of the dispensary; (4) allows a licensed products manufacturing facility to manufacture products that do not contain cannabis; (5) authorizes stores to provide free samples to customers in limited amounts; (6) allows identification card holders to bring their children into such establishments in the event of an emergency; (7) establishes a cannabis hospitality task force that includes a municipal representative; and (8) provides that adult use cannabis rules provisionally adopted by the Office of Cannabis Policy cannot be finally adopted unless approved by the Legislature.

LD 355 – *An Act to Eliminate the Cannabis Advisory Commission* (Sponsored by Sen. Hickman of Kennebec Cty.) **PL 2023, c. 650** This act eliminates the Cannabis Advisory Commission, which was created to study the laws related to cannabis and annually report its findings and recommendations to the Legislature.

LD 1517 – *An Act to Establish the Social Equity Program* (Sponsored by Speaker Tabor Ross of Portland) **PL 2023, c. 683** This act directs the Department of Economic and Community Development to establish and administer a social equity program to increase workforce development programs and provide support to individuals who are members of impacted communities and businesses that are owned by members of impacted communities. For purposes of this act, an “impacted community” means a racial, ethnic, or tribal population that has experienced disproportionate incarceration rates since 1971 and as a result has experienced direct or indirect discrimination in the process of accessing housing, employment, and education. By December 15, 2026, and biennially thereafter, the

department is directed to file a report with the joint standing committees of the Legislature having jurisdiction over economic and community development and cannabis matters, which are authorized to report out legislation. The act also directs the: (1) Department of Labor to establish a two-year apprenticeship navigator position to increase access to workforce development opportunities for impacted communities; (2) Department of Economic and Community Development to increase access to support services to impacted communities; and (3) Commissioner of Administrative and Finance Services to hire a cannabis business advocate for a period of up to two years, which is funded with revenues dedicated to the Adult Use Cannabis Public Health and Safety Fund and Municipal Opt-In Fund.

LD 2088 – *An Act to Change the Number of Agency Liquor Stores Allowed in Certain Municipalities* (Sponsored by Sen. Daughtry of Cumberland Cty.) **Emergency Enacted; PL 2023, c. 550 (3/19/24)** This emergency act authorizes the Bureau of Alcoholic Beverages and Lottery Operations to issue one additional agency liquor store license to any municipality, instead of only to a municipality with a population less than 15,000. In determining whether to issue an additional license, the bureau may consider any information provided by the municipality requesting an additional agency liquor store license. The act also directs the bureau to convene a stakeholder group to examine how agency liquor stores are licensed and operated to better understand how they are distributed throughout the State and to evaluate the effectiveness of the current system for consumers, the public, local law enforcement officials, municipalities, state and entities licensed in Maine for the sale of liquor.

LD 2147 – *An Act to Change the Requirement for Edible Cannabis Products to Be Stamped or Embossed on Each Serving with a Universal Symbol* (Sponsored by Rep. Boyer of Poland) **Emergency Enacted; PL 2023, c. 641 (4/21/24)** This emergency act requires that each serving of an edible cannabis product that is individually wrapped or blister packaged to be stamped or embossed with a universal symbol indicating the product contains cannabis. The act also requires that items determined impractical for individual stamping via Department of Administrative and Financial Services rules, must be packaged together and the symbol affixed to the package and further provides that potato chips, popcorn, pretzels, loose granola, and gummies are impracticable for individual stamping.

LD 2187 – *Resolve, Regarding Legislative Review of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy* (Sponsored by Rep. Supica of Bangor) **Emergency Passed; Resolves 2023, c. 183 (4/28/24)** This emergency resolve authorizes final adoption of major substantive rules of the Office of Cannabis Policy regulating the licensure (Chapter 20) and compliance (Chapter 30) under the Adult Use Cannabis program. By December 15, 2024, the office is also directed to submit a copy of each finally adopted rule to the joint standing committee of the Legislature having jurisdiction over cannabis matters, which is authorized to advance legislation in 2025. ▲



Building Sustainable and Resilient Public Safety

Rebecca Graham, Senior Legislative Advocate

The past nine months have provided the public at large an unfortunate and extreme slice of the emotional trauma and system vacuums public safety professionals navigate daily. Those who chose a public safety career can be characterized as individuals who willingly assume that burden in hopes of sheltering the rest of us from the experiences of our inhumanity, or to make a difference on our worst days. If anything good can come from our recent horrors, it just may be a broader public understanding of how hard it is to carry even the burden of adjacent exposure of a single event, let alone a work shift filled with managing traumatic events and individuals at their most vulnerable moments.

The 131st Legislature delivered some needed wins for public safety and made incremental advancements in back filling the vacuum of crisis supports in hopes of diminishing the need for a public safety response at all. However, the new initiatives still need to be built, and will not be ubiquitously available statewide, meaning relief for the responders of last resort will continue to be needed for the foreseeable future.

A new approach to collective public safety advocacy was adopted this session to focus on shared problems that are lost in the legislative sauce when only viewed separately. All public safety services have a shared need to recruit, train, and keep members healthy and in the game. Many public safety responses are collective responses from a spectrum of services, not just a single department or discipline. Even legislative efforts to focus on one component of public safety, that of emergency medical services (EMS), highlighted the cold fact that not everyone dialing 911 for help will have a timely and adequate response to address the need. Unfortunately, public policy that does not account for public safety interconnectivity and cooperation often costs more than investing in the broader system and creates further responder resource challenges.

Leveling The Playing Field for Public Safety

The World Health Organization released a report in 2022 highlighting that the COVID-19 pandemic created a 25% increase in the prevalence of anxiety and depression worldwide. A 2017 Center for Disease Control (CDC) study statistically uncovered that law enforcement, firefighters and EMS professionals were far more likely to die by suicide than any other line of duty injury—and at far higher rates than the general public—due to constant exposure to death and destruction. While telecommunicators are often the very first

responders engaged with those on scene, research on their suicide risk and mental health has lagged. When a first responder finally seeks treatment, it can be devastating to encounter an ill-prepared provider and may result in reluctance to seek further help.

