

PTSD Presumption Labeled “Potential” Mandate

The Labor, Commerce, Research and Economic Development Committee conducted a “language review” of the amendment to LD 848, *An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder*. This bill was described in the April 7 edition of the Legislative Bulletin. It would add a new “rebuttable presumption” to state law that when a law enforcement officer, firefighter, or emergency medical services worker is diagnosed by a licensed physician specializing in psychiatry or a licensed psychologist as having post-traumatic stress disorder (PTSD), the PTSD is presumed to have arisen out of and in the course of the worker’s employment.

The cost estimate for this legislation was presented to the committee and the public for the first time during the review. According to the fiscal note prepared by the Legislature’s Office of Fiscal and Program Review, LD 848 “will result in additional costs to the state” and will “potentially” create an unfunded state mandate with significant local costs statewide.

For a quarter-century, Maine’s mandate law has put legislators on notice that bills they are considering will place even greater burdens on property taxpayers in the absence of state funding, requiring a 2/3 vote for passage (rather than a simple majority). The definition of a state mandate involves a two-part test. The first test asks whether local government will be required to expand or modify its activities as a result of the new law. The second test asks whether the new law comes at an increased cost to local government. Each test must be met in order for the proposal to constitute a mandate.

Regrettably, in some instances the Legislature has found ways around the

mandate law. One “loophole” approach is to frame a law to suggest there is either no new cost or no requirement to “expand or modify” activities, when in real life there really is.

The committee’s legal analyst on Thursday explained to the Committee that it is within the committee’s purview to effectively ignore the mandate flag in the fiscal note and amend that aspect out of the bill. MMA does not believe this instruction accurately interprets the spirit or the mechanics of the mandate law. Article 9, section 21 is the only provision in Maine’s Constitution that ends with the sentence, “*This section must be*

liberally construed.” This means that the stated purpose of the law, to more fairly appropriate the costs of government and provide local property tax relief, should be taken into account.

The premise of the analyst’s presentation appeared to be a narrow interpretation that a new “rebuttable presumption” on the municipal employer would not necessarily count as an expansion or modification of current municipal activities. A member of the committee questioned whether it would create any new costs as well.

The municipal officials who have handled claims under a rebuttable pre-

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Municipal Pesticide Ordinances Under Fire Town Meeting Process Characterized As “Emotional”

On Monday the State and Local Government Committee held a public hearing on a bill seeking to eliminate the clear and long-standing home rule authority to locally regulate pesticides. LD 1505, *An Act To Create Consistency in the Regulation of Pesticides*, would make void all municipal ordinances that govern in any way the use of pesticides and prohibits the adoption of any such ordinances in the future. The existing ordinances came under serious and sustained fire throughout the morning and into the afternoon.

Over a dozen representatives of pest control, golf course, lawn care and other pesticide-applying businesses testified in support of LD 1505, as well as the Maine Potato Board, Ornamental Plant Council, Jasper Wyman and Sons, Retail Association of Maine, the Washington D.C.-based entity Responsible Industry for a Sound Environment, Representative Jeff Timberlake of Turner and the Maine

Department of Agriculture, Conservation and Forestry.

The proponents’ testimony was near unanimous in its assessment that the local ordinance adoption process is “emotional.” Repeatedly, town meetings were described as well-meaning but uninformed, being driven by knee-jerk reactions rather than thoughtful evaluation and science.

The Commissioner of the Department of Agriculture, Conservation and Forestry’s testimony justified the bill, in large part, on the basis that invasive pests and the diseases they harbor have no regard for municipal boundaries. He also claimed municipal staff are generally not qualified to evaluate the complicated chemistry that forms the basis of the Department’s pesticide-related positions.

It appeared the majority of proponents were operating off a playbook of bullet points. Common inferences included:

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PTSD Presumption (cont'd)

sumption law that was enacted in 2009 with respect to firefighter cancer know better. At that time, staff at the Maine Workers' Compensation Board issued a cost estimate of the legislation under consideration, LD 621 in the 124th Legislature, which stated, "I don't think this legislation would have any particular cost effect ... for municipalities who employ firefighters ... claims would be extremely rare."

