

## Posting Roads Under Siege Again

Limiting the ability of government entities to protect investments in roads was the topic of discussion on Thursday, as the members of the Transportation Committee convened to receive public testimony on LD 261, *An Act To Restrict the Authority for Posting of Roads*. As drafted, the bill would prevent the imposition of weight-related restrictions over publicly maintained roads that: (1) impact commercial entities either headquartered or conducting business activities in the state; (2) apply during any time the air temperature is below 31 degrees Fahrenheit; or (3) last longer than a six week period, unless written notice and justification is provided by the government entity seeking an extension beyond six weeks.

In a nutshell, LD 261 would harm the ability of the state, municipalities and counties to protect a tax funded public infrastructure network essential to Maine’s economic vitality.

The bill’s sponsor, Sen. Russell Black of Franklin County, testified that LD 261 was introduced at the request of the Professional Logging Contractors of Maine, who report that the use of new sodium products on roadways is causing standing water to be present even when temperatures are below the freezing mark, making travel over posted roads a perpetual problem. Sen. Black stated that he was seeking a solution that would balance the need to protect state and municipal investments with the ability to move product out of the woods during the short logging season.

Testifying as a co-sponsor, Rep. Michelle Dunphy of Old Town stated she had a serious problem with the posting of a road in her community, which was limiting access to a new wood processing mill. Rep. Dunphy believes that posting roads in March makes sense, but posting

in December and January is questionable at best. Citing the lack of coordination between state, county, and municipal approaches to posting roads, she feels LD 261 provides an avenue for encouraging the entities to work together.

The bill’s proponents included the Professional Logging Contractors of Maine, several private trucking companies, Associated General Contractors of Maine, Maine Motor Transport Association, the Maine Farm Bureau, and Maine Forest Products Council.

A small business owner from Topsham, Harold Sandler, expressed concerns

with state and local regulations that appear to target travel restrictions over posted roads only to vehicles hauling timber, concrete, and gravel. He believes that the entities placing the restrictions should be required to show that eliminating this small class of vehicles from the road system actually works, and further suggested the state establish weather-based zones across Maine to ensure the equitable implementation of this road posting system. When Mr. Sandler was asked why he thought the road posting situation was different 20 years ago, he replied that towns now

*(continued on page 2)*

## First Broadband Hearing of Session Utilities Committee Starts Its Engine

It has been a decade since Maine began the work that led to the creation of the “Three Ring Binder,” named after the three loops of fiber-optic cable put in place with the support of over \$25 million in public funding and countless hours of effort on the part of state officials and private stakeholders. The binder project was completed in 2012, and it is commonly likened today to a highway with too few on- or off-ramps. For a variety of reasons, in many areas the binder represents an idling economic engine, waiting to be fueled with more “middle-mile” connections that will help it to drive Maine into the 21<sup>st</sup> Century.

On Tuesday, the Energy, Utilities and Technology Committee held a hearing on LD 173, *An Act To Promote Economic Development and Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet*. The bill proposes

a five-fold increase in state support for the state’s own ConnectME Authority to improve broadband infrastructure expansion efforts, upping the state contribution from under \$1 million to \$5 million per year annually. The proposal, which was printed as a “concept draft” and therefore is thin on details, would direct the new funds to the six percent of what the state that is deemed “unserved” because of a lack of any practical access to the internet.

The bill’s sponsor, Rep. David McCrea of Fort Fairfield, testified that the focus of his bill, as the title implies, is economic development. The former teacher recalled needing several minutes per student to upload class grades onto the website used by his school. Without making promises, he explained the likelihood that improved internet connectivity will create jobs. Rep. McCrea compared the need for broadband to the need for rural electrification in 1936,

*(continued on page 2)*

## Posting Roads Under Siege Again (cont'd)

do not have the funds necessary to repair roads and seem to view large trucks as the problem.

Dana Doran, executive director of the Professional Logging Contractors of Maine, testified that the margin of profit for shipping wood products is so small that road posting regulations have an adverse effect on the industry, which leads to lay-offs. He further stated that a system that requires commercial haulers to pay excise tax but restricts their access to roads, is akin to taxation without representation. He believes the answer to this problem is to remove the restriction from traveling over posted roads if standing water is present when the roads are solidly frozen.

