

LD List 2018 (final 10/16/18)

Bills introduced for the 2018 legislative session:

11/29/17

LD 1655 – This emergency Act adopts changes to Maine’s income tax codes in an effort to conform with several of the changes enacted at the federal level. Of specific municipal interest, the law increases the property tax fairness credit cap to \$750 for individuals under age 65 and to \$1,200 for filers 65 years of age or older. **Emergency Enacted; PL 2017, c. 474 (9/12/18)**

12/7/17

LD 1666 – This bill delays by one year the timeline for the implementation of proficiency-based diplomas.

As enacted, this Act makes a school administrative unit’s implementation of proficiency-based diplomas voluntary rather than mandatory. **Enacted; PL 2017, c. 466**

LD 1667 – This bill requires the Commissioner of Inland Fisheries and Wildlife to prohibit the entry of anadromous fish into the Sheepscot Pond in the Town of Palermo through June 30, 2021. The bill also requires the commissioner, with the assistance of the Commissioners of the Departments of Marine Resources and Environmental Protection, to study the consequences of the presence of anadromous fish in Sheepscot Pond. The commissioner shall report the findings of the study to the legislative committee having jurisdiction over inland fisheries and wildlife matters by January 15 of each year until 2022. **DEAD**

LD 1668 – This bill changes the terms “selectman” and “selectmen” to “selectperson” and “selectpersons” throughout Title 30-A. **DEAD**

LD 1671 – This bill requires the Public Utilities Commission to establish the statewide E-911 surcharge and the prepaid wireless E-911 surcharge, but limits the surcharges to no more than 45 cents per month per line or number, which is the same amount as current law. **DEAD**

LD 1672 – This bill provides a waiver of the fee charged for the basic training course at the Maine Criminal Justice Academy for honorably discharged veterans of the U.S. Armed Forces who served as military police officers and who have been hired for or have received conditional offers of full-time employment as law enforcement officers, provided the veterans’ military experience and education meet certain criteria. **DEAD**

LD 1673 – This bill provides for the deorganization of Codyville Plantation in Washington County, subject to approval at local referendum.

As enacted, this proposal adds language to the printed bill that would allow Codyville Plantation to withdraw from the East Range II Community School District on June 30, 2019 if approved at referendum by the Plantation’s voters. **Enacted; P & SL 2017, c. 11**

12/20/17

LD 1674 – This Resolve authorizes the final adoption of portions of the provisionally adopted Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a major substantive rule of the Department of Environmental Protection,

including a review and revision of the water bodies listed as most at risk from new development and the list of urban impaired streams. Added to the Department's previous list are: The Basin in Auburn, Kennedy and Whitney Brook in Augusta, Sucker Brook in Bangor and Hampden, Thatcher Brook in Biddeford, Moose Pond in Bridgton, Granger Pond in Denmark, Georges Pond in Franklin, Dole Brook in Portland, Goodall Brook in Sanford, an unnamed tributary to the Androscoggin River in Topsham, Mud Pond in Turner, and Papoose Pond in Waterford. Removed from the department's previous list are: Brown Brook in Limerick, Mattanawcook Stream in Lincoln, Sherman Lake in Newcastle, and Mill Stream in Winthrop. **Emergency Passed; Resolves 2017, c. 30 (2/18/18)**

LD 1679 – This bill authorizes the Oxford County commissioners to close the office of the register of deeds located in Fryeburg.

As amended and emergency enacted, this Act repeals the statute providing for the western registry district of Oxford County and eliminates its register of deeds, effective Dec. 31, 2018. It requires a single register of deeds to be elected for all of Oxford County at the next general election in November of 2018. The Act also specifies that the western registry will remain open until the repeal date, and that a "subregistry" office will continue operations at the existing western registry district office in Fryeburg, remaining open during normal business hours and maintaining all records. The subregistry may be closed by the Oxford County Commissioners following at least two public hearings and providing for the preservation and electronic recording of all files and documents. Municipalities will be provided copies of maps and plot plans of their towns prior to the closure of the subregistry, and the county is prohibited from charging the county's municipalities for the electronic recording work. **Emergency Enacted; PL 2017, c. 330 (3/07/18)**

LD 1682 – This bill directs the Department of Health and Human Services to establish standards for recovery residences defined in the bill as group residences that provide an alcohol-free and drug-free environment for persons recovering from substance abuse disorders. The bill also allows the Bridging Rental Assistance Program to be used to assist persons with substance abuse disorders involving opioids to find housing in recovery residences.

The amendment replaces the printed bill and directs the Maine State Housing Authority to develop a pilot project to provide short-term rental subsidies to a person recovering from a substance use disorder who is seeking shelter in a state certified recovery residence. Under the terms of the amendment, a recovery residence is defined as shared living experience focused on providing tenants access to support services and resources in an environment free of alcohol and illegal drugs. The amendment also directs the Department of Health and Human Services to establish a voluntary process for the certification of recovery residences. **DEAD**

LD 1685 – This Act creates a new specialty registration plate to generate funds to support The Barbara Bush Children's Hospital. **Enacted; PL 2017, c. 400**

LD 1687 – Current law requires the excise tax assessed on passenger vehicles to be based on the maker's list price. This bill requires the excise tax to be assessed on the purchase price of the vehicle for the first year and on the maker's list price for all succeeding years. Either the original bill of sale or the state sales tax document may be used to verify the purchase price. **DEAD**

LD 1689 – As adopted in the FY 2018-19 biennial state budget, the current fiscal year (FY 2018) allocation for system administration is \$135 per student. Unless the school unit joins a regional School Management and Leadership Center for the delivery of school related services (e.g., superintendent, back office functions, transportation and food service administration, Special Education and Alternative Education, IT and facilities management service, etc.) in FY 2019 the system administration allocation is reduced to \$92 per student and to \$47 per student in FY 2020. This bill eliminates the penalty provision of the newly enacted law by requiring the state to continue to fund a school district’s system administrative costs at \$135 per pupil in 2018 and subsequent fiscal years, whether or not a school system elects to join a regional Leadership Center.

The amendment replaces the printed bill and amends the system administration allocation law by striking the requirement that, beginning in fiscal year 2019-20, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. Instead, the amendment provides that only school administrative units that have established regionalized administrative services and school administrative units that are identified as high-performing, efficient school administrative units by a statewide education policy research institute due to their percentage of system administration expenditures are eligible for the allocation. The amendment also retains the portion of the law that establishes the system administration allocations for fiscal year 2018-19. **DEAD**

LD 1690 – This bill specifies in state law the process by which municipalities regulate the installation of “small cell” wireless facilities, defined as facilities that can fit within an enclosure no larger than 6 cubic feet, plus associated equipment other than antennas with a cumulative volume of no more than 28 cubic feet. These facilities, currently necessary for the transmission of forthcoming “5G” wireless internet, are commonly attached to utility poles, existing cell towers, and tall buildings, primarily in densely populated areas. Under the bill’s terms, municipalities would not be allowed to enact or enforce land use ordinances which prohibit or restrict the siting of a small cell facility, and ordinances would not be allowed to require review or approval of such siting. Permits for such facilities would also be issued for unlimited duration. Municipalities would be allowed to regulate the location of small cell facilities within public rights of way, and to require some concealment measures within historic districts. Municipalities would also be able to deny permits for small cell facilities if the proposed facility fails to comply with applicable building and electrical codes, obstructs the use of the right-of-way for public travel, materially interferes with the safe operation of traffic control equipment, or materially interferes with American Disabilities Act compliance. **DEAD**

LD 1692 – This Act increases the maximum registered weight of a vehicle eligible for specialty plates from 10,000 to 26,000 pounds and repeals the requirement that specialty plates authorized after Jan. 1, 2007 be retired after 10 years, regardless of the number of active plates. **Enacted; PL 2017, c. 327**

LD 1702 – This bill allows the owners of certain municipal hydropower facilities to offer for sale to the owner or tenant of a rural manufacturing or industrial site electricity generated by those hydropower facilities that is not under contract to be sold to another entity. **DEAD**

LD 1703 – This bill creates a uniform refund value of 5 cents for all wine and spirits bottles in the laws governing returnable beverage containers. **DEAD**

LD 1713 – This bill requires a participant in the Bridging Rental Assistance Program to contribute the same amount toward rent that is required of a participant in the housing voucher program administered by the U.S. Department of Housing and Urban Development.

The amendment, which is the majority report of the committee, requires that participants in the Bridging Rental Assistance Program accept a Section 8 voucher when it becomes available. The amendment provides a start date of July 1, 2018 for the requirement in the bill that the Department of Health and Human Services require a program participant to contribute the same amount toward rent that is required of a participant in a housing voucher program administered by the United States Department of Housing and Urban. It directs the Department of Health and Human Services to ensure that no program participants lose assistance during the transition to the new contribution amount. It also adds an appropriations and allocations section. **DEAD**

LD 1716 – This bill extends Good Samaritan liability protection to emergency medical services personnel and law enforcement dog handlers who provide emergency treatment to law enforcement dogs, search and rescue dogs and service dogs.

As amended and enacted, this Act creates a new category of trained professional called a “security services dog handler.” Such handlers, as well as emergency services medical personnel and law enforcement officers who voluntarily render first aid, emergency treatment or rescue assistance to a law enforcement, search and rescue, or service dog that is unconscious, ill, injured, or in need of rescue assistance are exempt from liability for damages for an injury or death of the dog, unless the injury or death was caused recklessly or negligently. **Enacted; PL 2017, c. 338**

LD 1717 – This bill authorizes the state’s chief medical examiner to assume responsibility for the disposal of abandoned human remains that are the subject of a medical examiner’s case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. It also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.

As amended and enacted, this Act allows the state’s Chief Medical Examiner to dispose of identified but abandoned human remains. Remains are deemed abandoned if no one takes custody and control of them within 30 days after the autopsy and the examiner is unable to locate next of kin or a person or governmental unit legally responsible or willing to assume responsibility. The examiner is required to file a certificate of abandonment in the municipality where the remains were recovered, and authorized but not obligated to seek to recover costs from the estate or the municipality of residence of the deceased. **Enacted; PL 2017, c. 335**

LD 1719 – This Act provides the regulatory framework necessary to implement the citizen initiated law legalizing the recreational use of marijuana for persons 21 years of age or older, which as proposed in the Act is referred to as the “adult use” of marijuana. The Act provides such persons with a right to privately consume and possess marijuana, subject to restrictions described below, and creates a privilege requiring separate licensure for the operation of four types of commercial marijuana establishments – cultivation, manufacturing, testing, and retail sales. Public consumption of marijuana is not authorized under the Act, even in a licensed commercial establishment.

Local Control. Of greatest significance to municipal officials, the Act expressly authorizes towns, cities, and plantations to “opt-in” to regulate some or all types of marijuana establishments within the municipality, including prohibiting or limiting the number of any type of establishment that may be approved or licensed to operate in the community.

Applicants may not seek local authorization for commercial establishments until the state has issued them a conditional license and the municipality has passed a new ordinance, amended an existing ordinance, or approved a warrant article designating certain or all types of marijuana establishments to be a permissible use in that municipality’s jurisdiction. (Such designation has been referred to as “opt-in”. Under the terms of this Act, all municipalities which have not taken action to opt-in are effectively deemed to be opted-out, meaning establishments are not allowed in those municipalities).

The Act also expressly authorizes communities to adopt land use ordinances regulating the location of all marijuana establishments within the community and impose licensing requirements.

There are only two limitations on local approval: (1) municipalities may not authorize applications for establishments to be located within 1,000 feet of the property line of a preexisting public or private school, or within 500 feet of such a school if the municipality has approved a 500 foot setback distance instead; and (2) approval may not be granted to an applicant who has not demonstrated ownership or lease of the property from which the proposed establishment will operate.

Municipalities and the Department of Administrative and Financial Services are required to notify each other, on a form provided by the Department, within 14 days of a decision by either the municipality or the Department to: (1) approve or deny the location of a marijuana establishment; (2) issue or renew a license; (3) withdraw the approval or suspend or revoke a license; (4) approve the relocation of a licensed premises; or (5) approve a transfer of ownership interest in a licensed establishment.

As provided in the Act, a municipality’s failure to act on a request for approval or a license to operate a marijuana establishment cannot be construed to satisfy the approval or licensing process. After 90 days, subject to an additional 90-day extension by the municipality, failure to act on a request for authorization or licensure in a municipality which has authorized the type of establishment is deemed a denial which may be appealed by the applicant to Superior Court.

Personal Use. The Act establishes quantitative limits for the personal use, consumption, cultivation and possession of marijuana by persons 21 years of age or older. This includes limiting possession to 2.5 ounces except for additional amounts produced by home cultivation, which must be located at the person's place of residence or the location of cultivation.

Home cultivation is capped at a maximum of 3 mature plants, 12 immature plants, and unlimited seedlings, with the added requirements that these plants only be grown on land where the person is domiciled, or on land owned by the person, or on land owned by another person pursuant to a written agreement. Visual and security precautions are required, as are legible tags on each mature plant with the grower's name, driver's license or other ID number, and, if the plant is located on another's land, the name of the owner of the parcel of land who has granted permission.

Local governments are authorized to adopt regulations further limiting personal cultivation, for instance only to parcels where the person is domiciled, including imposing restrictions on the number of mature plants that may be cultivated on any one parcel, provided the limit allows for a minimum of the same numbers of plants (3 mature and 12 immature) for each adult 21 years of age or older who is domiciled on the parcel. Municipalities may not generally prohibit or require licensure for home cultivation for personal adult use or designate specific areas in the municipality for home cultivation.

(Note: Maine's Medical Use of Marijuana Act authorizes medical marijuana patients to cultivate and possess greater quantities of medical marijuana and does not expressly authorize municipal regulation of medical marijuana in the same manner as described above).

Unorganized Territory. In townships, the legislative body required to authorize establishments is the relevant county commissioners. In addition to approval by the town, plantation, or county commissioners, commercial activities in unorganized or de-organized areas must also obtain the approval of the Land Use Planning Commission.

Taxation. The Act assesses an overall effective tax rate of twenty percent, splitting this rate roughly evenly between a ten percent sales tax on products sold at marijuana retail stores and the remainder accruing in the form of excise taxes on wholesale products sold by cultivation and manufacturing facilities. The excise taxes are \$335 per pound of marijuana flower or mature plants, \$94 per pound of trim, \$1.50 per immature plant or seedling, and \$0.30 per seed.

Twelve percent of the total monthly tax revenue must be transferred to the Adult Use Marijuana Public Health and Safety Fund to be used to facilitate public health and safety awareness education programs and for enhanced training for local, county and state law enforcement officers.

Otherwise, there is no provision for the sharing of sales or excise taxes with municipalities. Local return on investment in authorizing municipalities is limited to licensing fees, which are subject to restrictions imposed by Title 30-A, section 3702.

Nurseries. Cultivation facilities are to be licensed by the state according to 5 different tiers, one of which is a Nursery Cultivation Facility. Such facilities would be authorized under their state cultivation license, without a separate state retail license, to sell immature marijuana plants, seedlings, marijuana seeds and agricultural or gardening supplies relating to the cultivation of marijuana to other licensed cultivation facilities as well as directly to consumers, unless otherwise regulated by the municipality.

The Act also:

State Licenses. Establishes several initial, renewal, transfer of ownership, relocation of premises licensing criteria. If an application is approved, the state is required to issue a conditional license, which expires after one year and does not permit operation until it becomes active. An active license to operate a marijuana establishment is issued only if and when the applicant obtains municipal approval to operate within the municipality's boundaries.

Regulation in the Workplace. Allows employers to: (1) prohibit the use, consumption, possession, trade, display, transport, sale or cultivation of marijuana in the workplace or within the course and scope of employment; (2) adopt policies restricting the use of marijuana by employees; and (3) discipline employees who are under the influence of marijuana in the workplace or within the course and scope of employment according to the employer's policies.

Operating, Testing, Labeling and Packaging Requirements. Sets into place the many operating, testing, labeling and packaging requirements for the cultivation, manufacturing and testing facilities, as well as for retail stores.

License Violation. Implements the process for fining a licensee or suspending or revoking licenses for violations of state law.

State Agency Authority. Regulatory implementation and oversight of the law is assigned primarily to the Department of Administrative and Financial Services (DAFS), in consultation with the Department of Agriculture, Conservation and Forestry as well as the Department of Labor and the Department of Public Safety. As proposed in the Act, DAFS is authorized to:

- Adopt the major substantive rules establishing: (1) initial license and renewal application processes; (2) qualifications for licensure; (3) licensing fees; (4) appeals process for a denial of an application and the conduct of appeals and hearings; (5) security requirements for retail stores; (6) cultivation, manufacturing and testing regulations; (7) additional workplace and employment regulations; and (8) public safety and law enforcement regulations;
- Implement and administer a system to track adult use marijuana from immature plant to the point of retail sale, disposal or destruction.
- Develop programs or initiatives to facilitate the collection and analysis of data regarding the impacts and effects of the use of marijuana in the State, including youth and adult marijuana use; school suspension and discipline; poison center calls, emergency department visits and

hospitalizations; operating under the influence arrests; motor vehicle accidents; and violent crimes associated with the use of marijuana.