To address the gaps in data that include the under-reporting of death by suicide, in 2020, the U.S. House and Senate approved funding for the Helping Emergency Responders Overcome (HERO) Act directing the CDC to create a public safety officer suicide reporting system. Additional research, published in 2024, conclusively confirmed what the public safety community already knew, the job also takes an extreme physical toll with prevalence of cardiac and metabolic disorders far greater and much earlier in life than in the general public. Corrections officers top that risk category amongst the public safety population. Mix in the exposure to hazardous materials and the chemicals infused in gear to protect individuals from burning temperatures, and cancer rates amongst the population also soar above the average population. More disconcertingly, all the conditions go undetected by the age-oriented screening measures covered by most insurance providers which use civilian population metrics for risk.

To complicate matters even more, public safety services operate collectively with neighboring services based on need. Public safety response is highly interdependent and cooperative, in part, because how each service is funded and governed is dependent on political boundaries and local capacity, not all possible response needs. Cooperation is a force multiplier in times of extreme need but also as a matter of daily operation in a vast rural state like Maine. Emergencies and the impact they produce on those who respond are not dependent on budgets and employment status. Three budget initiatives enacted during the 2024 session attempt to fill some of those gaps retroactively and work towards building a more resilient workforce in the future.

Part T of the supplemental budget (LD 2214) provides a \$2 million onetime appropriation to establish a pilot program managed by the Department of Public Safety envisioned by the MMA platform bill LD 1857, *Resolve, to Establish a Public Safety Health and Wellness Grant Pilot Program*, sponsored by Rep. Lynn Copeland of Saco. The original bill requested an ongoing fund managed by the Maine CDC and financed by 5% of tax receipts from the Adult Use Cannabis program. Like the original bill, the funds will pay for first responder specific

health screenings that adequately capture their health risks, annual wellness visits, and first responder literate counseling services for members and their families, regardless of their employment status.

While program funds may be used by a government entity that provides or has the authority to provide fire, emergency medical, emergency communications, correctional or police services, they will not be available until after the August 9 effective date for non-emergency legislation and the completion of the required state rulemaking process. However, another grant program for EMS service sustainability has \$19 million appropriated to design and support programs on a regional basis to also improve the resiliency of EMS workers. Many fire services also provide EMS services and are eligible for this grant, while their justice focused partners and dispatchers are not. The EMS sustainability grant program will likely open in June and should be used collaboratively amongst services that qualify to deliver the same programs envisioned by the public safety health and wellness grant pilot, as those funds are not available to other first responder services.

Like the force multiplying capacity realized by mutual aid response, a collaborative approach could maximize the availability for all public safety members as many of the physical health screenings have minimum participant numbers for onsite imaging. Access to first responder specific telehealth services like those offered by Cordico Wellness may also be more cost effective on a regional basis particularly when first responder informed providers are generally few and far between in Maine. Even if the funds are short lived, the impact of their availability will mean small services will be able to offer the same vital support for volunteers and part time employees as large services resulting in solid metrics on their importance for a permanent appropriation and collective approach.

Making Public Safety Services Whole

Another appropriation in Part VVV of the supplemental budget is a \$3 million effort to help fund the first responder overtime costs for all services associated with the Lewiston mass casualty event and subsequent apprehension operation. While generous, it will still unlikely cover all the associated costs and does not extend to the overtime expenditures resulting from the presidential and congressional visits to the communities in the days and weeks that followed. Additionally, there are many staff members of municipalities that served as stand in supporters from school janitors, bus drivers, and clerks that transported victims to the reunification center where family members waited, directed individuals to information and safety, provided comfort when needed and backfilled duties for staff engaged with special operations.

The community may never be whole following the October tragedy but the supplemental budget allocation towards the overtime costs for first responders might help the smaller services that supported the operations keep their already small funds from shouldering the budget hit alone. The Commissioner of the Department of Public Safety expressed a

commitment to seek alternative funds from federal partners where possible as well.

In a less generous offering, Part CCC of the supplemental budget drastically falls short of the identified need for the provision of county jail operations, much of which are state mandated. The operation of county jails is an activity that already disproportionately falls to the property taxpayer to fund. On a statewide average, 80% of county jail operation expenses are funded by the property tax assessments sent to municipalities annually, and 20% by the state, which decides every other condition of incarceration from who is sentenced to which facility, or waits for a court proceeding, to treatment options and health care of the individuals placed in the facilities.

The burden for county jail operations has also grown by state policy. Serving as justice triage centers, county jails were meant to be short term and temporary holding facilities. A change in sentencing guidelines saw the length of sentence served in a county jail grow from six to nine months. Additionally, the judiciary started sentencing individuals with multiple charges to three or more consecutive nine-month terms, drastically elongating the amount of time individuals are forced to remain in facilities designed with a governance and funding structure for short-term detention. Sprinkle in a court backlog, under resourced prosecution services and growth in high-risk offenders unable to pass safety assessments for community correctional paths and you have justice gridlock with no local control.

Over the past two budget cycles, the amount the state pays toward its basic jail obligation has fallen short of meeting the 20% threshold, while the state mandated programs demanded of all 15 facilities has grown. Despite a County Corrections Professional Standards Council (CCPSC) recommendation to fund at a minimum the \$7.8 million shortfall in mandated costs for mental health services, case work, medically assisted treatment for substance use disorder, pretrial detention and new compliance with prerelease education and discharge plans, Part CCC only provides \$4 million in onetime funding for medication assisted treatment and medical care. The remaining \$3.8 million shortfall for its current delivery and the further inflationary increase in energy, food, fuel, and staffing costs, which is much closer to the identified \$12 million actual shortfall, will be sent to the local property taxpayer.

The administration maintains that more cooperation is needed among facilities for the purchase of common items, however most of the mandated services are not able to be provided by the same provider from York to Aroostook County. In many instances, the local option is the only provider, and the cost of health care services in rural areas is often far more expensive. At least one facility saw a contracted health provider pull out of service all together leaving them scrambling to find an alternative.

The inflation in basic costs for operations in the past county budget cycle reported to the CCPSC is still below what the state has experienced within its own operations. Fifteen county facilities which hold the vast amount of the incar-

cerated individuals in the worst states of health, currently a population of 2,313, did not receive a proportional or inflationary increase in the state contribution. The Department of Corrections (DOC), which operates eight facilities with a current population of 1,829, received another \$9.7 million to cover the inflationary costs associated with its operations. Unlike their county colleagues, the state prison system has a much more predictable and stable population with a clearer understanding of how long individuals and their associated needs will be under the state's allocations.