Prior to the passage of LD 621, the MMA Risk Services Division had four claims submitted for cancer. Since LD 621 passed, MMA Risk Services has handled 27 claims with significant paid and anticipated future claims costs of over \$2 million. In addition to these insurance claims costs and attorneys' fees, municipal employees have spent significant amounts of time responding to discovery requests including, but not limited to, researching and documenting information on fire calls occurring over large periods of time.

In contrast to the 2009 predictions that LD 621 would not create new costs for municipalities, the experience of towns and cities throughout the state shows this legislation has resulted in significant new costs and staff burdens being placed on municipal government.

Municipal officials have reason and experience to expect a similar impact from LD 848.

To her credit, Representative Anne-Marie Mastraccio of Sanford argued to her colleagues on the Committee that they should call a spade a spade, that LD 848 clearly constitutes a mandate, and they do not have to hide this fact if they truly believe it ought to pass. The committee on Thursday decided to hold on to the bill and ponder this question a bit longer.

Legislative Bulletin

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Municipal Pesticide Ordinances Under Fire (cont'd)

- Insects and pests are dangerous to public health.

- Families ought to be able to protect themselves.

- Pesticides are already regulated at the national level more than any other legal substance in the country.

- 46 states do not allow municipal regulation of pesticides (*ignoring the fact that only 10 states provide municipalities with Home Rule authority*).

- Local regulation is detrimental to commerce by creating an uneven playing field.

- Maine could potentially have 491 distinct sets of pesticide ordinance regulations.

- Ordinances totally prohibit the application of pesticides.

- The number of these ordinances are proliferating.

The Chair of the Harpswell Selectboard, as well as the Chair of Harpswell's Conservation Commission, along with the City of South Portland, Representative Jay McCreight of Harpswell, Senator Brownie Carson (Cumberland Cty.), the Physicians for Social Responsibility, Maine Organic Farmers and Gardeners Association (MOFGA), the Natural Resources Council of Maine, Portland Protectors, the Friends of Casco Bay, and MMA all offered testimony in opposition to LD 1505.

The representatives of Harpswell noted that the town has the most coastline of any Maine municipality and that its ordinance was adopted after thoughtful consideration in light of a detrimental effect on that municipality's lobster stock and related industry. It was pointed out that a particular pesticide operates by attacking insects' shells, and it appeared runoff from this pesticide was inhibiting nearby lobsters' ability to molt. Although the town does not have any golf courses, Harpswell's Selectboard chair did note that their ordinance allows multiple exceptions, including one for golf course application.

South Portland's ordinance, which does not go into effect on private property until May 2018, was thoughtfully and deliberately developed over the course of fourteen months, during which a variety of stakeholders of all back-

grounds offered input. The city's aim was to establish a more protective community standard than state and federal regulations given legitimate concerns that those regulations are not adequately protective. While acknowledging that the science surrounding risks associated with pesticides is not settled, they claimed the adverse impacts of pesticides on terrestrial and aquatic ecosystems is clear, and there is an increasing body of research that raises credible concerns of a list of additional detrimental effects on human health.

In its testimony, MMA challenged the claim that there has been some sort of stark increase in recent municipal ordinance adoption, as well as the suggestions that ordinances contain complete prohibitions on pesticide use. A review of the 27 ordinances shows none of the ordinances contain an outright prohibition on pesticide use in the municipality. Most apply to specified areas important to the local economy such as forested areas and water bodies. A handful do prohibit aerial spraying rather than land-based application. Many simply require the applicant to obtain a permit prior to use, and others allow for waivers upon request. Furthermore, of the 27 municipalities that have adopted such ordinances, only eight have done so since the year 2000, and only three were adopted after 2008 – Rockland in 2014, Ogunquit in 2015, and South Portland in 2016.

Brunswick's ordinance provides an example of the way local regulations are narrowly tailored. In that town, land application of pesticides is allowed, even in the Aquifer Protection Zone (which protects Brunswick's groundwater resources) when runoff and erosion control measures are in place. Only agricultural application in the Zone requires a permit – lawn maintenance and home garden care does not. And, the Town's Code Enforcement Officer is authorized to grant exemptions.

Senator Tom Saviello (Franklin Cty.) and the Wild Blueberry Commission of Maine each testified "neither for nor against" LD 1505.