Matt Marks, representing Associated General Contractors of Maine testified that his members are often required to make multiple lower weight limited deliveries during road posting season. He highlighted for the committee the model that universities in Minnesota developed enabling the state to identify roads most vulnerable to weather events. Mr. Marks believes a data approach to making road posting decisions should be built to regulate commercial traffic on important routes in Maine.

Maine Forest Products Council representative Bill Ferdinand also testified that data, not necessarily time, should be the standard for posting roads.

Tim Doyle of the Maine Motor Transport Association testified in qualified support of LD 261 because while the posting of roads is necessary, he believes that

properly configured commercial vehicles are unlikely to cause damage to properly constructed roads even during the spring time period. However, he does recognize that Maine's secondary roads are not built to this standard. Mr. Doyle proposed a convention of the interested parties to discuss the issue as the best solution.

Several other private contractors remarked that weather and environmental factors are playing a significant role in both the need to post roads as well as their own woodlot operations. They also testified that asking each town for permission to travel over posted roads was cumbersome, especially over long distance hauls.

Both the Maine Department of Transportation (DOT) and Maine Municipal Association testified in strong opposition to LD 261.

The department recognized the inconvenience of seasonal road postings, but stressed the ability to impose weight restrictions is necessary to protect state

investment during the vulnerable thawing period. Although the department opposes efforts to weaken regulatory authority over roads, it is willing to work with businesses on a compromise, allowing them to issue trip tickets when highway damage can be minimized and have established provisions allowing special commodities to be hauled under limited load permits.

In its testimony, MMA explained that the existing permit process allows a trucking company to travel over posted roads under the conditions established by the municipality, which often includes a provision to repair any damage caused by the activity. The association pointed out that posting roads is one of the few tools municipalities have to protect property taxpayer investments and because road conditions vary widely from municipality-to-municipality, the ability to protect local roads must rest with municipal leaders.

The work session for this bill has not yet been scheduled.

## First Broadband Hearing of Session (cont'd)

as others have observed, stating "we are at a very similar crossroads today."

Fort Fairfield Town Manager Andrea Powers spoke to her experience returning to Aroostook County after living in an area with good quality internet service. The major issue, in her view, is the lack of reliability that goes along with the current service in town. While a provider may advertise a download speed of 100 megabits-per-second (Mbps), tests at the town office show a fraction of that, ranging from a low of 0.3 Mbps to a maximum of 15 Mbps. Ms. Powers challenged the committee and internet service providers, asking how many families and businesses her community will be forced to tolerate losing before the state helps its rural areas regain economic viability.

Limestone Town Manager Elizabeth Dickerson added to her County colleague's testimony by focusing on her town's limited cell phone coverage, in addition to its lack of broadband availability. In her experience it has been difficult to attract services to Limestone due to the lack of connectivity, with businesses opting to go elsewhere.

Pioneer Broadband, a northern Maine

internet service provider, testified in support of the bill, explaining how this is at least the third attempt in as many legislatures to improve the ConnectME Authority's funding. Past bills have passed the House and Senate, only to die at the end of session in the Appropriations Committee for lack of funding. The company explained it has been able to expand infrastructure over thirty new miles thanks to funding from the Authority. More state support would help with continued expansion.

The Maine Small Business Advocate, in part on behalf of the Maine Broadband Coalition, supported LD 173, advising the Committee on four distinct methods of generating more revenue for the Authority to distribute. One approach is to raise the current fee supporting the ConnectME Fund from 0.25% of in-state phone bills to an amount sufficient to generate the additional \$4.2 million called for by the bill. Another way to raise the funds would be to include cell phones in the mix of services required to contribute to this fee. Currently, wireless companies are considered "voluntary" collectors of

(continued on page 3)

### Legislative Bulletin

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**Layout:** Jaime Clark, of Communication & Educational Services.

the fee, although none of them choose to volunteer. Given that cell phones are in some areas part of the network and are a growing means of access to the internet, the Advocate testified that it might make sense to treat wireless providers as part of the solution to this problem by expanding the fee from landline and cable service to wireless service as well. A third option would be a different type of fee as has been utilized to fund the Maine School Library Network (the "MTEAF" fee), and the fourth option is a straight appropriation from the State's General Fund to the ConnectME Fund.

