

Marijuana Reform Efforts Keep Rolling Along

In this second week of the legislative session, two committees held public hearings on several bills related to the plant scientifically classified as cannabis and commonly referred to as marijuana. The Marijuana Legalization Implementation (MLI) Committee heard public testimony on Tuesday on its latest bill to reform regulation of the non-medical marijuana industry, while the Health and Human Services Committee took testimony Wednesday on a host of bills that would reform Maine's medical marijuana program.

Tuesday's Non-Medical Marijuana Hearing. The Co-chair of the MLI Committee, Sen. Roger Katz of Kennebec County, began the hearing by describing LD 1719, *An Act To Implement a Regulatory Structure for Adult Use Marijuana*, as a conversation starter. This new "starting-point" bill is the same as last year's vetoed legislation, except for one update. That update delays the state licensing system for manufacturing, cultivation, testing and retail facilities to Dec. 1, 2018 and the licensing of social clubs to June 1, 2020. In current law, the statewide moratorium on these establishments is scheduled to end on Feb. 1, 2018.

Of greatest significance to municipal officials, the bill expressly authorizes municipalities to prohibit the operation of some or all types of marijuana establishments (e.g. cultivation, manufacturing, testing, retail stores and social clubs) within the municipality and also to limit the number of any type of establishment that may be approved or licensed to operate in the community. The bill authorizes communities to adopt reasonable land use ordinances regulating the location of all marijuana establishments within the community and impose reasonable licensing requirements addressing matters not

regulated by the state.

The bill also effectively assesses a 20 percent state tax, divided evenly between sales and excise, on marijuana products. Five percent of all monthly tax revenue generated within each municipality by all marijuana establishments must be distrib-

uted to that municipality. One percent of the total monthly tax revenue generated statewide must be distributed in equal amounts to each municipality that had a cultivation facility, product manufacturing facility, marijuana store or social club in

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Senior Property Tax Relief Hearing Scheduled

The Taxation Committee is holding a public hearing on LD 1629, *An Act to Protect the Elderly from Tax Lien Foreclosures*, on Thursday, Jan. 25 at 1:00 p.m. in Room 127 of the State House.

As proposed, the bill makes several changes to the pre-foreclosure and post-foreclosure processes which, if enacted, could shift property tax burdens between classes of property taxpayers and make it more burdensome to administer the foreclosure process and more difficult to dispose of tax lien acquired property. A summary of LD 1629 is provided below and a copy of the full text of the bill can be found at: <https://goo.gl/nAWuM1>.

Municipal officials are encouraged to participate in the public hearing. If you cannot attend the hearing, but want to provide written testimony or have questions about LD 1629, please contact Kate Dufour at kdufour@memun.org or 1-800-452-8786.

Summary of LD 1629

Pre-foreclosure Process Age 65+. As proposed in LD 1629, at least 90 days before a pending foreclosure, municipal officials are required to identify delinquent property taxpayers 65 years of age or older, and offer to assist those homeowners in

applying for a property tax abatement. Regardless of the homeowner's ability to pay the taxes due, the municipality is then obligated to offer the owner a "reasonable" repayment plan for the portion of the tax that is ineligible for an abatement. If an agreement cannot be reached on the repayment schedule the municipality must engage a qualified mediator to negotiate a repayment schedule, with 50 percent of the mediator's fee added to the tax lien.

Additionally, during the pre-foreclosure phase municipal officials are mandated to take on the roles of financial advisor and social worker. Under the terms of LD 1629, municipal officials must inform the homeowner about the option of a reverse mortgage, whether or not the property owner would benefit from or qualify for such an option. Municipal officials are also required to contact the Maine Department of Health and Human Services if at any point during the pre-foreclosure process a municipal official or employee "has reasonable suspicion to believe that the property owner has a physical or mental condition that interferes with the owner's ability to have business dealings."

Post-foreclosure Process Age 65+. If an installment repayment plan is estab-

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operation in the municipality during the prior month. 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.

Although a few people testified in outright opposition to LD 1719, most offered suggestions aimed at improving the bill. The vast majority of testimony at the hearing came from medical marijuana patients and caregivers. Over the course of several hours, they strongly expressed the perspective that medical marijuana should be considered a medicine, regulated under the auspices of the Department of Health and Human Services, rather than the Department of Administrative and Financial Affairs. The latter department houses the bureau that regulates alcohol and is slated in the bill to handle much of the non-medical marijuana regulations.