The work session for LD 1505 has been scheduled for Monday, May 8, at 11am.

Broadband Bonanza in Committee Wednesday

On Wednesday, the Energy, Utilities and Technology Committee rolled up its sleeves, worked, and voted on five of six bills related in various ways to Maine's broadband internet infrastructure.

LD 140 – Broadband Bond

The only bill tabled was a \$10 million bond proposal, LD 140, *An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund*, sponsored by Representative Norman Higgins of Dover-Foxcroft on behalf of MMA's 70-member Legislative Policy Committee. LD 140 is slated to be carried over to this Legislature's second session (in 2018) to make room for another bill, LD 1399, to work its way through the process this year.

LD 1399 – New State Broadband Initiative

LD 1399, *An Act To Encourage Broadband Coverage in Rural Maine*, sponsored by Senator Shenna Bellows (Kennebec Cty.) would repeal the law governing the ConnectME Authority and establish in its place the Maine Broadband Initiative as a nonprofit corporation. The Initiative would be charged with encouraging, promoting, stimulating, investing in and supporting universal high-speed broadband to unserved and underserved areas of the state. The Initiative would be authorized to issue grants, loans, loan guarantees and other forms of financial assistance to public and private entities for the purposes of expanding the reach of high-speed broadband services throughout the state.

For that purpose the revenue generated from two sources, one existing and one newly established, would be dedicated to the Initiative. The existing revenue for this dedication is the state-level property tax collected on the assessments on two-way, interactive telecommunications personal property, currently estimated to generate approximately \$6.5 million a year. The new revenue source for this dedication is an assessment of 0.25% of the revenue received or collected for all communications services provided in this state except

for facilities-based providers of wireless voice or data retail service.

At the work session, nine members of the Committee voted to support LD 1399 after making a few minor, technical changes. Two members voted "ought not to pass," in favor of a proposal in Part W of Governor LePage's FY 2018 – FY 2019 biennial General Fund budget which would instead pare down the ConnectME Authority and absorb it into the state Department of Economic and Community Development.

LD 421 – ConnectME Authority Funding Increase

LD 421, *An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet*, is a "concept draft" bill sponsored by Representative David McCrea of Fort Fairfield. The bill would increase state funding to the ConnectME Authority from the current \$1 million to \$5 million to expand high-speed internet into rural areas. The Committee voted unanimously "ought not to pass" with little discussion.

LD 1372 – ConnectME Authority Mapping and Education

LD 1372, *An Act To Increase Broadband Access for Rural Communities*, is another, somewhat more detailed "concept draft" sponsored by Representative Erin Herbig of Belfast. The bill would direct the ConnectME Authority to map out the broadband needs throughout the state, identify the infrastructure necessary to address these needs, and provide funding for the provision of digital literacy programs. The Committee voted unanimously to request that this legislation be carried over to the second session.

LD 1516 – Limiting Municipal Participation

LD 1516, *An Act To Encourage Broadband Development through Private Investment*, sponsored by Representative Nathan Wadsworth of Hiram, had its public hearing on Tuesday. The bill imposes stark restrictions on the municipal ability to undertake activity relating to broadband service, taking seven pages to accomplish that aim.

Under the provisions proposed in LD 1516, municipalities interested in expanding broadband development in their communities would be required to: (1) hold at least three public hearings as well as special town meetings; (2) hire a feasibility consultant who has 180 days to complete the job; (3) hold a general election or special referendum vote; (4) create a special separate fund for broadband-related activity and not use municipal funds to conduct that broadband-related activity; (5) only use funds acquired through the provision of broadband service to pay a bond used to facilitate the provision of broadband service; (6) adopt an ordinance that provides private providers with an expedited public hearing process before they file suit against the municipality; and (7) provide broadband services only to residents of that municipality.

South Portland's Information Technology Director Chris Dumais, Sanford Regional Economic Growth Council Executive Director James Nyman, Rockport Town Manager Rick Bates, and Islesboro Broadband Committee member Page Clason each testified in opposition to the bill at the hearing, providing detailed examples of the thoroughly public process that went into their municipalities' broadband initiatives. They testified that their projects would likely not have been able to proceed if state law included the requirements proposed in LD 1516.