LD 173 also gained the support of the Maine Farm Bureau, Maine Public Advocate, GrowSmart Maine and MMA. GrowSmart encouraged the Committee to fund the Authority by expanding fees in light of the many competing interests for state funding and the difficulty appropriators will have sustaining meaningful funding in coming years.

MMA testified in support of the proposal at the Legislative Policy Committee's direction, continuing the Association's several years of advocacy for increased state investment in improved broadband access, especially in areas where private investment has not been forthcoming. Given this concept draft's stated focus on unserved areas, the Association also encouraged the committee to keep in mind that it might be necessary to construct lines that cross under-served areas on their way to reaching the unserved area. Providing some flexibility to the Authority may help ensure all unserved areas in need of funding are able to qualify.

The ConnectME Authority offered neutral testimony, explaining that rather than taking positions on specific bills, it is working to craft a holistic position with respect to its preferred state policy approach. The Authority promised to update the Committee on its overall position, providing guidance on the extent to which the several broadband-related bills coming down the pike fit into that position, at a future date to-be-determined.

Those testifying in opposition or "neither for nor against" fashion to the bill included many of the same cast of characters who have been unable to support public

broadband improvement efforts in recent years, although some of them offered a new twist on their testimony this year.

The Telecommunications Association of Maine (TAM) acknowledged the authority's lack of funding but objected to the notion of placing "five times the burden" on their customers. TAM attempted to steer the committee away from increasing existing fees, instead challenging lawmakers to increase its General Fund allotment to the authority if doing so is important to the state. Consolidated Communications (formerly known as Fairpoint) echoed this position. Charter (formerly known as Time Warner, also known as Spectrum) also supported increasing General Fund allocations, and suggested the state adopt the Federal Communications Commission cutoff for what is considered served or unserved (increasing the state's 10Mbps download/1Mbps upload standard to

25Mbps/3Mbps). The company also objected to any increased reliance on cable and landline customers to support the ConnectME Fund.

Verizon testified against expanding the fund to wireless customers on the premise that its facilities are stand-alone, relying on their own towers and fiber lines rather than those installed by other entities. The company informed the Committee that the biggest problem it has had in expanding service is with local zoning and gaining municipal approval for the siting of their facilities. Verizon did not offer any evidence to substantiate this claim but, when pressed by a committee member, said the issue – to the extent it exists – is limited to southern Maine. No other wireless providers testified on LD 173.

The committee's work session on this legislation has been scheduled for Tuesday, Feb. 12, at 1p.m.

## Voting by Mail

### Way of the Future or Way Too Many Questions?

Whether statewide elections should be conducted by mail is the question posed by the language of LD 272, *An Act To Allow Voting by Mail*. The bill, which states that starting Nov. 1, 2020, all state and federal elections must be conducted by mail, had its hearing on Wednesday before the Veterans and Legal Affairs Committee.

When Sen. David Miramant of Knox County introduced his proposal, it seemed that the printed terms did not necessarily match the intent. Sen. Miramant explained that his aim was not to replace the polling place on election day, but rather to bolster the ability of people to vote by providing all registered voters with ballots by mail in advance. As he described his vision, those ballots could then be cast by mail, or in-person on the day of the election. The goal would be to make voting available to citizens in whatever manner works for them. Sen. Miramant claimed statistics from the State of Oregon show vote-by-mail to have high favorability among members of both parties, and to be popular among elderly voters who may have difficulty traveling to the polls.

While the sponsor's intent may not

have been to entirely replace current voting procedures, the testimony delivered by others reacted to the proposal as it was printed. No one else offered testimony in support of LD 272. The Maine Town and City Clerks Association (MTCCA) testified in opposition, and Maine Deputy Secretary of State Julie Flynn, the Maine League of Women Voters, and MMA testified "neither for nor against" the bill.

