

Catching Up with the Tax Committee

Over the last two weeks the members of the Taxation Committee have heard and worked several bills of municipal interest. What follows is a brief update on six bills the Association has been following closely.

TIF for Broadband. On Wednesday this week, the committee held a public hearing on LD 854, *An Act To Improve Tax Incentives for Broadband Service*, sponsored by Rep. Kent Ackley of Monmouth. The bill expands the use of tax increment financing (TIF) to develop, expand or improve broadband service outside of a municipality’s established TIF district.

In addition to the bill’s sponsor, Rep. Norm Higgins of Dover-Foxcroft, GrowSmart Maine, the Secretary of State’s Small Business Advocate and MMA provided testimony in favor of LD 854.

Proponents believe that the goal of expanding reliable broadband access to all underserved and unserved areas of the state is vital to the state’s economic vitality, ability to attract and retain new residents, and expand its existing workforce. Supporters believe that broadband expansion goals can only be achieved by using a multiple partner and diversified funding approach, which, in part, includes the tax increment financing authority sought in LD 854.

The only other testimony on the TIF bill was offered by Charter Communications. In its “neither for nor against” testimony, the communications company expressed agreement that broadband access is vital to the state’s economic future. However, Charter believes that TIF revenue should be used to capitalize broadband investments in unserved areas only. According to Charter, in order to “guard against duplication of networks and investment where it is not needed, a TIF program should include a transparent process which allows adequate

time for existing broadband providers to demonstrate that an area is already served or commit to deploying service within a reasonable time.”

Municipal officials are hopeful that members of the Taxation Committee will view LD 854 as a means for providing municipalities with a tool to work with other public and private partners to ensure that reliable broadband access is provided throughout the state, and as such vote to support the bill.

The work session on LD 854 is sched-

uled for Wed. March, 13 at 10 a.m.

Repeal of Tax Lien Foreclosure Law. The hotly contested municipal tax lien foreclosure law, which was enacted in the final hours of the 2018 legislative session, is under examination by the Taxation Committee. LD 451, *An Act To Repeal the Recently Enacted Changes to the Law Governing Tax Lien Foreclosure*, sponsored by Sen. Marianne Moore of Washington County, would repeal the so-called LD 1629 law (PL 2017, c. 478),

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State and Local Government Committee Keeps Chugging Along

On Monday of this week, the State and Local Government Committee held hearings on two bills of municipal significance and work sessions on two more.

First up was the hearing on LD 655, *An Act To Allow Municipalities To Send Separate Tax Bills for Municipal and County and School Taxes*, which would achieve the aim specified in its title. The sponsor of the bill, Rep. Lester Ordway of Standish, and MMA offered testimony in support of the legislation at the hearing. The Maine School Boards Association and Maine Superintendents Association testified in opposition.

Rep. Ordway contrasted his experience as a former school board member, where he rarely heard from constituents regarding budget choices and taxation, with his experience as a town councilor, where he did. Based on that experience, Rep. Ordway explained the purpose of his bill is to better enable residents to understand how their tax dollars are being put to use. He testified that his bill is not anti-school or anti-county, but rather is focused

on encouraging the public to get more involved in local policy conversations.

MMA supported LD 655 on the basis of affording municipalities more options, consistent with home rule. The bill does not require separate tax bills, but would allow communities the flexibility to issue separate bills if they choose. A question was raised at the hearing as to whether or not municipalities are currently allowed to issue separate tax bills, and it appears the answer is that the law is currently murky on this matter. This bill would make the answer crystal clear.

The Maine School Boards Association and Maine Superintendents Association spoke in opposition to the bill on the basis that the existing process for passing school budgets is well defined in law. Further, Title 36, section 507(2) already requires the tax bill to indicate the percentage of property taxes distributed to education, local, and county government. Explaining their understanding of taxpayer fatigue with high property tax rates, the Associa-

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Catching Up with the Tax Committee (cont'd)

which amended the pre-foreclosure notice requirements and post-foreclosure laws by establishing a new procedure for disposing of tax acquired homesteads previously owned by persons meeting certain age, income and asset eligibility standards.

At the public hearing on the bill, representatives from Bangor, Lubec, the Mayors' Coalition and MMA provided testimony in support of LD 451, while representatives from Legal Services for the Elderly, Maine Equal Justice Partners, and Pine Tree Legal provided testimony in opposition to the bill.