- Develop and implement programs, initiatives and campaigns focused on educating the public on the health and safety matters related to the use of marijuana.
- Develop and implement programs or initiatives providing enhanced training for criminal justice agencies in the requirement and enforcement of the law, including training law enforcement officers in the inspections, investigations, searches, seizures, forfeitures and personal use and home cultivation allowances.
- Annually submit a report to the joint standing committee of the Legislature with jurisdiction over adult use marijuana. The report must include information on the number and types of applications, total amount of application and license fees received and the amount of sales tax revenue collected; volume and value of adult use marijuana sold by stores, and cultivation facilities; number of inspections conducted; number of license violations committed; public health and safety data; and recommendations for legislation to address issues associated with adult use marijuana. The first report must be submitted on February 15, 2020.

Marijuana Advisory Commission. Creates the 15 member Marijuana Advisory Commission. The commission is tasked with reviewing the laws and rules pertaining to the adult use and medical marijuana industries and recommending changes to the laws and rules that are necessary to preserve public health and safety. Beginning January 15, 2020, and annually thereafter, the commission is required to submit a report containing findings and recommendations to the joint standing committee or committees of the Legislature having jurisdiction over medical marijuana and adult use marijuana matters. **Emergency Enacted; PL 2017, c. 409 (5/02/18)**

LD 1724 – Until March 31, 2022, this bill authorizes municipalities to enter into memoranda of agreements (MOA) with the Secretary of State, the Department of Transportation and the Department of Professional and Financial Regulation, Bureau of Insurance to develop, test and operate pilot programs for the use of autonomous vehicles for public transportation. Municipalities entering into MOAs are required to submit a report regarding the pilot program to the joint standing committee of the Legislature having jurisdiction over transportation matters by December 1, 2021. The bill further authorizes the Transportation Committee to report out a bill to the Second Regular Session of the 130th Legislature (2022).

As finally passed, this Resolve establishes an 11-member Commission on Autonomous Vehicles to develop a process for testing an automated driving system on public ways. The members of the commission include representatives from seven state departments and agencies, including transportation, public safety, and health and human services; the Maine Turnpike Authority; a representative with expertise in autonomous vehicle technologies; a representative of a nonprofit transit provider; and a representative of the motor carrier industry. By Jan. 15, 2020, the Commissioner of Transportation must submit an initial written report on the progress of the commission and by Jan. 15, 2022, submit a final written report that includes findings and recommendations, including suggested legislation for presentation to the joint standing

committee of the Legislature having jurisdiction over transportation matters. Under the terms of the Resolve, the Transportation Committee is authorized to submit a bill to the Second Regular Session of the 129th Legislature relating to the subject matter addressed in the initial report and to the Second Regular Session of the 130th Legislature relating to the subject matter associated with the final report. **Finally Passed; Resolves 2017, c. 46**

LD 1726 – This is the 2018 election statutes housekeeping bill. Of municipal significance the bill repeals the provision of state law allowing for the collection of signatures at the polling place. The bill also repeals and replaces the section of law prohibiting political activities within the polling place. As proposed, political activities are prohibited within the building where the registrar’s office is located when open, voting places, public property within 50 feet of each entrance to the voting place and a 50 foot-wide pathway from the location of voter parking or drop-off areas to each voting entrance. Prohibited activities include: (1) influencing another person’s decision regarding a candidate or question on the ballot; (2) displaying or distributing advertising materials, unless those materials are affixed on automobiles traveling to and from the voting place for the purpose of voting or a campaign button to the polling place that does not exceed 3 inches or from wearing clothing that displays campaign material; (3) conducting exit polls related to a party, candidate or question that is on the ballot for the election that day; and (4) activities not related to the election, including collecting signatures for a candidate or direct initiative, displaying or distributing advertising or information related to candidates or issues, or conducting charitable or other nonelection-related activities. A person who knowingly engages in these activities commits a Class E crime. The warden is also provided authority to remove a person from the voting place who attempts to influence voters or interfere with their free passage to the polls. Candidates for any office that is on the ballot for the election that day may attend the voting place and orally communicate with voters only if they do so outside the designated zone. Of municipal interest the bill: (1) reduces from one year to six months the period of time the incoming voting list must be kept in the registrar of voters’ office; (2) requires that test ballots and documentation of pre-election testing tabulating or accessible voting devices must be kept for six months; (3) clarifies that the appeal of a decision of the registrar of voters to cancel a person’s registration or to reject a person’s voter registration application must be filed within 30 days after receipt of notice of the registrar’s decision; and (4) allows absentee ballots to be delivered by mail, in person or by return to a secured drop box accessible only by the municipal clerk. **DEAD**

LD 1727 – This Resolve designates Bridge 5977 in the Town of Surry the Old Surry Schoolhouse Bridge. **Finally Passed; Resolves 2017, c. 31**

LD 1735 – This bill authorizes a regional medical control committee that has been approved by the Department of Public Safety, Emergency Medical Services Board to carry out a plan of quality improvement to have access to data collected by the Maine Emergency Medical Services that allows identification of persons receiving medical treatment for the purposes of quality improvement.

As amended and emergency enacted, this Act specifies that a regional medical control committee established to carry out a plan of quality improvement approved by the Department of Public Safety, Emergency Medical Services Board (Board) may have access to personally identifying data collected and retained by Maine EMS provided the release of the data is approved by the Board and its director, and the Medical Direction and Practices Board. The Act also clarifies Board responsibility to adopt the rules to ensure collected confidential information is accessible to the entity submitting the data and is in compliance with federal and state laws. **Emergency Enacted; PL 2017, c. 373 (4/10/18)**

LD 1738 – This bill allows the sale of alcohol to persons who are on municipally owned property that is not contiguous to the licensed premises of a person licensed to sell spirits, wine or malt liquor for on-premises consumption as long as certain conditions are met. Those conditions include approval by the municipality, the exercise of control over the noncontiguous real estate by the licensee, restricting to employees of the licensee the sale of alcohol, and limiting the time during which alcohol may be sold on the noncontiguous real estate.

As amended and finally enacted, this Act authorizes the state Bureau of Alcoholic Beverages and Lottery Operations to approve consumption of alcohol on “noncontiguous” real estate near, but not directly connected to, established businesses that have been licensed for the sale of liquor for consumption on premises. Conditions of state approval include requirements that the noncontiguous real estate is owned by the municipality in which the establishment is licensed, and that the licensee has obtained municipal approval for the exercise of this license privilege. Only employees of the licensed establishment are authorized to transport liquor between the main premises and the nearby premises, and liquor service is limited to the earlier of one hour after the end of food service, or 11 p.m. **Enacted; PL 2017, c. 337**

LD 1750 – This bill allows a person licensed to operate a motor vehicle to legally operate an autocycle on Maine roads. An autocycle is defined as an enclosed 3-wheeled motorcycle with automotive controls. **DEAD**

LD 1754 – This resolve directs the Department of Transportation to prioritize and increase funding for the construction and repair of rural roads, giving the highest priority to rural roads that provide the greatest economic benefit to the State. **DEAD**

1/2/2018

LD 1760 – This bill sends out to the voters a proposed \$1,050,000 bond issue to provide funds to capitalize the Historic Preservation Revolving Fund for the purpose of acquiring significant historic properties for resale and rehabilitation. **DEAD**

LD 1761 – This bill provides that the prohibition in current law on the possession of a firearm on public or an approved private school’s property does not apply to a person who is dropping off or picking up a student, provided the person remains in the vehicle and the firearm is unloaded and kept in either a locked container or locked firearms rack. **DEAD**

LD 1765 – This bill requires that 10% of the General Fund sales and use revenue generated by the tax assessed on “transportation-related items” be transferred to the Highway Fund and an additional 2% of that sales and use tax revenue transferred to the Multimodal Transportation Fund. Transportation-related items include sales of motor vehicles and products for the repair and maintenance of motor vehicles, including, but not limited to, tires, batteries and motor oil. **DEAD**

1/5/2018

LD 1773 – This Resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a portion of a parcel of land on Arnold Road in the Town of Pittston to the First Congregational Church of Pittston. **Finally Passed; Resolves 2017, c. 51**

LD 1775 – This bill further delays, until May 1, 2018, the effective date of those provision of the Marijuana Legalization Act that were delayed until February 1, 2018 by Public Law 2017, chapter 1. **DEAD**

1/11/18

LD 1783 – This bill makes aggravated trafficking in fentanyl powder a Class A crime. **DEAD**

1/12/18

LD 1785 – This “concept draft” bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate growth, change in service and change in voting membership. **DEAD**

1/16/18

LD 1790 – This bill allows the Commissioner of Inland Fisheries and Wildlife to establish a youth bear hunting day and adopt the rules necessary to implement the program. The proposal also allows an accompanying adult supervisor, parent or guardian to possess a firearm while the youth is hunting bear.

As amended and enacted, this Act corrects a cross-reference in the section of law regarding carrying a firearm during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry the handgun. The Act also allows the commissioner to establish a youth hunting day through rule. **Enacted; PL 2017, c. 357**

1/19/18

LD 1794 – This bill authorizes the Department of Administrative and Financial Services, Bureau of General Services to acquire real estate determined necessary to meet the needs of the State. It authorizes the sale or disposition of real property determined necessary to maximize financial return and to manage the long-term planning needs of the State. It requires that a current opinion of value by a real estate appraiser be obtained and that the purchase or sale price reflect the opinion and current market conditions when the State enters into a real estate transaction.

DEAD

LD 1798 – This resolve authorizes the Legislature to review the ConnectME Authority major substantive rulemaking to revise Chapter 101 of the Authority’s operational rules to incorporate statutory changes to Title 35-A, M.R.S., Chapter 93, enacted as LD 1063 during the 127th Legislature. That bill directed the rulemaking to ensure that broadband grants are equitably distributed throughout the unserved and underserved areas of the State and that the grants encourage collaboration between multiple communities. The rule subject to review pursuant to this resolve includes the following changes:

1. Expands the Authority’s membership from 5 to 7 while abolishing its Advisory Council;
2. Reorients the Authority’s responsibilities from monitoring and assessment towards grant funding administration.
3. Limits planning grant applicants to individual municipalities and collectives of municipalities, counties, and regional government entities;
4. Limits infrastructure grant applicants to communications service providers, and other entities determined by the Authority to be capable of providing the service;
5. Requires municipal applicants for planning grants to adhere to 12 requirements that include in-kind contributions from the municipality;
6. Requires the Authority to give preference to investments that provide the greatest relative improvement to existing broadband service in an unserved or underserved area and to evaluate planning grant applications according to four scoring categories: community support, project focus, project preparation, and financial commitment;
7. Requires that plans funded through grants include one or more potential network designs, cost estimates, operating models and potential business models based on input from broadband providers and any other parties that submit a design solution in the course of plan development.
8. Prohibits matching funds for broadband planning grants from consisting of in-kind contributions from the municipality or a party with a financial interest in a broadband infrastructure project that would be constructed pursuant to a planning grant.
9. Requires plans funded through grants to be complicated within one year (unless a waiver is granted) and allows the Authority to recapture funds awarded to plans that are not completed.

As amended and emergency passed, This Resolve provides the legislative authorization necessary for the approval of the ConnectME Authority major substantive rulemaking to revise Chapter 101 of the Authority's operational rules. The rulemaking is pursuant to statutory changes to Title 35-A, M.R.S., Chapter 93, enacted as LD 1063 during the 127th Legislature. That bill directed that the Authority's rule ensure broadband grants are equitably distributed throughout the unserved and underserved areas of the State and that the grants encourage collaboration between multiple communities. Below is a summary of nine key changes made by the Authority's rulemaking, followed by additional amendments imposed by the Legislature as a condition of its approval of the rule.

The rule approved pursuant to this Resolve includes the following changes:

1. Expands the Authority's membership from 5 to 7 while abolishing its Advisory Council;
2. Reorients the Authority's responsibilities from monitoring and assessment towards grant funding administration;
3. Limits planning grant applicants to individual municipalities and collectives of municipalities, counties, and regional government entities;
4. Limits infrastructure grant applicants to communications service providers, and other entities determined by the Authority to be capable of providing the service;
5. Requires municipal applicants for planning grants to adhere to 12 requirements that include in-kind contributions from the municipality;
6. Requires the Authority to give preference to investments that provide the greatest relative improvement to existing broadband service in an unserved or underserved area and to evaluate planning grant applications according to four scoring categories: community support, project focus, project preparation, and financial commitment;
7. Requires that plans funded through grants include one or more potential network designs, cost estimates, operating models and potential business models based on input from broadband providers and any other parties that submit a design solution in the course of plan development;
8. Prohibits matching funds for broadband planning grants from consisting of in-kind contributions from the municipality or a party with a financial interest in a broadband infrastructure project that would be constructed pursuant to a planning grant; and
9. Requires plans funded through grants to be completed within one year (unless a waiver is granted) and allows the Authority to recapture funds awarded to plans that are not completed.

The Legislature's Resolve further requires the ConnectME Authority to make several technical amendments to its proposed rule prior to final adoption. The Legislature's amendments clarify some of the definitions in the rule, including the term "broadband service provider" (requiring them to be an entity which must file Form 477 with the Federal Communications Commission), establish guidelines for the receipt and dissemination of service providers' confidential proprietary information, and require project completion to be specified in a report within one year of receiving funding or within 180 days of receiving all necessary permits, licenses or governmental approvals, whichever is later. **Emergency Passed; Resolves 2017, c. 44 (4/08/18)**

1/25/18

LD 1806 – This bill imposes a \$150 surcharge on the annual registration of a hybrid motor vehicle and \$250 surcharge on a battery-electric motor vehicle. All generated revenues accrue to the Highway Fund. **DEAD**

1/26/18

LD 1809 – This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use the burn permit software purchased from a private party to issue a permit to burn if issuance of the permit using the burn permit software meets certain statutory requirements. The bill provides that a person may not be charged a fee for a permit to burn using the burn permit software or as otherwise provided in law. The bill requires the director to approve burn permit software within 10 days after a town forest fire warden or deputy submits a request for review to the director if the burn permit software meets the requirements for approval. The bill authorizes the director to adopt major substantive rules relating to burn permit software requirements.

The committee amendment requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software acquired from a private party to issue a permit to burn if issuance of the permit using the private party burn permit software meets certain statutory requirements, and it limits to 2 the number of private party burn permit software programs that may be approved and in operation in the State. The amendment provides that the vendor or owner of the private burn permit software must submit a request for review to the director. The director must approve or deny approval of the software within 10 business days. If the director denies approval of the software, the director must notify the vendor or owner of the reasons why in writing. The bill provides that a person may not be charged a fee for a permit to burn using the burn permit software.

As enacted, this emergency Act allows municipalities to use software created by a private party to issue burn permits. The software must be approved by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and meet standards established by state agency rulemaking. The Act also limits, to two, the number of private party burn permit software programs that may be approved and in operation in the state. The Act further prohibits the vendor from assessing a software user fee to the municipality or charging a burn permit issuance fee to an applicant. **Emergency Enacted; PL 2017, c. 449 (7/9/18)**

1/29/18

LD 1810 – This bill changes the definition of “expedited permitting area” to mean specified places identified by rule and several municipalities in Aroostook County. The bill also changes

the visual impact assessment for potentially affected scenic resources of state or national significance from 8 miles to 40 miles. **DEAD**

1/31/18

LD 1813 – This bill establishes as a Class D crime the intentional photographing of a minor without the consent of the minor’s parent or guardian by a person required to register as a sex offender.

As amended and enacted, Act creates a definition of “indirect contact” under the sexual assault statutes that prohibits a person convicted of a sexual assault against or sexual exploitation of another person under 14 years of age from photographing another person under 14 years of age, provided the person has been notified, in writing or otherwise, not to engage in this conduct. Notice must be provided by either a law enforcement, corrections or judicial officer and the prohibition expires one year after the person receives notice. The definition of “photographing” means making, capturing, generating or saving a print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material. **Enacted; PL 2017, c. 354**

LD 1814 – This Act aligns the terms of office for the commissioners of the Lisbon Water Department with those of the members of Lisbon Town Council. **Enacted; P & SL 2017, c. 13**

LD 1815 – This bill sends out to the voters a proposed \$100 million bond issue for transportation purposes. \$80 million of the bond revenue is dedicated to the construction, reconstruction and rehabilitation of Priority #1, #2 and #3 state highways, the municipal partnership initiative, and to replace and rehabilitate bridges. \$20 million is dedicated to capital improvements to ports, harbors, marine transportation, aviation, freight and passenger railroads, and bicycle and pedestrian trails. The bond proceeds are estimated to leverage \$137 million in federal and other funds.