While DOC is working to update the reporting system to collect more appropriate data from facilities and provide a better picture of the system as a whole, there are other ways for the state to play a greater partnership role with their local government colleagues. From reducing the sentence levels for individuals sent to a county facility to a better judicial understanding of their decisions and impacts on counties, there are many opportunities for system improvement. The message for the next legislature is to start by recognizing the existing deficits for the demands left by their previous colleagues on county facilities without the funding to do it adequately.

Long Overdue Building Community Mental Health and Substance Use Disorder Programs

In 1990, a class action lawsuit was brought on behalf of the residents of the Augusta Mental Health Institute to correct significant issues in both the institutionalized system and shift to a community mental health service approach following the death of 10 patients in the summer of 1989.

While the institution was dismantled, the community mental health system intended to improve the quality and comprehensive patient directed delivery for care has never been adequately funded or fully established.

Public safety services including county jails, became the de facto alternatives for addressing individuals in crisis and their associated behaviors. The growth of substance use disorder amongst community members also found those same services shifting operations from enforcement to diversion programs which resulted in police agencies fundraising to send individuals to rehabilitation services and address medication needs, often out of state where the only available residential treatment beds could be located. Individuals who needed care were often dependent on the locally available resources in this bootstrap-built system instead of a state designed system.

Following a few high-profile incidents, at least two police agencies also established state funded trained mental health crisis teams who traveled with law enforcement to connect individuals to services directly in their homes, when it was safe to do so. These programs were later defunded under the Governor LePage Administration. While the need is recognized as universal for all agencies now, only communities with adequate resources have been able to fund similar programs.

During the 130th Legislature, Maine state police asked for eight regional behavioral health specialists to divert calls from a law enforcement response to a mental health response and coordination program. They were provided with only five. While the number is too low to fill the gaps for oth-



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er agencies unable to stand up a similar program, this year a significant number of calls were diverted from police response that would have otherwise consumed several officer hours or potentially further escalated the situation resulting in the need for a more significant response.

Part DDDD of the supplemental budget allocates \$2.5 million to create a mental health crisis intervention mobile response team with 24 more liaisons beginning January 2025. Part EEEE provides \$3 million to create two crisis receiving centers, one in Aroostook County and one in Penobscot County, and further directs the Department of Health and Human Services to develop a plan to eventually have a center in each county of the state.

Responding to Symptoms, Not Problems

There were several efforts that either never made it over the line, fell victim to partisan battles or received only partial resolution. All the wins and losses either help or hurt the theme of recruiting, retaining, and maintaining a high level of service through investment in training facilities and programs. New programs developed this session are funded almost exclusively through one-time funding efforts. It is nearly impossible to build a statewide system of mental health and crisis response without a secure future. However, public safety responses will always be around. They become the response of last resort as a direct result of the failures of the political system to adequately build and fund an alternative, not because first responders exist. These services are mutually dependent, not mutually exclusive.

One hot topic this session was around rural patrol, which saw counties demanding funds from the Maine State Police (MSP) budget as the state has pivoted their dwindling resources towards the areas of greatest need, which has overwhelmingly become high level specialty team responses. While counties were not united in the approach, it became clear that restricting state police patrol to serving one political boundary impacted not only staff morale, but also the timely availability of shared services for other communities.

This is a policy where the legislative bills submitted focused on a symptom—not the problem. The problem is a lack of a patrol staffing increase for MSP allowed and provided by the legislature for more than 30 years, while the need for high level high skilled responses has grown 10-fold statewide.

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The long-term lack of investment in base level state patrol is nearly impossible to solve overnight, and the legislature didn't even try. While the actual number necessary to fill the public safety need across the state with a physical officer to respond to a routine call in less than two hours is closer to 119, MSP was authorized to ask for 32, and the legislature provided 16. MSP is not staffed to a level to continue to negotiate 16 different patrol agreements without impacting the services needed by all other areas. Communities cannot dismantle their existing agencies without creating a public safety vacuum someone needs to fill. All services need more individuals to care about serving the public in these incredibly challenging but fulfilling roles. These are collective discussions that must continue in 2025.

However, if you want your public safety professionals to look like your community, you need to build and invest in training and recruitment efforts that attract service-oriented individuals with complex lives and language needs, who are adequately supported to spend time relationship building, but ready to respond. There are opportunities to combine services that will require an investment in educating the community to inform them in the decision-making process before a response is requested. Underfunding and understaffing one government level of service has a knock-on effect to adjacent services, or the statewide response. First responders and public safety services are all interconnected and interdependent and community resiliency depends on us all.

If there is any message to the returning or new 132nd legislators, it is the message of interconnectivity. New legislators need their local government partners to deliver their priorities and municipalities need legislators to get familiar with their challenges before offering and committing to solutions. All levels of government are interconnected, necessary, cooperative, and definitely not special interests. ▲▲

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Serving as a conduit of information between municipal leaders and members of the Maine State Legislature.

By Kate Dufour/ Director, Advocacy & Communications

When the Maine Municipal Association was first established in 1936, not only was it founded as a voluntary, non-partisan, member-services organization to which 484 municipalities in Maine now belong, but also to provide a variety of supportive services to its members, including advocacy. MMA's advocacy efforts run the gamut from participating in state agency rulemaking proceedings to advocating for municipal government interests at the federal level, admittedly to a far lesser extent. However, the Association's advocacy program was primarily created to ensure that town and city leaders have a voice and seat at the table as members of the Maine State Legislature decide the fate of important policy issues that impact the provision of local government services.

Easy, right?

While the task of representing the interests of all Maine towns, cities and plantations might appear daunting, MMA staff are not left to fend for themselves in the process of establishing positions on legislation. While staff does review and identify all bills of municipal interest, the position MMA takes on municipally relevant legislation is established by in-the-field municipal leaders.

Enter the Legislative Policy Committee.

In the 1970s, MMA's 12-member Executive Committee created the notorious Legislative Policy Committee (LPC). The 70-member committee is represented by two municipal officials from each of Maine's 35 senate districts. Modeled largely on the election cycles of the legislature, members are elected by the boards and councils in each district in the summer of an even num-

bered year to serve a two-year term.