Four people testified in their capacity as municipal officials.

In written testimony, Hallowell City Manager Nate Rudy offered that the regulating agency concerns raised by the medical marijuana community could be addressed by creating separate bureaus within the same department to regulate medical and non-medical cannabis. He also testified in favor of greater local revenues to help create “a strong foundation of trust and mutual benefit” between municipalities and the industry and “avoid a situation where municipalities have to subsidize (through additional staff time

and hard costs) a program that generates tax revenue for the state.”

Bangor’s Assistant Solicitor, Paul Nicklas, testified that Bangor supports the components of LD 1719 which allow for strong local regulatory authority, and clear up ambiguities in the existing Marijuana Legalization Act.

Mr. Nicklas also raised concerns with a proposed amendment to LD 1719 that has been put forth by a coalition of stakeholders. Part of the amendment would authorize municipalities to become the sole licensing authority starting June 1, 2018, if the state fails to implement the necessary regulatory system and is unable to accept applications for licenses by that time. Bangor, which has worked on draft ordinance language for over a year, opposes that proposal because, even with the city’s resources, it “is nowhere close to being able to provide the kind of comprehensive regulatory structure on which the State is working.”

Patty Hamilton, Bangor’s Director of Public Health and Community Services, also presented testimony. Ms. Hamilton urged the committee to strengthen the bill’s protection of youth access to non-medical marijuana by preventing youth under the age of 21 from entering marijuana establishments, banning related advertising from television and radio, and requiring training for employees of retail establishment focused on preventing underage marijuana consumption, intoxication, and impaired driving.

Winthrop Councilor Priscilla Jenkins alerted the Committee to the need for a clear statutory structure that will help guide her town as it considers whether and how to enact ordinances regulating this industry.

Three other people offered a municipal point of view.

An attorney at the law firm representing the City of Portland, Alysia Melnick, addressed the need for sufficient local resources to ensure compliance with laws and regulations. She stated the revenue allocations provided for in LD 1719 do not appear to be enough to meet the expected needs of host communities, and countered some legislators’ concerns that municipal revenue will incentivize communities to allow non-medical marijuana sales.

Rather, she stated, the legislation must be “realistic about the needs created by this new industry, and the importance of protecting host communities, neighboring communities, and the businesses that are doing things by the book from those who choose not to play by the rules.”

Anne Krieg, Executive Director of the Midcoast Regional Planning Commission, addressed two land use issues. The first was with respect to the need for a somewhat level playing field across the industry, ensuring non-medical operations are subject to regulations comparable to those applying to medical marijuana operations, as well as the need for the state to allow municipal oversight of medical marijuana caregivers. Second, the commission expressed support for the opt-in language of the bill because it replaces the burdensome deadlines communities are facing with moratoriums, which must be extended every six months under state law.

Rep. Owen Casas of Rockport, who also serves on the municipality’s selectboard, raised a question regarding potential municipal liability for opting in and regulating non-medical marijuana, and then accepting proceeds from the sale of a product that remains federally prohibited. When this concern was raised last year, private municipal attorneys advised that the federal Controlled Substances Act as well as the Maine Tort Claims Act provide immunity for municipal officials and agents.

Rep. Casas continues to be concerned about the potential liability of municipalities themselves. As far as MMA is aware, no municipalities in the seven other states which have legalized non-medical marijuana have been prosecuted for regulating the industry pursuant to state law.

MMA’s testimony focused on the “opt-in” and the revenue aspects of the bill. The association’s Legislative Policy Committee strongly supports the home rule element of LD 1719. The opt-in provision limits the operation of marijuana establishment to municipalities that have adopted an ordinance or warrant article authorizing those operations to take place within the community’s boundaries. Allowing municipalities to opt-in removes legal uncertainties regarding how communities

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Marijuana Reform Efforts (cont'd)

should handle applications for licenses and permits once the statewide moratorium on commercial facilities is lifted.

