

## Greener Outlook for Local Cannabis Revenues?

After enduring a marathon of hearings regarding increasing taxes on tobacco products as well as beer and liquor, on Thursday evening of this week the Taxation Committee still managed to listen attentively to the hearing on LD 335, *An Act To Require the State To Distribute 25 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities*. This legislation, which would accomplish exactly what its title states, is sponsored by Rep. Charlotte Warren of Hallowell on behalf of MMA's Legislative Policy Committee as part of its platform for the 129<sup>th</sup> Legislature.

LD 335 aims to correct a change to the law made last year which left Maine as the only state in the nation that has legalized cannabis for non-medical purposes without allowing municipalities any proceeds from the newly legalized industry. Eight people testified in support, and one professional industry group testified rather favorably "neither for nor against". No one opposed the bill.

In her testimony, Rep. Warren presented a chart created by MMA (accompanying this article) showing the various methods of taxation in all ten states that have legalized for non-medical, "adult use" purposes. The sponsor used this chart to illustrate how Maine is the only one of these states that does not allow a direct or shared return on investment for municipalities. Employing some old-fashioned Maine common sense, she responded to a question as to why Maine's towns and cities should be entitled to proceeds for cannabis but not alcohol by saying, "Two wrongs don't make a right, ever. They're our partners, let's treat them like partners, it's only the fair thing to do."

Hallowell City Manager Nate Rudy spoke from first-hand knowledge of the complexity associated with regulating

these new enterprises. He explained how the revenues proposed to be returned to the municipalities where they were generated would be used – offsetting not only law enforcement but also, importantly, code enforcement, as well as significant legal fees. At the City's current licensing fee amount, and taking into account the statutory language limiting municipal fees in Title 30-A section 3702, it would take Hallowell over 51 applications to recoup its "legal investment alone, much less the costs of staff time, criminal background checks, and other due diligence." Acknowledging that the day-to-day

regulation responsibility will fall on local officials, and the suffering from years of reduced state revenue sharing proceeds, Rudy stated municipalities simply cannot afford to pay the costs of supporting the adult use cannabis industry without a share of the proceeds. In his view, it will take a concerted effort for Maine's legal market to curtail the thriving underground market.

Speaking on behalf of the City of Portland, attorney Alysia Melnick picked up right where Rudy left off, testifying as to how LD 335 is critical to making sure the legalized industry is able to counter

*(continued on page 2)*

## Progress on Broadband

Over the past few weeks, the Energy, Utilities and Technology Committee has heard and worked three MMA platform bills, two of which are related to broadband, and one addresses general issues with utilities in the public right of way. The Association is pleased to report that all three bills are heading out of committee with positive votes.

LD 1063, *An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure*, sponsored by Rep. Jay McCreight of Harpswell, would acknowledge the fact that broadband is a public necessity in today's society and clarify the authority for local governments to create "community broadband systems," treating them like other important municipal infrastructure such as roads, airports, water, and sewer. The committee voted unanimously in support of enacting LD 1063 on April 4.

LD 1191, *An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way*, sponsored by Sen. Eloise Vitelli of Sagadahoc County,

would exempt municipal attachments to utility poles from the utilities' "make ready" fees that are charged, as their name implies, to make the pole ready to accommodate municipal attachments (by moving existing lines, etc.). Because these fees have been imposed by pole owners on municipal broadband projects in a very costly and often elusive way, the aim of the bill is to remove the make-ready uncertainty and reaffirm the longstanding common practice of preserving a space on poles for municipal attachments. The traditional preservation of space was previously granted in recognition of the allowance for utility poles on municipal property without any of the local right of way access fees that are allowed in most states. As amended by the committee, the bill would exempt municipalities from make-ready fees for public safety purposes (such as E-911 lines, traffic signals, and street lights), as well as broadband purposes when the pole does not already have a line or cable attached to it capable

*(continued on back page)*

## Greener Outlook for Local Cannabis Revenues? (cont'd)

the unregulated market. Given the number of industry participants known to be waiting in the wings, she emphasized the tremendous regulatory burden that will likely be placed on the small handful of municipalities that are likely to opt-in as a result of resident demand this year.

In written testimony, the Town of Kittery explained the many hours its Council has spent discussing whether or not to allow operations, concluding “that the lack of local revenue is an insurmountable barrier.” These conclusions have unfortunately come even after working diligently for over two years to be as informed and engaged as possible given that “Kittery is situated such that [the town] could be a strong marijuana-based revenue source for the state.”