As enacted, this Act sends out to the voters a proposed \$106 million bond issue for transportation purposes. \$80 million of the bond revenue is dedicated to the construction, reconstruction and rehabilitation of Priority #1, #2 and #3 state highways, the municipal partnership initiative, and to replace and rehabilitate bridges. \$20 million is dedicated to capital improvements to ports, harbors, marine transportation, aviation, freight and passenger railroads, and bicycle and pedestrian trails. \$1 million is dedicated to making improvements to the Maine Maritime Academy’s water front pier in Castine. The bond proceeds are estimated to leverage \$137 million in federal and other funds. An additional \$5 million, which does not leverage any federal funding, is dedicated to a competitive grant program matching local funding for upgrading municipal culverts at stream crossings in order to improve fish and wildlife habitats and increase community safety. **Enacted; PL 2017, c. 467**

LD 1818 – This Resolve designates Bridge 6443 in the Town of Gorham the Corporal Joshua P. Barron Memorial Bridge. **Finally Passed; Resolves 2017, c. 40**

2/5/18

LD 1821 – Current law requires certain elected officials to complete the training requirements of the Freedom of Access Act, but does not require officials appointed to those offices to complete the training. This bill, identified as a mandate, would extend the training requirements to both elected and appointed officials holding similar offices and in turn impact appointed municipal clerks, treasurers, assessors and budget committee members. **DEAD**

2/7/18

LD 1828 – On November 7, 2017 Bath residents voted by a margin of 1,834 to 396 authorizing the issuance of bonds and notes not to exceed \$2.8 million for sidewalk and road construction and reconstruction. As required by the city’s charter, the complete text of the bond question must be published in a newspaper of general circulation five days prior to the election. However, in this case the text was published four days before the election. The failure to publish the text under the terms of the city’s charter creates a legal technicality that could affect the marketability of the bonds or notes. This Act validates the referendum results and authorizes the city to move forward with issuing the bonds and notes. **Emergency Enacted; P & SL 2017, c. 15 (4/15/18)**

2/8/18

LD 1830 – This bill amends the charter of the Anson and Madison Water District to remove from the provision governing a quorum of the board of trustees the requirement that two trustees must be from Anson and two trustees must be from Madison. **DEAD**

LD 1831 – This bill amends Maine’s Freedom of Access Act to prohibit all members of public bodies subject to Maine’s Freedom of Access Act from participating in meetings of those bodies remotely from offsite locations by phone, video, or other electronic conferencing. The exception to the prohibition are seven state-level boards, which are authorized to continue to allow members to participate remotely until July 1, 2020. The boards include the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority, the Maine Municipal Bond Bank, the Emergency Medical Services’ Board, and the Workers’ Compensation Board. These boards’ votes would be limited to a majority of members present unless in an emergency.

The bill also establishes procedures for the Legislature to review future legislation seeking to authorize remote participation of any public body. These procedures require that, first, a majority of the members of the legislative committee of jurisdiction support the proposal and, second, an unspecified review committee evaluate and report back to the legislative committee regarding the proposal considering the following four factors: (1) geographic distribution of members; (2) demonstrated need based on emergency nature of action; (3) demonstrated need based on exigent circumstances, such as a natural disaster or an emergency declaration by the Governor directly related to the activities of the body; and (4) any other criteria that assist the review committee in determining the value of the proposed remote participation and authorization as compared to the public’s interest in all members participating. **DEAD**

LD 1832 – This bill is a recommendation of the Right to Know Advisory Committee and amends Maine’s Freedom of Access Act to authorize members of public bodies subject to the Act to participate remotely in meetings from offsite locations by phone, video, or other types of electronic conferencing. Specifically, the bill would prohibit public bodies from conducting a public proceeding during which a member of the body participates in the discussion or transaction of public business through telephonic, video, electronic or other similar means of communication unless such meetings are conducted according to the following terms and conditions: (1) the board must adopt in writing a policy that authorizes such participation and establishes the circumstances under which a member may participate when not physically present; (2) participation in executive session must be authorized in writing that includes procedures to ensure the privacy of the executive session; (3) notice of any such public meeting must be provided as required by law and members of the public must be allowed to attend at the location identified in the notice; (4) a quorum of the body must be physically present, with certain exceptions; (5) members of the body must be able to hear and speak to each other during the proceeding; (6) a member who is participating remotely must identify the persons present at the offsite location from which the member is participating; (7) all votes taken during the public proceeding must be taken by roll call vote; (8) each member who is not physically present must have received, prior to the proceeding, any documents or other materials that will be discussed at the public proceeding; (9) remote participation is not allowed with respect to adjudicatory (i.e., judicial or quasi-judicial) proceedings; (10) members of the Legislature are prohibited from participating remotely in public proceedings of the Legislature; and (11) members of seven state-level boards are authorized to continue to allow members to participate remotely subject to their existing statutory parameters. These boards include the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority, the Maine Municipal Bond Bank, the Emergency Medical Services’ Board, and the Workers’ Compensation Board. **DEAD**

LD 1833 – This bill prohibits government entities, including municipalities and law enforcement agencies, from adopting policies or practices that restrict the sharing and use of immigration and citizenship information or the enforcement of federal immigration law and establishes a complaint process and a duty to report suspected violations. The bill also requires that if upon investigation the AG determines that a government entity is violating these prohibitions, to issue an opinion stating that finding. The government entity has 30 days to appeal the finding to the Superior Court. If the Superior Court agrees with the AG, the court must immediately enjoin the policy or practice. A government entity that continues the policy or practice is subject to a \$500 fine for each day the policy or practice remains in effect. If the Superior Court disagrees with the finding, the AG must immediately certify that the government entity is in compliance with the law. **DEAD**

2/10/18

LD 1838 – This bill provides that a person is guilty of the Class E crime of indecent conduct if the actor exposes the actor's genitals with the intent to create images that the actor transmits to another person by mechanical or electronic means under circumstances that in fact are likely to

cause affront or alarm. It also provides that a subsequent violation by a person who has 2 or more prior convictions for indecent conduct or visual sexual aggression against a child is a Class D crime.

As amended and finally enacted, this Act establishes new variants of the crime of harassment by telephone or electronic communication device. The Act makes it a Class D crime to use a telephone or electronic communication device to send an image or video of a sexual act or of the actor's or another person's genitals with the intent of causing affront or alarm or for the purpose of arousing or gratifying sexual desire if the person called or contacted is: (1) under 14 years of age; (2) 14 or 15 years of age when the actor is at least 5 years older; or (3) suffers from a mental disability that is reasonably apparent or known to the actor. The Act also makes it a Class E crime to use a telephone or electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. **Enacted; PL 2017, c. 397**

2/15/18

LD 1840 – This bill provides that if a municipality receives a petition proposing to form a joint charter commission for the purpose of consolidating with one or more municipalities, the municipal officers must hold a referendum to determine the willingness of the voters of the municipality to form the commission. If the referendum question is approved by a majority of voters in each municipality the commission must be formed. The bill also provides that a municipality may not be party to a consolidation agreement for 10 years, instead of 3 years as in current law, after the date a consolidation agreement is rejected, except when a majority of the municipal officers in each municipality subject to the rejected consolidation agreement vote to form a joint charter commission.

As amended and finally enacted, this Act amends the process by which municipalities may consolidate, requiring municipal officers to hold a referendum election to determine the willingness of the voters to form a joint charter commission in the event a municipality receives a petition proposing to form such a commission for the purpose of consolidating with one or more municipalities. The referendum must be held at least 90 days after the petition is filed to allow for election preparation. The referendum question must also inform the voters that a consolidation agreement prepared by the commission would not be final unless approved by the voters. If the referendum question is approved by a majority of voters in each municipality, the commission must be formed. The Act also doubles the length of time that a municipality is barred from becoming party to a consolidation agreement, now requiring 6 years instead of the 3 years in previous law, after the date a consolidation agreement is rejected. An exception in the law remains whereby a majority of the municipal officers in each municipality subject to the rejected consolidation agreement vote are allowed to form a joint charter commission within the 6-year timeframe. Finally, the Act clarifies that the number of signatures required for a citizen initiated petition to obtain an exception to the waiting period is now 30% of votes cast in the last gubernatorial election, rather than simply 30% of voters as provided in previous law. **Enacted; PL 2017, c. 398**

2/21/18

LD 1843 – This bill amends the calculation of state subsidy for career and technical education from an expenditure-driven model to a cost model to recognize the current costs of direct instruction, operation of facilities and student and administrative support. The bill also changes the state subsidy payment for school units that fund the operations of satellite or regional programs. Under current law, the school unit operating the program assumes full financial responsibility for paying the operating costs of the program and as a result is entitled to receive state subsidy and tuition income for the program. As proposed in the bill, state subsidies would be issued directly to a career and technical education center, which would be required to transfer the state financial support to a school unit operating an approved satellite program.

As amended and enacted, this Act amends the calculation of state subsidy for career and technical education programs from an expenditure-driven model to a cost model recognizing expenses for direct instruction, central administration, supplies and services, operation of facilities, and student and administrative support. The Act also requires the state subsidy issued directly to a career and technical education center be transferred to the school unit operating an approved satellite program to support the cost of operating the program. **Enacted; PL 2017, c. 420**

2/22/18

LD 1844 – This bill requires the owner of a parcel of land that is at least 2,500 acres and that is enrolled in the Maine Tree Growth Tax Law program or is subject to the farm and open space tax law who receives an offer from a person who is not a resident of the United States to buy that parcel of land, prior to accepting the offer, to provide the State with notice of the offer. The State has 30 days to purchase the parcel of land at the price offered to the owner. If the State does not exercise its right to purchase the parcel of land, the owner may sell the parcel of land but at no less than the price offered to the State. If the State exercises its right to purchase the property, notwithstanding any provision of law to the contrary, the State is required to pay the taxes assessed on that property to the assessing authority. **DEAD**

LD 1845 – This bill requires the President of the Maine Community College System to establish a grant program as part of its Maine Fire Service Institute to provide funds for the design, engineering, construction and repair or replacement of regional live fire service training facilities in the State. The bill also provides a \$1 million state General Fund appropriation to the Community College System to achieve that goal.

The amendment replaces the printed bill and establishes the Live Fire Service Training Facilities Fund to provide grants for the construction and repair or replacement of regional live fire service training facilities in the State. The Maine Fire Protection Services Commission is required to develop criteria, award grants to municipalities and direct the Maine Fire Service Institute, housed within the Maine Community College System, to make payments to the municipalities. The amendment also adds a \$1 million appropriations to capitalize the grant program.

As enacted, this Act establishes the Live Fire Service Training Facilities Fund providing eligible municipalities with grants for the construction, repair or replacement of regional live fire service training facilities. The Maine Fire Protection Services Commission is charged with developing eligibility criteria, awarding grants and directing the Maine Fire Service Institute, housed within the Maine Community College System, to make grant payments to municipalities. The Institute is prohibited from issuing grants after June 30, 2021, unless explicitly authorized by the Legislature to do so. A one-time \$500,000 appropriation is provided to capitalize the grant program. **Enacted; PL 2017, c. 444**

2/28/18

LD 1846 – This bill requires that a voter provide photographic identification for the purpose of voting. The bill specifies the types of photographic identification that may be used to verify the identity of a voter. It provides that a person who does not present photographic identification may cast a provisional ballot and establishes the process for provisional voting. Under this process, if the person can verify the person's identity to the municipal clerk, deputy clerk or warden or an election clerk within 3 business days after the election by presenting acceptable photographic identification, the ballot will be cast as a regular ballot. Through the general election of 2018, a person who does not present acceptable photographic identification but is known to a municipal clerk, registrar or election official at the voting place may cast a regular ballot upon submission of an affidavit by the municipal clerk, registrar or election official attesting to the person's identity. The bill requires that provisional ballots must be retained in tamper-proof containers separately from provisional ballot affidavits and the provisional ballot log and that rejected provisional ballots, provisional ballot logs and provisional ballot affidavits must be retained in the same manner as regular ballots and election materials. Finally, the bill requires the Secretary of State to provide, without a fee, nondriver identification cards to eligible persons who do not have another form of acceptable photographic identification to verify identity for the purpose of voting. **DEAD**

LD 1847 – This Act amends the state's electronic waste laws by: (1) changing the basis on which consumer electronic device manufacturers are billed for recycling costs; (2) changing the due date for consumer electronic device manufacturer annual registration from July 1 to Apr.1; and (3) making additional changes to align Maine's electronic waste program more closely with similar programs in other states. **Enacted; PL 2017, c. 391**

3/1/18

LD 1853 – This bill would preempt municipal regulation of pesticide use in certain circumstances. Specifically, the bill provides that municipal ordinances that regulate the use of pesticides do not apply to commercial applicators and spray contracting firms and to private applicators that are producing agricultural or horticultural commodities. **DEAD**

3/6/18

LD 1856 – Current law requires a person in charge of a public burying ground or, if no such person exists, an official of the municipality where the public burying ground is located, to endorse and provide the date cremated remains were buried on the permit for burial of cremated remains and return the permit to the State Registrar of Vital Statistics or the clerk of the municipality in which the public burying ground is located. The existing law also requires the funeral director or authorized person to present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where the death occurred and to the clerk who issued the permit. This Act makes these required activities voluntary.

Emergency Enacted; PL 2017, c. 363 (4/04/18)

3/7/18

LD 1858 – This Act amends the law governing the School Revolving Renovation Fund to allow Priority 1 status loans to be used to fund school facility security-related installations and improvements. **Enacted; PL 2017, c. 389**

LD 1859 – Current law provides that a person commits the crime of operating after habitual offender revocation if that person operates a motor vehicle on a public way when that person's license to operate a motor vehicle has been revoked and the person has received written notice of the revocation from the Secretary of State, has been informed of the revocation by a law enforcement officer or has actual knowledge of the revocation. This bill provides that a person also commits the crime of operating after habitual offender revocation if that person operates a motor vehicle in a parking area when that person's license to operate a motor vehicle has been revoked. **DEAD**

LD 1860 – This bill changes the requirement in the system of learning results, which is the foundation for Maine's proficiency-based diploma, from "career and education development" to "vocational preparation and practical life skills," which will allow the Department of Education to emphasize experiential instruction of students, regardless of career choice or pathway, that develops their understanding of interests, aptitudes and options related to work and study; develops core workplace skills in areas such as planning, communication, problem solving, teamwork and computer applications; and includes practical workplace and home economics experiences that maximize learning through hands-on application when it revises the standards and rules to reflect the emphasis on those elements going forward. **DEAD**

3/12/18

LD 1862 – This emergency Act establishes the “municipal cost components” for state and county services provided to the unorganized territory (UT). The municipal cost components form the basis of the property tax for the UT. After computing all the appropriations, identifying tax increment financing payments, and subtracting the general revenue and educational revenue deductions, the total UT tax assessment for FY 2019 is established at \$25,906,194 (not counting overlay or county taxes), representing a 2.86% increase over the assessment for FY 2018.

Emergency Enacted; PL 2017, c. 424 (6/27/18)

3/15/18

LD 1865 – This bill seeks to increase transparency in the direct initiative process by amending sections of existing law regulating signature gatherers, persons eligible to administer oaths or affirmations, and initiative campaign financing reporting obligations. As proposed, the petitions used for the collection of signatures for a direct initiative must disclose to the voter if the circulator of a petition is being paid to circulate the petition and on each page intended for voter signatures, a statement under the circulator's name that the circulator is being paid. The bill also states that a notary public or other person generally authorized to administer oaths or affirmations is not considered authorized to administer oaths or affirmations to a petition circulator if the notary public or person is also providing services to initiate that petition or promote the measure for which the petition is being circulated. It also provides that a notary public has a conflict of interest if the notary public provides services, other than notarial acts, to a campaign for a direct initiative or people's veto referendum and also administers an oath to a circulator who is collecting signatures for that same direct initiative or people's veto referendum. The bill requires financial reports from major contributors to a direct initiative or people's veto referendum campaign. A major contributor is an entity, other than an individual, that makes contributions aggregating more than \$100,000 in a calendar year to a ballot committee or political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum. The report must disclose the name and purpose of the organization making the contribution, the amount and date of each contribution, the 5 largest sources of income in the year prior to filing the report, whether the organization has received contributions for the purposes of influencing a direct initiative or people's veto referendum, if the organization is a tax-exempt organization and if the organization has filed campaign finance reports in other jurisdictions in the past 12 months.

For the purpose of increasing transparency in the direct initiative process, this Act prohibits a notary public or other person generally authorized to administer oaths or affirmations from administering oaths or affirmations to a petition circulator if the notary public or person is also providing services to initiate that petition or promote the measure. The Act also defines a “major contributor” as an entity, other than an individual, that makes contributions aggregating more than \$100,000 to a ballot committee or political action committee for the purpose of initiating or influencing a direct initiative or people’s veto referendum. Major contributors must file campaign financing reports with the Commission on Governmental Ethics and Election Practices that: (1) disclose the name of the organization making the contribution and the amount and date of each contribution; (2) identify the five largest sources of revenue in the 18-months prior to filing the report; (3) indicate whether the organization is tax-exempt; and (4) specify if the organization has filed campaign finance reports in other jurisdictions in the past 12 months.
Enacted; PL 2017, c. 418

3/19/18

LD 1869 – In the absence of a traditional supplemental state General Fund budget, this bill establishes the total cost of education and the state and local contributions to K-12 funding in FY 2019. The bill appropriates \$1.1 billion as the state share of the total amount the Essential Programs and Services school funding model (EPS) calculated as necessary for FY 2019, as well \$181.5 million in state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System attributable to teachers, retired teacher health insurance and

retired teacher life insurance. The total amount of money – both state and local – the model identifies as the necessary cost for K-12 education, and including teacher related unfunded actuarial liability costs, is \$2.431 billion, which puts the proposed state share at 53.3 percent and sets the local share at 46.7 percent. When excluding the unfunded actuarial liability costs from total expenditures, the state’s share of total EPS cost is 49.6 percent and the local share is 50.4 percent. To meet the local share burden of \$1.13 billion, the mill rate expectation is set at 8.48 mills in FY 2019, an increase of 3.5 percent from the FY 2018 mill rate expectation of 8.19. The increase in mill rate expectation is due, in large part, because 100% of EPS costs are now recognized in the funding formula.