The second aspect is the municipal revenue component, proposed to be one-half of one cent for each dollar of product sold, which municipal officials continue to question. When compared to allocations in the seven other states which have legalized non-medical marijuana sales, this bill's allocation appears almost trivial, set to be at best one quarter of the lowest authorized local revenue amount (in Washington), and at worst at least 30 times lower than the highest amounts (in Colorado and California). Municipalities will be unlikely to welcome non-medical marijuana establishments if doing so increases the existing burden on local property taxpayers.

Wednesday's Medical Marijuana Hearings. The following day, the Legislature's Health and Human Services Committee held a full day of public hearings on seven bills that propose to amend Maine's Medical Marijuana Act. As with the hearing on LD 1719 before the MLI Committee on Tuesday, the vast majority of testimony Wednesday was offered by medical marijuana caregivers and patients, who presented various suggestions on ways to enhance regulation of the medical marijuana program by the Maine Department of Health and Human Services.

MMA testified in support of the local control aspects of two of these bills, LD 1135, *An Act To Strengthen the Efficacy of the Medical Marijuana Laws*, sponsored by Rep. Paul Chase of Durham and LD 1527, *An Act To Ensure Safety, Quality and Transparency in the Medical Marijuana Market and To Ensure Sufficient Funding for Regulation and Enforcement with Respect to the Retail Marijuana Industry*, sponsored by Rep. Anne Perry of Calais.

LD 1135 makes a number of amendments to the Maine Medical Use of Marijuana Act. Of direct municipal impact, the bill authorizes municipalities to limit the number of primary caregivers that may operate within that municipality and allows for the enactment of reasonable municipal regulations of those facilities. LD 1135 also requires 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. The only exception would be confidential and personally identifying information regarding any qualifying or registered patients.

In addition to proposing to impose a special tax on non-medical marijuana, LD 1527 amends the Maine Medical Use of Marijuana Act to impose mandatory testing, labeling and record-keeping requirements on registered dispensaries and primary caregivers. The bill also provides 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 ensure compliance with local health and safety ordinances.

At the hearing, Committee Co-chair, Rep. Patricia Hymanson of York, expressed her interest in helping municipalities regulate medical marijuana operations. She stated concerns beyond odor had been brought to her attention by constituents, including lights so bright they present a nuisance to neighbors, video cameras on caregiver properties raising privacy concerns in neighborhoods, fire and explosion risks posed by cultivation and manufacturing operations, fertilizer runoff that can harm municipal water supplies and compound stormwater pollution issues, and mold resulting from the moisture created when plants are grown indoors.

MMA's testimony focused on the need to provide communities with the same regulatory capacity to oversee marijuana-related businesses, both medical and non-medical, as municipalities currently have to regulate similar types of businesses under home rule authority. Maine's Uniform Building and Energy Code mandates many municipalities to certify that residences are fit for habitation. Yet caregivers often refuse to open their residence to municipal inspections, making it impossible for the code enforcement officers to do their jobs. The caregivers' refusal seems based on the silence in state

law regarding local regulatory authority over caregivers. The silence has created significant confusion regarding whether or how municipalities may regulate medical marijuana caregiver facilities.

Outlook. The MLI Committee will reconvene for its first work session on LD 1719 on Friday morning, just as this edition of the *Legislative Bulletin* is going to print. Status updates from that work session will be offered next week. The work sessions on LD's 1135 and 1527 have yet to be scheduled.

It should be noted that Sen. Katz has sponsored the recently printed LD 1775, *An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization Act*. The bill extends the statewide moratorium on commercial non-medical marijuana, from Feb. 1, 2018 to May 1, 2018. A public hearing on LD 1775 is scheduled for Friday, Jan. 19 at 9 a.m.

Senior Property Tax Relief (cont'd)

lished and a senior homeowner becomes more than 30 days delinquent on that plan, the municipality may foreclose on the property. However, if a senior homeowner is living in the tax acquired home and it is the owner's sole residence, the municipality is prohibited from selling the property until the value of the municipal lien exceeds 50 percent of the assessed value of the property.

Post-foreclosure Process for All Homeowners. LD 1629 also includes changes to the post-foreclosure process that impact all homeowners, regardless of age.