Currently, MMA is in the middle of conducting the two-step election process for the 2024-2026 policy committee.

Nominations. The first step in the process invites elected and appointed municipal officials from MMA member communities to nominate themselves or another municipal colleague, with their permission, to serve on the policy committee. To be eligible, candidates must be serving in either an elected or appointed role in the nominating community's senate district and the submitted nomination form must be signed by both the candidate and the chair of the select board, council, or assessors. By the time this edition of the magazine has gone to print, the June 12, 2024 nomination deadline will have come and gone.

Election. The next step in the process is the official election, where councils and selectboards receive a ballot with the nominees seeking to represent the district, as well as bios for each candidate. Ballots for the 2024 election cycle were sent to communities on June 13 and each board and council was asked to select two candidates from the list, or utilize the write-in option, and return their community's ballot to MMA by August 1. The two candidates receiving the greatest number of votes will be elected to serve. Additionally, successful candidates are encouraged to appoint an alternate to vote in the member's place if the elected policy committee member cannot attend a meeting.

Establishing MMA's Legislative Platform. As created by the Executive Committee, the LPC has been assigned two tasks. The first is to establish the Association's two-year legislative platform, which is generally accomplished in the fall of the even numbered year.

Generally, MMA's platform contains no more than a dozen bills advancing amendments to existing law or seeking new policy initiatives to improve the delivery or funding of municipal services. The LPC's platform is informed not only by the interests of its members, but

EO101

"An Elected Official's Survival Guide." In this series MMA staff will provide the advice, tips and tools elected officials need to fulfill their roles and to be prepared for the challenges that await.

also by municipal officials statewide, who are encouraged to participate in a legislative priorities survey. The most recent 2022-2024 platform included initiatives to increase General Assistance reimbursement, amend TIF laws to provide greater investment opportunities for affordable and workplace housing, and provide first responders access to the tailored health and mental health care necessary for those who routinely experience trauma because of their responsibilities.

However, during fiscally austere years, the LPC has elected to forgo advancing specific pieces of legislation in exchange for focusing on a “protect the core” platform. In this scenario, the LPC directs the advocacy staff to take a defensive stance to safeguard investments in revenue sharing and school aid. At the center of concern is the legislature’s proclivity, during economic downturns, to use the state sales and income tax revenues that are otherwise shared with municipalities to replenish state coffers.

Once the policy committee has established its platform, staff finalizes the legislation and seeks legislative sponsors for each initiative. While only the LPC can establish the Association’s position on legislation, staff are available to assist municipal officials in drafting and advancing initiatives, whether or not the LPC adopts it as part of its legislative platform.

Establishing MMA’s Positions on Legislation. When MMA staff stands before any of the joint standing committees of the legislature, they do so on behalf of municipal officials from Madawaska to Kittery and from Lubec to Lebanon. To that end, the policy committee meets monthly, normally on a Thursday, when the legislature is in session to establish positions on bills staff has identified as being municipally significant. While in-person meetings better accommodate robust discussions on bills, MMA offers a remote meeting option as well. This hybrid approach ensures that all LPC members, regardless of geographic location, can participate in the process.

The positions the policy committee establishes on legislation ranges from support to opposition to the mysterious “neither for nor against” (NFNA). The NFNA route is used in one of two circumstances. The first is when the policy committee needs more information to establish an official position, with the second reserved for more complex policy initiatives, where municipal officials support some elements of a proposal, but oppose others.

Statewide Initiatives & Federal Advocacy. Although as noted above, MMA does some federal advocacy,

that work is guided by the Association’s Executive Committee. Occasionally, MMA will submit comments on federal agency rules, case in point, the recent OSHA fire brigade rules, but largely the Association’s federal work is limited to participation in the National League of Cities March “fly-in.” This annual event brings municipal leaders from around the country to Washington, D.C. for networking and lobbying. Additionally, the Executive Committee establishes the Association’s position on all statewide referendum initiatives.

Resources. As noted in the subtitle to this article, MMA’s advocacy team affectionately refers to itself as a conduit of information. Through participation in public hearings and work sessions, staff communicates the municipal positions on numerous bills to members of the legislature and shares the legislative response with municipal leaders via the Legislative Bulletin, which is published each Friday during the session. Also published weekly, is a description of all the bills MMA is tracking, which is suitably called the LD List. Past editions of the bulletin and LD list, as well as lists of LPC members and descriptions of our work can be found on the advocacy page of MMA’s website at <https://www.memun.org/Advocacy-Communications>. Additionally, the advocacy team uses the Potholes & Politics podcast to get more timely information on important municipal issues out to its members and followers.

Keep an eye out for LPC ballots as well as the election results. A list of the newly elected LPC will be posted on MMA’s website and our new members will be featured in the December “Legislative Preview” edition of the Town & City magazine. In that edition, readers will also learn about the 2025 policy initiatives MMA will be advancing on behalf of its members.

Also, don’t miss the introduction to the advocacy team that accompanies this article. If you have any questions about the Association’s advocacy efforts, please don’t hesitate to contact Kate Dufour at kdufour@memun.org. 🏔️

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MMA's advocacy team consists of Kate Dufour, Director of Advocacy & Communications, Laura Ellis, Advocacy Associate (e.g., she who knows all) and three esteemed advocates, whose bios, areas of expertise and contact information follow below.

Rebecca Graham
Senior Legislative Advocate

Rebecca Graham is a graduate of the University of Southern Maine, Ulster University's Transitional Justice Institute, in Belfast, Northern Ireland, and the European Inter-University Centre for Human Rights and Democratisation, in Venice, Italy. Along with being an enormous municipal government fan girl, Graham also specializes in the area of democratic governance evaluation internationally in countries transitioning from authoritarian to democratic structures, frequently volunteering with the Nobel Peace Prize nominated OSCE Office of Democratic Institutions and Human Rights. She is chair of her town's planning board and serves as an election clerk as well.

Policy Areas. All things public safety and criminal justice, state and local government, transportation, housing and development, agriculture conservation and forestry, inland fisheries and wildlife, and health coverage, insurance, and financial services. Most recently, Graham also began lecturing in the Justice Studies program at the University of Maine, Augusta.