As enacted, this emergency Act appropriates \$1.1 billion as the state share of K-12 education in FY 2019 as calculated by the Essential Programs and Services (EPS) school funding model, as well \$181.5 million in state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System attributable to teachers, retired teacher health insurance and retired teacher life insurance. The total amount of money – both state and local – the model identifies as necessary to fund K-12 education, and including teacher related unfunded actuarial liability costs, is \$2.431 billion, which puts the state share at 53.3 percent. (When the unfunded actuarial liability costs are excluded from total expenditures, the state’s share of K-12 education is 49.6 percent.) To meet the minimum local share (\$1.13 billion), the mill rate is set at 8.48 mills, an increase of 3.5 percent from the FY 2018 mill rate of 8.19. This increase is due, in large part, to the fact that 100% of EPS costs are now recognized in the funding formula.

Emergency Enacted; PL 2017, c. 446 (7/8/18)

LD 1870 – Over a 2-year transition period, this bill moves responsibility for providing special education and related services for children who are at least 3 and under 6 years of age from the federal and state funded Child Development Services System (CDS) to the school administrative units of residence of the qualifying children. Under the bill, beginning July 1, 2018, a school administrative unit that is the unit of residence for a child with a disability who is at least 3 years of age and under 6 years of age may become “early adopters” and take responsible for providing special education and related services to that child prior to the mandated July 1, 2020 implementation date. Early adopters may qualify for Department of Education (DOE) support including access to first-year start-up funds available from state and federal resources as well as reallocation of available CDSS funds. Other resources potentially available to early adopters include Priority 1 status under the School Revolving Renovation Fund for necessary facility upgrades and renovations, the inclusion of seat belts and car seats as an allowable component for bus purchases, and administrative and technical support to enhance the consistent delivery of services to qualifying children. The bill also shifts responsibility for providing services to children from birth to under 3 years of age from CDS to the DOE’s office of special services. The funding plan continues the present arrangement of full responsibility for costs being shared by state funds, federal funds, the MaineCare program and private insurers. **DEAD**

3/21/18

LD 1873 – This bill amends the definition of “eligible person” in the municipal general assistance laws to repeal the provision in state law that affirmatively provides that a person who

is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief is eligible for municipal general assistance for up to 24 months and to instead state that these noncitizens are not eligible for state/municipal-funded general assistance. The bill also repeals the provision requiring the Department of Health and Human Services to provide SNAP (Supplemental Nutrition Assistance Program), TANF (Temporary Assistance to Needy Families) and SSI (Supplemental Security Income) benefits to noncitizens who would be eligible for these benefits but for their status as noncitizens under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. **DEAD**

LD 1877 – Current law allows a municipality to prohibit a sex offender from residing within 750 feet of municipally owned or state-owned property that is leased to a nonprofit organization for use as a park, athletic field or recreational facility open to the public where children are the primary users. This bill allows a municipality to prohibit a sex offender from residing within 750 feet of any municipally owned or state-owned property, regardless of its use.

As amended and enacted, this Act clarifies existing law allowing a municipality to prohibit a sex offender from residing within 750 feet of municipally owned or state owned property that is leased to a nonprofit organization for use as a park, athletic field or recreational facility open to the public where children are the primary users. The clarification authorizes 750-foot setbacks from municipally owned or state owned property which is not leased, while also continuing to limit the types of property to parks, athletic fields or recreational facilities open to the public where children are the primary users. **Enacted; PL 2017, c. 393**

LD 1880 – This bill prohibits a person from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations. **DEAD**

3/28/18

LD 1883 – This bill sends out to the voters a proposed \$20 million bond to strengthen school security. Of the total bond revenue, \$19.5 million will provide loans to school administrative units to enhance security in schools and \$500,000 will be used to create a school safety center within the Department of Education. **DEAD**

LD 1891 – This bill amends the Maine Tree Growth Tax Law by authorizing the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to review certain parcels of land classified under the Maine Tree Growth Tax Law to determine whether the landowner is complying with the requirements of the law and whether the land is being managed in compliance with the forest management and harvest plan for that parcel. The bureau is required to report any noncompliance after a specified period to the assessor. The owner of a parcel found by the forestry bureau to be in noncompliance with the law may apply to reclassify the parcel as farmland or open space under the farm and open space tax law. The also requires the bureau to offer assistance to landowners found in noncompliance. **DEAD**

LD 1893 – This bill requires every public employer and public contractor to register with and use a federal immigration verification system, currently known as E-Verify, to determine the work eligibility status of new employees physically performing services within the State. **DEAD**

6/20/18

LD 1914 – This Resolve directs the Department of Transportation to designate Bridge 2187 on Route 201A, which crosses the Kennebec River in the Town of Norridgewock, the Corporal Eugene Cole Memorial Bridge. **Emergency Passed; Resolves 2017, c. 59 (6/29/18)**

LD 1915 – This bill clarifies that 7% of all day use and camping fees derived from any lands classified by the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation & Forestry as parks or historic sites under jurisdiction of the bureau must be apportioned and paid to all municipalities that have any lands classified by the director as parks or historic sites under jurisdiction of the bureau within their boundaries. **DEAD**

6/25/18

LD 1916 – This Resolve directs the Department of Transportation to designate Bridge 2121 on Route 5, which crosses the Saco River in the Town of Fryeburg, the Nathan Desjardins Memorial Bridge. **Passed; Resolves 2017, c. 58**

8/21/18

LD 1919 – Current law requires certain persons to report or cause a report to be made to the Department of Health and Human Services or the appropriate district attorney's office when they know or have reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred. This bill criminalizes the failure of a person to meet this requirement. Under current law, such a person commits a civil violation. Under this bill, failure to report or cause a report to be made is also a Class E crime, punishable by a fine of not more than \$500 or imprisonment for not more than 30 days. **DEAD**

Bills carried over from 2017:

LD 11 – This bill sends out to the voters a proposed amendment to the state’s constitution to establish an unfringeable right to hunt, fish and harvest game and fish, with such activities subject only to laws enacted by the Legislature and rules adopted by the state agency designated for fish and wildlife management. **DEAD**

LD 31 – Under the current terms of Maine’s constitution, supporters of a citizen initiative must obtain signatures of registered voters statewide that number at least 10% of the total votes for Governor in the most recent gubernatorial election. This bill sends out to the voters a proposed amendment to the state’s constitution that would require the 10% requirement to be met in each of the state’s two congressional districts.

The committee amendment provides that if the required votes are cast in favor of the proposed amendment to the Constitution, the proposed amendment becomes part of the Constitution on March 1, 2019, rather than on March 1, 2018 as proposed in the printed bill.

DEAD

LD 40 – This bill amends the law regarding the testing of drinking water in public schools in three ways. Under current law, the testing does not have to be done in schools that get their water through public drinking water systems. This bill requires the testing even in those schools if the school building is more than 10 years old. The bill also requires the Department of Education to make the testing information available to the public upon request and the testing of water in nursery schools, even if provided by a public water supply, when the nursery school building is older than 10 years.

As amended by Committee, provided the Department of Education issues the funding necessary, the bill requires schools to test water used for drinking or culinary purposes by using kits or submitting samples of water to an approved laboratory for lead testing. The amended bill also directs the Department of Health and Human Services to establish by major substantive rule the acceptable water lead levels, testing protocols, appropriate abatement and mitigation methods and public notification requirements. It directs the department to provisionally adopt major substantive rules and submit them to the Legislature no later than 5:00 p.m. on January 11, 2019. The bill provides that the department has the authority to issue an order reducing exposure to lead and protecting public health until the elevated water lead levels are mitigated or abated. It provides that water lead abatement or mitigation efforts will receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank. **DEAD**

LD 47 – 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. **DEAD**

LD 51 – This bill makes three changes to the law governing the withdrawal of a single municipality from a regional school unit. With respect to the elements of the withdrawal agreement, the bill adds two additional requirements: (1) a plan for providing child nutrition services in the schools operated by the petitioning municipality; and (2) the anticipated budget for the first year of operation of those schools. The bill also establishes a 30-day period within which the directors of the Regional School Unit must respond to a proposed agreement submitted by the withdrawal committee, and directs the Commissioner of the Department of Education to provide assistance with the negotiations between the withdrawal committee and the directors, if requested to do so.

As amended and enacted, this Act amends the procedures allowing a single municipality to withdraw from a Regional School Unit (RSU) by directing the commissioner of the Department of Education to set the date for the withdrawal referendum no later than Nov. 30 of the year prior to the intended July 1 effective date. The Act also adds requirements to the withdrawal agreement drafted by the community seeking to leave the RSU to include a plan for providing child nutrition

services and an anticipated school budget for the first year of operation. **Enacted; PL 2017, c. 385**

LD 85 – This bill establishes a system by which “public service berthing vessels”, or boats that are licensed to carrying not fewer than 6 passengers including overnight berthing and meals preparation, may obtain licenses from the Bureau of Alcoholic Beverages to sell and serve spirits, wine and malt liquor on the berthing vessels. In order for the vessel to sell alcohol for the on premise consumption when the vessel is in port or docked, the owners must first obtain the approval of the municipal officers of the municipality where the vessel is docked. No permission of the applicable municipal officers is required if the sales occur when the vessel is navigating on inland waters. **DEAD**

LD 131 – This “concept draft” bill proposes to amend the laws governing biomass facilities in order to help the biomass industry succeed. **DEAD**

LD 140 – This bill sends out to the voters a proposed \$10 million bond issue to financially assist municipalities and multi-municipal regions in unserved and underserved areas in the expansion and enhancement of high-speed broadband internet infrastructure. **DEAD**

LD 143 – This bill sends out to the voters a proposed \$50 million bond issue to capitalize the School Revolving Renovation Fund to be used to upgrade learning spaces in school buildings and for other necessary repairs approved by the Commissioner. \$25 million of the bond issue would be provided in FY 2018 and the remaining \$25 million would be provided in FY 2019. **DEAD**

LD 164 – This bill amends the law governing the legalization of recreational marijuana to require all marijuana and marijuana products sold at retail to be in “tamper-evident” packaging. **DEAD**

LD 170 – This bill requires a party to the filing of an application for a marriage license who intends to change his or her name upon marriage to include his or her proposed new name on the application. The bill also provides that in that circumstance, the new name indicated on the license becomes effective upon the solemnization of the marriage and the completion of the marriage certificate. **DEAD**

LD 174 – 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 use in accordance with the manufacturer’s instructions when determined necessary by the school for the health and safety of the field and students.

As amended by the Committee, this bill requires the Board of Pesticides Control to adopt a rule that requires each school to maintain and provide to the Board by January 15th of each year a pest management activity log for the previous calendar year that includes a list of pesticide

applications on school property. The log must include the date and location of each application, the name of the pest being managed, the trade name of the pesticide applied and its U.S. EPA registration number if applicable, the name, license and certification number of the applicator. The Board is further directed by this bill to post on its website all information provided by each school system as well as a current list of all board inspections of pesticide use by each school and the results of those inspections. The Legislature's Agriculture, Conservation and Forestry Committee determined that this bill does not meet the definition of a "state mandate" because the Board has already adopted a rule requiring the school systems to keep and maintain this activity log and, therefore, merely requiring the schools to send the log to the Board on an annual basis will not rise to the level of a defined state mandate because the requirement does not lead to increased local government expenditures. The previously adopted rule adopted by the Board that requires the schools to prepare and maintain the activity log was clearly a state mandate, but was not acknowledged as such by the Board. **DEAD**

LD 178 – 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 pollutions issues from rainfall and snowmelt deposits and provide contractor jobs and public safety improvements through improved storm water management and improved water quality. **DEAD**

LD 209 – This "concept draft" bill proposes to make changes to the laws regarding categorical signs to adjust the time, placement and content restrictions imposed on temporary signs placed within a public right of way.

Under current law, temporary signs bearing a non-commercial, informational message may be placed in the right-of-way, but there are four "content neutral" conditions. The informational sign cannot exceed 4' by 8' in size. The sign cannot be installed in the right of way for more than 6 weeks in any calendar year. Signs with the same message must be placed in the right of way at least 30 feet apart. Each sign must be labeled with the name and address of the individual, organization or entity that placed the sign, as well as the designated duration of the sign's placement. As amended and finally enacted, this Act makes two changes to the current state law on roadside sign placement, by allowing signs to be installed in the right of way for 12 weeks every calendar year, instead of 6 weeks, and providing that signs include the initial date of installation, rather than the intended duration of the installation, as was previously required.

Enacted; PL 2017, c. 321

LD 215 – This "concept draft" bill proposes to further regulate the cultivation, transportation, sale and possession of marijuana and marijuana products by established a tiered state licensing system for possession and cultivation based on quantity, requiring a state license for transportation within the state, prohibiting the possession or use of marijuana among certain professionals or employee groups, and allowing nonresidents to purchase a temporary possession license. **DEAD**

LD 231 – 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. **DEAD**

LD 238 – This “concept draft” bill proposes to amend the Maine Medical Use of Marijuana Act.

As amended by committee, this legislation provides for accredited third-party testing of medical marijuana while imposing safety and compliance measures on extraction and concentration processes which often utilize hazardous substances. Importantly, the proposal also replaces the current municipal school setback and dispensary regulation authorities in the Act with a more comprehensive home rule regulatory authority which authorizes municipalities to fully regulate registered medical marijuana caregivers, dispensaries, and testing and manufacturing facilities, with the one exception of disallowing any outright municipal prohibition on registered caregivers or limitation on the number of registered caregivers.

As emergency enacted, this Act replaces the limited municipal school setback and dispensary regulatory authorizations in the pre-existing Medical Use of Marijuana Act with express recognition of home rule authority to comprehensively regulate medical marijuana primary caregivers, dispensaries, and testing and manufacturing facilities. Two limitations are imposed on home rule: municipal bans on primary caregiver activities, as well as limitations on the number of primary caregivers authorized to operate within a municipality, are not allowed.

The new law also provides for accredited third-party testing of medical marijuana, authorizes the manufacture of medical marijuana products using non-hazardous extraction and concentration processes, and requires processors who utilize hazardous substances to be certified as safe by a state-licensed professional engineer. The manufacture of medical marijuana products using both hazardous and non-hazardous extraction and concentration processes is authorized for all persons, subject to any existing limitations and forthcoming state rules, with “tier 1” processors authorized to possess up to 40 pounds of harvested marijuana, and “tier 2” processors authorized to possess up to 200 pounds of harvested marijuana.

Note: The term “primary caregiver” in the Act will be replaced with “registered caregiver” when LD 1539 takes effect on Dec. 13, 2018. **Emergency Enacted; PL 2017, c. 447 (7/9/18)**

LD 247 – This “concept draft” bill proposes to implement changes to the Participating Local District Consolidated Retirement Plan (PLD) administered by the Maine Public Employees Retirement System based on recommendations of the PLD Advisory Committee.

As amended by Committee and finally enacted, this Act clarifies that the Board of Trustees of the Maine Public Employees Retirement System has rule-making authority to implement changes to the Participating Local District (PLD) Consolidated Retirement Plan and specifies that plan provisions pertaining to contribution rates, earnable compensation, service credit for unused sick or vacation leave, cost-of-living adjustments, early retirement reduction, and withdrawal liability payments, adopted by rule, apply to employers and members of the PLD. The Act also provides guidance for the adoption of rules to better implement the practice of retiring and returning to work. **Emergency Enacted; PL 2017, c. 392 (4/18/18)**

LD 257 – This “concept draft” bill proposes to establish measures to allow municipalities, working cooperatively with electrical utilities, to create “microgrids”, which are described in the

concept draft proposal as electricity distribution systems consisting of distributed energy sources, including demand management, storage and generation and loads capable of operating in parallel with, or independently from, the main power grid.