Lewiston Clerk Kathy Montejo, Chair of MTCCA's Legislative Policy Committee, provided lawmakers with 10 reasons why 74 percent of the Policy Committee voted to oppose the printed terms. A key reason and deal-breaker for MTCCA is the 2020 "go live" date, which would be difficult to prepare for and meet. The Clerks' Association suggested it may make the most sense to try a test run in an off-year election as has been the case for other structural changes to elections. Confusion with municipal and county elections, which would not be covered under the bill's terms, potential loss of a sense of community, connection with voters, tallying integrity, and eventually

*(continued on page 4)*

voter confidence are all concerns, as is ballot distribution reliability given the difficulty of maintaining an accurate statewide voter list.

However, when asked by a member of the Veterans and Legal Affairs Committee, Ms. Montejo expressed the MTCCA's openness to exploring the concept in a less hurried way. The bill proposes a statewide implementation commission, and the Clerks' Association stressed the importance of adding two clerks – one representative of a small town and another representative of a larger city – to the commission.

Deputy Secretary Flynn impressed upon the committee the fact that the proposal as drafted represents a significant change in election administration policy. For that reason, she recommended a broader study to explore what the most effective form or forms of voting may be. Agreeing with the MTCCA, Flynn expressed doubt that the state would be ready to implement a change of this magnitude by 2020.

The League of Women Voters recognizes the potential of voting-by-mail to bring convenience benefits to voters, and possibly cost savings. But the League also sees that these benefits are not guaranteed, and wondered whether any benefits might be outweighed by drawbacks, especially in light of Maine's existing and functioning absentee voting system. As the Secretary of State's Office and the MTCCA had done, the League pointed out many of the logistical questions that the proposal raised, focusing most sharply on same-day voter registration. In the League's view, it is critical that the proposal not inhibit the ability of citizens to register and vote on election day.

MMA's testimony was offered in a similar vein. Although the Association's Legislative Policy Committee is supportive of proposals that improve participation and strengthen the voting system, there are a number of questions left unanswered by the terms of LD 272. A key point of concern is the impact on turnout in local elections in the event that state and federal elections are conducted separately. The less tangible impacts on civic engagement were also raised as a point of consideration and were recommended for further study.

It is MMA's position that if this change is to occur, great care must be taken to ensure a smooth transition. The shift to mail-in voting may do more harm than good if its ramifications are not examined in detail in advance.

In light of the confusion regarding the specifics of this proposal, only one thing seems clear; if the time has come for voting by mail, it will take more time to make sure it is done right. The work session on LD 272 has not yet been scheduled.

## Collecting Blood Samples at the Scene of a Fatality

On Wednesday, the Criminal Justice and Public Safety Committee held a public hearing on LD 264, *An Act Regarding the Taking of a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Accident*. The bill, sponsored by Senator Scott Cyrway of Kennebec County, endeavors to expedite the collection of evidence at a fatal crash in response to a growing trend among hospitals refusing to draw samples for use by law enforcement, and to broaden the liability protections for such activity in statute.

Under current law, a physician, registered physician's assistant, registered nurse or person whose occupational license or training, including an appropriately trained law enforcement officer, is allowed to draw a blood sample for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. As drafted, LD 264, would add emergency medical service personnel and law enforcement officers to the liability protection provisions, and specifically allow a blood sample to be taken at the scene of a motor vehicle accident involving a fatality.

Rep. Janice Cooper of Yarmouth, who serves on the committee, asked the sponsor if the operator of a non-fatal accident must submit to a sobriety test. Sen. Cyrway answered that if the driver is injured a sobriety test cannot be performed, then a blood test is required. Under Maine's implied consent rule, a licensed driver receives an automatic license suspension for up to six years for failing to submit to a sobriety test at the request of a law enforcement officer.

The Maine Sheriffs' Association, AAA New England, Maine Ambulance Association and Maine Municipal Association testified in support of LD 264.

Knox County Sheriff Tim Carroll, representing the Maine Sheriffs' Association (MSA), testified that they currently have a problem getting private hospitals, ambulance services and paramedics to take blood samples because of a growing level of concern among medical providers that law enforcement evidence collection needs are taking precedence over the imperative to provide patient care. MSA feels the inability to collect a sample at the scene of an accident is impairing the ability to collect vital evidence.

Additionally, the Sheriffs' Association requested an amendment to the bill expanding blood sampling authority to all motor vehicle accidents where exigent circumstances are present, or in cases where a warrant has been obtained to draw a sample. Sheriffs believe that the ability to collect a blood sample immediately following a serious injury accident or fatality is key to determining whether intoxicants are contributing factors to the incident.