At Wednesday's work session, the sponsor referenced conversations he had with former Senate President and current GWI board member Rick Bennett which helped him appreciate that Maine's municipalities are not attempting to compete with the private sector in directly providing internet services, as may be the case in some U.S. cities. Rather, they are engaging in public private partnerships in a manner similar to other important infrastructure construction projects. The sponsor therefore made the motion "ought not to pass", earning a unanimous Committee vote to kill the bill.

LD 1472 – Broadband Conduit Mandate

The Committee also worked on LD 1472, *An Act To Lower the Costs of Broad-*

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Municipal Officials Seek Limited Local Option Sales Tax

Business Community Opposes Effort

The quest for local option sales tax authority is not new. For decades, municipal leaders from the state's service center and tourism-oriented communities have advocated for the opportunity to shift local property taxpayer burdens onto the meals, lodging and general sales taxpayers who visit, work, dine and shop in their communities. Unique to these two types of communities is the need to provide expanded services (e.g., police, fire, EMS, water, sewer, etc.) to daytime or seasonal populations that far exceed the resident population, which results in a system that requires the proportionately few resident property taxpayers to pay for the needs of the many visitors.

On Wednesday, the Taxation Committee held a public hearing on three local option sales tax bills.

LD 1230, *An Act To Allow A Local Option Sales Tax on Meals and Lodging*, sponsored by Representative Brian Hubbell of Bar Harbor authorizes municipalities, via referendum, to assess a tax of not more than 1% on meals and lodging sales. Similar in nature, LD 1265, *An Act To Allow the Creation of a Local Option Sales Tax by Referendum*, sponsored by Senator Justin Chenette (York Cty.) authorizes municipalities, via referendum, to assess a tax of not more than 1% on general sales. All of the revenue generated by the authority provided in both LD 1230 and LD 1265 would be used to fund local government services approved by the local legislative body (e.g., town or city council or town meeting).

The third bill, LD 1522, *An Act To Authorize a Local Option Sales Tax*, sponsored by Representative Michael Sylvester of Portland, provides local option sales tax authority. However, both the tax rate and the way 50% of the revenues will be expended must be determined by the voters at a referendum election. The remaining generated lo-

cal option sales tax revenue is required to be distributed equally between the state-municipal revenue sharing and the Regional Economic Development Revolving Loan programs.

Municipal officials from Augusta, Bar Harbor and Old Orchard Beach, as well as MMA provided testimony in support of the bills.

Cornell Knight, Bar Harbor Town Manager, kicked off the proponents' testimony by offering support for LD 1230, the local option sales tax on meals and lodging. This authority is important to the community because the 5,200 year-round residents host a million visitors each summer and fall. The influx of visitors requires investments in full-time police and EMS personnel as well as additional road and recreation park maintenance during the peak season. Mr. Knight pointed out that while Maine collects over \$16 million in sales tax revenue from Bar Harbor, in 2016 only \$122,000 was returned to the community in the form of state-municipal revenue sharing. Even if the state was funding the revenue sharing program at the full 5% level, the town would receive \$305,000. In comparison, a 1% local sales tax on meals and lodging would provide Bar Harbor with \$1.2 million in annual sales tax revenue.

Larry Mead, Old Orchard Beach (OOB) Town Manager, provided testimony in support of both LD 1230 and LD 1265, sharing with the members of the Taxation Committee how the tourist season impacts his community. Although OOB's year-round population is 9,000, during the height of the summer the town's population increases to 50,000 overnight guests and several thousands more day trippers. According to the information provided by Maine Revenue Services, in 2016 taxable sales in OOB totaled nearly \$106 million, \$78 million (nearly 75%) of which was on meals

and lodging transactions. Mr. Mead estimates that the community spends nearly \$1 million annually to provide services to its summertime population. A 1% sales tax on meals and lodging, assessed only during the summer months, would generate an excess of \$600,000 annually, saving the average homeowner \$100 each year.

Mayor David Rollins of Augusta provided supportive testimony on behalf of the Mayors' Coalition, with a primary focus on LD 1522. The mayors making up the coalition believe that local option sales tax authority would assist service center communities in providing needed services without overburdening local property taxpayers. While the coalition supports all three of these local option efforts, LD 1522 is the most attractive approach to them because it provides that one-half of the generated revenues be invested in programs that benefit municipalities across the state.