On the industry side, speaking in support of allowing local cost offsets as compensation for local economic development efforts were Legalize Maine, medical dispensary operators Canuvo and Wellness Connection, and the Maine Craft Cannabis Association, which delivered a full three pages of thoughtful testimony. Canuvo pointed out how difficult it has been for even the most willing of planning boards to do the necessary homework to get up to speed on the hundred-plus pages of relevant law and the unfairness of the current lack of return for that volunteer time. Additionally, the Craft Cannabis Association testified that only having few communities opt-in will benefit larger out-of-state players over local homegrown businesses who are competing for scarce

industrial and commercial space, and Wellness Connection stressed it is not good for the state, the cities and towns, or the industry to have to be worried about negative local financial impacts.

Legalize Maine recalled how, when its 2016 referendum campaign gathered signatures, many people signed the petition based at least in part on its provision for new tax revenue generation for their communities, only to have that provision completely struck last year. The organization encouraged this Legislature to “give municipalities their fair share of cannabis tax revenue and kick the illicit market in the shins.”

The work session on LD 335 has been scheduled for Thursday, May 18 at 1:00 p.m..

### Revenue Comparison In Legalizing States

| State         | Marijuana Excise Tax                   | Applicable General Statewide Sales Tax | Additional Special Marijuana Sales Tax | Local Option  | State Proceeds To Municipalities  |
|---------------|--|--|--|---|---|
| Alaska        | \$50/oz. (\$15/oz. of seeds and stems) | None                                   | None                                   | Yes, up to 7.5%   | No  |
| California    | \$9.25/oz. (\$2.75/oz. of leaves)      | 6%                                     | 15% of retail sale price               | Yes, up to 15%  | 1.25% of general sales tax revenue.   |
| Colorado      | 15% (average) on wholesale             | 2.9%                                   | 15% of retail sale price               | Yes, up to 8%, average 4.6% sales, plus local excise taxes (3.5% in Denver) | 15% of special tax revenues.  |
| Maine         | \$20.94/oz. (\$5.88/oz. of leaves)     | N/A                                    | 10%                                    | No  | No  |
| Massachusetts | 10.75% on retail and wholesale         | 6.25%                                  | 3.75%                                  | Yes, up to 3%   | No  |
| Michigan      | 10% on retail                          | 6%                                     | 3% retail                              | No  | 25% of special tax revenues.  |
| Nevada        | 15% wholesale                          | 6.85%                                  | 10% of retail sale price               | Yes, up to 3.55%  | No  |
| Oregon        | 15% on retail and wholesale            | None                                   | 17%                                    | Yes, up to 3%   | No  |
| Vermont       | 10%*                                   | 6%*                                    | None                                   | 2%*   | TBD*  |
| Washington    | 37% on retail                          | 6.5%                                   | 8%                                     | Yes, up to 3.1%, plus business and occupation tax up to 0.2%                | 2.1% of total excise taxes collected, broken down into 30% based on generated sales, and 70% based on population (per capita) to all municipalities and counties which allow sales. |

\*Vermont figures according to bill recently passed by its state senate, still subject to enactment.

# Abandoned Roads

## Blaming Towns Yet Again

On Wednesday, the State and Local Government Committee held a hearing on LD 1415, *An Act To Improve the Laws Regarding Discontinued and Abandoned Roads*, sponsored by Rep. Catherine Nadeau of Winslow. The sponsor explained the bill would eliminate the abandonment process, while still allowing for discontinuance.

At the hearing, LD 1415 was supported by four people and opposed by MMA.

In addition to agreeing with the sponsor that “discontinued and abandoned roads bills in Maine have a tortured and complicated history,” MMA made four primary arguments against passage of the bill.

The first is that statutory abandonment is an important part of the toolkit available to communities to deal with long forgotten roads only recently brought to the attention of municipal officials. Towns and cities should not be required to engage in the formal discontinuance process anytime someone uncovers an overgrown road that may (or may not) have been public in a bygone era.

The second argument addressed the degree of hearsay that tends to be offered at public hearings on this topic. Nearly all proponents of the bill alleged that municipal officials commonly do not know the status of roads in their community. Although the Association has heard this claim for at least five years running, the proponents have not responded to MMA’s repeated requests to provide documentation as to which roads are seemingly mysterious, and in which municipalities. Because there are two sides to every story, and in the case of road disputes often as many sides to the story as there are abutters, the Association believes it would be helpful to all stakeholders to be able to investigate the claims in order to understand the specific aspects of each case and whether the bill is likely to address the issue at hand.