As amended, the bill directs the Public Utilities Commission to entertain petitions to construct and operate new microgrids, which are defined in the bill as groups of interconnected loads and distributed energy resources acting as a single controllable entity that is able to operate while either connected to or disconnected from the broader electric grid. The Commission is required to approve petitions if they meet the seven requirements established in the amendment and also do not in the Commission's view negatively impact the public interest, including ratepayer effects, grid resiliency, and economic development. Approved microgrids would also be subject to further Commission oversight. **DEAD**

LD 289 – This bill extends the (generally) \$6,000 veteran's homestead exemption, which is currently provided to veterans over the age of 62 who served during federally recognized periods of war, to all honorably discharged veterans of the U.S. Armed Forces over the age of 62. The effective date of the exemption for the newly eligible veterans is April 1, 2018. The projected annual cost to the state of providing the affected municipalities with 50% of the lost tax revenue associated with the expanded veterans exemption is \$430,000 beginning in FY 2020. The bill includes a \$15,000 appropriation from the General Fund for FY 2019 to cover 90% of the municipal administrative costs (mandate costs) associated with processing the applications submitted to the municipal assessors by the veterans made eligible for the exemption by this bill. **DEAD**

LD 292 – This bill sends out to the voters a proposed \$50 million bond issue for the purpose of investing in Maine's rail infrastructure and expand passenger rail service. **DEAD**

LD 301 – This bill prohibits the issuance of a license under the Marijuana Legalization Act to an applicant that would operate a retail marijuana establishment or social club located within 2,000 feet of the property line of any pre-existing public or private school serving children from prekindergarten to grade 12. **DEAD**

LD 310 – This "concept draft" bill proposes to amend the provisions of the Marijuana Legalization Act, as adopted by the voters, in unspecified ways. **DEAD**

LD 316 – This bill sends out to the voters a proposed \$50 million bond issue for the enhancement of existing railway service and for the expansion of railway service. **DEAD**

LD 317 – This bill sends out to the voters a proposed \$100 million bond issue to improve the state's highways, bridges and multimodal transportation facilities. **DEAD**

LD 318 – This bill sends out to the voters a proposed \$6 million bond issue to provide partnership funds and matching grants for geospatial data acquisition to communities that are creating or improving digital parcel maps for the purpose of accurately identifying existing boundaries and land use, identifying potential community development areas and protecting environmental resources. **DEAD**

LD 319 – This bill sends out to the voters a proposed \$25 million bond issue to enhance investments in economic revitalization, environmental improvements and community betterment projects along the rivers of the state. **DEAD**

LD 334 – This “concept draft” bill proposes to amend the provisions of the Fund to Advance Public Kindergarten to Grade 12 Education, which was created as part of the school funding bill adopted by the voters last November, in order to clarify terminology and uses of the Fund. **DEAD**

LD 377 – This bill establishes the County Jail Drug Rehabilitation and Treatment Grant Program and an associated dedicated but uncapitalized fund to provide state funding in the form of matched grants to fund the creation of drug rehabilitation and treatment facilities and programs within or affiliated with the county or regional jails.

As amended by Committee, this resolve establishes the York County Jail Drug Detoxification and Rehabilitation Pilot Program to provide from the General Fund \$975,000 in FY 2018 and \$975,000 in FY 2019 for the creation of drug detoxification and rehabilitation programs in the York County Jail or in facilities attached to or affiliated with the York County Jail. The program must provide treatment services to inmates with substance use disorders that are incarcerated in the York County Jail as well as inmates from the jails in other counties pursuant to sheriffs’ agreements. **DEAD**

LD 399 – This “concept draft” bill proposes to revise laws governing environmental protection.

As amended and enacted, this Act authorizes state regulation of “satellite” wastewater collection systems that directly or indirectly convey wastewater to another publicly owned sewerage treatment works. Specifically, the Act requires the owner of a municipal satellite collection system to register with the Department of Environmental Protection using a form issued by the department and provide: (1) contact information for the owner and operator of the system; (2) information on the publicly owned treatment systems to which the satellite system discharges; (3) information on the geographic areas served by the system; (4) a basic map or schematic diagram of the system; and (5) system specifications, including but not limited to, the number of miles of pipe in the system, number and locations of pump stations within the system, and the number of customers served by the system. Additionally, the Act creates a duty to orally report to the department any unauthorized discharge from the system within 24 hours of the owner or operator of the system becoming aware of the discharge, and follow up with a written report within five days. **Enacted; PL 2017, c. 353**

LD 423 – This bill appropriates \$50,000 from the state’s General Fund to the Maine State Library to provide mobile wireless hot spot devices to libraries in Washington County. **DEAD**

LD 433 – This bill authorizes a municipality that approves the location of a retail marijuana store or social club to impose, presumably by ordinance, a local option sales tax that would piggyback on the 10% state tax that current law imposes on the retail sale of marijuana. The local option sales tax revenue would be collected and issued to the state treasurer by the retailer in the same

manner as the state sales tax revenue. In conjunction with Maine Revenue Services, the local option portion of the collected revenue would then be remitted to the municipality. **DEAD**

LD 467 – This bill sends out to the voters a proposed \$5 million bond issue to support improvements to sea level prediction models by providing more detailed mapping of coastal zones and monitoring sea level changes in order to mitigate the impact of rising sea levels. **DEAD**

LD 499 – This bill allows municipalities by ordinance to prohibit the location of retail marijuana establishments and retail marijuana social clubs within any youth congregation “safe zone” designated by the municipality. **DEAD**

LD 513 – This bill provides an income tax exemption for the retirement benefits provided under state, local or federal government retirement plans that are based on employment compensation for which contributions are not made to the federal Social Security system.

As amended by Committee, this bill increases the maximum annual income tax pension deduction amount for nonmilitary retirement pensions from \$10,000 to \$35,000 over a 5-year period, after the year 2021, the pension deduction maximum would be subject to annual inflation adjustments. The increased deduction levels is projected to reduce state income tax revenue by \$20 million in the 2017 tax year, increasing to nearly \$60 million reductions in state income tax revenue in 2021. **DEAD**

LD 520 – This bill sends to the voters a proposed \$100 million bond issue for the provision of broadband internet service in unserved and underserved areas of the state through the ConnectME Authority (or successor organization) partnerships with private, municipal and nongovernmental service providers. **DEAD**

LD 545 – This “concept draft” bill proposes to ensure that unorganized townships and plantations maintain local control under laws legalizing marijuana. **DEAD**

LD 584 – This bill establishes the Fund for Municipalities To Improve Pedestrian Safety, to be administered by the Department of Transportation as a program within the Highway Fund. The funds allocated to the program must be used for pedestrian safety improvements, including, but not limited to, lights, paint, signs, speed bumps and reconstruction of intersections. A municipality or group of municipalities may apply for funding for up to two-thirds of the cost of a qualifying project. The Department is further directed to adopt the rules necessary to award the funds according to a competitive rating system. Beginning January 15, 2018 and biennially thereafter, the Department is required to report to the Transportation Committee on the implementation and operation of the pedestrian safety fund. **DEAD**

LD 590 – This bill sends out to the voters a proposed \$50 million bond issue to provide funds for investment in railroad infrastructure to expand passenger rail services, with a priority for railroad track corridors that could support passenger and freight intermodal operations and enhance the movement of agricultural products. **DEAD**

LD 596 – Similar to the laws regarding alcohol, this bill makes consuming marijuana or possessing an open container of marijuana in the passenger area of a motor vehicle a traffic infraction. **DEAD**

LD 625 – This bill prohibits a retail marijuana establishment or social club from being located within 2,000 feet of a house of public worship or property associated with a house of public worship. **DEAD**

LD 626 – This bill distributes 25% of tax revenues from the sales of marijuana and related products to the counties for county jail operations. The funds must be used to supplement and not supplant other sources of jail operations funding. **DEAD**

LD 637 – This “concept draft” bill proposes to enact measures to protect Maine’s lands. **DEAD**

LD 638 – This bill sends out to the voters a proposed \$50 million bond issue, \$35 million of which would be dedicated to reconstruct and renovate bridges and to meet the state’s highway and bridge capital goals, and \$15 million of which would be dedicated to improve or replace facilities or equipment related to ports, harbors, marine transportation, aviation, freight and passenger railroads, transit and bicycle and pedestrian facilities. **DEAD**

LD 667 – This bill suspends the legalization of marijuana as approved by the voters on November 8, 2016 and schedules a referendum question to go back out to the voters in November 2017 to allow the voters to formally repeal the legalization law. **DEAD**

LD 672 – This bill clarifies that a municipality may adopt and enforce land use regulation that applies to marijuana facilities that grow, process, package, distribute, sell or provide either medical or recreational marijuana in the same regulatory manner as any other activities generating similar land use and compatibility effects. **DEAD**

LD 734 – Under the law legalizing the use of recreational marijuana, the state licensing authority for recreational marijuana facilities is supposed to forward a licensing application it receives for a marijuana facility to the municipality where the facility is going to be located and that municipality has 14 days to review the application and report back to the state as to whether it approves or denies each application. This bill extends that timeframe to 60 days. **DEAD**

LD 743 – This bill sends out to the voters a proposed \$25 million bond issue to promote and improve intermodal transportation systems, with the funds used exclusively for public transportation, including but not limited to rail and bus transportation, bicycle lanes and pedestrian sidewalks. **DEAD**

LD 768 – This bill establishes resident and nonresident comprehensive hunting licenses that allow hunting of all legal species subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive hunting license is \$38 and the fee for the nonresident comprehensive hunting license is \$143. The bill also establishes resident and nonresident comprehensive combination hunting and fishing licenses that allow fishing and hunting of all legal species, subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The

fee for the resident comprehensive combination hunting and fishing license is \$55 and the fee for the nonresident comprehensive combination hunting and fishing license is \$178. The bill establishes January 1, 2018 as the effective date of these licenses.

Effective Jan. 1, 2019, this Act eliminates all alien hunting and fishing licenses issued by the Department of Inland Fisheries and Wildlife and instead allows a person who is not a United States citizen to purchase a nonresident hunting and fishing license, provided eligibility criteria is met. **Enacted; PL 2017, c. 427**

LD 780 – This Act authorizes the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum. **Enacted; PL 2017, c. 403**

LD 797 – This bill dedicates 20% of the revenue generated by the sales tax on the retail sale of marijuana to the Multimodal Transportation Fund to be used to support the multimodal forms of transportation limited to passenger marine, road surface and passenger rail transit of the state, municipalities and multimodal providers. **DEAD**

LD 823 – This bill requires a state entity (defined to include municipalities, counties, all law enforcement agencies, etc. as “instrumentalities” of the state) to hold a public hearing and ultimately obtain legislative approval prior to: (1) seeking funding or in-kind support to acquire surveillance technology, (2) sharing or borrowing surveillance technology, (3) using surveillance technology for a purpose or in a manner not previously approved by the Legislature, or (4) issuing requests for proposals or entering into an agreement with another entity to acquire, share, borrow or otherwise use surveillance technology. The bill includes the public notice and content requirements of the public hearing and describes the nature of the state legislative approval required. **DEAD**

LD 854 – This “concept draft” bill proposes to correct errors and inconsistencies in the Marijuana Legalization Act as approved at referendum in November 2016. **DEAD**

LD 858 – This bill amends the law governing the determination and management of dangerous dogs. The bill provides that the sheriff, local law enforcement officer or animal control officer, upon an investigation of complaint, may determine that the dog subject to that complaint is dangerous and further provides that a court must take that determination into account. Under current law, a dangerous dog must be ordered euthanized by the court if it has killed, maimed or inflicted serious injury on a person. This bill requires euthanasia if that level of attack was done to a domestic animal, as well. Finally, the bill repeals an allowance in current law for a dangerous dog to be kept at the owner’s home pending the adjudication of a complaint as long as certain muzzling and tether controls on that dog are followed.

As amended enacted as a state mandate, this Act makes several changes to the animal welfare laws pertaining to court designated dangerous and nuisance dogs. The Act: (1) amends the definition of a “dangerous dog” and further defines dangerous behavior; (2) adds a new designation and definition of “nuisance dog”; (3) provides a new licensing fee for a dangerous dog of \$100, with \$98 deposited into the municipality’s animal welfare fund and a \$30 fee for a nuisance dog license with \$28 deposited into the local animal welfare fund; (4) requires

municipalities to annually report the number, animal involved and the final disposition of all animal control complaints received during the prior year; (5) directs the Department of Agriculture, Conservation and Forestry to develop and implement a dog licensing database within one year of the effective date of this legislation and provide access to municipalities at no cost; (6) prohibits a person from training or encouraging a dog to be aggressive toward or attack a person or domesticated animal unless the training program is recognized by the Department of Public Safety, Bureau of State Police; (7) prohibits transferring ownership of a dangerous dog without the permission of the court, unless the transfer is to an animal control officer or an animal shelter that has a contract with a community to euthanize the dog for the municipality; (8) requires an owner to notify a municipality of the death or transfer of ownership of a dangerous or nuisance dog, and of the owner's change of residence; (9) provides the court with a number of expanded actions against the owner of a dangerous or nuisance dog including an increase in the maximum fine of up to \$5,000, which is paid directly to the municipality's animal welfare fund; (10) further defines the protocol for the humane detention of a dangerous or nuisance dog and shifts the cost of the detention to the owner; and (11) establishes as a Class D crime the failure to comply with a court order, or any of the new registration requirements in this Act. **Enacted; PL 2017, c. 404**

LD 897 – This bill sends out to the voters a proposed \$25 million bond issue to for the support of efficient biomass thermal and power projects in Maine. \$12 million of the issue is dedicated to construct steam piping form existing stand-alone biomass generators to adjacent manufacturing facilities, \$5 million is dedicated to construct biomass combined heat and power generation boilers at sawmill manufacturing facilities, and \$8 million is dedicated to convert fossil fuel boilers in public buildings and commercial facilities to biomass boilers. **DEAD**

LD 924 – As amended by committee, this emergency bill makes supplemental allocations and appropriations in the second year (FY 2019) of the current biennial state General Fund budget. Of municipal interest, \$12.2 million for the operation of county jails is shifted out of the Reserve for County Jail Operations and into the County Jails Operation Fund. No additional state funding for county jails is provided. **Emergency Enacted; PL 2017, c. 459 (7/09/18)**

LD 925 – As amended by committee, this emergency bill makes supplemental allocations and appropriations in the second year (FY 2019) of the current biennial state General Fund budget. Of municipal interest, the bill addresses the opiate crisis in Maine by: (1) allowing funds from sales of forfeited property to be assigned to a law enforcement agency that provides case management and other social services to persons with substance use disorders; (2) making aggravated trafficking of a scheduled drug a Class A crime when the drug is a contributing factor in the death of another person or a Class B crime in a situation where the drug contributes to the serious bodily injury of another person; (3) making the aggravated trafficking in fentanyl powder a Class A crime; and (4) requiring the Department of Health and Human Services to support a hub-and-spoke system for the treatment and recovery for persons with substance use disorders.

As enacted, this emergency Act makes supplemental allocations and appropriations in the second year (FY 2019) of the current biennial state General Fund budget. Of municipal law enforcement interest, the Act: (1) upon request, allows funds from the sales of forfeited property

to be assigned to a law enforcement agency that provides case management and other social services to persons with substance use disorders; (2) makes aggravated trafficking of a scheduled drug a Class A crime when the drug is a contributing factor in the death of another person or a Class B crime in a situation where the drug contributes to the serious bodily injury of another person; and (3) makes the aggravated trafficking of more than 6 grams or more than 269 individual units (e.g., bags, folds, packages, envelopes, etc.) of fentanyl powder a Class A crime. **Emergency Enacted; PL 2017, c. 460 (7/9/18)**

LD 938 – This “concept draft” bill proposes to harmonize certain public health provisions applicable to the medical and recreational use of marijuana, including, but not limited to, laboratory testing of the product, product labeling requirements, child-safe packaging requirements and inspection requirements. **DEAD**

LD 939 – This “concept draft” bill proposes to protect Maine’s agriculture. **DEAD**

LD 955 – This bill sends out to the voters a \$6 million proposed bond issue to recapitalize the Municipal Investment Trust Fund to provide grants and loans to municipalities for public facilities infrastructure. **DEAD**

LD 964 – This bill sends out to the voters a proposed \$10 million bond issue to provide funds for a competitive grant program for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and prepare for road-related water management in the circumstance of extreme storms and floods. **DEAD**

LD 966 – This bill requires the Department of Health and Human services to contract with a private provider of behavioral health services to place a mental health liaison in every county or regional jail for the purposes of connecting prisoners with serious mental health illness to services, developing a treatment plan for those prisoners to be implemented on their release and developing a diversion plan for those prisoners convicted of Class D or lesser crimes.

The committee amendment replaces the bill and establishes the Statewide Criminal Justice Coordinating Council directed to accept and review data on encounters between law enforcement agencies and members of the public and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail. The members of the council include the chairs of the Criminal Justice and Public Safety and Health and Human Services Committees; the commissioners of the Departments of Public Safety, Corrections and Health and Human Services; the president of a statewide association of county sheriffs; and representatives from organizations established to provide services to persons with mental illnesses or substance use disorders. The council is required to collect and review data submitted by law enforcement agencies, sheriffs, regional jail administrators and intensive case managers, summarize and review the data and provide an annual report to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and health and human services matters beginning January 15, 2021. A legislative committee that receives a report from the Statewide Criminal Justice Coordinating Council may report out legislation to the Legislature based on the report. The data submitted quarterly by law enforcement officers must describe encounters with members of the public who self-identify or are identified by the law enforcement officer as having a mental illness or a substance use

disorder. The reported information must include the mental illness or substance use disorder, disposition of the encounter, including whether the person was charged with a crime and released or detained, whether the person was referred to a hospital, mental health provider or substance use disorder treatment center, and whether any injuries were sustained by the person or the law enforcement officer during the encounter. The amendment requires a person admitted to a jail, regional jail or correctional facility to be assessed for mental health conditions and substance use disorders through use of a nationally validated screening and assessment tool. It requires that an intensive case manager assigned by the Department of Health and Human Services to a jail, regional jail or correctional facility submit in summary form to the department information gathered from an encounter with such a person. The amendment requires the department to forward this information to the Statewide Criminal Justice Coordinating Council. The amendment adds the mandate preamble, requiring a two-third vote of the House and Senate before the provisions of the bill may be finally enacted. **DEAD**

LD 990 – This bill creates the separate and more serious crime of “aggravated assault on a law enforcement officer” when the nature of such an assault parallels the standards that define aggravated assault generally.

