

## 2017 Federal Issues Paper

### A call for municipal infrastructure spending information and data.

In March of each year, the National League of Cities hosts a conference in Washington, D.C. providing an opportunity for municipal leaders to meet with their members of Congress. In preparation for that event and to help inform those discussions, MMA annually publishes the Federal Issues Paper (FIP). The FIP provides our U.S. House and Senate members with background information on the federal issues of greatest importance to the state's city and town leaders.

Past editions of the paper have focused on dozens of issues, including federal financial support for special education mandates, investments in public safety programs (e.g., the Cops First program and the Fire Act grant, etc.), home heating assistance and energy efficiency block grants, amendments to disaster assistance rules regarding severe ice storm events, and tax fairness between the sales occurring in brick and mortar stores and those completed over the internet.

The 2017 Federal Issues Paper will focus on three investment issues:

1. Federal funding for infrastructure, generally, including transportation, drinking water, stormwater and wastewater facilities, broadband capacity, etc.
2. Federal funding for the Community Development Block Grant program (CDBG).
3. And, the preservation of tax exempt status for municipal bonds.

As was the case last year, MMA will co-author the paper with the municipal leagues of the northeast states, including Connecticut, Massachusetts, New Hampshire, New York, Rhode Island and Vermont. The goal for this edition of the FIP is to provide the congressional delegation of the Northeastern United

States with examples of how important and valuable these federal investments are to your communities.

To achieve that goal, we need information on how your town or city could benefit from federal level investments.

Specifically, we are seeking information, data and examples of how municipalities across the state have used or could use federal assistance to address municipal infrastructure needs and have utilized or would like to utilize Community Development Block Grant funds. Additionally, if

your community has issued a bond for an infrastructure project in recent years, we would like to hear how the financing of the project or the scope of that project would have been different if the bond issue was not tax exempt.

The FIP is scheduled to be printed on February 24, 2017. For that reason, we could use any of the information you are able to share by next **Friday, February 3**. Please email or fax your data to Kate Dufour at either [kdufour@memun.org](mailto:kdufour@memun.org) or 624-0129.

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## Karaoke and Special Amusement Permits

The question raised at public hearing on Monday this week is whether a bar that offers karaoke entertainment—and nothing more than karaoke entertainment—needs to first obtain a special amusement permit from the municipal officers in the town where the bar is located. A bill that would clarify that a special amusement permit is not required was reviewed by the Veterans and Legal Affairs Committee on Monday.

Sponsored by Rep. Beth Turner of Burlington, the bill posing this question is LD 30, *An Act Regarding Dancing on the Premises of Certain Liquor Licensees*. LD 30 amends the statute that currently requires a facility that serves alcohol to obtain a special amusement permit whenever the entertainment of dancing is offered. The bill creates an exception when the dancing is associated with a karaoke event.

In her testimony to the Committee, Rep. Turner said she submitted the bill

because a small business in one of the towns she represents was told by the beer and wine vendor that if karaoke events were going to be scheduled, a special license of some kind would need to be obtained. It turns out that the referenced special license is a required life safety inspection by the State Fire Marshal's Office. While pursuing that inspection, the local-level requirement to also obtain a special amusement permit was discovered, and Rep. Turner thought there was some redundancy in requiring a permit at both levels of government.

The two permitting systems clearly serve entirely different functions and so are not necessarily redundant. The state inspection ensures appropriate structural access and egress in case of a fire. The local permit allows for an annual check-in between the town and the bar or restaurant owner with respect to the neighborhood

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## LEGISLATIVE HEARINGS

*Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearing schedules and work sessions can be found at: <http://legislature.maine.gov/Calendar/#PHWS/>.*

### **Monday, January 30**

#### **Education & Cultural Affairs**

**Room 202, Cross State Office Building, 1:00 p.m.**

**Tel: 287-3125**

LD 51 – An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit.

LD 129 – An Act To Include Locally Funded School Construction Projects in the School Funding Formula.

### **Tuesday, January 31**

#### **Agriculture, Conservation & Forestry**

**Room 214, Cross State Office Building, 1:30 p.m.**

**Tel: 287-1312**

LD 7 – An Act To Allow Conveyance of Land Previously Conveyed by the State to the Town of Bridgton.

LD 128 – An Act To Prohibit Foraging on Private Land without Permission.

#### **Energy, Utilities & Technology**

**Room 211, Cross State Office Building, 1:00 p.m.**

**Tel: 287-4143**

LD 58 – An Act To Limit Radio Frequency Interference from Certain Grow Light Ballasts.

LD 90 – An Act To Amend the Charter of the Rumford Water District.

#### **Inland Fisheries & Wildlife**

**Room 206, Cross State Office Building, 1:00 p.m.**

**Tel: 287-1338**

LD 52 – An Act To Exempt Certain Veterans from Hunter Safety Courses.

LD 98 – An Act To Eliminate Permits for Wild Turkey Hunting, Expand the Bag Limits and Expand Opportunities for Registering Wild Turkeys.