The proponents of LD 451 believe that the law was enacted on the basis of the mischaracterization of a foreclosure that took place in the Town of Albion, which resulted in the implementation of a solution in search of a problem. The bill's opponents believe that it is too early to determine whether changes to the foreclosure laws enacted last year are working and the law should be left in place for two to five years before amendments to the law are considered.

At Thursday's work session on LD 451, the committee unanimously voted to carryover the bill into the next session. Delaying a decision on the bill until 2020 will afford the committee the opportunity to review the successes and challenges associated with the newly enacted law in its second year of implementation.

Local Option Tax Exemption - Constitutional or Not? On Wednesday, the committee unanimously voted to table LD 824, *An Act To Allow a Municipality To Opt Out of Collecting Personal Property and Business Equipment Taxes*, sponsored by Rep. Timothy Theriault of China. As the bill's title suggests, LD 824 seeks to allow municipalities, by referendum, to opt out of collecting personal and business equipment taxes.

The crux of the debate on the bill focused on whether the permission granted in LD 824 is constitutional.

Proponents of the bill argue that Maine's Constitution provides the Legislature the latitude necessary to adopt statutes authorizing municipalities to opt-out of the assessment and collection of personal and business property taxes, citing the state's practice of exempting classes of property from taxation as evi-

dence supporting their claim.

However, the opponents of the bill, including MMA, believe that two provisions in the constitution, Article IX, Section 8, requiring "taxes upon real and personal estate, assessed by the authority of this State, shall be apportioned and assessed equally according to the just value thereof" and Section 9, prohibiting the Legislature from "... in any manner, suspend or surrender the power of taxation," render the local option approach unconstitutional.

The purpose of the committee's tabling motion was to get an unbiased opinion on the concerns raised by asking the Office of the Attorney General (AG) to respond to the question of constitutionality.

It is not yet known when the committee will next work LD 824.

Homestead Exemption Eligibility.

By a vote of 8 to 5, the Taxation Committee voted "ought to pass as amended" on LD 560, *An Act To Improve Access to Property Tax Exemptions for New Homeowners*. The bill, sponsored by Rep. Nicole Grohoski of Ellsworth, repeals an eligibility standard in current homestead law that requires a person to have resided in their home for 12 months before being granted a homestead exemption. As amended by a majority of the committee, the effective date of the repeal of the residency-based eligibility standard is April 1, 2020.

If the entire Legislature votes to support the amended bill, the only standard of eligibility for the \$20,000 exemption will be that the homeowner is a permanent resident of the state (e.g., files a Maine income tax form, address on driver's license is the same as the homestead address, pays motor vehicle excise taxes to the municipality, registers to vote in the municipality, etc.).

While municipal officials understand the intent of the bill is to encourage homeownership, they believe that requiring a new homeowner to reside in the community for 12 months is not too significant of a waiting period for a benefit that is partially reimbursed by the state. For every homestead granted, the community's mill rate ticks up and tax burdens are shifted not only to other property owners in the community, but also to those who benefit from the homestead exemption as well.

Farm Machinery Exemption. On

Thursday, the committee unanimously voted to table action on LD 241, *An Act To Adjust the Personal Property Tax Exemption for Farm Machinery*. The bill, sponsored by Rep. Margaret O'Neil of Saco, would increase the personal property tax exemption for farm machinery used exclusively in the production of hay and field crops from \$10,000 to \$45,000.

The reason for the tabling motion was to provide Maine Revenue Services the time to present an amendment to LD 241 that addresses all the technical concerns raised by the state agency, including the development of a fiscal note that would in part reimburse municipalities for 50 percent of the lost property tax revenue for the \$35,000 increase in the exemption. Because the original law was enacted one year before Maine's Constitution was amended to require the state to reimburse municipalities for 50 percent of lost property tax revenue associated with a property tax exemption, municipalities currently do not receive state reimbursement for the existing \$10,000 farm machinery exemption.

MMA opposes the bill because it asks the Legislature to bestow an enhanced benefit on a category of taxpayers, when a benefit already exists and is being funded, in part, via property tax revenues. If the Legislature believes the exemption proposed in LD 241 is necessary and worthwhile, then municipal officials believe the state should create the mechanism necessary to reimburse owners of qualifying farm machinery for the taxes paid to the municipality.