Pat Moody of AAA Northern New England mirrored MSA's belief that the provisions in the bill would enhance their ability to support the law enforcement community's efforts to combat impaired driving.

Butch Russell, CEO of Northeast Ambulance Service and acting president of the Maine Ambulance Association, spoke in support of LD 264 and asked for additional language to include emergency medical services, law enforcement agencies and hospitals to the liability provisions of the bill. Highlighting risk management concerns for private companies, Mr. Russell stated that Northeast Ambulance Service does not allow their EMTs to perform these tasks because they interpret the law to cover the individual worker and not the

*(continued on page 5)*

service. Adding the proposed language would address their concerns.

Waldo County Commissioner and Maine County Commissioners Association (MCCA) Vice President Amy Fowler, testified in opposition to the bill, stating that drawing blood unduly exposes law enforcement professionals to blood borne pathogens and additional risk factors like accidental needle sticks. MCCA believes the increased risk of injury to the officer, exposure to liability, and civil litigation are threats that should not be borne by the law enforcement community.

Kennebec County Commissioner Robert Devlin, who also opposes the bill, expressed concerns that the limited number of times law enforcement would be called to draw samples would mean training would have to be on-going to maintain the skill. He also felt that emergency medical services providers should not be involved in evidence collection from an ethical stand point, as it deviates from the patient care priority.

Testifying neither for nor against, John Pelletier, chair of the Criminal Law Advisory Commission, believes the practice of collecting a blood sample is already covered under current law, however, a case regarding the collection of a sample without a warrant is currently under review before the Maine Supreme Court. Mr. Pelletier believes that defining what entitles a person to be able to draw blood in Maine statute would improve the law.

Lauren Stewart, State Highway Safety Director, also testifying neither for nor against LD 264, reminded the committee that at the time of current law's adoption, they did not identify all the possible qualified or trained individuals who might be able to collect evidence at the scene of an accident to make these protections as broad as possible. They believe adding emergency medical services and law enforcement to the liability provisions may incentivize collection when those services are available, if their agencies allow them to conduct the activity. Ms. Stewart asked for an amendment to the bill to expand the list of individuals authorized to collect a sample, but only in incidents involving a fatality.

The Maine Municipal Association

supported the provisions in the bill making liability for trained law enforcement and EMS providers explicit and keeping public safety professionals from spending a significant amount of time out of

the community trying to find a provider willing to collect a sample following a critical incident.

A work session on this bill is scheduled for Wednesday, Feb. 13 at 10:00 a.m.

## Cold Reception for Mandated Ambulance Cameras

On Wednesday, the Criminal Justice and Public Safety Committee held a public hearing on LD 159, *An Act To Require Cameras in Ambulances When a Patient is Being Transported*. The bill, sponsored by Sen. David Miramant of Knox County, would require all ambulances to be equipped with video cameras for the purpose of recording the care provided while a patient is in the confines of the ambulance. Under the terms of the bill, operators of a private or public ambulance service would also be required to store the video data in a way that protects patient privacy, and retain the video for 90 days, after which time the video is to be destroyed.

According to the sponsor's testimony, LD 159 was introduced on behalf of a constituent who raised a concern that the level of care provided by ambulance services is influenced by the patient's status in society. As proof of the claim, the constituent shared with Sen. Miramant the example of an inmate housed at the state prison in Warren who died while being transported to the hospital, as well as her own experience with a paramedic who ate in the area of the ambulance reserved for patient care while she was transported to the hospital.

In addition, Sen. Miramant believes that recording the provided care would protect first responders in one-on-one situations where certain vital medical procedures could be misconstrued as inappropriate touching, and that the cost associated with purchasing the cameras and storing the data is minimal.

Paramedics, Northeast Mobile Health, Maine Ambulance Association, Maine Professional Firefighters' Association, Maine Emergency Medical Services, Maine Fire Chiefs' Association, Maine

Association of Police and Maine Municipal Association all provided testimony in opposition to the bill.