Third, MMA emphasized how three significant pieces of legislation have been enacted in as many years to address the purported issues. The ink is barely dry on these significant updates to Maine’s public easement law. Ordinarily, major

policy changes are given time to breathe and play out in practice before they are further amended.

Finally, the Association conveyed its impression that the common ingredient in real world complaints has less to do with discontinuance and abandonment, and more to do with the public easements that are left over afterwards. As far as MMA can tell, in the mid-20<sup>th</sup> Century the State of Maine changed the law to encourage rather than discourage easements for public “egress and ingress” travel, in order to promote access to the wilderness and curtail the landlocked parcel issues that were plaguing the courts at the time.

A representative from the Maine Woodland Owners testified that the reason it brought the bill forward was to streamline road termination into one clear procedure that includes more public notice and input and would be less confusing to people. They also believe that the purpose of abandonment has run its course, with that purpose in their view having been to prevent municipalities from having to discontinue roads that were “turned back” to municipalities by the state and counties roughly 40 years ago. When at least two committee members asked for a specific depiction of what type of problem the woodland owners believe would be solved by their proposal, the organization returned to their aim of reducing confusion and failed to offer even a single real world example.

The Maine Forest Products Council supported LD 1415 “because it requires positive action for a municipality to abandon a road, not just 30 years of neglect.” A property owner in the Town of Newfield supported the bill on the basis of her own experience, claiming that the town was trying to consider a road abandoned that had in fact been maintained more recently than 30 years ago. Yet that individual’s testimony included a letter dated Jan. 29 of this year informing the person that the municipal officers “propose to initiate the process to consider whether to issue an order to discontinue” the road. Finally, a representative of Maine ROADways who testifies annually on legislation related to abandoned or discontinued roads recited

legal history to provide the committee with context, encouraging legislators to support the bill.

Understandably, many abutters would prefer for their roads to be gated or otherwise closed to the public rather than open to all users. On the other hand, sportspeople, environmentalists, loggers, and a host of other parties including abutters who might otherwise be landlocked, have tended to support public easements.

The issue of whether to encourage or discourage public easements is a policy call for the state to make, and it is unfortunate that municipal officials continue to be blamed for carrying out their duties in accordance with the state laws that have long encouraged the retention of public easements upon discontinuation or abandonment.

At the time of publication, the work session on LD 1415 had not been scheduled.

The same is true for the public hearing date on a freshly minted, related bill. LD 1536, *An Act To Require Municipalities To Maintain Access on Public Rights-of-way*, sponsored by Rep. Dennis Keschl of Belgrade, proposes to make several significant, mandate-laden changes to law, including:

- Further amending the discontinuation process. Under existing statutes, municipalities may not discontinue a town way that is abutted by property not otherwise accessible by a public way, unless the municipal officers have provided the abutters one year to work out private easements allowing for abutter travel along the way. If after a year, the abutters have not worked out private easements, the municipality may proceed with the discontinuance, provided a public easement is retained. The bill would continue to allow a municipality to discontinue a road and retain a public easement, but on the condition that the municipality specifies the allowable uses on the public easement and provides sufficient public maintenance of the public easement to allow the specified use;

- Modifying the road abandonment law to provide that the presumption of abandonment is removed if: (a) the municipality received Local Road Assistance Program funds on any mile of the way during any portion of the 30 or more consecutive years

*(continued on back page)*

## 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, April 15 – Holiday

### Tuesday, April 16

#### Education & Cultural Affairs

Room 208, Cross Building, 1:00 p.m.

Tel: 287-3125

LD 318 – An Act To Prepare All Students for Work and Life by Requiring That Students Receive Instruction in Vocational Preparation and Practical Life Skills.

#### Innovation, Development, Economic Advancement & Business

Room 202, Cross Building, 1:30 p.m.

Tel: 287-4880

LD 1440 – An Act To Create Transparency in Tax Increment Financing and Credit Enhancement Agreement Proposals.

LD 1481 – An Act To Establish the Big Moose Mountain Regional Development Authority.

#### Marine Resources

Room 206, Cross Building, 1:00 p.m.

Tel: 287-1337

LD 1419 – An Act To Improve Commercial Production of Shellfish by Allowing Municipalities To Establish Active Municipal Shellfish Management Areas.

LD 1420 – Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State.

#### Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

LD 77 – An Act To Increase the Homestead Property Tax Exemption to \$50,000 for Persons 75 Years of Age and Older.

LD 164 – An Act To Reduce Property Taxes for Maine Residents.