Water Well Drilling Equipment Exemption. For the same reasons mentioned above, MMA also provided testimony in opposition to LD 873, *An Act to Limit Registration Fees on Water Well Drilling Equipment To Encourage Purchasing of Modern Equipment for Rural Well Construction*, which received a public hearing on Wednesday. The bill, sponsored by Rep. Chad Grignon of Athens would cap the personal property tax assessed on water well drilling equipment at \$2,500 for tax years beginning Jan. 1, 2020.

No other testimony was offered at the public hearing.

The fate of LD 873 will be decided on March 13 at 10 a.m.

Workers' Compensation Pendulum Swinging Back Toward Employees?

Here We Go Again

This week the Labor and Housing Committee held hearings on a flurry of bills proposing to amend Maine's Workers' Compensation laws. For many, the wave of proposals evoked memories of the shutdown-inducing battles fought at the Legislature nearly three decades ago. Two of the bills most concerning to municipalities were heard on Wednesday, and each received their fair share of support and opposition.

LD 758, *An Act To Clarify Work Search Requirements for Workers' Compensation*, sponsored by Rep. Michael Sylvester of Portland, would create a new rebuttable presumption that puts the burden of finding new employment for former employees who are partially-incapacitated as a result of a workplace injury on the former employer.

Here's the background: Under current law, an injured worker who is only partially incapacitated by a workplace injury may be eligible for so-called 100% partial incapacity benefits if the worker is not working, as long as the worker can demonstrate that the lack of employment is due to the injury and that the worker has not been able to obtain employment, within the restrictions caused by the partial incapacity, despite an adequate work search.

LD 758 abrogates the current "work search rule" by placing the burden on the previous employer to demonstrate that there is suitable employment available to the injured worker in the worker's community. If the previous employer has demonstrated suitable available employment, the injured worker may still be eligible for the 100% partial incapacity benefits if the worker can demonstrate continued unemployment despite reasonable efforts to secure the alternative employment identified by the previous employer.

At the hearing, Rep. Sylvester explained that his bill is a logical fix that would make the system simpler for workers and employers. The logic is that claims become simpler when the burden of proof is on the employer to show available work,

which Rep. Sylvester states employers already do as part of their dispute of a claim anyhow.

Also testifying in support of this bill, in addition to some who submitted written testimony, were a former S.D. Warren paper mill worker, an attorney for injured workers, the International Association of Machinists and Aerospace Workers, the Executive Director of the Maine Workers' Compensation Board, the Maine Education Association (MEA), and the AFL-CIO.

The mill worker claimed he could not find work with over 500 employers and that a judge found his work search was inadequate, reducing his benefit to roughly a third of his previous salary. The attorney claimed the current work search standards are "vague, antiquated, unclear and arbitrarily applied." The Workers' Compensation Board director detailed the nine factors to be considered when determining whether an employee conducted a work search in good faith, set forth in the 2007 Maine Supreme Judicial Court case, *Monaghan v. Jordan's Meats*. The director testified those standards cannot be applied with precision and that the likelihood of litigation is high, which was also acknowledged in the MEA and AFL-CIO testimony. In the view of the AFL-CIO, the current system relies too heavily on theoretical job availability and Maine law should be more concrete, focusing on whether or not the person did in fact get a job.

Opposition testimony to LD 758 was provided by the Maine Workers' Compensation Coordinating Council and Maine Council of Self-Insurers, American Property Casualty Insurance Association (APCIA), Maine State Chamber of Commerce, Maine Hospital Association, Maine Motor Transport Association, Maine Employers' Mutual Insurance Company (MEMIC), the Retail Association of Maine, and MMA.

The Coordinating Council and Council of Self-Insurers rose as the tip of the opposition's spear, detailing how the current "work search rule" has been developed

over decades in court. To the Councils, the rule makes sense as the employee is best positioned to determine what jobs are most suited to them. The Councils summarized, "the point of the current rule is to allow the Administrative Law Judge to make a factual determination as to whether suitable work is unavailable to the employee *because of the work injury*."