Fun Factoid. Apart from being a British motorcycle lover, Graham is also a history geek passionate about all things from the Island of Ireland-North and South. She has even written and edited a few volumes of sleep-inducing essays and a policy document for the European Union. Her most recent work, *1718-2018; Reflections on 300 years of Scots Irish in Maine*, focuses on the legacy, impact, and family stories of this early migration from north of the island of Ireland to Maine. She may even be in a few BBC documentaries.

Lobbying Tip. Spend as much time away from the state house and with municipal officials and employees as possible. Not only will you learn more about real world solutions, but you will also keep your faith in humanity.

Email. Rgraham@memun.org

Amanda Campbell
Legislative Advocate

Amanda Campbell joined Advocacy & Communications in 2023 and came to MMA with a varied background and a ton of experience. She holds a special education degree from the University of Maine at Farmington and ran a retail quilting establishment for 13 years before beginning her career in municipal government. Most recently, Campbell was the Town Administrator in Georgetown and served on MMA's Legislative Policy Committee. She started in Georgetown in 2015 as the deputy clerk/tax

collector and progressively rose through the ranks ending her career there as the community's key municipal official. Campbell lives in Bath with her 17-year-old son and spends much of her free time supporting his many soccer teams and the multitude of events he is involved in. When she does have time to herself, she enjoys reading, cooking, antiques, and traveling.

Policy Areas. Environment and natural resources, general assistance, labor, marine resources, and taxation.

Fun Factoid. When Campbell isn't sipping iced coffee and perusing her tarot cards, you'll likely find her traversing the wilds of Middle Earth or speeding through a galaxy far, far away.

Lobbying Tip. Ask an unlimited number of questions. You will feel like a pest, but the person who knows the answer was once a pest too! If you don't know the answer, you can't help your client.

Email. Acampbell@memun.org

Rebecca Lambert
Municipal Issues Specialist

Rebecca Lambert came to MMA in 2018 as an Executive Office Assistant and worked her way into a newly created position for the restructured Advocacy & Communications team. She has become the "Jill of all trades" for the team, participating in both the advocacy and the communications aspect of the department's work. She is a fierce advocate for the truth and public service and goes above and beyond to be sure MMA members are represented effectively and that the municipal voice is heard. On the communications side of the department, Lambert created and oversees the Douglas M. Eugley Memorial Scholarship for Public Service for high school seniors, participates as a judge for the 7th grade essay and the annual report contests, writes articles for the Legislative Bulletin and Maine Town & City magazine, writes, designs and publishes the monthly MMA employee newsletter, and takes various photos of events for MMA. Lambert holds a bachelor's degree in public administration, 20 years of experience in municipal government, and serves on her local school board.

Policy Areas. Issues related to cannabis, elections, freedom of access, and energy and utility matters.

Fun Factoid. In her free time, Lambert likes to tinker in her flower gardens, tap into her creative side through baking and crafts, and spend time with family and friends.

Lobbying Tip. Things are never as they seem. Go into it with an open mind and zero expectations.

Email. Rlambert@memun.org



TRAINING CALENDAR

Maine Municipal Association & Affiliates

JULY

7/10	Wed.	MTCCA Licensing Workshop	Augusta - MMA	MTCCA
7/11	Thurs.	MBOIA July Membership Meeting & Training	Augusta - MMA	MBOIA
7/23	Tues.	MTCCA Municipal Law	Augusta - MMA & Zoom Webinar	MTCCA
7/25	Thurs.	MMTCTA I've Got The Job - What Now? Workshop	Augusta - MMA	MMTCTA
7/30	Tues.	Planning Board/Boards of Appeal	Freeport - Hilton Garden Inn	MMA
7/31	Wed.	You're the boss - Now what?	Augusta - MMA	MMA

AUGUST

8/14 & 15	Wed. - Thurs.	MTCCA Athenian Dialogue	Zoom Meeting	
8/14-16	Wed. - Fri.	MTCMA New England Management Institute	Newry - Sunday River - The Jordan Hotel	
8/22	Thurs.	Understanding the Freedom of Access Act	Zoom Webinar	
8/22 & 23	Thurs. - Fri.	MMTCTA Governmental Accounting	Augusta - Maine Municipal Association	
8/29 & 30	Thurs. - Fri.	MTCCA New Clerks Workshop	Portland - Keeley's Banquet Center & Zoom Webinar	

TECHNOLOGY CONFERENCE 2024



CYBERSECURITY MATTERS FOR MAINE MUNICIPALITIES

On May 22, MMA was pleased to partner with the University of Maine at Augusta (UMA) and Thomas College to offer our annual Technology Conference focused specifically on cybersecurity. Keynote speaker Elijah Cedeno of the Center for Internet Security shared free and low-cost resources that towns and cities can use to evaluate and strengthen their cybersecurity position. Then, Professor Frank Appunn of Thomas College led two concurrent sessions related to a leadership and policy framework for cybersecurity, as well as how to manage the people components through policies and practices. Additionally, Professor Henry Felch and staff and students from UMA's cybersecurity program led concurrent sessions on cybersecurity incident response and an overview of the Maine Cyber Range program. Our sponsors and exhibitors provided helpful resources and assistance to attendees throughout the day in both the exhibitor area and through sponsor demos and presentations. Thanks to all our attendees, presenters, sponsors, and exhibitors for helping to make the day a success!

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MAINE MUNICIPAL BOND BANK

2024 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the spring and fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts three to four months. Below is the schedule for the Bond Bank's Fall Issue. Applications can be founded on our website at www.mmbb.com.

August						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Thursday, August 1st – Application Deadline

Wednesday, August 28th – Application Approval (Board Meeting)

Wednesday, September 11th – Preliminary opinions and loan agreements due from bond counsel of each borrower

Thursday, September 18th – Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of September 30th – Maine Municipal Bond Bank Pricing

Thursday, October 24th – Final documents due from bond counsel

Wednesday, November 6th – Pre-closing

Thursday, November 7th – Closing – Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2024 Fall Bond Issue, please contact Toni Reed at (207)622-9386 ext. 213 or treed@mmbb.com.