As amended by Committee and the Legislature, this bill amends the state’s criminal code as it pertains to persons intentionally or knowingly causing bodily injury to law enforcement officers, firefighters and emergency medical services providers when those first responders are acting in the performance of their official duties. Under current law, that type of offense is defined as a Class C crime. This bill creates a new category of offense within these statutes, which is defined as a more serious Class B crime. The new category of offense is when the person intentionally or knowingly causes bodily injury to a first responder and the person selected the particular first responder for injury specifically because of that first responder’s professional status. **DEAD**

LD 998 – This bill amends the law that requires reimbursement for qualifying ambulance services to be covered under MaineCare to also include reimbursement for community paramedicine services that do not involve transporting patients.

As amended by Committee, this bill requires the Department of Health and Human Services to increase the ambulance services reimbursement rate, beginning on March 1, 2018, from 65% of the average allowable reimbursement rate under Medicare for such services to 70%. The increased reimbursement rate is projected to cost the state’s General Fund approximately \$700,000 in FY 2019, which will leverage \$1.25 million in federal Medicare funding. **DEAD**

LD 1006 – This “concept draft” bill proposes to establish a statewide commission to study housing insecurity in the context of aging in place.

As amended by Committee, this bill establishes the 12-member Advisory Council on Senior Housing to study the unmet need for affordable housing units for elderly Maine residents and the financial burden of home modifications and repairs necessary to enable elderly residents to remain in their homes. One of the Council members must be a municipal or regional planner. The council is directed to make recommendations to the director of the Maine State Housing Authority for the development of a strategic housing plan enabling elderly Maine residents to live in affordable, safe housing as they age. The deadline in the bill to develop that plan is January 1, 2023. The bill also requires MSHA’s director to submit a report to the Legislature on

the development or implementation of the strategic housing plan by March 15th of the first regular session of each Legislature. **DEAD**

LD 1016 – This bill amends the Essential Programs and Services school funding model to require state subsidy to be distributed to schools that are starting up career and technical education (CTE) centers or regions on the basis of projected costs, projected enrollment, and a “program-driven” model that considers components for direct instruction, central administration, supplies, operation and maintenance of plant and other student and staff support equipment. Under current law, CTE programs are subsidized after their start-up based on enrollments in a prior year. **DEAD**

LD 1021 – This emergency resolve establishes a 10-member Committee to Develop a Disposition Plan for Future Surplus State Property in York County, which is charged with planning for the disposition of the three courthouses in York County to be vacated when the courts are consolidated into one building in 2021. **DEAD**

LD 1048 – This bill requires the use of the Uniform Summons and Complaint form for criminal violations of laws established in Title 12 (laws enforced by IF&W wardens, DMR wardens, etc.), Title 17-A (Maine’s criminal code) and Title 29-A (governing motor vehicle violations), and the Violation Summons and Complaint form for civil violations of those titles. **DEAD**

LD 1068 – This bill requires a person that engages in the construction or repair of public buildings or public works constructed or established by state government or otherwise financed by state funds, including public school buildings, to use wood products, including cross-laminated timber, for structural components to the extent that suitable wood products are feasible for use, competitively priced and permitted under applicable building codes. **DEAD**

LD 1095 – This bill creates the 36 member Maine Coastal Risks and Hazards Commission, which is charged with developing and recommending legislation and other actions to address and prepare for coastal and coastal watershed hazards related to storm surges, extreme precipitation events, projected sea level rise, increased river flooding and storm water runoff, etc. Membership includes four legislators, nine state agency commissioners or directors, seven representatives of regional planning commissions or municipal councils of government, fifteen representatives of various interest groups including fisheries, tourism, local government, etc. The Commission is directed to submit a report and recommendations for legislation or other actions to the Legislature at least every five years, beginning no later than November 1, 2019.

As amended by Committee, the bill reduces membership on the Maine Coastal Risks and Hazards Committee from the originally proposed 36 members to 21 participants, which include three legislators, four state agency commissioners or directors, five representatives of regional planning commissions or municipal councils of government, and nine representatives of various interest groups including municipalities, fisheries, tourism, local government, etc. Reporting deadlines are also changed, requiring the Commission to report back to the Legislature at least every four years, beginning no later than November 1, 2020. **DEAD**

LD 1109 – This bill repeals and replaces the law governing “residency” for the purpose of determining financial responsibility for providing General Assistance benefits to qualifying individuals. Under current law, physical presence through the GA application process is the general rule for determining municipal GA responsibility, although there are specific exceptions when one municipality assists in the applicant’s relocation to another municipality. This bill establishes the “municipality of record” as the general rule to determine municipal financial responsibility, which is the municipality where the applicant was an occupant of a house, apartment or other dwelling unit immediately prior to applying for assistance, as verified by a lease document, utility bill or similar evidence.

Current law requires the state to reimburse each municipality 70% of the municipality’s “direct” General Assistance (GA) costs, which is defined to mean the costs of the actual benefits provided to qualified applicant. The term “direct costs” in current law does not include the municipal costs associated with administering the GA program. As amended by Committee, this bill redefines the municipal costs subject to the 70% reimbursement requirement to include the municipality’s administrative costs, as those costs may be appropriately calculated according to rules promulgated by the Department of Health and Human Services.

The amendment replaces the printed bill and defines and establishes homelessness as an emergency for the purpose of granting emergency general assistance, as long as the person or household is not otherwise ineligible for or disqualified from receiving GA. **DEAD**

LD 1118 – This bill sends out to the voters a proposed \$15 million bond issue to provide funding for the Municipal Investment Trust Fund to support local infrastructure projects. **DEAD**

LD 1135 – This bill makes a number of amendments to the Maine Medical Use of Marijuana Act, including: (1) allowing municipalities to limit the number of primary caregivers that may operate within that municipality and allowing for the enactment of reasonable municipal regulations of those facilities, and (2) requiring a primary caregiver to disclose upon the request of a law enforcement official, municipal code enforcement officer or planning board, any of the information contained in applications and supporting information submitted by the primary caregiver to the Department of Health and Human Services with the exception of confidential and personally identifying information regarding any qualifying or registered patients. **DEAD**

LD 1149 – This bill is designed to increase the amount of fee and tax revenue dedicated to the state’s Highway Fund. Specifically, the bill: (1) increases a variety of fees established in statute for driver’s license examination, temporary license plate, nondriver identification cards, issuance of duplication registrations, etc., by \$3 - \$10, (2) imposes a \$200 surcharge on the registration of hybrid motor vehicles, battery-electric motor vehicles and hydrogen fuel cell motor vehicles; (3) expressly dedicates to the Highway Fund 10% of the state sales tax imposed on motor vehicles and the products related to the repair and maintenance of motor vehicles; and (4) increases the excise tax imposed on motor fuels to 36.5 cents per gallon, an increase of 7 cents. **DEAD**

LD 1168 – This resolution sends to the voters a proposed amendment to the state’s Constitution that would enumerate 10 specific rights for victims of crimes that would apply with respect to the adjudication of the crime, including the right to be informed when the person accused of the

crime is released from custody or has escaped, the right to refuse an interview, deposition or other discovery requests by the accused, the right to read presentence reports related to the crime, the right to receive prompt and full restitution, etc. The proposed constitutional amendment expressly does not create a cause of action for compensation or damages against the state or a political subdivision of the state. **DEAD**

LD 1196 – This bill reestablishes the property tax deferral program managed by state government that was originally established in the 1980s, closed off to all new applicants in the early 1990s, and finally closed out as a state expenditure account in 2017. Under this bill, all Maine resident homeowners over the age of 65, or over the age of 60 if unemployed due to disability, and with a household income below \$40,000, could apply to the state for a property tax deferral. The property taxes for the qualifying households would be paid to the appropriate municipality by the state, with the state holding a lien on the property for reimbursement at the time the property is ultimately sold or transferred.

As amended by Committee, this bill reestablishes the property tax deferral program managed by state government that was originally established in the 1980s, closed off to all new applicants in the early 1990s, and finally closed out as a state expenditure account in 2017. Under this bill, qualifying Maine resident homeowners, effective on or after April 1, 2018, can apply to the state to receive a deferral of the municipal property tax obligation related to their residential property. For as long as those residents qualify, the state will pay to the appropriate municipality the property taxes not otherwise paid by the homeowners. The state, in turn, will hold a non-foreclosing lien on the subject property until such a time as it is sold or otherwise transferred. The age, income and asset qualifications for the deferral program include: (1) at least one of the resident homeowners needs to be either 65 years of age or older or over 60 years of age or older if retired from gainful employment by reason of physical disability; (2) the household income does not exceed \$40,000; and (3) the value of the household's liquid assets (e.g., bank accounts, stocks and bonds, life insurance policies, lump sum payments and inheritances, etc.) does not exceed \$50,000 for a single homeowner or \$75,000 for a multi-person household. A household would also not qualify if the property tax payments are being deferred pursuant to a municipally-established deferral program. The projected fiscal costs associated with reinstating this state-level property tax deferral program, including the establishment of a position in Maine Revenue Services, computer programming costs and the payments of the property taxes to the affected municipalities, is \$1.7 million in the first full year of implementation (FY 2019) increasing to \$3.7 million in FY 2021. **DEAD**

LD 1204 – Unless the express consent of a person to whom power of attorney has been granted, this bill prohibits an election clerk from providing an absentee ballot to an immediate family member, 3rd person or the voter directly when the voter is a resident of a nursing home, residential care facility or an assisted housing program, has granted power of attorney to another, and is receiving medical care due to dementia.

As amended by Committee, this bill requires that the municipal clerk post notice in the municipal office of the date and time when absentee voting will be conducted at the various licensed nursing homes or assisted care facilities where on-site absentee voting opportunities are

required by law. The bill further requires those licensed facilities to provide notice, either by email or by electronic newsletter, to the contact person or persons, if any, for each resident of the facility denoting the date and time when absentee voting will be conducted at the facility.

As enacted, this Act requires the municipal clerk to post notice in the town or city office of the date and time when absentee voting will be conducted at the various licensed nursing homes or assisted care facilities where on-site absentee voting opportunities are required by law. The municipal clerk must also provide the notice to each licensed facility. The Act further requires those licensed facilities to provide notice, either by email or by electronic newsletter, to the contact person or persons, if any, for each resident of the facility noting the date and time when absentee voting will be conducted at the facility. **Enacted; PL 2017, c. 433**

LD 1209 – This bill dedicates 1% of the sales tax revenue generated from the sale of retail recreational marijuana and marijuana products be provided to the counties to offset the costs of enforcing the standards of the Marijuana Legalization Act. **DEAD**

LD 1212 – This bill transfers the tax status of personal property that is exempt from taxation by virtue of being personal property leased by hospitals to the tax exempt status provided by enrollment in the Business Equipment Tax Exemption program. The effective date of the transfer of exempt status from the hospital exemption statute to the BETE program is April 1, 2018. The projected cost to the state’s General Fund associated with paying the affected municipalities 50% of the lost tax revenue associated with BETE enrollment is \$245,000 annually. **DEAD**

LD 1248 – This bill appropriates \$28 million from the state’s Highway Fund over the FY 2018-2019 biennium to be administered by the Department of Transportation to expand the services of regional transportation providers (\$26 million), establish a pilot “purchase of services program” in a selected regions of the state to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services (\$1 million), and to support volunteer driver networks that collaborate with regional transportation providers to leverage additional resources (\$1 million).

As amended by Committee, this bill appropriates \$4 million from the state’s General Fund, \$2 million for each year of the FY 2018-2019 biennium, to be administered by the Department of Transportation to enhance funding for recipients of Federal Transit Administration funds to expand their services to the general public (\$3 over the biennium), establish a pilot “purchase of services program” to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services (\$500,000 over the biennium), and to support local non-profit volunteer driver networks (\$500,000 over the biennium). **DEAD**

LD 1286 – Under current law, teachers and certain other public school staff must undergo a criminal history background check in order to be employed by a school administrative unit. This bill requires all school personnel to undergo such a background check prior to public school employment.

As amended by Committee, this bill requires all school systems in the state, beginning on January 1, 2018 and every quarter thereafter, to submit to the Department of Education (DOE) a list of the names of all employees subject to undergoing a criminal history record check and

fingerprinting and indicate on that list the date on which the person most recently commenced employment with the school administrative unit. The DOE is required by the bill to determine the compliance of each person listed with all applicable criminal history record check and fingerprinting requirements. If the DOE determines that a person on the list is not compliant with any applicable requirement, the school system must be immediately notified. The bill appropriates approximately \$13,000 for each year in the FY 2018-2019 biennium, which is the projected cost to the state associated with covering 90% of the school systems' administrative costs associated with complying with the state mandate.

As enacted, beginning on January 1, 2019 and every quarter thereafter, this Act requires all school systems in the state to submit to the Department of Education (DOE) a list of the names of all employees subject to criminal history record check and fingerprinting requirements, indicating the date the person most recently commenced employment with the school administrative unit. The DOE must immediately notify the school system if it is determined that a person on the list does not comply with any applicable criminal history record check or fingerprinting requirement. The Act also appropriates approximately \$13,000 in FY 2019 to reimburse school units for 90% of the costs associated with the state mandate. **Enacted; PL 2017, c. 426**

LD 1298 – Current law provides exemptions from a general prohibition against the discharge of defined pollutants into certain low-flow waterbodies, small drainage areas and wetland waterbodies for aquatic pesticide or chemical discharges approved by the Department of Environmental Protection and conducted by or under the auspices of either that department or the Department of Inland Fisheries and Wildlife in order to restore biological communities affected by an invasive species. This bill repeals those exemptions.

As amended and enacted, this Act updates Maine's water quality standards to align state statutes with federal Clean Water Act requirements when pesticides are used to control invasive plants and diminish mosquito-borne diseases. The Act further updates Maine's water quality standards to be consistent with U.S. Environmental Protection Agency guidelines regarding recreational water quality criteria for bacteria, and the non-target species impact threshold the Department of Inland Fisheries and Wildlife must consider when the department or its agents apply aquatic pesticides or chemicals. **Enacted; PL 2017, c. 319**

LD 1330 – This bill sends to the voters a proposed \$20 million bond issue for the development of multidistrict, consolidated and integrated prekindergarten through grade 16 public school facilities. The bill also establishes the Maine Innovative Regional School Facilities Finance Program and Revolving Loan Fund, administered by the Maine Municipal Bond Bank, to provide loans to school systems to finance small-scale construction projects, including additions or renovations to existing buildings, in order to improve the regional delivery of educational services. **DEAD**

LD 1331 – This bill sends to the voters a proposed \$20 million bond issue to recapitalize the School Revolving Renovation Fund for the purpose of providing funds to public schools for renovation and capital repairs. **DEAD**

LD 1336 – This bill amends the law governing the withdrawal of a single municipality from a school district in several ways, including: (1) allowing the withdrawal committee, with the permission of the Commissioner of the Department of Education, to extend for an additional 90 days the current 90-day period provided in law for the withdrawal agreement to be submitted to the Commissioner for approval, or potentially longer; (2) authorizing the withdrawal committee to petition the Commissioner to establish a binding arbitration process if the withdrawal committee and the board of directors of the school district fail to enter into a withdrawal agreement according to the deadlines provided in statute; and (3) requiring that the withdrawal plan include a plan for providing child nutrition services to the students from the withdrawing municipality as well as an anticipated budget for the schools operated by the petitioning municipality for the first year of operation. **DEAD**

LD 1343 – This bill establishes the Locating Businesses Downtown Loan Program within the Communities for Maine's Future Program to provide forgivable loans for businesses seeking to initially locate or to relocate in a downtown area, village area or along a main street within the state. Applications for loans under the program are evaluated by the Department of Economic and Community Development in conjunction with a three-member loan review panel. Successful applicants must execute a loan agreement prepared by the department specifying the terms and conditions of the loan, including the length of time that a business must remain in the downtown area, village area or along a main street for the loan to be forgiven. **DEAD**

LD 1372 – This “concept draft” bill proposes to enact measures designed to increase broadband access for rural communities by directing the ConnectME Authority to map out the broadband needs throughout the state, identify the infrastructure necessary to address those needs and provide funding for the provision of digital literacy programs.