#### **Labor, Commerce, Research & Economic Development**

**Room 208, Cross State Office Building, 1:00 p.m.**

**Tel: 287-1331**

LD 13 – An Act To Require Certain Licensing Boards To Report Cases of Sexual Abuse of a Patient or Client by a Licensee to a Law Enforcement Agency or the Department of Health and Human Services.

LD 22 – An Act To Repeal the Requirement That Municipalities License Roller-skating Rinks.

### **Wednesday, February 1**

#### **State & Local Government**

**Room 214, Cross State Office Building, 9:00 a.m.**

**Tel: 287-1330**

LD 3 – An Act To Grant Plantations the Power To Control Consumer Fireworks.

LD 93 – An Act To Reduce Fuel Costs to State and Local Government.

### **Thursday, February 2**

#### **Labor, Commerce, Research & Economic Development**

**Room 208, Cross State Office Building, 2:00 p.m.**

**Tel: 287-1331**

LD 67 – An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty.

## IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the *Legislative Bulletin* to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, [www.memun.org](http://www.memun.org).)

### **Agriculture, Conservation & Forestry**

LD 174 – An Act To Limit the Use of Pesticides on School Grounds. (Sponsored by Rep. Daughtry of Brunswick; additional cosponsors.)

This bill controls the use of pesticides on school grounds and athletic fields. For all school grounds other than athletic fields, the bill allows the use of pesticides only: (1) to control, repel or eliminate stinging or biting insects when there is an urgent threat to the health or safety of a student or staff member, or (2) in response to the presence of animals or insects identified as a public health nuisance by the Maine Center for Disease Control or a local public health officer. For athletic fields, the bill allows pesticides to be used in accordance with the manufacturer's instructions when determined necessary by the school for the health and safety of the field and students.

### **Appropriations & Financial Affairs**

LD 47 – An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers. (Sponsored by Rep. Fecteau of Biddeford; additional cosponsors.)

This bill sends out to the voters a proposed \$40 million bond issue to make capital improvements and purchase equipment for career and technical education centers for high school students.

LD 178 – An Act To Authorize a General Fund Bond Issue To Provide Jobs, Improve Road Infrastructure and Protect Water Resources. (Sponsored by Rep. Black of Wilton; additional cosponsors.)

This bill sends out to the voters a proposed \$5 million bond issue to provide state cost sharing of at least 50% on public water projects that correct downstream pollution issues from rainfall and snowmelt deposits and provide contractor jobs and public safety improvements through improved storm water management and improved water quality.

### **Criminal Justice & Public Safety**

LD 102 – An Act To Make a Person Convicted of a Crime Liable for Payment of Investigative and Prosecutorial Costs. (Sponsored by Rep. Stewart of Presque Isle; additional cosponsors.)

This bill requires the courts to impose a fine on all persons convicted of a crime under the Maine Criminal Code that is equal to the actual costs of investigation and prosecution of the crime for which the person is convicted, including the related costs incurred by a law enforcement agency provided the law enforcement agency requests payments of the costs. The financial penalty must be imposed regardless of the financial incapacity of the convicted person to pay the fine and unpaid portions of the fine must be included in any terms of that person's subsequent probation. The fines collected must be disbursed to the various agencies (attorney for the state, law enforcement agencies, etc.) that identified costs related to the investigation and prosecution of the crime.

LD 217 – An Act Regarding the Place of Imprisonment of Certain Prisoners. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill requires that when a person is imprisoned in a county jail for longer than 9 months, the Commissioner of the Department of Corrections may either have the prisoner transferred to a state

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## **HOPPER (cont.)**

correctional facility or choose to keep the prisoner in the county jail, in which case the county must be reimbursed on a per diem basis. The bill also provides that when a term of probation is vacated, the person convicted of the crime must be returned to the place in which he or she was imprisoned prior to release on probation.

### **Environment & Natural Resources**

LD 182 – An Act to Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals. (Sponsored by Rep. Kumiega of Deer Isle; additional cosponsors.)

With certain exceptions, this bill prohibits a person from selling or offering for sale new upholstered furniture containing more than 0.1% of a flame retardant chemical or 0.1% of a mixture that includes flame retardant chemicals. The exception is upholstered furniture purchased for public use in public facilities that meets a certain California flammability standard.

### **Health & Human Services**

LD 219 – An Act To Prioritize Use of Available Resources in General Assistance Programs. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill clarifies the definitions of “available resource” and “potential resource” under the General Assistance program and establishes that an applicant who voluntarily abandons or refuses to use an available resource without just cause, or who forfeits the available resources due to fraud, an intentional program violation or the applicant’s refusal to comply with rules associated with the available resource, is ineligible to receive general assistance for a period of 120 days from the date the applicant abandoned or refuses the resource. The bill identifies a variety of circumstances that constitute “just cause”.

LD 220 – An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill provides that a person who is no longer eligible for benefits from the Temporary Assistance for Needy Families program (TANF) because of reaching the 5-year lifetime limit is also ineligible to receive General Assistance until that person has not received any TANF benefits for at least 5 years.

LD 221 – An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility. (Sponsored by Sen. Gratwick of Penobscot Cty; additional cosponsors.)