Joshua Berry

Hermon Town Manager **Joshua Berry** has resigned to take a job that allows him more family time. Berry said he would not give up the manager's job if he didn't have three young children and if the job weren't 24/7. Berry resigned in March but agreed to work through the end of June to finalize a new budget. He

plans to return to his work in the assessing field. Berry is on the June ballot as a candidate for the town council. Corinth Town Manager **Stephen Fields** has accepted the Hermon position.

Five years after sustaining life-altering injuries while on duty, Van Buren Police Chief **Michael Bresett** formally retired. He was recognized in a May 1 retirement send-off, attended by family, friends and town staff members. The town shuttered its police department after Bresett was struck by a vehicle while responding to an 11-car pileup on Route 1 in January 2019. Bresett was named police chief in 2001, making him the youngest police chief in Maine at the time.



Geoffrey Low

Orono Fire Chief **Geoffrey Low** has accepted the job of deputy chief for the City of Ellsworth. Low, who worked as chief for six years, is scheduled to begin his new duties in July. Low came to Orono after working 24 years for the Auburn Fire Department. Meanwhile, **William Cody** has been named Orono public works director, replacing **Rob Yerxa**, who resigned in February to take a job with the Maine Municipal Association. Cody, who was scheduled to take over the department in June, most recently worked as director of facilities, maintenance, and transportation for RSU 26 in Orono. Cody was one of 15 applicants for the job. He has worked for the Calais Regional Hospital as an operations director. A U.S. Army veteran, Cody also worked a stint as a police officer.

Businessman and former state lawmaker **Jon Connor** has been named Lewiston director of planning and code enforcement. Connor has extensive experience in planning, operations, financial analysis, and personnel management,



Jon Connor

among other programs. Code Enforcement Officer **Adam Jones** resigned recently to take a director's job in Bath. Meanwhile, former longtime state lawmaker **Nate Libby**



Nate Libby

has been named Lewiston assistant director of economic and community development. He replaces **Misty Parker**, who resigned in February. The Norridgewock native once served as Senate majority leader at the State House and is a former city councilor with experience on several municipal boards. Most recently, he

worked as president of Community Concepts Finance Corp. Concurrently, he served as president of housing development for Community Concepts. He worked as a self-employed consultant in economic development during his decade working as a part-time senator.

Maine Municipal Association attorney **Garrett Corbin** has been named Carrabassett Valley town manager, effective in mid-June. It is Corbin's first municipal management job in a town where he has lifelong connections as a snowboarding instructor at Sugarloaf Mountain. Corbin has worked for MMA as a lawyer since November 2021, as well as a stint with the advocacy staff for seven years. In-between, he worked for two years as Public Utilities Commission attorney. He replaces **David Cota**, who managed the town for 24 years prior to his June retirement. Corbin holds degrees in political science and international relations from Boston University, and public policy and management from USM's Muskie School of Public Service. He studied for his master's while attending the University of Maine School of Law. He has served on the Winthrop Planning Board and the Georgetown Board of Appeals.



Garrett Corbin

Former Somerset County Administrator **Dawn DiBlasi** has been hired as Skowhegan town manager, effective May 1. The Fairfield resident replaces **Christine Almand**, who resigned for medical reasons last November. Police Chief **David Bucknam** served as interim manager during the search that started in February and attracted a dozen candidates. DiBlasi worked as a legal secretary for an accounting firm before taking the job of administrator of the history and government departments at Colby College. At the urging of the professors in her department,

DiBlasi went on to the University of Maine School of Law and earned her degree in 2003. She launched her own practice in Oakland at age 42 in 2006. Her legal work led her to a job as a workers' compensation advocate, a position she held for three years before joining the county. After working for 10 years for Somerset County, she resigned last spring to pursue her law career.

Christine Grimando has resigned as Portland director of planning and urban development to accept a job in the private sector. She worked in the position since December 2019 after serving for five years as planner and senior planner.

Former Gorham Police Lt. and patrol commander **Dana Thompson** has been appointed to fill the new position of major with the Oxford County Sheriff's Office. Thompson began his career as a reserve police officer for Westbrook in 1989 and served nearly two years as an officer for the Lisbon Police Department before joining the Gorham Police Department, where he worked for 30 years. He was most recently the department's patrol commander and lieutenant, dual titles he's held since 2020. 🏠



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STATEWIDE

Most fire departments spend much of their time responding to emergency medical calls rather than fires, according to a published analysis of State Fire Marshal data. Statewide, 4.5% of the 160,435 service calls in 2022 were for fires or fire related incidents. Seventy percent of the total calls were for medical emergencies. According to the Maine EMS, more than half of Maine's 338 fire departments have personnel trained at some level for emergency response.

STATEWIDE

Although fewer tourists visited Maine in 2023, the ones who did spent more time and more freely to boost the state's total tourism spending to \$9.1 billion, up 4.9% over 2022, according to the annual report of the Maine Office of Tourism. Spending per visitor per trip increased 5.3% and the average length of stay was up 6.7% to 4.8 nights. Visitor numbers showed a 0.6% drop for the year, to 15.3 million. According to the report, almost half of domestic visitors were from the Northeast. Canadians made up 5% of visitors. Nearly 20% of tourists were Mainers traveling within the state.

AROOSTOOK COUNTY

Twenty-three projects across Aroostook County will receive federal funding, thanks to a \$77.4 million package moved through the Senate Appropriations Com-

mittee by Sen. Susan Collins. The Fort Fairfield and Presque Isle utility districts are the biggest winners. In Presque Isle, \$2.4 million will finance the upgrade of the city's water infrastructure and wastewater capacity. The Fort Fairfield Utilities District will receive \$1.6 million to upgrade its wastewater infrastructure. Other projects being funded include \$1.15 million for the Mars Hill ski area; \$410,000 for the Northern Maine Community College; and \$641,000 for a childcare center in Portage.

BAILEYVILLE

Congress has awarded nearly \$8 million for a new fish lift at the Woodland Dam located in Baileyville. It will reopen 600 miles, or 6,000 acres, of sea-run fish habitat. Construction is set to begin next year to replace the existing Baileyville fishway, which is 60 years old and at risk of failing. The new habitat will accommodate alewives, also known as river herring, and eels.