As amended, the resolve directs the ConnectME Authority to establish 3-year long digital literacy education pilot programs in rural areas, which may be extended up to 4 years. The proposal requires the Authority to report back to the Legislature by January 1, 2022, with recommendations for creating a permanent program statewide. **DEAD**

LD 1373 – This bill amends in several ways the laws governing net energy billing, also known as net-metering. As proposed, customers with this billing arrangement would receive credits per kilowatt-hour of electricity generated equivalent to that customer’s transmission and distribution and generation service rates. Eligible facilities’ electricity generation capacity would be limited to 2 megawatts in the territory of an investor-owned transmission and distribution utility, and limited to 100 kilowatts in the territory of a consumer-owned transmission and distribution utility, although that utility may elect to allow an eligible facility with capacity up to 2 megawatts. Facilities with shared or third party ownership would be eligible for net energy billing, with the Public Utilities Commission prohibited from limiting the number of participants in a shared ownership project, while allowing the Commission to set a minimum share size. A new solar energy rebate program for commercial and residential customers, to be administered by the Efficiency Maine Trust, would also be established with funding from transmission and distribution utilities as adopted via rulemaking by the Trust. The bill also requires the Commission to conduct a comprehensive review of ratepayer costs and benefits each time an

investor-owned transmission and distribution utility's total net energy billing-related generation capacities reach a series of specified annual peak demand benchmarks. **DEAD**

LD 1399 – This bill repeals the law governing the ConnectME Authority and establishes in its place the Maine Broadband Initiative as a nonprofit corporation with public and charitable purposes to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved areas of the state. The bill defines an “unserved area” to mean an area that has an actual broadband speed that is slower than 10 megabits per second. The Initiative is governed by a 10 member board of directors, with six members possessing various types of experience or expertise and appointed by the Governor and four ex officio directors including the Commissioner of the Department of Economic and Community Development, the Chancellor of the University of Maine System, the chair of the Public Utilities Commission and the Public Advocate. The Initiative is directly managed by its President, who is also appointed by the Governor with the approval of the Legislature. The Initiative is 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, and for that purpose the revenue generated from two sources, one existing and one newly established, are dedicated to the Initiative's purposes. The existing revenue for this dedication is the state-level property tax revenue collected on the assessments on two-way, interactive telecommunications personal property, currently estimated to generate approximately \$6.4 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. The Initiative is authorized by this bill to issue bonds for the purpose of construction of advanced communications technology infrastructure. The bonds issued by the Initiative are revenue bonds rather than general obligation bonds and are issued without creating a debt to the state or any agency or political subdivision of the state. **DEAD**

LD 1400 – This bill provides for the creation of the Bar Harbor Port Authority. **DEAD**

LD 1429 – This bill makes several changes to the laws related to the management of opioid abuse. Pertinent to municipal government, the bill allows funds from property forfeited to the state pursuant to the criminal forfeiture law to be distributed by the court to a law enforcement agency that provides case management and other social services to persons with substance abuse disorders. **DEAD**

LD 1431 – This bill establishes the Substance Abuse Education, Prevention and Treatment Fund. The purpose of the fund is to provide financial resources to education programs regarding substance abuse prevention and treatment, regulatory oversight of the retail marijuana industry and law enforcement agencies and the courts with respect to overseeing the retail marijuana industry. The Fund is administered by the Department of Health and Human Services and disbursed on the basis of recommendations of the Substance Abuse Services Commission. The Fund is capitalized by three tax policy changes: (1) the sales tax on retail marijuana is increased from 10%, as established in the initiated law, to 15%, and 5% of all the retail marijuana sales tax proceeds is dedicated to the Fund; (2) the sales tax on medical marijuana is increased from 5.5%, which is the current rate, to 15%, and 5% of all the medical marijuana sales tax proceeds is

dedicated to the Fund; and (3) a wholesale transaction sales tax of 3% is established, and 5% of the proceeds generated by that wholesale tax is dedicated to the Fund. **DEAD**

LD 1433 – This bill requires all school administrative units to hire a person with appropriate qualifications to test an occupied school building every 5 years for radon and to mitigate for excessive radon if the screening reveals levels over 4.0 picocuries per liter of air or above.

As amended by Committee, this bill requires all school administrative units to hire a person registered with the division of environmental health within the Department of Health and Human Services (DHHS) under the Radon Registration Act to test occupied elementary and secondary school facilities within the school system for radon every five years. The school system is further required to maintain, make available for review, and notify parents, faculty and staff of the test results. The school system is also required to report the test results to both the Department of Education (DOE) and DHHS. To the extent funding is available, the DOE is required to disburse money to the school administrative units to cover the cost of radon testing. The bill also requires that all new elementary or secondary school buildings that are constructed must use radon-resistant construction techniques as advanced by the U.S. Environmental Protection Agency’s document, Radon Prevention in the Design and Construction of Schools and Other Large Buildings. The bill appropriates \$2.187 million from the Fund for a Healthy Maine to fund the radon testing program. **DEAD**

LD 1444 – This bill directs the Public Utilities Commission to enter into long-term contracts with a duration of 20 years for the procurement of 120 megawatts of “large-scale community solar distributed generation resources” by 2022, beginning with a solicitation for 30 megawatts of output by March 1, 2018. The bill defines such resources as electric generating facilities that use renewable solar fuel or technology with a nameplate capacity of up to 5 megawatts or other limit as determined by the Public Utilities Commission. Of the many specific parameters established to govern the procurement process, the most directly relevant to municipalities is a provision which allows municipalities to subscribe to up to 70% of the entire resource.

As amended by a majority of the committee, the printed bill is replaced and the new proposal prohibits transmission and distribution utilities from requiring net energy billing customers from metering the gross output of their facilities, instead establishing a specific net energy calculation in statute based on the difference between delivered and exported kilowatt-hours of energy. The amendment also limits the number of net energy billing customers with a shared interest or number of associated meters in the service territory of investor-owned transmission and distribution utilities to no more than 50 until July 1, 2020, directs the Public Utilities Commission to amend its net energy billing rules to conform with these changes, and prohibits the commission from making any other changes to its net energy billing rules until July 1, 2020. **DEAD**

LD 1448 – This bill makes certain amendments to both criminal law and the initiated law legalizing recreational marijuana regarding the implementation of retail recreational marijuana in the state. Among those changes, the bill allows for the limited sale of recreational marijuana while the state agencies begin the rule-making process by allowing existing medical marijuana dispensaries to sell marijuana retail products to persons 21 years of age or older in accordance

with certain conditions. The early sales would begin on the effective date of the legislation and be authorized through December 31, 2018 unless the state was not issuing licenses for retail marijuana establishments at that time, in which case the dispensaries could continue to sell the recreational-use product. **DEAD**

LD 1461 – This bill creates a state-level tax credit for owners of low-income housing developments that qualify for federal low income housing tax credits financed with tax-exempt bonds, whether or not the development is actually utilizing the federal tax credit. Eligibility for the state tax credit is contingent on the developer entering into a 15-year agreement to maintain and operate the development as low income housing. **DEAD**

LD 1472 – This bill requires the installation of broadband conduit during all roadway-related construction projects that are financed in whole or in part with federal, state or local funding and that construct new or replace existing water or sewer lines in a public road right of way, construct a new highway or road, or construct or relocate an additional lane or shoulder for an existing highway or public road. The public entity responsible for the construction is 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.

As amended and enacted, this Act requires applicants for permits for underground facilities in excess of 500 feet in length to notify the ConnectME Authority within five business days of submitting the application. The notice must describe the location of the project, and the Authority must provide notice of the proposed installation to all parties potentially interested in installing broadband conduit while the project is underway. **Enacted; PL 2018, c. 344**

LD 1479 – This bill makes several substantial changes to the law governing the taxation of industrial property and the system of appealing the assessment of industrial property. Specifically, the bill: (1) changes the make-up of the Board of Property Tax Review by eliminating the “engineer” category of Board member and replacing it with “representatives of business and industry who are experienced in taxation, finance or valuation”, and further providing that the “public member” category of board member cannot be an assessor, former assessor, municipal official or former municipal official; (2) establishes Maine Revenue Services as the primary assessor for any industrial facility”, which is defined as a manufacturing facility with a value exceeding \$10 million, and requires the municipal assessor of the jurisdiction where the industrial property is located to use the MRS-calculated value; (3) substantially amends the section of assessing law authorizing assessors to seek and obtain information from taxpayers (Section 706) by: (a) repealing the provision that bars taxpayers who do not provide the requested information of the right of appeal, and (b) limiting to no more than 30 the number of document requests or interrogatories that can be asked of the taxpayer; (4) repeals the requirement that appeals of abatement requests regarding property with a value over \$1 million go to the Board of Property Tax Review and allows those appeals to go directly to Superior Court; (5) allows taxpayers appealing an assessment over \$1 million to waive participation in the local board of assessment review process and, instead, appeal directly to the Board of Property Tax Review or Superior Court; (6) establishes that a tax appeal before the Board of Property Tax Review or Superior Court is a “de novo” process rather than an appeal from the established record; and (7) establishes the route of appeal from a decision of the Board of Property Tax Review to go directly to the Maine Supreme Judicial Court, bypassing the Superior Court.

As amended and enacted as a state mandate, this Act amends the process for assessing industrial properties by: (1) clarifying an assessor's authority to request a "true and perfect" list and other information in a combined single notice to a taxpayer; and (2) revising existing confidentiality restrictions to allow assessors to share information and consult with other municipal officials, attorneys, consultants and experts whose input is necessary to properly assess more complex properties. The Act also amends the statutes dictating membership on the State Board of Property Tax Review by providing that when a term held by a public member expires or a vacancy occurs, that member's seat must be filled by a person with expertise in taxation, finance or property valuation matters. The membership qualifications are also amended to allow current assessors, as well as retired assessors, to serve on the board. Under the terms of the amended law, mediation between the assessor and the taxpayer is mandated to take place after filing an appeal with the board, but before the hearing is scheduled, unless otherwise excused by the board chair. Finally, the Act creates a task force to examine the State Board of Property Tax Review and recommend changes to improve the appeal process. The task force must submit a report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters, which may report out legislation to the First Regular Session of the 129th Legislature. **Enacted; PL 2017, c. 367**

LD 1484 – This Act authorizes the deorganization of the Town of Atkinson, subject to approval at local referendum. **Enacted; P & SL 2017, c. 14**

LD 1490 – Under current law, \$12.2 million is appropriated annually from the state's General Fund to support county jail operations, with 30% of that appropriation being dedicated to the targeted County Jail Community Corrections Fund purposes. This bill more clearly establishes in statute two separate funds for county jail purposes. Instead of \$12.2 million annually for both the County Jail Operations Fund and the County Jail Community Corrections Fund, this bill appropriates \$10.35 million for the County Jail Operations Fund and \$5.65 million for the County Jail Community Corrections Fund, a net increase in state financial support for county jails of \$3.8 million for each year of the biennium. The County Jail Community Corrections Fund provides more targeted county jail resources that support preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community correctional centers and temporary release programs, etc.

As enacted, this Act appropriates \$6.21 million in the second year (FY 2019) of the current biennial state General Fund budget to support county jail operations. Specifically, a one-time allocation of \$3 million is made available to reimburse county and regional jails that incurred unusually high operations costs during the fiscal year ending on June 30, 2018. For FY 2019, the state appropriation for county jail operations is increased from \$12.2 million to \$15.2 million, with \$1.7 million of the \$3 million increase dedicated to funding community corrections programs. An additional \$120,000 is allocated to fund the Kennebec County Criminogenic Addiction Recovery Academy program in FY 2019. **Enacted; PL 2017, c. 450**

LD 1491 – This bill amends the laws regarding the sale and distribution of marijuana for adult use and medical purposes primarily for the purpose of allowing medical marijuana dispensaries to begin selling “limited (recreational) marijuana retail products” (a maximum of ¼ ounce of retail marijuana) before the entire recreational marijuana regulatory system is put in place in 2018. In addition to establishing financial qualifications on applicants for retail marijuana establishments and retail marijuana social clubs, imposing annual financial audit responsibilities on all recreational marijuana facility license holders, and making several other changes to the initiated law regarding residency requirements for license holders, the bill: (1) transfers the state licensing authority from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations; (2) establishes the special authority of the dispensaries to sell “limited marijuana retail products”; (3) repeals that special authority as of December 31, 2018 unless the Bureau has not begun issuing licenses for retail marijuana establishments at that time; (4) allows registered dispensaries to purchase marijuana and marijuana products from registered primary caregivers for purposes of retail sale of recreational marijuana; (5) imposes a special tax of 10% of the sale price of limited marijuana retail products, which is levied in addition to the 5.5% general sales tax; and (6) allocates the revenue generated by the special 10% tax on limited marijuana retail products as follows: 10% to the municipality where the tax-paying dispensary is located, 45% to the Department of Health and Human Services to fund regulatory oversight and enforcement of sales of limited marijuana retail products and 45% to the Bureau to fund administration, regulatory development and enforcement of the Marijuana Legalization Act.

DEAD

LD 1492 – This bill creates various programs to attract, educate and retain immigrant populations in the state’s workforce. In addition to creating the new Office of New Mainers in state government, along with an associated advisory committee, the bill: (1) establishes an initiative that creates welcome centers in adult education programs to attract, educate and retain in employment foreign-trained workers in municipalities or regions of the state that have immigrant populations or areas of the state that have industries experiencing a shortage of trained workers. The welcome center initiative is patterned after the New Mainers Welcome Center operated by the City of Portland adult education program through a pilot program created by the 126th Legislature; (2) appropriates \$75,000 from the General Fund for each year of the FY 2018-2019 biennium for the expansion of the Welcome Center Initiative within Lewiston’s adult education program; (3) appropriates funds in the \$520,000 to \$600,000 range over each year of the biennium to provide grants to providers of English-language instruction serving the employment sector as well as adult education programs focused on English-language acquisition; and (4) appropriates \$200,000 for each year of the biennium to provide funds to counties, municipalities and school systems to manage new immigrant populations who have settled within those jurisdictions.

As amended by committee, the office of New Mainers and the Office of New Mainers Advisory Committee is removed from the bill. The amendment adds proposed welcome centers to the purpose for which adult education program grants may be given, as well as an appropriations and allocations section, and clarifies that the newly created local community

planning support program and the newly created vocation-specific English- language acquisition and workforce training program are intended to be 2-year programs. It is the intent of the majority report that the following funding be provided in fiscal year 2019-20: \$75,000 in ongoing funds to the adult education program for the expansion of the Welcome Center Initiative within the City of Lewiston's adult education program; \$85,000 to adult education programs to increase English-language acquisition instruction in communities experiencing an increase in immigrant populations; \$50,000 in one-time funds for proposed Welcome Center grants; \$40,000 for the local community planning support program to manage newly settled immigrant populations or to attract immigrant populations; and \$140,000 for grants to service providers to provide English- language instruction and vocational training for 175 participants. **DEAD**

LD 1499 – This “concept draft” bill proposes to revise the laws regarding recreational marijuana sales and use in largely the same was as provided in LD 1491 (see above), except that this bill also increases the sales tax rate on marijuana and marijuana products from 10%, as in the initiated law, to 20%. **DEAD**

LD 1510 – 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.

As amended and enacted, this Act sends out to the voters a proposed \$30 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 \$27.65 million of the issue is dedicated to wastewater treatment facility planning and construction grants. **Enacted; PL 2017, c. 425**

LD 1519 – This Act defines the intertidal zone regulated by municipal shellfish conservation programs as the area below the high-water mark and above subtidal lands. **Enacted; PL 2017, c. 350**

LD 1527 – 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. **DEAD**

LD 1534 – This bill establishes the 13-member Maine Food Recovery Commission. One member of the Commission must be a city or town manager, councilor or municipal officer. The duties of the Commission are to assess current systems of food production, distribution and waste to determine where and how food is wasted in a manner inconsistent with the state's food recovery hierarchy pursuant to solid waste recovery and recycling law. The Commission is charged with developing strategies for keeping food waste out of the solid waste stream, ways to educate food waste generators about the economic, human and environmental costs of wasting food, guidance documents on the topic of food waste reduction methods, etc. The report and recommendations of the Commission must be submitted to the Legislature by December 6, 2017. The bill also creates a food producers' donation tax credit under the state's income tax code whereby food producers may receive a tax credit equal to 50% of the fair market value of donated food when donated to nonprofit food assistance organizations or schools.

As amended and finally enacted, this Act directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database including guidance documents, model policies, program resources and other educational material and technical data relevant to food recovery and food waste reduction efforts that may be implemented by counties, municipalities, educational institutions, businesses and members of the public. **Enacted; PL 2017, c. 369**

LD 1539 – This bill re-writes much of Maine's Medical Use of Marijuana Act. Amendments include: Allowing physicians discretion to issue written certifications for patients to use medical marijuana for any medical condition the physician believes may be alleviated by the patient's using marijuana; expanding the maximum per-patient prescription limit from 2.5 ounces to 2 pounds as well as the possess-able amount from 2.5 ounces to up to 8 pounds; authorizing sharing of seeds and plants between patients; allowing qualifying patients to designate multiple primary caregivers rather than only one caregiver per patient under the current Act; allowing caregivers to employ one person per designated patient served; allowing primary caregivers to transfer products to other caregivers instead of only to dispensaries as provided in the current Act; clarifying that primary caregivers who are only serving two household or family members do not need to register with the state; requiring tracking and reporting on seed and plant sourcing and sales by registered caregivers and dispensaries; expanding state inspection authority;

extending immunity for dispensary employees and directors to primary caregivers and their employees; requiring patients to notify the state of changes regarding their information; amending registration fees and sanctions for violations; and providing for a hearing process for appeals regarding state enforcement of the Act.