Citing treatment to prevent the deterioration of a patient as the primary responsibility of emergency medical services providers, paramedic Jason Cooney testified that the presence of a camera could become a barrier for acquiring necessary information from patients who might be unlikely to answer questions about sensitive situations such as sexual assault, self-harm, drug use, communicable diseases or pregnancy. He also questioned why this specific section of health care would require such a protective provision, as paramedics are trained and trusted members of the communities they serve and are no less responsible than other healthcare providers.

The price tag associated with this proposed mandate was of significant concern for the Maine Ambulance Association, which estimates the statewide costs of installing cameras at over \$500,000 and the ongoing cost for storing the data at roughly \$500 per ambulance per year. The Ambulance Association also testified that police departments have been reevaluating the use of body cameras because the costs for storing the footage captured by one officer averages \$3,000 annually. Although, as proposed in LD 159, the video footage would need to be retained for only 90 days, the Ambulance Association believes materials associated with patient records must be kept for 10 years under federal law, and up to 25 years under state law when the birth of a child takes place. Additionally, the Board of Emergency Medical Services already has adequate complaint mechanisms and investigative authority, and has taken substantive action where care has been

*(continued on page 6)*

## Cold Reception for Mandated Ambulance Cameras (cont'd)

below recognized standards.

Highlighting existing staffing concerns, the Maine Fire Chiefs' Association (MFCA) testified that the requirements in LD 159 would exacerbate existing staffing deficits and recruitment challenges. MFCA Director, Jeffrey Cammack testified that in his 32 years of working for the Bangor Fire Department he received only a handful of complaints, most of which were associated with the cost of the billed service and not with patient care. He took exception to the notion that anyone would be treated differently based on social status or ability to pay, stating that the level of care received was uniform and part of state licensure, which already has a robust complaint mechanism in place.

Maine Professional Firefighters Association (MPFA) also provided testimony

in opposition, pointing out that cameras located in vehicles would not cover patient care outside of the ambulance, which is where the majority of the care usually occurs.

Maine Emergency Medical Services (MEEMS) Director Shaun St. Germain testified that video recording constituted a violation of the expectation of privacy for patients in their most vulnerable state. In response to a question from a committee member, Mr. St. Germain stated that MEEMS receives 50 to 100 complaints each year, many of which are dismissed because of a lack of supporting evidence. Last year two complaints were adjudicated at the board level with a half a dozen reaching the consent agreement stage of the disciplinary process. Additionally, many of the complaints were dismissed with a letter of guidance serving as an op-

portunity for training. MEEMS does not believe adding cameras would enhance the existing process.

Maine Municipal Association's testimony highlighted the problem of mandating cameras for ambulances when the use of cameras for other public safety bodies have always been left to the community to determine based on needs and cost. Limington Fire Chief Travis Fillmore, and MMA both testified that mandating municipalities to use limited property tax resources to fund the installation of cameras would shift resources away from locally desired protection efforts, without necessarily resulting in improved services.

A work session on LD 159 is likely to be scheduled for Wednesday, February 13 at 10:00 a.m.

## 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, February 11

**Inland Fisheries & Wildlife**  
**Room 206, Cross Building, 9:00 a.m.**  
**Tel: 287-1338**

LD 337 – An Act To Start a Spring Bear Hunting Season.

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

LD 217 – An Act To Aid in Certain Veterans' Organizations.

LD 218 – An Act To Prohibit a Person from Collecting Contributions under the Maine Clean Election Act at a Polling Place.

### Tuesday, February 12

**Appropriations & Financial Affairs**  
**Room 228, State House, 1:00 p.m.**  
**Tel: 287-1635**

LD 126 – An Act To Authorize a General Fund Bond Issue To Acquire Significant Historic Properties for Resale and Rehabilitation.

LD 148 – An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund and To Give Priority Status to Certain School Facility Upgrades.

LD 469 – An Act to Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Loan Fund.

**Innovation, Development, Economic Advancement & Business**  
**Room 202, Cross Building, 1:00 p.m.**  
**Tel: 287-4880**

LD 277 – An Act to Ban Telephone Solicitations Using an Artificial or Pre-recorded Voice and Enhance Caller Identification.