The APCIA expressed concern the bill would add costs to a system that is currently healthy and stable, unlike it was during the late 1980s and early 1990s "crisis point" when Maine had one of the highest workers' compensation rates in the country. To MEMIC, LD 758 presents an example of how Maine's workers' compensation system bled to death at that time from a thousand cuts through small changes which added costs and encouraged disputes rather than solutions.

The Chamber of Commerce testified that this bill would have the effect of turning the longstanding work search requirement on its head, also noting the history of case law that dates back to 1922 and depicting the bill as a disincentive to finding work and agreeing to a partial rate of compensation. In contrast to the Workers' Compensation Board, AFL-CIO and MEA, the Chamber believes this bill will increase litigation.

The Maine Hospital Association explained how the current standard of review is that it is "more probable than not" the former employee cannot find work due to the injury, which in its view is not a high level of proof. Moreover, in cases seeking a review of incapacity, the employer bears the burden of proof. To the Association, employers should not bear the burden of proof in both situations.

In its opposition testimony, MMA encouraged the committee to focus on the language of the proposal before them, describing it as creating a "rebuttable rebuttable presumption." Under the last sentence of the bill, the employers' rebuttal can be overcome by the former employee demonstrating they could not find work despite a reasonable search. In

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Criminal Justice Round Up

Toxic Marine Flares Blaze Through Committee. On Monday, the Criminal Justice and Public Safety Committee held a work session on LD 430, *An Act to Establish and Promote a System of Safe Disposal of Expired Marine Flares*. The hearing on the bill is described in last week's Legislative Bulletin.

The bill's sponsor, Rep. Jay McCreight of Harpswell, working with the Fire Marshal's Office proposed an amendment to LD 430 that would support the purchase of the mobile thermal destruction unit necessary to implement the proposed state-led marine flare collection, disposal and education program.

Rep. McCreight's amendment would accomplish five goals: (1) establish a Marine Flare Disposal Fund in the Office of the State Fire Marshal; (2) impose a \$1 marine flare disposal fee, payable at the time a boat required to carry flares and operating in tidal waters is registered to be collected and deposited in the Marine Flare Disposal Fund; (3) authorize the State Fire Marshal to spend those funds on the flare collection, disposal, and education programs established in LD 430; (4) appropriate \$41,000 in fiscal year 2019 to cover the cost of obtaining a thermal destruction incinerator with enough capacity to carry out the program; and (5) immediately allocate \$500 in fiscal year 2019 as a place holder account to cover the expenses of implementing this program for the 2019 boating season.

When committee member, Rep. Danny Costain of Plymouth, asked if any part of the amended bill could be implemented without the \$41,000 appropriation, State Fire Marshal Joseph Thomas advised that the current incinerator did not have the capacity necessary to discard the two tons of waste currently in storage, and the new incinerator would be needed immediately or the program would be on hold until it could be purchased. In response, Rep. Lois Galgay Reckitt of South Portland proposed to further amend the bill to include an emergency preamble to make sure the newly created fee would benefit from the 2019 boat registration season.

Uncomfortable with the additional appropriation request, Rep. Richard Pickett of Dixfield asked for a brief party caucus and returned to propose an amendment.

As proposed by Rep. Pickett, the marine flare disposal fee would be \$2 in the first two years of the program with the revenue collected remitted to the state's General Fund, rather than to the proposed Marine Flare Disposal Fund, in order to repay the appropriation required to purchase the equipment this year. The fee would be reduced to \$1 in third and subsequent years to provide ongoing support the program and build capacity to replace the incinerator every 10 years.

The committee unanimously voted to support the amended version of LD 430.

Mandatory Cop Cams Cool Community Conversations. The Committee on Criminal Justice and Public Safety convened before a packed room on Wednesday to accept testimony on LD 636, *An Act To Require Law Enforcement Officers To Wear Body Cameras*, sponsored by Sen. Susan Dechambault of Biddeford.

The bill as drafted would require all Maine law enforcement agencies, regardless of size, to: (1) equip all officers with body cameras; (2) maintain, retain and release video data collected in law enforcement encounters and activities in line with current law; and (3) direct the Maine Criminal Justice Academy to develop a model policy and training program for the use of the new tool.

Sen. Dechambault introduced the bill at the request of a constituent who lost her son in a police involved shooting in Arundel and did not understand why there was a disparity of police body camera use among police departments. The constituent felt video of the event would have given her family the much needed closure for their loss and repaired the loss of trust in law enforcement that sometimes occurs following such events.