As proposed, tax acquired property must be listed for sale and sold by an independent licensed broker, replacing the current bid process. The property may not be sold for less than its assessed value, unless an appraisal conducted by a licensed appraiser demonstrates that the fair market value of the property has decreased. Furthermore, the municipality or the purchaser of the property is prohibited from evicting the former owner from the property until after the sale is complete and any repurchase rights extended to the former owner have expired.

Planes, Trains, and Autocycles?

Maine has no shortage of interesting looking vehicles traveling over its roads and LD 1750, *An Act to Allow the Operation of Autocycles on Roads in Maine*, is seeking to add a few more. As proposed by Sen. David Miramant of Knox County, the bill defines an autocycle as “an enclosed 3-wheeled motorcycle with automotive controls”, and allows the vehicle to be operated on public ways by a person who possesses a valid operator’s license of any class. Under existing law, the operation of an autocycle is permitted on Maine roads only if the operator has a valid motorcycle endorsement.

On Tuesday, the Transportation Committee held a public hearing on LD 1750.

Supporters of the bill, which included Senator Miramant, Elio Motors, and the Maine Heritage Policy Center, testified that the proposed change in licensing class is necessary because autocycles do not operate in a fashion that is remotely similar to a motorcycle. Elio Motors, an autocycle manufacturer, testified that their vehicles use automobile-style steering wheels, are entirely enclosed, and have seatbelts, child safety seat harnesses, and airbags. They argue that these features make the operation of an autocycle incompatible with the operation and licensing requirements of a motorcycle.

According to proponents, federal reluctance to define and establish uniform safety standards for autocycles has forced 41 states to take the steps necessary to define and regulate operation autocycles on state and local roads. The regulations adopted by many of the states do not require an operator to hold a motorcycle license to operate an autocycle within their boundaries, making the legal operation in adjacent states an illegal activity when crossing the border into Maine.

The opponents of LD 1750 testified

that not all autocycles are created equally and that the bill’s vague description of the vehicle raises concerns among the law enforcement community.

Testimony provided by the Maine State Police on behalf of the Department of Public Safety described the definition as too broad, highlighting that the term “automotive controls” has no definition in existing statutes. The Department stated that as proposed in LD 1750, the definition could be interpreted to include a vehicle powered by a weedwacker engine and surrounded by a cardboard box.

MMA took a “neither for nor

against” position on LD 1750 because its 70-member Legislative Policy Committee had not yet reviewed the bill. MMA staff pointed out, however, that for public safety reasons, the association’s Policy Committee had opposed similar initiatives in the past. The Maine Motorcycle Action Political Action Committee also provided neither for nor against testimony, agreeing that autocycles should be treated differently under state licensing law, but raising concerns with the bill’s ambiguities.

The work session on LD 1750 has not been scheduled.

Tax Committee Seeks Input on Amended TIF Bill

The Taxation Committee is seeking public input on an amended version of LD 1565, *An Act To Ensure the Effectiveness of Tax Increment Financing*.

The printed bill, which was submitted in the first legislative session (2017) and carried over into the 2018 session, would require at least 80% of the business activity occurring within a Tax Increment Financing (TIF) district to be directly related to industrial, manufacturing or technology-based developments. During the May 16, 2017 public hearing on LD 1565 several municipal economic development professionals raised concerns with the restrictive elements of the bill.

In response to those concerns, on Tuesday representatives from the Department of Economic and Community Development (DECD) presented an amended version of LD 1565 for the Taxation Committee’s consideration.

As amended by the Department, the bill would require municipalities to conduct a public hearing to discuss the

details of a credit enhancement agreement (CEA) negotiated with a non-qualified business. The amendment also defines a “qualified business activity” as a development that is directly related to financial services, manufacturing or targeted technologies (e.g., biotechnology, aquaculture and marine; composite materials; environmental; forestry and agriculture; information and precision manufacturing technologies).

A copy of the amended bill can be obtained by going here: <https://goo.gl/rzzzCu> or by contacting Laura Ellis at 1-800-452-8786 or lellis@memun.org.

Municipal officials are encouraged to submit comments directly to the members of the Taxation Committee by Wednesday, Jan. 17. A vote on this bill will take place on Thursday, Jan. 18. Committee contact information can be obtained by going here: <https://goo.gl/aLWcxj> or by contacting Laura at the email or phone number provided above.