LD 811 – An Act To Provide Additional Flexibility in the Municipal Property Tax Assistance Programs for Seniors.

LD 837 – An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age.

LD 1172 – An Act To Provide Direct Property Tax Relief to Homeowners by Increasing the Homestead Exemption.

LD 1234 – An Act To Expand the Value of the Homestead Exemption to \$25,000 and State Reimbursement to 100 Percent of Lost Property Tax Revenue.

LD 1443 – An Act To Enact the Senior Property Tax Reimbursement Act.

### Wednesday, April 17

#### Education & Cultural Affairs

Room 208, Cross Building, 1:00 p.m.

Tel: 287-3125

LD 985 – An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards.

LD 1347 – An Act To Promote High-quality After-school Programs in Public Schools.

#### Energy, Utilities & Technology

Room 211, Cross Building, 9:00 a.m.

Tel: 287-4143

LD 1469 – An Act To Amend the Charter of the Rumford-Mexico Sewerage District.

LD 1494 – An Act To Reform Maine's Renewable Portfolio Standard.

#### Health & Human Services

Room 209, Cross Building, 9:00 a.m.

Tel: 287-1317

LD 1318 – Resolve, To Increase Access to Housing-related Support Services.

#### Judiciary

Room 438, State House, 9:00 a.m.

Tel: 287-1327

LD 627 – An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices.

LD 800 – An Act To Require Recording of Interviews of Suspects.

LD 801 – An Act Regarding the Recording of Witness Interviews.

#### 1:30 p.m.

LD 1423 – An Act To Require Corporate Transparency When Taxpayer Funding Is Provided.

#### Labor & Housing

Room 202, Cross Building, 9:00 a.m.

Tel: 287-1331

LD 900 – An Act To Expand the Rights of Public Employees under the Maine Labor Laws.

LD 1237 – An Act To Simplify Municipal Collective Bargaining by Removing the 120-Day Notice Required Prior to Certain Negotiations.

LD 1412 – An Act To Amend the Laws Governing the Collective Bargaining Rights of Employees of School Management and Leadership Centers.

LD 1451 – An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Workers.

#### State & Local Government

Room 214, Cross Building, 9:00 a.m.

Tel: 287-1330

LD 391 – Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County.

LD 1391 – An Act To Ensure Consistency of Language in Municipal Documents with the Language in Comprehensive Plans.

### Thursday, April 18

#### Environment & Natural Resources

Room 216, Cross Building, 1:00 p.m.

Tel: 287-4149

LD 710 – Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses.

LD 1431 – Resolve, To Support Municipal Recycling Programs.

#### Innovation, Development, Economic Advancement & Business

Room 202, Cross Building, 1:00 p.m.

Tel: 287-4880

LD 15 – An Act To Provide for Municipalities To Allow Grocery

*(continued on page 5)*



## LEGISLATIVE HEARINGS (cont.)

Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas.

### Transportation

**Room 126, State House, 1:00 p.m.**

**Tel: 287-4148**

LD 778 – An Act To Create the Fund for Municipalities To Improve Pedestrian Safety.

LD 1257 – An Act To Prepare Maine for a Low-carbon Transportation Future.

LD 1266 – An Act To Create Transportation Corridor Districts for the Purpose of Funding Transportation and Transit Services.

LD 1390 – An Act To Fund Saco Area Traffic Improvements.

### Friday, April 19

#### Education & Cultural Affairs

**Room 208, Cross Building, 9:00 a.m.**

**Tel: 287-3125**

LD 1182 – An Act To Improve School Safety by Requiring Law Enforcement Visits.

LD 1369 – An Act To Create an Additional Pathway To Certify Industrial

Arts Teachers To Foster Career and Technical Subjects in Maine Schools.

**1:00 p.m.**

LD 541 – Resolve, To Reduce Food Waste in Schools.

LD 577 – An Act To Increase Access to Nutritious Foods in Schools by Implementing an After-school Food Program for At-risk Students.

#### Environment & Natural Resources

**Room 216, Cross Building, 10:00 a.m.**

**Tel: 287-4149**

LD 1460 – An Act To Support Collection and Proper Disposal of Unwanted Drugs.

#### Labor & Housing

**Room 202, Cross Building, 9:00 a.m.**

**Tel: 287-1331**

LD 462 – An Act to Provide Paid Family Leave to Public School Employees.

LD 883 – An Act To Establish the Opt-in Maine Paid Family Leave Insurance Program.

LD 1239 – An Act To Mandate Paid Maternity and Parental Leave.