The Maine Association of Criminal Defense Lawyers (MACDL) testified in support of LD 636 noting that the current body camera footage that is regularly reviewed provides a fuller picture of law enforcement efforts and protects both police and the accused from inaccurate reporting. Noting there is no current state requirement to use digital means to record evidence in criminal investigations, MACDL believes the law would enhance and standardize recording evidence and mirror the digital reality of society.

Maine Association of Police (MAP), Maine Sheriffs' Association (MSA), National Alliance on Mental Illness (NAMI), Criminal Law Advisory Commission (CLAC), Maine Department of Public Safety (MEDPS) and MMA testified in opposition to the bill.

MMA raised concerns that the mandate to equip law enforcement officers with body cameras would shift finite resources away from other local priorities, such as staff recruitment and retention, specialized training and programs to address local issues, or the hiring of specialized support personnel like community or crisis intervention liaisons. In addition, the use of police body cameras can also undermine public trust when video is not consistently available due to privacy concerns, failures of equipment or operator error. MMA testified the current approach to the adoption of police body cameras offers police agencies opportunities to educate and build relationships with the communities they serve, which ultimately provides better criminal justice outcomes than video recording. MMA asked the committee to respect the longstanding ability for communities who pay for their police departments to make informed decisions on enforcement priorities.

Other opponents of the bill spoke of the need to protect individuals experiencing mental health crises and medical emergencies, sexual assault victims and individual privacy in general. MAP, MSA, MEDPS and MMA all testified that the mandate would incur significant initial and ongoing costs to maintain at the expense of other law enforcement priorities, and spoke to the need to invest significant staff time to respond to complex freedom of information requests at the expense of hiring or better compensating officers.

NAMI suggested that rather than making body cameras the standard, the committee develop a mental health specialist certification at the Maine Criminal Justice Academy. The Alliance testified that the cost shift away from specialized training to body cameras would do little to support citizens in a mental health crisis and further increase police officer burdens.

CLAC also added to the debate by raising concerns with the proscriptive requirement in LD 636 for when the

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Workers' Compensation (cont'd)

the Association's view, the terms of this standard would establish much more than a presumption, and the nine standards established by Maine's justices are much more appropriate than a new subjective and undefined standard of reasonability.

LD 947, *An Act To Extend the Notice of Injury Period in the Maine Workers' Compensation Act of 1992*, is somewhat simpler to describe. The general principle in current law is that employees are required to notify their employers of work-related injuries within 30 days. LD 947, sponsored by Sen. Shenna Bellows of Kennebec County, would extend that notice period to 180 days. To the sponsor, the one-month cutoff represents an arbitrary and unfair deadline that eliminates many valid claims.

Almost the exact same bench of support and opposition rose to speak on this bill as was present for LD 758, with the exception of the Maine Hospital Association and the addition of Hospitality Maine.

Speaking in support, the AFL-CIO described notice as a bright line without any intellectual basis other than to bar claims from the system. The MEA compared the standard in Workers' Compensation law to the 180 days to file a notice of claim under the Maine Tort Claims Act, 300 days to file a claim of discrimination with the Maine Human Rights Act, three years for medical malpractice, and six years for personal injuries.

However, to the APCIA, likening workers' compensation injuries to these other types of harm is comparing apples to oranges. The Association and nearly all others in opposition to this legislation stressed the importance of treating injuries as quickly as possible.

MMA shared concerns that delayed notification would lead to worse prognoses for employees and higher costs for taxpayers. The Chamber referenced other states in the region that require even more prompt notice, such as Connecticut, where notice must be given immediately upon injury. Hospitality Maine testified that most states operate within a 10 to 90-day framework and pointed out that Maine has never had a standard higher than 90 days, to their knowledge.

The Coordinating Council and Council of Self-Insurers implied the 30-day rule

is flexible in practice and casted doubt on whether claims have in fact been barred due to failure to meet that deadline. The Councils claimed that if the employee's period is to be extended, the seven day requirement for employers to notify their insurers, and the fourteen day payment/contest deadline on insurers should also be extended accordingly.

State and Local Government Committee (cont'd)

tions' claim that LD 655 would upset the balancing act of budgeting by making the process more confusing, cumbersome and perhaps political.