LEGISLATIVE HEARINGS

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

Monday, January 15 – HOLIDAY

Tuesday, January 16

Energy, Utilities & Technology
Room 211, Cross State Office Building, 2:00 p.m.
Tel: 287-4143

LD 1702 – An Act To Allow Certain Hydropower Facilities To Sell Electricity Directly to Rural Manufacturing and Industrial Sites.

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

LD 1738 – An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises.

Wednesday, January 17

Criminal Justice & Public Safety
Rm. 436, State House, 9:00 a.m.
Tel: 287-1122

LD 1672 – An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers.

Environment & Natural Resources
Room 216, Cross State Office Building, 10:00 a.m.
Tel: 287-4149

LD 1703 – An Act to Create Equity for Wine and Spirits Container Deposits.

Health & Human Services
Room 209, Cross State Office Building, 9:30 a.m.
Tel: 287-1317

LD 1682 – An Act To Ensure the Quality of and Increase Access to Recovery Residences.

LD 1713 – An Act To Improve Housing Support in the Bridging Rental Assistance Program.

Thursday, January 18

Energy, Utilities & Technology
Room 211, Cross State Office Building, 2:00 p.m.
Tel: 287-4143

LD 1690 – An Act To Facilitate Wireless Broadband Deployment in Maine and Modify the Process for Issuing Utility Facility Location Permits.

Judiciary
Room 438, State House, 1:00 p.m.
Tel: 287-1327

LD 1716 – An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs.

LD 1717 – An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains.

Friday, January 19

Marijuana Legalization Implementation
Room 216, Cross State Office Building, 9:00 a.m.
Tel: 287-4149

LD 1775 – An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization Act.

IN THE HOPPER

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

Criminal Justice & Public Safety

LD 1672 – An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers. (Sponsored by Rep. Guerin of Glenburn)

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.

Education & Cultural Affairs

LD 1689 – An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget. (Sponsored by Sen. Jackson of Aroostook County)

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.

LD 1761 – An Act Regarding the Prohibition on the Possession of a Firearm on School Property. (Sponsored by Rep. Martin of Eagle Lake.)

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.

Energy, Utilities & Technology

LD 1671 – An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge. (Sponsored by Sen. Woodsome of York County)

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.

LD 1690 – An Act To Facilitate Wireless Broadband Deployment in Maine and Modify the Process for Issuing Utility Facility Location Permits. (Sponsored by Rep. Wadsworth of Hiram)

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.

Marijuana Legalization Implementation

LD 1775 – An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization Act. (Emergency) (Sponsored by Sen. Katz of Kennebec County)

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.

State & Local Government

LD 1668 – An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties. (Sponsored by Rep. Malaby of Hancock)

This bill changes the terms "selectman" and "selectmen" to "selectperson" and "selectpersons" throughout Title 30-A.

Taxation

LD 1687 – An Act To Amend the Laws Governing the Calculation of Excise Tax on Automobiles. (By Request) (Sponsored by Sen. Dill of Penobscot County)

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.

LD 1765 – An Act To Provide a Source of Revenue To Preserve the Integrity of Maine's Transportation Infrastructure. (Sponsored by Rep. Parry of Arundel.)

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.

Transportation

LD 1724 – An Act To Authorize Municipalities To Develop and Operate Pilot Programs for the Use of Autonomous Vehicles for Public Transportation. (Sponsored by Rep. Sanborn of Portland)

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

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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).

LD 1750 – An Act To Allow the Operation of Autocycles on Roads in Maine. (Sponsored by Sen. Miramant of Knox County)

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.

LD 1754 – Resolve, Directing the Department of Transportation To Prioritize and Increase the Funding for Rural Roads. (Sponsored by Sen. Jackson of Aroostook County)

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.

Veterans & Legal Affairs

LD 1726 – An Act To Amend the Laws Governing Elections. (Sponsored by Rep. Luchini of Ellsworth)

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 poll 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 the 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.

LD 1738 – An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises. (Sponsored by Sen. Deschambault of York County)

This bill allows the sale of alcohol to persons who are on municipally owned property that is not continuous 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.