LD 1410 – An Act To Create Paid Family and Medical Leave Benefits.

## IN THE HOPPER

### Education and Cultural Affairs

LD 1347 – An Act To Promote High-quality After-school Programs in Public Schools. (Sponsored by Rep. Beebe-Center of Rockland)

This concept draft bill proposes to amend the provisions in law regarding high-quality after-school programs under the Maine Revised Statutes, Title 20-A, chapter 318. Currently, funds to provide high-quality after-school programs are provided by the After-school Program Fund, which receives a substantial amount of funding from the Federal Government that may be terminated or no longer available in the coming years. This bill proposes to seek new funding for the After-school Program Fund and to increase the quality of the after-school programs, including requiring matching funds from the schools that receive the funds and to make grants from the fund competitive. An after-school program that is a recipient of funding from the fund must have as measurable outcomes for the students' academic improvement, social emotional learning and family engagement. Criteria for competitive grants would seek to improve or raise the quality of after-school programs by giving preference to schools that would collaborate with and leverage existing community resources that have demonstrated effectiveness, engage in outreach to children and youth and involve local governments, including parks and recreation departments and other schools.

### Environment and Natural Resources

LD 1431 – Resolve, To Support Municipal Recycling Programs. (Sponsored by Rep. Devin of Newcastle)

This resolve requires the Department of Environmental Protection to develop proposed legislation to establish a new product stewardship program requiring producers of packaging to assist Maine municipalities in managing and financing packaging waste disposal and recycling programs in the State. The proposed legislation is required also to incentivize producers of packaging to design packaging to be recycled or made of recycled content to strengthen the recycling markets. The resolve requires the department to submit the proposed legislation to the Environment and Natural Resources no later than December 16, 2019.

### Innovation, Development, Economic Advancement and Commerce

LD 1440 – An Act To Create Transparency in Tax Increment

Financing and Credit Enhancement Agreement Proposals. (Sponsored by Rep. Sylvester of Portland)

This bill requires that, for applicants to the Department of Economic and Community Development or municipalities for assistance for the improvement and development of housing, community and economic development opportunities, the name of the applicants and the amount of assistance being requested not be withheld as confidential but be subject to disclosure.

### Judiciary

LD 800 – An Act To Require Recording of Interviews of Suspects. (Sponsored by Rep. Warren of Hallowell)

Current law requires that law enforcement agencies only adopt written policies for the recording of interviews of suspects of serious crimes. This bill requires law enforcement officers to record interviews of suspects in custody or otherwise deprived of freedom of action in any significant way whenever feasible and always where questioning occurs at a place of detention.

LD 1423 – An Act To Require Corporate Transparency When Taxpayer Funding Is Provided. (Sponsored by Rep. Sampson of Alfred)

This bill changes the standards of conduct for directors under the Maine Nonprofit Corporation Act and for directors and officers under the Maine Business Corporation Act to add compliance with the laws governing monopolies and profiteering and acting in accordance with the purpose for which the corporation is organized and not in a manner that facilitates bias and partiality in governance. It specifies that officers and directors of business corporations may not act to cause a detrimental effect on the purpose of nonprofit corporations. It requires a corporation under the Maine Nonprofit Corporation Act to include a list of private contributions received in its annual report. It requires a corporation under the Maine Business Corporation Act that receives a business equipment tax exemption or participates in a tax increment financing or credit enhancement program to include a list of all donations distributed to nonprofit corporations or public entities in its annual report.

### Labor and Housing

LD 900 – An Act To Expand the Rights of Public Employees under

*(continued on page 6)*

## HOPPER (cont.)

the Maine Labor Laws. (Sponsored by Rep. Sylvester of Portland)

This bill allows public employees, including municipal and county employees, state and legislative employees, university, academy and community college employees and judicial employees, but not including employees whose duties include protecting public safety, to strike pursuant to the official procedures of the employees' employee organization or under a process in which an affirmative vote to strike is held. The bill requires that notice be given to the public employer stating the dates upon which the strike will begin and end. The bill also provides that the employee organization or public employer may call for emergency bargaining within 3 days prior to the intended start of the strike.

**LD 1237 – An Act To Simplify Municipal Collective Bargaining by Removing the 120-Day Notice Required Prior to Certain Negotiations.** (Sponsored by Rep. Handy of Lewiston)

This bill repeals the requirement that a bargaining agent for municipal public employees submit a written request for collective bargaining to the public employer of those municipal public employees at least 120 days before the conclusion of the current fiscal operating budget.