**Marine Resources**  
**Room 206, Cross Building, 1:00 p.m.**  
**Tel: 287-1337**

LD 290 – An Act To Prohibit Motor Vehicle Use in the Intertidal Zone.

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

LD 166 – An Act To Protect Schoolchildren by Increasing the Penalty for Unlawful Passing of a School Bus.

LD 344 – An Act To Increase the Penalties for Illegally Passing a School Bus.

LD 350 – An Act To Exempt Head Start School Buses from Snow Tire Restrictions.

LD 458 – An Act To Require Motorists To Yield to Transit Buses.

### Wednesday, February 13

**Education & Cultural Affairs**  
**Room 208, Cross Building, 9:00 a.m.**  
**Tel: 287-3125**

LD 375 – An Act To Promote the Forest Products Industry in School Construction and Renovation Involving Heating Systems.

**Inland Fisheries & Wildlife**  
**Room 206, Cross Building, 9:00 a.m.**  
**Tel: 287-1338**

LD 212 – An Act To Provide a Source of Funding for the ATV Recreational Management Fund.

LD 235 – An Act To Increase Funding To Contain and Manage the Spread of Invasive Aquatic Species.

*(continued on page 7)*

## LEGISLATIVE HEARINGS (cont.)

LD 442 – An Act to Set Speed Limits for All-terrain Vehicles on Trails within 50 Yards of a Stream or Pond To Prevent Runoff.

### Labor & Housing

**Room 202, Cross Building, 11:00 a.m.**  
**Tel: 287-1331**

LD 369 – An Act To Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees.

### Taxation

**Room 127, State House, 1:00 p.m.**  
**Tel: 287-1552**

LD 241 – An Act To Adjust the Personal Property Tax Exemption for Farm Machinery.

LD 448 – An Act Repealing Tax Lien Foreclosure Requirements.

LD 451 – An Act To Repeal the Recently Enacted Changes to the Law Governing Tax Lien Foreclosure.

### Veterans & Legal Affairs

**Room 437, State House, 9:15**  
**Tel: 287-1310**

LD 211 – An Act To Open Maine’s Primaries and Permit Unenrolled Voters To Cast Ballots in Primary Elections.

## Thursday, February 14

**Education & Cultural Affairs**  
**Room 208, Cross Building, 1:00 p.m.**  
**Tel: 287-3125**

LD 236 – An Act Regarding the Use of Unanticipated State Aid for Kindergarten to Grade 12 Education.

**Energy, Utilities & Technology**  
**Room 211, Cross Building, 1:00 p.m.**  
**Tel: 287-4143**

LD 224 – An Act To Fund the Municipal Gigabit Broadband Network Access Fund.

LD 346 – An Act To Amend the Brunswick Sewer District Charter.

LD 347 – An Act to Provide Sustainable Funding for Drinking Water and Wastewater Infrastructure.

LD 372 – An Act To Increase the Safety of Municipal Residents by Allowing Municipalities To Address Downed Wires in Extended Power Outages.

**Environment & Natural Resources**  
**Room 216, Cross Building, 1:00 p.m.**  
**Tel: 287-4149**

LD 543 – An Act To Protect Public Health through Subsurface Wastewater Disposal System Inspections.

## IN THE HOPPER

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

### Appropriations and Financial Affairs

LD 172 – An Act To Authorize a General Fund Bond Issue To Invest in Smart City Technology. (Sponsored by Rep. Brennan of Portland)

This bill sends out to the voters a proposed \$15 million bond issue to provide funds through the Maine Technology Institute to allow municipalities to invest in smart and connected infrastructure, technology and capacity, including but not limited to information and communications technology such as broadband connectivity, connected sensors and data aggregation platforms; light-emitting diode lighting; adaptive traffic control signals; autonomous vehicle projects; electric vehicle infrastructure; and distributed power generation, storage and management.

LD 295 – An Act To Authorize a General Fund Bond Issue To Increase Rural Maine’s Access to Broadband Internet Service. (Sponsored by Rep. Berry of Bowdoinham)

This bill sends out 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 ConnectME Authority grants to partnerships between private, municipal and nongovernmental service providers.

LD 354 – An Act To Authorize a General Fund Bond Issue To Encourage the Provision of Reliable High-speed Internet in Rural Underserved Areas of Maine. (Sponsored by Sen. Herbig of Waldo Cty.)