Next was LD 696, *An Act to Protect Public Employees from Identity Theft*, sponsored by Sen. Shenna Bellows of Kennebec County on behalf of the Maine Education Association (MEA). The bill would require public employers to notify employees of actual or suspected breaches of confidential information within 24 hours, and provide financial counseling to the impacted employees.

According to Sen. Bellows, a delay in notification of school employees after a data breach led to several employees of SAD 4 struggling with significant financial issues when scammers filed false tax returns in their names. Sen. Bellows also cited a similar breach in AOS 77 and a close call in the Brunswick School Department.

MEA further described what happened in SAD 4, including unauthorized bank charges, credit cards being falsely issued, along with the falsely filed state and federal tax returns. According to the MEA, the SAD4 district was aware of the breach but failed to notify its employees in a timely manner, and employees only learned of the breach once authorities reached out to them. The bill, in the MEA's view, would allow employees to be more proactive about addressing the issues that are associated with data breaches, which they state occur practically weekly nationwide and impact municipal and federal employees.

MMA and the University of Maine spoke against the measure, each citing Maine's Notice of Risk to Personal Data Act, which already requires notification without unreasonable or undue delay.

To the municipal officials on MMA's

The work sessions on these two bills have not yet been scheduled. Senate Committee Chair Bellows expressed her intent to combine this session's many bills related to Maine's Workers' Compensation law into one "omnibus" type bill, to be offered to the full Legislature later on in the session. It's beginning to look like that bill will be a doozy.

Legislative Policy Committee, it is difficult to understand why this measure would be proposed specifically for public employers given the stated widespread nature of the issue. Regardless, the requirement to notify employees of suspected breaches within 24 hours carries with it concerns regarding false alarms given that it is likely to take longer than a day to ascertain whether or not a breach occurred, and which employees were impacted.

The University of Maine testimony was on the same page, and was based on first-hand knowledge of the difficulties associated with examining breaches. In the University's experience, forensic investigations of suspected breaches have wound up revealing that breaches did not in fact occur. In those cases, if they had to unnecessarily alert employees, "it could create unwarranted stress and cause a true breach to be taken less seriously, in the rare event one occurred in the future." The University also testified that 24 hours is an unreasonable timeframe for notification due to the priority hierarchy of containment, correction, and then communication.

The work sessions on LD 655 and 696 have been scheduled for the afternoon of Monday, March 11. It is possible LD 696 will be tabled to give stakeholders time to explore the opportunity for compromise, per a committee member's request.

Following the two public hearings described above, the committee in work session voted on two bills described in last week's *Legislative Bulletin*. Committee members voted unanimously in favor of LD 301, *An Act To Help Older Adults Age in Place through Comprehensive Planning*, for at least three reasons. One is that there was widespread support for adding consideration of "aging friendly

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LEGISLATIVE HEARINGS

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

Monday, March 11

Appropriations & Financial Affairs
Room 228, State House, 10:00 a.m.
Tel: 287-1635

LD 1001 – Governor’s Biennial Budget: With the Joint Standing Committee on Education & Cultural Affairs regarding several initiatives, including General Purpose Aid for Local Schools.

Criminal Justice & Public Safety
Room 436, State House, 10:00 a.m.
Tel: 287-1122

LD 485 – An Act To Require an Owner of a Dangerous Dog To Remain at the Scene of an Assault by the Dog.

LD 677 – An Act Regarding the Use of Seizure and Forfeitures by Law Enforcement.

LD 762 – An Act To Bring Maine’s Laws Concerning Implied Consent in Operating a Motor Vehicle into Compliance with Recent Opinions of the United States Supreme Court.

1:00 p.m.

LD 829 – Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.

LD 925 – An Act Requiring the Department of Corrections To Fully Fund County Jails for Individuals Sentenced to County Jails for More Than 6 Months and Individuals Held for Probation or Parole Violations.

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

LD 927 – An Act To Minimize the Propagation of Invasive Aquatic Plants.

Labor & Housing
Room 202, Cross Building, 9:00 a.m.
Tel: 287-1331

LD 402 – An Act To Restore Overtime Protections for Maine Workers.

LD 886 – An Act To Protect Volunteer Search and Rescuers Certified by the Maine Association for Search and Rescue from Adverse Employment Actions.