**LD 1239 – An Act To Mandate Paid Maternity and Parental Leave.** (Sponsored by Rep. Collings of Portland)

This bill requires employers with one to 49 employees, explicitly including municipalities, to provide two weeks of paid maternity leave, including existing benefits, to an employee who gives birth and one week of paid parental leave to an employee whose spouse or domestic partner gives birth. Employers with more than 49 employees, explicitly including municipalities, are required to provide four weeks of paid maternity leave, including existing benefits, to an employee who gives birth and two weeks of paid parental leave to an employee whose spouse or domestic partner gives birth. The bill also includes provisions regarding the protection of existing benefits, position restoration, denial of rights and judicial enforcement similar to the provisions of the family medical leave laws.

**LD 1410 – An Act To Create Paid Family and Medical Leave Benefits.** (Sponsored by Rep. Gideon of Freeport)

This bill establishes a paid family and medical leave benefits program administered by the Department of Labor. The program provides up to 12 weeks of family leave and up to 20 weeks of medical leave to eligible covered individuals. No more than 20 weeks of family leave and medical leave in the aggregate may be taken in a 12-month period. An individual is eligible for leave under the program after working 26 weeks or more for any employer in the 12 months prior to submitting an application or if the individual is self-employed and has elected to be part of the program. The maximum weekly benefit amount is capped at 100% of the state average weekly wage. The weekly benefit amount is 90% of the portion of the covered individual's average weekly wage that is equal to or less than 50% of the state average weekly wage and 67% of the portion of the covered individual's average weekly wage that is more than 50% of the state average weekly wage. Covered individuals are required to file claims for benefits in accordance with rules adopted by the department and to provide certification that they qualify for family leave or medical leave. This bill establishes the Family and Medical Leave Insurance Fund to support the program. The funds for administrative costs and payment of benefits will come from payroll contributions by employees. The bill requires payroll contributions to begin January 1, 2021, and benefits will be paid out beginning January 1, 2022.

**LD 1451 – An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Workers.** (Sponsored by Rep. Pluecker of Warren)

This bill makes changes to the laws governing collective bargaining for municipal employees, state employees, judicial employees and employees of the University of Maine System, the Maine Maritime Academy and the Maine Community College System to provide a

collective bargaining agent with greater access to employees and employee information for those employees represented by that collective bargaining agent. As proposed, public employers would be required to allow the bargaining agent to: (1) meet with individual employees during the work day to investigate grievances and work-related complaints and issues; (2) conduct workplace meetings during lunch and other breaks; (3) meet with newly hired employees, during the workday and without charge to the pay or leave of the employee, for a minimum of 30 minutes within 10 calendar days of employment; and (4) use the e-mail system of a public employer to communicate with bargaining unit members on official matters. Within 10 days of hire, a public employer is required to provide the bargaining agent information on the new employee, including name, job title, workplace location, home address, work phone number and email address, home email address and home or cellphone numbers (if known), and date of hire. It also provides a collective bargaining agent with the right to use any government building or facility to conduct meetings with its members, as long as that use does not interfere with governmental operations. The government entity may charge the collective bargaining agent for any additional costs that use may incur.

### Marine Resources

**LD 1419 – An Act To Improve Commercial Production of Shellfish by Allowing Municipalities To Establish Active Municipal Shellfish Management Areas.** (Sponsored by Rep. McCreight of Harpswell)

This bill allows a municipality in its municipal shellfish conservation ordinance to establish active municipal shellfish management areas where a person licensed under the ordinance may employ and develop methods that enhance commercial production of shellfish, which include but are not limited to protective netting, traps, cages and boxes. This bill requires that: (1) Active municipal shellfish management areas do not encompass more than 10% of the intertidal zone; (2) Only a person authorized by the municipality to engage in permitted activities in an active municipal shellfish management area may harvest any marine organisms; (3) Each person authorized to engage in permitted activities in an active municipal shellfish management area is limited to engage in those activities on no more than 2 acres of the intertidal zone; (4) An active municipal shellfish management area may not be established in areas closed by the Commissioner of Marine Resources; (5) Any shellfish harvested in an active municipal shellfish management area must comply with minimum size requirements; (6) An active municipal shellfish management area is clearly marked with signs that identify that it has been designated as an active municipal shellfish management area and that harvesting of marine organisms is restricted to only those persons that have been authorized by the municipality; (7) Any gear used in an active municipal shellfish management area is no more than 18 inches above the sediment; and (8) A person engaged in permitted activities in an active municipal shellfish management area report any findings and landing data to the Department of Marine Resources. This bill specifies that a person that harvests any marine organisms from an active municipal shellfish management area in a manner that is not in accordance with law or a municipal shellfish conservation ordinance commits a Class D crime and the fines that are to be applied are the same as those imposed on a person that harvested shellfish from an area closed for conservation purposes that is in current law.