BOOTHBAY HARBOR

A Superior Court judge has sided with a Boothbay Harbor couple and directed the town planning board to reconsider key parts of its site plan approval for a waterfront park. The judge agreed the board did not give enough public notice before considering the site plan. The notice should have been published in the newspaper and included in a mailed letter. The couple's property abuts the park site, where some work has al-

MMA's 2024-26 Legislative Policy Committee election happening now.

With the close of the nomination period on June 12 for the Legislative Policy Committee, MMA's member municipalities have made their choice for nominations, and election ballots were sent to the key official in all member towns on June 13. Ballots must be signed by the selectboard or council members before being returned by the August 1, 2024, deadline. The top of each ballot indicates how many candidates to vote for and gives the option to utilize the write-in portion of the ballot, which is particularly important in districts with either one or no nominations. For those utilizing the write-in option, please be sure your write-in candidate is willing to serve if elected. The ballot memo and district-specific ballots can also be found at: <https://www.memun.org/Advocacy-Communications/Legislative-Policy-Committee>. If you have any questions or are unsure what your municipality's LPC/Senate District is, please contact Laura Ellis at lellis@memun.org or 623-8428.

ready been done. The board must also reconsider the shoreland zone permit regarding setbacks from the water. The Eastside Waterfront Park on Atlantic Avenue has been in the planning stages since 2019 and as proposed by the town would include many amenities, including a splash pad and pavilion.

NEWCASTLE

Voters passed a moratorium in May to ban new gun stores after receiving an inquiry and realizing the town has no local laws governing gun dealers. Residents were especially concerned there was no regulation of guns near schools. The vote was 71-8. The 180-day moratorium will give the town time to draft and pass an ordinance regulating gun establishments.

SEARSPORT

The state is seeking two federal grants worth \$586 million to construct a controversial port for offshore wind development on Sears Island. One grant for \$456 million focuses on multimodal transportation. Another \$130 million from a different grant program would be used to complete the project by 2029. Town residents, environmentalists and fishermen have long opposed developing Sears Island, supporting development of Mack Point instead. They also opposed Gov.

Janet Mills' recent successful effort to get dune protections exempted under a new state law. Under federal rules and regulations, two million acres off the Maine coast has been assigned for wind development. Officials say the state's main lobstering ground is not included in the area. The total cost of the port is estimated at \$760 million. If completed, it would become the nation's first port to harbor floating turbines. The barge and installation process would also be the first in the U.S.

YORK

Voters in May endorsed an ordinance banning single-use plastic utensils and straws. The vote was 2,192 to 1,556. York is the first Maine municipality to ban these items. A local group of high school students, local restaurant staff members and environmental advocates developed the ordinance. It will take effect in a year, giving everyone time to prepare for the change. Under the ordinance, restaurants with washing facilities will be required to give customers reusable food ware, while take-out restaurants will use compostable utensils, including straws. Also in May, voters rejected proposed regulations on short-term rentals. The vote was 2,220 to 1,788. The ordinance would have required rentals to be registered and undergo health and safety inspections. 🏠

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BUDGETING FOR PAID FAMILY & MEDICAL LEAVE

As municipal employers know, the Maine Legislature enacted a new Paid Family & Medical Leave (“PFML”) law in 2023. (See 26 M.R.S. §§ 850-A – 850-R). The law provides eligible public and private sector employees with up to 12 weeks of paid time off for family or medical reasons including illness, to care for a relative, or for the birth of a child.

Although benefits under the program will not be available until 2026, employer contributions will be required beginning January 1, 2025. For that reason, we want to remind municipal employers to plan for any required contributions to the PFML program within municipal budgets covering all or part of calendar year 2025.

Both employers and employees will contribute to the PFML Fund, which will pool contributions to pay for future claims and administrative costs. For the calendar years 2025 -2027, the combined contribution rate is set at either 0.5% or 1% of employee wages, based on the size of the employer. Employers with 15 or more employees must contribute an amount equal to 1% of employee wages to the Fund but may deduct up to half of the contribution from the employees’ wages. Employers with fewer than 15 employees must contribute an amount equal to 0.5% of wages and may deduct the entire amount from the employees’ wages. These requirements may be altered for public employees covered by a collective bargaining agreement.

Some details concerning calculation of employment levels and contributions will not be finalized until program regulations are issued later this year. However, that fact should not prevent municipalities from developing a rough estimate of their premium obligation (if any) and planning for those additional costs.

Depending on factors such as the municipal fiscal year, the timing of municipal budget approvals and the format of compensation budget lines/appropriations, upcoming PFML premium costs might be addressed within the annual budget or funded by a special town meeting or council meeting held at another time. Note that because funds may not be raised from taxation after property taxes are committed, any funds that will be raised from taxation this year must be approved prior to 2024 property tax commitment. Alternatively, funds may generally be transferred from existing accounts or from unappropriated surplus at any time, including during calendar 2025, unless a municipal charter provides otherwise.

Contact MMA Legal Services to discuss local funding options. Contact Reginald Parson, Deputy Director of the Maine Department of Labor’s PFML program at (207) 623-7900 or Reginald.Parson@maine.gov with questions or for assistance in estimating premium costs. Also see the Maine DOL’s PFML webpage (<https://www.maine.gov/labor/pfml/>) for additional information about the program. (By S.F.P.)

2024 RULES FOR TAX-ACQUIRED PROPERTY SALES

Maine’s Legislature recently enacted a third version of 36 M.R.S. § 943-C, significantly changing the law for the second time in two years. The changes become effective August 9, 2024. (See PL 2023, c. 640).

In a nutshell, the 2024 legislation:

- Requires sale through a real estate broker as the initial process for all tax-acquired property to someone other than the former owner. The former owner of tax-acquired property no longer must request the special sale process.
- Continues to require the municipal officers to send a notice to the former owner of tax-acquired property 90 days before the board lists the property for sale. However, the former owner no longer must respond.
- Allows licensed real estate agents (in addition to brokers) to list tax-acquired property.
- Clarifies when the municipal officers have been “unable to list or sell property” through a real estate broker/agent (and therefore, may use another sale process).
- Revises the definition of “excess sale proceeds.”
- Requires a new post-sale notice of intent to distribute excess proceeds (when they exist) to be sent to the former owner and any party that had a recorded interest in the property 30 days before proceeds are disbursed.
- Allows the former owner to request an itemization of sale proceeds and deductions.
- Allows publication of the notice of intent to distribute proceeds if the former owner cannot be located; unclaimed excess proceeds for unlocated former owners must be forwarded to the State Treasurer.
- Provides procedures for retaining tax-acquired property for municipal use.