Several business organizations, including the Maine Innkeepers Association, Maine Tourism Association, National Federation of Independent Business and the Retail Association of Maine provided testimony in opposition. These opponents raised concerns that the increase in sales tax rates would make Maine less competitive than its neighbors and adversely impact efforts to attract visitors to the state.

The Maine Chamber of Commerce submitted written testimony in opposition to the bills characterizing local option taxing authority as a means for municipalities to increase taxes, recommending instead that municipal officials "focus on spending efficiencies not just continually raising taxes on Maine businesses and people".

The merits of all three bills will be debated by the members of Taxation Committee at the May 10 work session scheduled to commence at 1 p.m.

Broadband Bonanza (cont'd)

band Service by Coordinating the Installation of Broadband Infrastructure, which received its public hearing on Wednesday, April 26. This bill requires the installation of broadband conduit during roadway-related construction projects that are financed in whole or in part with federal, state or local funding, including work on water or sewer lines in a public road right of way. The public entity responsible for the construction would be authorized by the bill to lease the broadband conduit at a cost-based rate to providers to install fiber-optic or other cables that support broadband and wireless facilities for broadband service.

The sponsor, Representative Andrew McLean of Gorham, explained the motivation behind the proposal is to lower the estimated \$27,000 per mile cost of deploying fiber-optic cable, expediting the reach of broadband throughout Maine. Rep. McLean pointed to the states of Arizona, Minnesota, and Utah, as well as the cities San Francisco and Boston, as areas where comparable policies are currently in place.

At Wednesday's work session, Senator Mark Dion (Cumberland Cty.) offered an amended approach to LD 1472. In order to better assess whether this proposal is workable, the bill will be amended to require the Maine Department of Transportation to notify the ConnectME Authority of its planned construction projects on state roads and highways. Sen. Dion compared this approach to the one used by the Maine Turnpike Authority for energy corridors along the Turnpike. The ConnectME Authority would publicize these notices to internet service providers, who would then be able to work with the Department to pay for and install conduits themselves should they choose to do so. Local roads would be left out, at least for now.

This approach earned the fourth unanimous vote of the day by the Committee, in favor of passage as amended.

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, May 8

Health & Human Services
Room 209, Cross State Office Building, 3:00 p.m.
Tel: 287-1317

LD 1556 – An Act To Protect Children from Prenatal Drug and Alcohol Exposure.

Labor, Commerce, Research & Economic Development
Room 208, Cross State Office Building, 9:00 a.m.
Tel: 287-1331

LD 65 – An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment.

LD 66 – An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions.

LD 1348 – An Act to Expand the Rights of Public Employees under the Maine Labor Laws.

LD 1358 – An Act To Improve Public Sector Labor Relations.

LEGISLATIVE HEARINGS (cont.)

LD 1553 – An Act To Protect the Rights of Public Employees To Determine Their Collective Bargaining Agent.

State & Local Government
Room 214, Cross State Office Building, 10:00 a.m.
Tel: 287-1330

LD 1567 – An Act To Amend the Archives and Records Management Law.

Veterans & Legal Affairs
Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 1571 – An Act to Amend the Election Laws Relating to Party Qualifications.

Tuesday, May 9

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

LD 1433 – An act to Protect Maine Children from Lung Cancer by Requiring Radon Testing in Schools.

Labor, Commerce, Research & Economic Development
Room 208, Cross State Office Building, 1:00 p.m.
Tel: 287-1331

LD 1542 – An Act To Support Lead Abatement in Older Residential Properties.

Taxation
Room 127, State House, 1:30 p.m.
Tel: 287-1552

LD 1549 – An Act To Create a Tax on the Production of Electricity from Wind Resources.

LD 1551 – An Act To Amend the Maine Tax Laws.

LD 1488 – An Act To Require That Landowners with Property Enrolled in the Tree Growth Tax Program Receive Timely Notice of Changes in Valuation of That Property.

LD 1521 – An Act To Amend the Property Tax Laws.