2:00 p.m.

LD 1013 – An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana.

State & Local Government
Room 214, Cross Building, 9:00 a.m.
Tel: 287-1330

LD 928 – An Act To Create a Process To Preempt the Implementation of Powers Delegated by the Legislature.

LD 940 – An Act To Increase the Number of Franklin County Commissioners.

LD 948 – An Act To Restrict Ordinances That Affect the Posting of Property for Municipal and Private Land.

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

LD 186 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors.

Tuesday, March 12

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

LD 1001 – Governor’s Biennial Budget: With the Joint Standing Committee on Education & Cultural Affairs regarding higher education and cultural agencies.

Agriculture, Conservation & Forestry
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 920 – An Act To Establish the Fund To Support Local Fruits and Vegetables Purchasing.

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

LD 862 – An Act To Limit the Amount of Money That May Be Retained on Construction Contracts.

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

LD 823 – An Act To Exempt Vehicles That Are More Than 15 Years Old from Titling Requirements.

Wednesday, March 13

Appropriations & Financial Affairs
Room 228, State House, 10:00 a.m.
Tel: 287-1635

LD 1001 – Governor’s Biennial Budget: With the Joint Standing Committee on Labor & Housing.

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

LD 797 – An Act To Limit Greenhouse Gas Pollution and Effectively Use Maine’s Natural Resources.

LD 818 – An Act To Reduce Greenhouse Gas Emissions.

LD 893 – An Act To Create an Updated Unified Maine Climate Action Plan.

State & Local Government
Room 214, Cross Building, 9:00 a.m.
Tel: 287-1330

LD 730 – An Act To Create the Substance Use Disorders Cabinet.

LD 953 – An Act To Enact a Vehicle Use Ordinance for Monhegan Plantation.

LD 970 – An Act To Encourage Policies Regarding Accessory Dwelling

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LEGISLATIVE HEARINGS (cont.)

Units under Local Comprehensive Plans and Zoning Requirements.
LD 1011 – An Act To Clarify Filing Requirements for Proposed Rules.

Taxation

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

LD 107 – An Act To Lower the Maine Individual Income Tax Incrementally to Zero.

LD 725 – An Act To Provide an Income Tax Credit To Encourage Small Business Hiring.

Thursday, March 14

Appropriations & Financial Affairs

Room 228, State House, 1:00 p.m.
Tel: 287-1635

LD 1001 – Governor’s Biennial Budget: With the Joint Standing Committee on Veterans & Legal Services.

Agriculture, Conservation & Forestry

Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 992 – Resolve, To Extend the Down East Sunrise Trail from Ayers Junction to Calais.

Energy, Utilities & Technology

Room 211, Cross Building, 1:00 p.m.
Tel: 287-4143

LD 334 – An Act To Change the Definition of “Renewable Capacity Resource.”

LD 950 – An Act To Develop a State Energy Plan To Provide a Pathway to an Energy Portfolio Free of Fossil Fuels.

Environment & Natural Resources

Room 216, Cross Building, 1:00 p.m.
Tel: 287-4149

LD 817 – An Act To Advance the Restoration of the Penobscot River.

LD 959 – An Act To Increase Funding for the Maine Lakes Society

Criminal Justice Round Up (cont'd)

cameras were required to be on and off. CLAC members believe this provision poses significant privacy concerns, and should not be defined in statute.

The Maine Coalition Against Sexual Assault (MECASA), Maine Commission on Domestic and Sexual Abuse (MCDSA), Immigrant Resource Center of Maine (IRCM) provided testimony “neither for nor against” LD 636 .

MECASA’s director expressed concerns about the protection of sexual assault victims and the standards for release of data while recognizing the enhanced protections body cameras would offer in the criminal justice process. They believe a study commission should be established to bring together all stakeholders to determine the best way forward. Supporting MECASA’s proposal and the need to protect victims of domestic violence and sexual assault from filming, IRCM also raised concerns with language barriers and access to justice for communities of color which the use of cameras may, in their view, improve.

A work session on LD 636 will be held on March 13 at 1:00 p.m.

“LakeSmart” Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program.

LD 983 – An Act To Exempt from Permit Requirements the Repair of Low-head Dams.