This bill sends out to the voters a proposed \$20 million bond issue for encouraging the provision of reliable high-speed Internet service in rural underserved areas of Maine.

### Education and Cultural Affairs

LD 427 – An Act To Require the State To Fund Teacher Retirement. (Sponsored by Rep. Brennan of Portland)

This bill repeals the provisions of school funding law that require school administrative units and private schools to pay for the normal costs of teacher retirement.

LD 557 – An Act To Create and Fund the School Revolving Maintenance Fund To Support the Usefulness and Longevity of Public School Buildings. (Emergency) (Sponsored by Sen. Moore of Washington Cty.)

This bill establishes the School Revolving Maintenance Fund as a nonlapsing fund administered by the Department of Education to make no interest loans to school administrative units for minor school infrastructure maintenance and construction projects. The bill requires the department to adopt major substantive rules and transfer \$30 million from the state’s unappropriated surplus to the fund.

### Environment and Natural Resources

LD 543 – An Act To Protect Public Health through Subsurface Wastewater Disposal System Inspections. (Sponsored by Rep. Blume of York)

Current law requires the inspection of a subsurface wastewater disposal system on a property located within the shoreland area of the state that is to be transferred. This bill expands these requirements to apply to the transfer of any property in the state on which a subsurface wastewater disposal system is located.

LD 575 – An Act To Increase the Bottle Redemption Deposit and

*(continued on page 8)*

## **HOPPER (cont.)**

the Amount Retained by Bottle Redemption Centers. (Sponsored by Rep. Hanington of Lincoln)

This bill, in part, increases from 5 cents to 10 cents the deposit on refillable and nonrefillable beverage containers.

LD 579 – An Act To Update Beverage Container Deposits and Redemption Values. (Sponsored by Rep. Berry of Bowdoinham)

This bill increases from 5 cents to 15 cents the deposit on refillable and nonrefillable beverage containers, increases from 5 cents to 15 cents the deposit on wine and spirits containers of 50 milliliters or less, and from 15 cents to 45 cents the deposit on wine and spirits containers of greater than 50 milliliters.

LD 582 – An Act To Increase Vegetative Buffers in the Shoreland Zone. (Sponsored by Rep. Fay of Raymond)

To protect water bodies from nonpoint source pollution, this concept draft bill proposes to amend the laws governing shoreland zoning to increase the vegetative buffer requirement from 75 feet to 150 feet for certain areas in the shoreland zone. The bill also proposes to remove provisions in law that grandfather certain parcels of land and that allow smaller vegetative buffers on those parcels.

### **Innovation, Development, Economic Advancement and Commerce**

LD 397 – Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Building Contractors, Insulation Installers and Energy Auditors. (By Request) (Sponsored by Rep. Caiazzo of Scarborough)

This bill requires the Commissioner of Professional and Financial Regulation to conduct an assessment pursuant to the sunrise review

requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the licensing of building contractors, insulation installers and energy auditors. The bill requires the commissioner to submit a report to the Joint Standing Committee on Innovation, Development, Economic Advancement and Commerce and allows the committee to submit legislation to the Second Regular Session of the 129th Legislature.

### **Labor and Housing**

LD 480 – An Act To Ensure Pay Transparency and To Reduce Gender and Racial Wage Inequities. (Sponsored by Sen. Miramant of Knox Cty.)

Beginning on March 31, 2020, this bill requires certain employers, including state and local governments, to annually file a wage data report with the Maine Human Rights Commission. The information in the report must include: (1) number and median wage of employees in each job category by gender, race and ethnicity; (2) aggregate number of male and female employees; and (3) percentage difference between the median wage of employees in each job category between white male employees and employees in other gender, racial and ethnic groups. The commission must post the reports on a publicly accessible website, unless the number of employees within a gender, ethnic or racial group is less than five, in which case the wage report for that group must be redacted.

### **Taxation**

LD 560 – An Act To Improve Access to Property Tax Exemptions for New Homeowners. (Sponsored by Rep. Grohoski of Ellsworth)

This bill repeals a provision in law requiring a permanent resident of the state to have owned the home for 12 months in order to qualify for the homestead exemption benefit.