**LD 1420 – Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State.** (Emergency) (Sponsored by Rep. McCreight of Harpswell)

This resolve establishes the Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State. The task force membership consists of legislators, representatives of entities knowledgeable about or involved in aquaculture and representatives of state agencies, associations and commercial fisheries, including a representative from the Maine Harbor Masters Association, Maine Municipal Association and a municipality with interest and experience in aquaculture. The task force's duties include a review of the report

*(continued on page 7)*

## HOPPER (cont.)

from the Governor's Task Force on the Planning and Development of Marine Aquaculture in Maine dated January 30, 2004 and an assessment of the current status of aquaculture in the State, current production levels and production capacity and environmental effects and the carrying capacity of the coastal marine environment, as well as an examination of aquaculture best practices, relationships with other fisheries, current economic and workforce effects, future opportunities and current and proposed community outreach and education. The task force is required to submit an interim report no later than September 1, 2019 and a final report no later than December 11, 2019 to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Environment and Natural Resources, which may each submit legislation based on the report to the Second Regular Session of the 129th Legislature

### State and Local Government

**LD 1391 – An Act To Ensure Consistency of Language in Municipal Documents with the Language in Comprehensive Plans.** (Sponsored by Rep. Wadsworth of Hiram)

This bill amends the laws governing growth management programs to require that a municipality or multimunicipal region ensure that the language and requirements in charters, ordinances, policies, codes, regulations, bylaws and documents setting out or assessing fees align with each other and meet the overall intent of a comprehensive plan approved by the municipality or multimunicipal region. It also amends the law to encourage the consideration of economic effects by municipalities in their planning.

#### Taxation

**LD 837 – An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age.** (Sponsored by Rep. Mastraccio of Sanford)

This bill provides an additional \$30,000 homestead property tax exemption, for a total exemption of \$50,000, for persons who are 75 years of age or older and claimed the homestead as a permanent residence for 10 or more years. The bill requires the state to reimburse municipalities 100% of the revenue lost as a result of the increased exemption for persons 75 years of age or older.

**LD 1172 – An Act To Provide Direct Property Tax Relief to Homeowners by Increasing the Homestead Exemption.** (Sponsored by Sen. Libby of Androscoggin Cty.)

This bill increases the total exemption amount under the Maine resident homestead property tax exemption program from the current \$20,000 to \$30,000 for the property tax year beginning April 1, 2020 and to \$40,000 for property tax years beginning on or after April 1, 2021. This bill also increases the reimbursement rate by the state for the revenue lost by a municipality due to the exemption from 62.5% to 75%, beginning with the 2020-2021 property tax year.

**LD 1234 – An Act To Expand the Value of the Homestead Exemption to \$25,000 and State Reimbursement to 100 Percent of Lost Property Tax Revenue.** (Sponsored by Rep. Austin of Skowhegan)

For property tax years beginning April 1, 2020, this bill increases the value of the homestead exemption benefit under the Maine resident homestead property tax exemption from \$20,000 to \$25,000 and increases the state reimbursement for the lost property tax revenue from 62.5 percent to 100 percent. The bill also provides that the property tax assessed on a homestead eligible for the homestead exemption may not be less than \$100.

**LD 1443 – An Act To Enact the Senior Property Tax Reimbursement Act.** (Sponsored by Rep. Pickett of Dixfield)

This bill provides state reimbursement to eligible individuals for the portion of property taxes on their homesteads for a tax year that exceeds the property taxes for the year in which they reached retirement age as defined under the federal Social Security Act. For an individual to be eligible, the individual must be receiving a homestead exemption, have a household income of less than \$40,000 and, if filing individually,

have liquid assets of less than \$50,000 or, if household members are filing jointly, have liquid assets of less than \$75,000.