This bill repeals a recently enacted provision of General Assistance law that provides when an applicant applies for benefits within 45 days of being released from a correctional facility, the municipality of financial responsibility for a period of 12 months is the municipality of the applicant’s residence immediately prior to incarceration.

LD 239 – An Act To Require National Banks To Cooperate in the Administration of the General Assistance Program. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsor.)

Current General Assistance law includes a general requirement for banks or similar financial institutions to provide account balance information to the state or to a municipal General Assistance administrator for persons who have applied or are receiving General Assistance. An exemption is provided, however, for national banks, which do not have to provide that information upon request. This bill repeals that exemption.

### **Judiciary**

LD 196 – An Act To Protect Personal Information of Participants in a Community Well-being Check Program. (Sponsored by Rep.

Malaby of Hancock; additional cosponsors.)

This bill creates a public records exemption under the Freedom of Access Act to protect the confidentiality of personal information of participants in community well-being check-in programs, sometimes referred to as “Good Morning” programs. The bill provides that any records of the participants’ personal information, including health information, that may be shared with local law enforcement or other designated first responders who are operating the program are not public records.

LD 218 – An Act To Reduce Criminal Justice System Costs by Allowing Arraignments and Hearings in the Unified Criminal Docket To Be Held by Means of Audiovisual Telecommunications. (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill provides that in any criminal action in the Unified Criminal Docket, as determined by the court to be appropriate to the defendant and to make sound fiscal sense, an arraignment or hearing may be held by means of audiovisual telecommunications.

### **Marine Resources**

LD 200 – An Act To Allow Certain Municipal Shellfish Conservation Wardens To Seize and Sell Marine Organisms Taken in Violation of a Shellfish Conservation Ordinance. (Sponsored by Rep. Simmons of Waldoboro; additional cosponsors.)

This bill allows a municipal shellfish conservation warden who has completed the training required to make arrests to seize and sell any marine organism taken in connection with an alleged violation of a shellfish conservation ordinance. The proceeds of such a sale must be held by the municipality pending disposition. In the case of a conviction or adjudication of having committed a violation, the proceeds must be used by the municipality to support its shellfish conservation program. Otherwise, the proceeds must be returned to the person.

LD 202 – An Act To Abolish Municipal Shellfish Ordinances. (Sponsored by Rep. Simmons of Waldoboro; additional cosponsors.)

This bill eliminates the authority of a municipality to adopt a shellfish conservation program and ordinance and prohibits a municipality from adopting or enforcing any ordinance that regulates shellfish, provides protections from shellfish predators or authorizes municipal officials to open or close flats.

### **State & Local Government**

LD 231 – An Act To Allow Municipalities To Regulate the Growing of Marijuana. (Sponsored by Sen. Davis of Piscataquis Cty; additional cosponsors.)

This bill provides express municipal authority to adopt ordinances that either limit the cultivation of either medical or recreational marijuana to certain geographic locations within the municipality or prohibit the cultivation of marijuana within the municipality altogether.

### **Taxation**

LD 133 – An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing. (Sponsored by Sen. Bellows of Kennebec Cty; additional cosponsors.)

This bill restores the percentage of state sales and income tax revenue dedicated to the municipal revenue sharing program to its historical level of 5% over a three year period. The current but temporarily established level of 2% is increased by the bill to 3% for FY 2018, 4% for FY 2019 and 5% for FY 2020 and thereafter.

LD 204 – An Act To Exempt Veterans with ALS from the Excise Tax on Automobiles. (Sponsored by Rep. Daughtry of Brunswick; additional cosponsors.)

This bill exempts from the motor vehicle excise tax an automobile

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## **HOPPER (cont.)**

owned by a veteran who has been diagnosed with ALS.

### **Transportation**

LD 208 – An Act To Add Vehicles Hauling Animal Bedding to Those Exempt from Posted Road Restrictions. (Emergency) (Sponsored by Rep. Kinney of Knox; additional cosponsors.)

This bill exempts vehicles hauling animal bedding from posted road restrictions imposed by the Department of Transportation, counties or municipalities.

### **Veterans & Legal Affairs**

LD 212 – Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each State Senatorial District. (Sponsored by Rep. Harvell of Farmington; additional cosponsors.)

Currently in Maine’s Constitution, citizen initiatives and “peoples’ veto” initiatives can be advanced to the voters if the initiative receives a number of signatures, statewide, from registered voters equally or exceeding 10% of the number of voters who cast ballots in the most recent gubernatorial election. This bill requires that the 10% standard be met in all 35 of the state’s senate districts.

## **Karaoke (cont’d)**

impacts of entertainment events where alcohol is served. That being said, MMA’s Legislative Policy Committee voted to support LD 30, agreeing that karaoke events, in and of themselves, fall into a category of bar or restaurant entertainment that need not be specially permitted as a “special amusement”.

The Veteran and Legal Affairs Committee’s work session on LD 30 has been scheduled for Wednesday, February 1 at 11:00 a.m.

## **Legislative Bulletin**

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Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: [www.memun.org](http://www.memun.org)

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