- Requires recorded notice in the registry of deeds confirming distribution of any excess proceeds.
- Revises and limits the deemed waiver resulting from the former owner’s acceptance of excess proceeds.
- Requires Maine Revenue Services to provide notice and recording forms.

MMA Legal Services has issued detailed guidance on the new 2024 sale procedures. See the Legal “Current Issues” section of MMA’s website to access the guidance (www.memun.org/Members/Current-Issues) (By S.F.P.)

TAX LIEN NOTICES REVISED

The required contents of two notices issued during the real estate tax lien mortgage foreclosure process (36 M.R.S. §§ 942 - 943) will change, effective August 9, 2024.

New legislation revises the informational statement currently required in the 30-day Demand Notice, which is issued by the municipal tax collector to initiate the tax lien process. (See 36 M.R.S. § 942).

Contact information for the Maine Bureau of Consumer Credit Protection will no longer be required on 30-day Demand Notices sent to “homestead” property; instead, information on “ways to contact” other sources of taxpayer assistance must be included. The Bureau must annually publish information online concerning sources of foreclosure prevention assistance, which may be used by the collector to provide the information required in the 30-day Demand Notice. (See PL 2023, c. 579).

Separate legislation revises the Notice of Impending Foreclosure. (See PL 2023, c. 640). This is the last notice that must be issued during the tax lien mortgage process. It is issued by the municipal treasurer 30 - 45 days prior to the end of the 18-month redemption period and warns the taxpayer and those with a recorded interest in the property that the lien is about to foreclose if taxes are not paid. (See 36 M.R.S. § 943).

One of the required statements in the notice will be required to read as follows (*new wording is underlined*):

“IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY AND MAY SELL IT AND RETURN EXCESS SALE PROCEEDS TO YOU, IF ANY, PURSUANT TO THE MAINE REVISED STATUTES, TITLE 36, SECTION 943-C.”

MMA Legal Services is working to update sample lien forms in the appendix to our *Guide to Municipal Liens*.

For more information on the tax lien process and re-

MUNICIPAL CALENDAR

BY JULY 15 – Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

BY JULY 31 – Deadline for employers required to submit quarterly withholding taxes to file a return and remit payment to the State Tax Assessor (36 M.R.S. § 5253).

BETWEEN MAY 1 AND OCTOBER 1 – Municipal officers may conduct process to close certain town ways to maintenance during winter months (23 M.R.S. § 2953). See MMA’s Municipal Roads Manual.

BY AUGUST 15 – Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

quired notices, see the Guide, available in the “Legal” section of MMA’s website (www.memun.org/legal) (By S.F.P.)

Personal Property Taxes: Can We Legally Opt Out?

(Replacing the July 2014 Legal Note)

Question: We’ve heard of some municipalities simply deciding not to assess personal property taxes. Is this a legal option?

Answer: Absolutely not! Neither a municipal legislative body (town meeting or town/city council) nor the municipal assessors may “opt out” of assessing any personal property that is otherwise taxable.

There is no municipal “home rule” authority to exempt any kind or amount of personal property that is taxable under state law. The same goes for real estate and excise taxes. This is because the Maine Constitution expressly reserves the power of taxation to the state Legislature alone (see art. IX, § 9). In turn, state statute (e.g., 36 M.R.S. §§ 603, 708), expressly requires assessment and valuation of real and personal property that is not

otherwise exempt. (Along the same lines, there is also no local authority to impose additional local taxes not authorized in state statute.)

Any decision to “opt out” made by the municipal legislative body would be *ultra vires* (beyond its legal authority) and would have no binding effect on the tax assessors, who are public officers and agents of the state bound by state law. See e.g., *Thorndike v. Inhabitants of Camden*, 82 Me. 39 (1889). If such a decision were made by the property tax assessors themselves, it would be a breach of their oath to enforce the law.

Note that state statutes contain numerous personal property tax exemptions that remove a great deal of personal property from the tax. In addition, programs such as the Business Equipment Tax Exemption (BETE) and the Business Equipment Tax Reimbursement (BETR) provide significant tax relief for many businesses.

For more information on property tax assessment, see our *Assessment Manual*, available in the “Legal” section of MMA’s website (www.memun.org/legal). (By S.F.P./R.P.F.)

NEW FLSA SALARY THRESHOLD

Recently, we reminded municipal employers that overtime requirements and exemptions for municipal employees are governed solely by the federal Fair Labor Standards Act (FLSA). See “State Minimum Exempt Salary: Not Applicable,” *Maine Town & City*, Legal Notes, April 2024.

This month we want to inform municipal employers that the U.S. Department of Labor (DOL) has issued a new

final rule increasing the FLSA minimum salary thresholds in 29 C.F.R. Part 541.

The new rule, which takes effect on July 1, 2024, raises the minimum salary required for workers to be considered exempt from overtime pay requirements under the FLSA. For workers covered by the “executive,” “administrative,” and “professional” exemptions, the minimum salary threshold will be raised to \$844 a week or \$43,888 annually. Further increases are planned for July 1, 2025 and for January 1, 2027, with salary levels to be adjusted every three years thereafter.

It’s important to remember that paying an employee a salary exceeding the minimum does not, by itself, create an exemption from overtime pay obligations.

Under the FLSA, in order to be exempt from overtime requirements an employee must: (1) be paid on a “salaried basis,” meaning paid a predetermined and fixed amount that is not subject to reduction because of variations in the quality or quantity of work performed; (2) be paid at least the minimum applicable FLSA salary threshold, and (3) meet a “duties” test by holding a job that meets specific criteria outlined in FLSA regulations. We discuss these requirements in detail in our “Fair Labor Standards Act” Information Packet available in the “Legal” section of MMA’s website (www.memun.org/legal).

For more information about the new salary levels, see the U.S. DOL’s webpage discussing the final rule at: <https://www.dol.gov/agencies/whd/overtime/rulemaking>. (By S.F.P.) 🏔️



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