As amended and enacted, this legislation replaces the terms of much of Maine’s Medical Use of Marijuana Act. Amendments made to the pre-existing Act as a result of this legislation include the following:

Local Control. The Act’s pre-existing municipal school setback and dispensary regulatory authorities are replaced with express recognition of the comprehensive home rule authority to regulate registered medical marijuana caregivers, dispensaries, and testing and manufacturing facilities. Two general limitations are imposed on home rule: municipal prohibitions on registered caregivers, as well as limitations on the number of registered caregivers authorized to operate within a municipality, are not allowed. Another limitation, described below, grandfathers caregiver retail stores operating with municipal approval on the effective date of this law while applying a municipal opt-in requirement to storefronts aiming to open after the effective date.

Municipal Opt-in Requirement and Grandfathering. Registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities not operating on the effective date of the law are prohibited from operating in a municipality until its legislative body has voted to adopt or amend an ordinance or approved a warrant article allowing such entities to operate. Municipalities are not authorized by the terms of this law, however, to prohibit those entities already operating *with municipal approval* prior to the effective date.

State Verification for Code Enforcement. When requested by the code enforcement officer, state officials are required within two business days to verify the validity of a person’s state-issued registration identification card and whether the card-holder’s conduct is authorized, as well as the location at which the conduct is authorized if necessary to verify the card to the code enforcement officer. The code enforcement officer, or other municipal officer in municipalities without code enforcement officers, are required to keep the information received confidential.

Qualifying Patients. Six key changes are made with respect to patient activities:

1. Patients will be able to receive written prescription certifications to use medical marijuana for any medical condition their physician believes may be alleviated by the patient’s use of marijuana;
2. The maximum per-patient prescription limit is expanded from 2.5 ounces to up to 2 pounds, and the amount that may be possessed by patients is expanded from 2.5 ounces to up to 8 pounds;
3. Each patient may grow a maximum of 6 mature plants, 12 immature plants, and unlimited seedlings;

4. Patients may share seeds and plants with one another;
5. Patients may use medical marijuana in certain assisted living and residential care facilities provided the use is consistent with facility policies; and
6. Patients may designate multiple primary caregivers rather than only one caregiver.

Caregivers. Six key changes are made with respect to caregiver activities:

1. The term “primary caregiver” is replaced in the Act with a new distinction between un-registered and registered caregivers. Caregivers who only serve two households or family members are not required to register with the state. All other caregivers are required to register with the state and are referred to in the new law as “registered caregivers;”
2. Registered caregivers are authorized to operate retail stores provided that the municipality has opted to allow the activity;
3. Each caregiver may grow a maximum of 30 mature plants, 60 immature plants, and unlimited seedlings;
4. Caregivers are allowed to employ any number of assistants (under the pre-existing Act employees were capped at one person per designated patient served);
5. Caregivers may transfer products between one another (under the pre-existing Act caregivers were only allowed to transfer products to dispensaries); and
6. Tracking and reporting on seed and plant sourcing and sales is required of registered caregivers and dispensaries.

Dispensaries. This law authorizes the state to issue six additional dispensary certifications (in addition to the existing eight) until 2021, after which time there will be no cap on the number of dispensary certificates issued statewide. The law also removes the previous requirement that dispensaries operate as non-profits.

Inspections. State inspection authority is limited to registered caregivers, dispensaries, testing, and manufacturing facilities. Such inspection is authorized on demand of the Department of Health and Human Services, but is disallowed in areas where marijuana-related activities are not taking place and, in the case of registered caregivers, when the caregiver is not present. Two or more absences on the part of the caregiver are grounds for state revocation of their certification.

Immunity. The pre-existing immunity for dispensary employees and directors is extended to registered caregivers and their employees as well as to hospitals and long-term care facilities and their directors, employees or agents.

Testing. Accredited third-party testing of medical marijuana is authorized.

Extraction and Concentration. The same language included in LD 238, authorizing the manufacture of medical marijuana products using non-hazardous extraction and concentration processes for all persons, subject to any forthcoming state rules, is included in this Act as well. “Tier 1” processors are authorized to possess up to 40 pounds of harvested marijuana, while “tier 2” processors are authorized to possess up to 200 pounds of harvested marijuana. The same limits apply to processors utilizing hazardous substances for extraction, provided they are certified as safe by a state-licensed professional engineer and have notified the state in advance of their intent to engage in marijuana extraction using inherently hazardous substances. **Enacted; PL 2017, c. 452**

LD 1542 – This bill increases the Real Estate Transfer Tax to generate revenue dedicated to a Lead Abatement Fund administered by the Maine State Housing Authority (MSHA). The purpose of the Lead Abatement Fund is to provide grants to a municipality that has administered a lead hazard program grant in the previous 5 years. The grant funding must be distributed on a basis proportional to the children who have been determined to have lead poisoning for the most recent year for which that information is available. MSHA is directed to establish eligibility standards for housing units or housing projects to participate in the program according to certain standards established in the bill. To capitalize the program, the bill increases the rate of the Real Estate Transfer Tax by \$0.30 for every \$500 of the value of real property that is being transferred and subject to the tax, bringing the total rate to \$2.50 for every \$500 in value or fractional part of \$500 of the value of the transferred property.

The committee amendment removes the restrictions in the bill regarding which municipalities are eligible to receive grants from the Lead Abatement Fund and provides a one-time allocation of \$4 million from the Fund for a Healthy Maine to capitalize the program rather than through an increase in the Real Estate Transfer Tax as proposed in the printed bill. **DEAD**

LD 1565 – 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. **DEAD**

LD 1566 – 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.

DEAD

LD 1574 – This resolve directs the Bureau of Public Lands to contract with third parties to cut back vegetation 20 feet from the edges of portions of Route 161 in the Town of Allagash. **DEAD**

LD 1588 – This bill amends the laws governing the process of discontinuing a town way to municipal maintenance, the presumption of road abandonment, and a very old statute regarding “mail routes”. Specifically, the bill: (1) prohibits the discontinuation of a town way that includes the discontinuation of the public easement if the public easement provides the sole access to any property; (2) provides that if public easement is retained in a discontinuation order, the purpose of the retention must be stated in the order and the municipality must keep the public easement passable for that purpose; (3) provides that no town way can be discontinued if there is a residential structure on the roadway and the town way is the only way to provide access to that residential structure, and that any town way that cannot be discontinued for that reason must be maintained by the municipality for motor vehicle access; (4) allows for any presumption of road abandonment after 30 consecutive years of no municipal maintenance to be rebutted upon the showing of evidence that a residential structure was on the town way and depended on the town way for sole access; and (5) mandates the year-round municipal maintenance of any established mail route in the municipality regardless of the legal status of the town way or discontinued, abandoned or private road.

As amended by committee and finally enacted, this Act prospectively amends the existing procedure for discontinuing municipal roads to public maintenance and adds a new procedure for the process of discontinuing local roads where abutting properties are not otherwise accessible by another public road. With respect to the existing process, the Act makes two changes: (1) requires that the notice of the proposed discontinuance mailed to abutters include additional information regarding the potential municipal retention of a public easement following discontinuance, related maintenance obligations and access implications, and the abutters’ right to negotiate private maintenance and access easements amongst themselves; and (2) requires the final order of discontinuance in municipalities where the legislative body is the town meeting to be adopted at the annual town meeting rather than at a special town meeting. In addition to the notice and annual town meeting adoption procedures, the process for discontinuing a road with properties not otherwise accessible by another public road requires a one year delay in the post-notice process for the purpose of allowing abutters an opportunity to negotiate private maintenance agreements. If one or more of the abutters fail to file private access easements in the relevant registry of deeds in the year prior to discontinuance, the public easement must be retained. These changes are prospective, not retroactive, and effect road discontinuance procedures commencing on or after Oct. 1, 2018.

The Act also extends the residential property disclosure notice requirement in Title 33 section 173 regarding abandoned roads, discontinued roads, or public easements on or abutting the property to non-residential properties as well. Unlike the amendments mentioned above, the effective date of this property disclosure notice change is Aug. 1, 2018. **Enacted; PL 2017, c.**

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LD 1595 – This bill allows a municipality or a portion of a municipality that is located on an island not connected to the mainland by a bridge to satisfy the motor vehicle inspection requirements of an authorized emergency vehicle stationed on the island by either: (1) having the vehicle inspected at a licensed inspection station every 5 years or every 500 miles of use, or (2) having the emergency vehicle inspected by a licensed inspection mechanic (rather than a licensed inspection station) on an annual basis. **DEAD**

LD 1596 – This bill establishes the 15-member Cannabis Advisory Commission which is charged with performing an ongoing review of the marijuana legalization laws and rules after full implementation. Specifically, the Commission is charged with reviewing the laws and rules pertaining to the use, possession, transportation and consumption of cannabis, including the issues regarding public health, public safety, juvenile and adult criminal and civil offenses, workplace drug testing, workplace safety, motor vehicle operations, alcohol use, landlord and tenant relations, the medical use of marijuana and taxation. The Commission is authorized to submit legislation as it considers appropriate and must issue a report of its findings and concerns to the Legislature by January 15th annually. Four of the members of the Commission are legislators, five are state agency commissioners, two are members of the general public, one is a representative of municipal government, one is a proponent of the Marijuana Legalization Act, one is a representative of the medical marijuana industry, and one is representative of a statewide medical association. **DEAD**

LD 1599 – This bill proposes to make the following substantive changes to Maine’s Tree Growth Tax program: **DEAD**

- **April 1, 2018 Eligibly - Minimum Acreage.** Beginning on April 1, 2018, the number of acres eligible for enrollment in the Tree Growth program would increase from 10 to 25 acres.
- **Pre- April 1, 2018 Enrollments.** Parcels between 10 and 25 acres enrolled in the program before April 1, 2018 could: (1) continue to stay enrolled in the program in a grandfathered status; (2) be moved from the Tree Growth program to the Open Space tax program; or (3) be completely withdrawn from any current use tax program. The penalty assessed for withdrawing from the program would be equal to the full value taxes that would have been assessed on the property over the past five years less the taxes actually paid.
- **Eligibility – Qualifying Uses.** Program eligibility standards would be amended to expressly include tree harvesting as a necessary element of enrollment in the Tree Growth program and exclude parcels not used for commercial timber harvesting, including parcels used for cultivating and harvesting Christmas trees and gathering nursery products used for ornamental purposes, such as wreaths, bough material or cones or other seed products. Enrollment for maple syrup operations would still be allowed.

- **State Review for Compliance.** An existing compliance pilot program would be extended to January 1, 2020. The Bureau of Forestry within the Department of Agriculture, Conservation and Forestry, would be authorized to review the forest management and harvesting plans developed for the property enrolled in the Tree Growth program to determine if the landowner is making “reasonable” efforts to manage the property according to the plan. In the process of reviewing the plan, the Bureau would be authorized: (1) to enter and examine the forest land after notification to the land owner; (2) to request and review a current forest management and harvesting plan; and (3) to request and review and expired forest management and harvesting plan. The Bureau’s focus would be on parcels in coastal or waterfront enrollments where there is a significant deviation from the per acre market value and Tree Growth values of the enrolled property. If the Bureau determines that a land owner is not in “substantial” compliance with the plan, the landowner would be provided 90 days to come into substantial compliance with the statutory standards governing enrollment and one year to come into compliance with the parcel’s forest management plan. If the landowner fails to come into substantial compliance with either the Tree Growth standards within 90 days or the forest management plan within one year, the Bureau will inform the municipal assessor that the parcel must be removed from Tree Growth enrollment.
- **Municipal Enforcement.** Upon receiving notification from the Bureau that a landowner has failed to comply with the directives to come into compliance with the Tree Growth statute or forest management plan, the municipal assessor would be required to withdraw the land from the program. Any municipality failing to withdraw the noncompliant parcels from the program would be ineligible to receive any state Tree Growth program reimbursement in the following year.
- **Other Changes.** As printed, LD 1691 would also make several less substantial changes. For example, to ensure landowner compliance with management and harvesting plans, landowners would be required to provide a copy of the current management plan, as well as, any plan that had expired within 2 years, at the request of the municipal assessor, State Tax Assessor of the Bureau of Forestry.

LD 1610 – This bill prohibits a provider of broadband internet access service from using, disclosing, selling or permitting access to customer personal information unless the customer expressly consents to that use, disclosure, sale or access. Exceptions are provided in the bill, including when the information is needed in response to a customer’s call for emergency services, communication to a public safety answering point (PSAP), a provider of emergency medical or emergency dispatch services, a public safety, fire service or law enforcement official or hospital emergency or trauma care facility. **DEAD**

LD 1629 – This bill amends the law governing the property tax lien mortgage system as it applies to property owners 65 years of age or older. For those property owners, a pre-foreclosure

process is established to commence at least 90 days before foreclosure. Under that process, the municipality must contact the owner of the property and assist the owner in applying for a poverty tax abatement. With respect to any property tax obligations not forgiven through the abatement process, the municipality must offer the owner a reasonable repayment schedule. If the owner does not agree to the repayment schedule, the municipality must engage a qualified mediator to negotiate a reasonable payment schedule, with 50% of the mediator's fee being added to the value captured by the tax lien. If an installment repayment plan is established, and the property owner becomes more than 30 days delinquent on that plan, the municipality may issue a demand for the balance of the tax obligation to be paid within 14 days. If during the pre-foreclosure process a municipal official or employee has a reasonable suspicion that the property owner has a physical or mental condition that interferes with the owner's ability to have business dealings with the municipality, the municipality must notify the Department of Health and Human Services.

The bill also provides special foreclosure and sale provisions for any property owner 65 years of age or older after a foreclosure occurs. If such an owner is living in the property and the property is the owner's sole residence, the municipality is prohibited from selling the foreclosed property until the value of the municipal lien exceeds 50% of the assessed value of the property. The owner must be provided a right to purchase back the property prior to any sale. The sale of the property must be accomplished by an independent licensed broker, conducted in a commercially reasonable manner, and the property may not be sold for less than its municipal assessed value unless the municipality can demonstrate through an independent appraisal that the value of the property has deteriorated since the most recent tax assessment. Neither the municipality nor any purchaser of the property from the municipality may take any action to remove the former owner from the foreclosed property until after a sale of the property. All proceeds from the sale of the property in excess of the tax owed, interest and allowable fees must be refunded to the former owner.

As enacted, this Act creates new pre-foreclosure and post-foreclosure tax lien processes. Under the terms of the law, tax collectors will now be required to use the "demand notice" currently required under Title 36, §942 to inform a delinquent property taxpayer, who is receiving the homestead exemption, of the right to apply for a poverty tax abatement and of the ability to contact the state's Consumer Credit Protection Bureau for assistance to avoid tax lien foreclosure. The additional information required to be included in the demand notice will be provided by the state to the Maine Municipal Association for distribution to municipal officials.

The law also creates a new process for disposing of the tax acquired property previously owned by qualifying homeowners.

Special Process. If the municipality decides to sell the tax acquired property and the previous homeowner meets the qualifications specified below, the community is required to try to sell the property on the open market. As provided in the law, a municipality must enter into a six month contract with a real estate broker to sell the property at its fair market value or at a price at which the property is anticipated to sell within six months. If the contracted broker is unable to sell the home within six months or if after contacting three real estate brokers the municipality is unable to retain the services of a broker to sell the tax acquired home, the municipality is

authorized to dispose of the property in the same manner that all other tax acquired property is sold.

Qualifications. To qualify for this new process at least one of the owners must be 65 years of age or older on the date the tax lien certificate is recorded and have received the homestead exemption. In addition, the former owner or owners must demonstrate to the municipal officers (or officers' designee) that their previous year's adjusted gross income was less than \$40,000, after medical expenses, and that the value of liquid assets is less than \$50,000 for an individual or \$75,000 for multi-person household.

Determining Eligibility. To determine eligibility for the new process, at least 90 days prior to listing the property for sale, the municipal officers (or officers' designee) must notify the former owner, by first-class mail, of the right to require the special sale process. The municipality must include in the notice an application form with instructions and submission information necessary for the municipality to determine eligibility. The former owners must be provided at least 30 days, from the date the notice is mailed, to submit the required form and information. Within 30 days of receiving the application, the municipal officers must determine whether the applicant is eligible for the special process and, if denied, inform the applicant of the right to appeal the decision through the Maine Rule of Civil Procedure, Rule 80B process. The State Tax Assessor is directed to prepare the application forms, notices and instructions that must be used by municipalities. All applications or information submitted in support of an application, files and communications related to the application and the determination of eligibility are confidential records.

Return of Net Proceeds. If the previous homeowner meets the qualifications and the home is sold through a contracted real estate broker, all proceeds of the sale of the home, less taxes owed, the property taxes that would have been assessed if not acquired by the municipality, all accrued interest, fees and any other expenses incurred by the municipality in selling or maintaining the property, must be returned to the qualifying former owner(s).

The law also includes a fiscal note obligating the state to reimburse municipalities for 90% of the costs associated with implementing the new mandate.

Finally, the bill amends the Homestead Exemption law by providing that a person who loses their home due to a tax lien foreclosure and subsequently regains ownership of the homestead from the municipality remains eligible for the homestead tax exemption benefit.
Enacted; PL 2017, c. 478