Transportation

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

LD 487 – Resolve, Directing the Department of Transportation To Study the Corner of Smithwheel Road and Ocean Park Road and the Intersection of Saco Avenue, Temple Street and Old Orchard Road in Old Orchard Beach.

LD 707 – An Act To Require the Clearing of Vegetation along Roads.

LD 740 – An Act To Include Bucksport and the Penobscot River Basin in the Department of Transportation’s Cargo Port Strategy.

LD 783 – Resolve, To Require an Independent Analysis of the Department of Transportation’s I-395/Route 9 Connector Project.

LD 850 – Resolve, Directing the Department of Transportation To Erect Signs on Interstate 95 in Island Falls.

Friday, March 15

Appropriations & Financial Affairs

Room 228, State House, 10:00 a.m.
Tel: 287-1635

LD 1001 – Governor’s Biennial Budget: With the Joint Standing Committee on Agriculture, Conservation & Forestry.

State and Local Government Committee (cont'd)

communities” to comprehensive planning priorities. Another is the permissive rather than mandatory nature of the proposal. Yet another reason was the complete lack of opposition testimony.

Ironically, when it came to another bill which also received no opposition testimony, LD 481, *An Act To Allow the Expansion of the Types of Newspapers That Qualify as Legal Notice Publishers by Removing the 2nd Class Postal Matter Requirement*, the committee voted against the legislation with nary a whiff of discussion. The bill, which would have allowed legal notices to reach more citizens at less expense, has been opposed by major newspapers in the past. That said, the sponsor of the bill had informed the committee the bill was no longer needed in his district given that the threat of legislation caused the paper at issue to reduce its rate for advertising public notices.

Legislative Bulletin

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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.)

Criminal Justice and Public Safety

LD 677 – An Act Regarding the Use of Seizure and Forfeitures by Law Enforcement. (Sponsored by Rep. Faulkingham of Winter Harbor)

This bill requires the establishment of a record and case tracking system and detailed reporting to the Commissioner of Public Safety when a law enforcement agency seizes, holds or disposes of property as a result of civil forfeiture provisions. The bill provides that reported information is public information and for public access to that information through a website and mandates reports to the Legislature, Attorney General and Governor. The bill provides rulemaking for the Commissioner of Public Safety and auditing by the State Auditor, with a report from the State Auditor to the Commissioner of Public Safety. The provisions apply to law enforcement agencies, which are defined to include fire departments that seize, hold or dispose of property as a result of an investigation and arrest carried out in cooperation with a federal law enforcement agency.

LD 829 – Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. (Sponsored by Rep. Talbot Ross of Portland)

This resolve reestablishes the 17-member Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. The members of the commission include four legislators; representatives from the Attorney General's office and Departments of Corrections and Health and Human Services; director of the Adult Community Corrections Bureau; and six members appointed by the governor based on the nominations made by statewide associations representing prosecutors, county commissioners, county sheriffs, criminal defense lawyers and people with mental illness. The commission is tasked with conducting research and preparing recommendations that: (1) reduce

overall prison and jail populations; (2) reduce overall costs; (3) accomplish policy improvements to transition prisoners back into the community; (4) preserve community safety; (5) respect the needs of victims and hold prisoners accountable for their actions; and (6) address factors leading to increasing prison populations, the impact of current sentencing laws, the uses of alternate sentences and the means to reduce recidivism. The commission must submit its report to the Criminal Justice Committee no later than Dec. 4, 2019.

Energy, Utilities & Technology

LD 983 – An Act To Exempt from Permit Requirements the Repair of Low-head Dams. (Sponsored by Rep. Keschl of Belgrade)

This bill exempts low-head dams from the permitting requirements for repair under the Natural Resources Protection Act.

State and Local Government

LD 928 – An Act To Create a Process To Preempt the Implementation of Powers Delegated by the Legislature. (Sponsored by Rep. Ackley of Monmouth)

This concept draft bill proposes to create a process to allow the Legislature to preempt the implementation of powers delegated by the Legislature.

LD 948 – An Act To Restrict Ordinances That Affect the Posting of Property for Municipal and Private Land. (Sponsored by Rep. Corey of Windham)

This bill prevents a political subdivision of the state, including municipalities, from enacting an ordinance, law or rule regulating the posting of property by marking with signs or paint that is different from the provisions in state law.