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

LD 1559 – An Act To Remove the Law Mandating a Front License Plate.

Wednesday, May 10

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

LD 1168 – Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights.

Education & Cultural Affairs
Room 202, Cross State Office Building, 9:00 a.m.
Tel: 287-3125

LD 1492 – An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce.

LD 1555 – An Act To Facilitate a Statewide Teacher Contract.

Labor, Commerce, Research & Economic Development
Room 208, Cross State Office Building, 1:00 p.m.
Tel: 287-1331

LD 1565 – An Act To Ensure the Effectiveness of Tax Increment Financing.

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.)

Agriculture, Conservation & Forestry

1508 – An Act To Improve Animal Control in Maine. (Sponsored by Sen. Chipman of Cumberland Cty; additional cosponsors.)

This bill establishes a system whereby cat owners can voluntarily license their cats with the municipal clerk or other licensing agent of the Department of Agriculture, Conservation and Forestry. The fee for the voluntary licensing is \$6 which is retained by the municipality and dedicated to the town or city's animal welfare account. The required information to obtain the license is the cat owner's name and address, the breed, sex, color and markings of the cat, if known, and the proof of rabies immunization, if known. The municipal clerk must terminate any cat license that has not been renewed for 24 months.

LD 1579 – An Act To Amend and Add Consistency to the Maine Weights and Measures Law. (Sponsored by Rep. Kinney of Knox.)

This bill requires the municipal officers of each municipality to appoint or arrange for the election of the municipal "sealer of weights and measures". The appointed or elected municipal sealer must successfully complete certification through the National Conference on Weights and Measures professional certification program. The state's "sealer" retains final approval authority over the appointment. A failure of the municipal officers to appoint a sealer of weights and measures subjects the municipal officers to a fine of \$10 for each month that they fail to make the appointment. Also, if the municipal clerk fails to notify the state's "sealer" of the appointment or election within 10 days, the clerk is subject to a fine of \$10. The municipal officers may request the state sealer to appoint a qualified person to serve as the municipal sealer of weights and measures in lieu of a local appointment, but the structure of the bill appears to require the actual sealers of weights and measures to be municipal officials and the task of overseeing the accuracy of the weights and measures of the various products sold at retail to be a municipal task.

Appropriations & Financial Affairs

LD 1510 – An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects for Ratification by Voters in the June 2017 Election. (Sponsored by Rep. Fredette of Newport.)

This bill sends out to the voters a proposed \$50 million bond issue designed to improve water quality, support the planning and construction of wastewater treatment facilities and assist residents whose homes are served by substandard or malfunctioning wastewater treatment systems. \$2 million of the bond issue is dedicated to the Small Community Grant Program, administered by the Department of Environmental Protection, that can provide funds for the municipally-supervised repair of malfunctioning wastewater systems, \$350,000 of the issue is dedicated to the Overboard Discharge program which is similarly designed with respect to the malfunctioning residential wastewater systems in coastal watersheds, and \$47.65 million of the issue is dedicated to wastewater treatment facility planning and construction grants.

LD 1552 – An Act To Authorize Multiple General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities. (Governor's Bill) (Sponsored by Sen. Collins of York Cty.)

This bill sends to the voters a proposed \$100 million bond issue for transportation purposes. \$80 million of the proposed issue provides funds to construct, reconstruct or rehabilitate Priority 1, Priority 2 and Priority 3 state highways, rehabilitate and replace

bridges and fund the municipal partnership initiative. \$20 million of the proposed issue provides funds for capital projects related to ports, harbors, marine transportation, aviation, freight and passenger railroads, transit and bicycle/pedestrian trails.

Education & Cultural Affairs

LD 1555 – An Act To Facilitate a Statewide Teacher Contract. (Sponsored by Rep. Timberlake of Turner.)

This bill establishes the Governor or the Governor's designee as the representative of the state and the entity to be considered the public employer for the purposes of negotiating salaries and benefits with the labor union for all public school teachers. The bill provides that aside from the negotiation of salary and benefits, the school teachers remain the employees of their respective public school system and that all other matters appropriate to collective bargaining except for salaries and benefits must be negotiated between the teachers' union and the appropriate school system. The bill also allows for negotiations between the teachers and the school systems to supplement the salaries and benefits negotiated between the teachers' and the state.