### Transportation

**LD 1257 – An Act To Prepare Maine for a Low-carbon Transportation Future.** (Sponsored by Rep. Bryant of Windham)

This bill authorizes the Secretary of State to require the owner of an electric vehicle to pay an electric vehicle registration surcharge of \$25 per year when at least 3,000 electric vehicles are annually registered in the State. The amount of the surcharge increases to \$50 per year when at least 10,000 electric vehicles are annually registered in the State. The municipality that collects the annual electric vehicle registration surcharge is required to expend no less than 50% of the surcharge to construct or modify public infrastructure that facilitates the charging of electric vehicles for use by the general public or for other purposes that encourage or support the purchase and use by the general public of electric vehicles. The bill also directs the Governor's Energy Office to convene an electric vehicle task force, which is charged with reviewing a number of matters relating to electric vehicles and electric vehicle infrastructure. The director of the office is required to report by February 15, 2020 to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation regarding any recommendations of the task force, including proposed legislation. After reviewing the report, the committees may report out legislation to the Second Regular Session of the 129th Legislature. The bill also directs the Commissioner of Transportation to take a number of actions regarding short-term and long-term planning for road infrastructure and highway funding, including a review of potential new vehicle or road use fees. The commissioner is directed to report by February 15, 2021 to the joint standing committees of the Legislature having jurisdiction over energy, utilities and technology matters and transportation matters regarding those actions and including any findings and recommendations and proposed legislation necessary to implement those recommendations. After reviewing the report, the committees may report out legislation to the First Regular Session of the 130th Legislature.

**LD 1266 – An Act To Create Transportation Corridor Districts for the Purpose of Funding Transportation and Transit Services.** (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill provides for the formation of transportation corridor districts within the current law relating to transit districts and regional transportation corporations. The bill provides that a municipality may, by itself or in cooperation with one or more other municipalities, form a transportation corridor district for the purposes of providing an environment to fund public transportation and serve accessibility needs, including passenger rail, ferry, bus, bicycle and pedestrian facilities and routes, and promoting economic development at transportation station areas and in downtown areas. The bill requires a municipality or group of municipalities to select the borders of the transportation corridor district. The bill requires that the formation of a transportation corridor district be approved by voter referendum in each participating municipality. The bill authorizes a district's board of directors, with approval from all municipalities in the district, to change the borders of the district. The bill also provides that a transportation corridor district, if approved by voter referendum in each municipality participating in the district, may borrow money temporarily and issue its negotiable notes for that money and issue securities of the district.

### Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: [www.memun.org](http://www.memun.org)

**Editorial Staff:** Kate Dufour, Garrett Corbin, Rebecca Graham and Laura Ellis of the State & Federal Relations staff.

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



## Progress on Broadband (cont'd)

of providing internet at a speed that meets the state definition of broadband service (25 megabits per second download speed and 3 Mbps upload speed). Although a majority of the committee supported this amendment on Tuesday of this week, the Association regrets that the vote was along party lines, with the minority voting against passage out of concern for potential impacts on ratepayers.

LD 1206, *An Act To Improve Aboveground Utilities' Responsiveness to Public Interests*, sponsored by Rep. Pinny Beebe-Center of Rockland, aims to address the issue of utility companies not being responsive to municipal requests to remove abandoned poles, relocate poles and related facilities, or otherwise remediate related issues such as debris in public ways and holes in the ground left after pole removal. On Thursday

of this week, the committee voted unanimously in favor of directing the Public Utilities Commission to address these issues in a rulemaking this year. The committee will consider the commission's rule and assess the extent to which it addresses concerns expressed by local governments as well as the state Department of Transportation when the commission reports back to the committee next year. The Association is optimistic about this approach, and is heartened by the relief granted in the meantime; as amended by committee, the bill will except municipal officials from liability under Maine's "pothole law" for defects in rights of way created by utilities. Logic dictates municipalities should not be held responsible for utility-created defects that are, for all practical purposes, beyond the local officials' control.

## Abandoned Roads (cont'd)

of apparent discontinuance; or (b) intentionally ceases to maintain a way as a means of creating a presumption of abandonment. A municipality is also prevented from asserting a presumption of abandonment for any way that was discontinued prior to Sept. 3, 1965 that resulted in a public easement:

- Requiring a town to maintain any local public right-of-way used as part of a United States postal route in passable condition for postal service delivery. If the postal service route is seasonal, the right-of-way must be maintained for the applicable season and, if the mail route is year-round, it must be maintained year-

round; and

- Providing that a failure of a town to meet the snow removal and other maintenance requirements of state statutes is deemed a failure to maintain a way, for which "those (municipal officials) liable may be indicted, convicted and a reasonable fine imposed therefor."

Municipal officials who are concerned about these proposals are encouraged to contact MMA Legislative Advocate Garrett Corbin at [gcorbin@memun.org](mailto:gcorbin@memun.org) or 1-800-452-8786 for more information.