Labor, Commerce, Research & Economic Development

LD 1566 – An Act To Enact the Maine Fair Chance Employment Act. (Sponsored by Rep. Talbot Ross of Portland; additional cosponsors.)

This bill prohibits an employer from asking an applicant for employment to disclose information concerning the applicant's criminal history, or considering such information, until after the applicant has received a conditional offer of employment. It restricts the way a private employer, the state government or any of its subdivisions (e.g., the counties or municipalities) may use criminal history information in the course of making employment decisions and adds similar restrictions to the existing restrictions applicable to licensing agencies' consideration of criminal history information. It also makes certain criminal history information in the possession of the state or its political subdivisions confidential and makes all criminal background check information obtained by the state in connection with an employment decision confidential.

Marijuana Legalization Implementation

LD 1527 – An Act To Ensure Safety, Quality and Transparency in the Medical Marijuana Market and To Ensure Sufficient Funding for Regulation and Enforcement with Respect to the Retail Marijuana Industry. (Sponsored by Rep. Perry of Calais; additional cosponsors.)

This bill amends the Maine Medical Use of Marijuana Act to impose mandatory testing, labeling and record-keeping requirements on registered dispensaries and primary caregivers and to provide that registered dispensaries and primary caregivers are subject to inspection by the local fire department, building inspector or code enforcement officer to confirm that no health or safety concerns are present and compliance with local health and safety ordinances. The bill also provides that registered primary caregivers are subject to inspection by the Department of Health and Human Services to ensure regulatory compliance. With respect to the initiated law to legalize the recreational use of marijuana, the bill imposes a special tax of 20% on retail marijuana and retail marijuana products sold

by retail marijuana stores and retail marijuana social clubs, which would be levied in addition to the state's general 5.5% sales tax. The bill divides the revenue generated by the special 20% tax so that 45% goes to the Bureau of Alcoholic Beverages and Lottery Operations for administration and enforcement, 5% goes to the Department of Health and Human Services for the purpose of creating a public awareness campaign to reduce youth marijuana, alcohol and tobacco consumption, 10% goes to the Department of Public Safety (DPS) to provide funding for DPS investigative agents and District Court Judge positions, and the remaining 40% goes to the state's General Fund.

State & Local Government

LD 1558 – An Act To Require That Municipalities and Counties Recover the Cost of Opioid Antagonist Treatment from Repeat Recipients. (Governor's Bill) (Sponsored by Rep. Head of Bethel; additional cosponsors.)

This bill requires municipal and county personnel, when administering Narcan or a similar drug to a person in a state of drug overdose, to make all reasonable efforts to identify whether that individual has previously been administered with drug overdose medication. If so, the municipality or county must make all reasonable efforts to recover the cost of the dose of Narcan administered. Failure to do so results in a \$1,000 fine against the municipality or county, to be administered by the Department of Health and Human Services.

Taxation

LD 1565 – An Act To Ensure the Effectiveness of Tax Increment Financing. (Sponsored by Rep. Ward of Dedham; additional cosponsors.)

This bill amends the municipal Tax Increment Financing District law to provide that on or after April 1, 2018, the Department of Economic and Community Development may only approve development programs for tax increment financing if 80% of the area within the TIF district is designated for development by an entity engaged in qualified business activity, with the term "qualified business activity" defined as a business directly related to financial services, manufacturing or certain "targeted technologies", including biotechnology, aquaculture and marine technology, composite materials technology, environmental technology, advanced technologies for forestry and agriculture, information technology and precision manufacturing technology.

Veterans & Legal Affairs

LD 1543 – An Act To Simplify the Licensing Process for Off-site Catering. (Sponsored by Sen. Thibodeau of Waldo Cty; additional cosponsors.)

Current law requires that a Class A restaurant, Class A lounge, Class A restaurant/lounge, club licensed to sell liquor, hotel or bed and breakfast that wishes to acquire an off-premises catering license from the State also receive approval from the municipal officers or their designee in which the catered event is to occur. This bill eliminates the requirement that an applicant for an off-premises catering license from the state receive approval from the municipal officers in the town or city where the premises to be catered are located.