

## Majority Support for Retro Revenue Sharing

By a margin of 8 to 4, the Taxation Committee voted in support of LD 193, *An Act To Fully Fund and Restore State-Municipal Revenue Sharing*. Sponsored by Rep. Thom Harnett of Gardiner, the bill retroactively restores funding for the State/Municipal Revenue Sharing Program to 5% of state sales and income tax revenue as of Jan. 1, 2019. According to the fiscal note accompanying the bill, if LD 193 is funded by the state's appropriators and supported by a majority of the Legislature, revenue sharing distributions will increase by nearly \$50 million in the current fiscal year.

The vote on LD 193 was along party lines, with the one independent member of the committee siding with the majority in support of the bill.

Opponents of the bill also expressed support for the revenue sharing program, but at the funding levels proposed in Governor Mills' biennial budget that seek to distribute 2.5% of state sales and income tax revenue to municipalities in FY 2020 and 3% in FY 2021. The reluctance to fully restore funding hinges on the lack of a guarantee that increases in revenue sharing will result in direct property taxpayer relief. From opponents' perspective, the only way to ensure property tax relief is through a 100% state reimbursed homestead exemption.

However, proponents believe that a fully funded revenue sharing program is part of a comprehensive property tax relief package that includes the homestead exemption and the property tax fairness credit. The revenue sharing program provides relief to all property taxpayers, the homestead provides direct relief to the community's full-time residents and the property tax fairness credit ensures that lower income homeowners, especially

renters, are also provided relief.

Along the same 8 to 4 margin, the committee voted to table LD 133, *An Act To Fully Restore State-Municipal Revenue Sharing for Fiscal Year 2018-19*, sponsored by Rep. Jeffrey Evangelos of Friendship. The bill seeks to restore funding for the revenue sharing program to the 5% level as of July 1, 2018. The purpose for the tabling motion was to preserve a legislative vehicle for providing additional retroactive revenue sharing funding should future state revenue projections increase.

Unfortunately, the Committee unanimously voted "ought not to pass" on LD 1278, *RESOLUTION, Proposing an Amendment to the Constitution of*

*Maine Requiring the State To Share Not Less Than 5 Percent of State Sales and Income Tax Revenue with Municipalities*, which was graciously sponsored by Sen. Marianne Moore of Washington County on behalf of MMA's Legislative Policy Committee. As the title suggests, the bill would have protected future funding for the revenue sharing program by constitutionally requiring that not less than 5% of state sales and income revenue be distributed to municipalities on a monthly basis. Members of the committee opposed the bill on the belief that budgeting via the constitution prohibits the current and future Legislatures from deciding how best to distribute and allocate state revenues.

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## Pesticide Limit Back from the Dead

Just when municipal officials thought the attempts to undermine local control over the spreading of U.S. Department of Environmental Protection Agency (EPA) recognized hazardous chemicals was over, a new bill has been printed. LD 1518, *An Act to Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use*, which in large part, provides research funding for the University of Maine Cooperative Extension Diagnostic and Research Laboratory, also severely hamstring municipal authority to enact pesticide ordinances.

As drafted, LD 1518 provides resources for a creation of a tick laboratory and pest management education. However, buried in the bill is a provision preventing

political subdivisions of the state from eliminating the use of a pesticide within their jurisdictional boundaries without the express consent of the Maine Board of Pesticides, which is directed to use federal guidelines and available scientific data to determine if the pesticide should be regulated any further. While under the terms of the bill municipal officials have the ability to participate in the process, only the board can decide whether the use of a particular pesticide will be prohibited, and it is further authorized to determine the other interested parties invited to participate in the discussions.

Aside from the assault on home-rule, LD 1518 rolls back the long standing practice common to all other environmental regulations (e.g., land use regulation, water protection, and marine resource protec-

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# Pedestrian Safety Fund Receives Public Hearing

Walkable downtowns, bump out curbs, safe pedestrian crossings and sidewalks were among the goals discussed on Thursday before the Transportation Committee during a public hearing on LD 778, *An Act To Create the Fund for Municipalities To Improve Pedestrian Safety*, sponsored by Sen. Nathan Libby of Androscoggin County.

In response to a tragic incident that killed a 14-year-old student on his way to school in downtown Lewiston, Sen. Libby reached out to the Maine Department of Transportation (MDOT) seeking solutions to pedestrian safety. MDOT responded by helping the city fund safety improvements that could not have otherwise been implemented using limited local resources. The improvements included the placement of curb bump outs, installation of rapid flashing beacons that alert motorists to crossing pedestrians, and use of highly reflective paint for crosswalks.

Hoping to avoid tying access to resources to tragedy, Sen. Libby submitted LD 778 to create a special fund that would be available to all municipalities where safety issues have been identified. By leveraging unspent allocations in the state's existing Multi-Modal Transportation fund for projects, the bill seeks to provide funding for pedestrian safety measures without increasing taxes or drawing away from existing department resources.

MMA testified in support of LD

778, expressing an understanding that the proposed fund may not be adequate enough to support pedestrian safety efforts statewide. However, recognizing there is no urban/rural divide for pedestrian projects in a largely rural state, municipal officials support increased funding for targeted projects that create walkable communities, enhance safety and decrease traffic accidents in all communities, particularly in municipalities that may be left out of current federal funding processes that base grant eligibility on population density standards.

Only MDOT spoke in opposition to the bill, stating the fund would be redundant to the Municipal Partnership Initiative which uses Federal Surface Transportation Block grants to make improvements to high density pedestrian traffic areas where safety is most compromised. MDOT has targeted most of their efforts in the 21 communities the department's Safety Office identified as having high rates of pedestrian involved accidents. Through the "Heads Up" initiative, the department, in conjunction with the Bicycle Coalition of Maine, has been holding public meetings in these communities to provide residents with the opportunity to inform the department of known safety issues and identify possible solutions. The department has committed to funding projects in these identified communities with existing resources.

Committee member Rep. Bettyann

Sheats of Auburn asked if communities not on the department's identified list are able to access funding to address pedestrian safety problems. The department advised the committee that prior to the current Heads Up initiative there was a program that municipalities could apply to for funding to implement pedestrian safety projects. However, the department wasn't sure if municipalities could still apply for funds in the same way, but would confirm the process for the work session. In addition, the committee requested information on how municipalities learn about the funding opportunities available from the department, the amount of money in the existing funds, and how communities not part of the Heads Up program can access pedestrian safety funds.

A work session for LD 778 has not been scheduled.

## Pesticide Preemption (cont'd)

tion, etc.), which provides municipalities with the authority to adopt and enforce local ordinances that are more stringent than the state minimum standards.

Twenty-nine municipalities out of 488 currently have pesticide ordinances. The status of those ordinances, should LD 1518 pass with the preemption intact, is uncertain.

Municipal officials who are concerned about protecting existing pesticide ordinances, and those interested in protecting the ability to enact such ordinances in the future, are encouraged to submit written testimony via mail, in person, or attend the public hearing scheduled for Tuesday, April 23, 2019 1:00 PM, in the Cross Building, Room 214, Agriculture, Conservation and Forestry Committee.

Emailed testimony is no longer being accepted by legislative committees. However, if you are unable to attend the public hearing and would like your testimony included in the public record, you can email your testimony to Rebecca Graham [rgraham@memun.org](mailto:rgraham@memun.org) and she'll provide copies to the committee.

## Legislative Bulletin

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

# New Home Rule Preemption in Sick Leave Bill

On Feb. 25, the Labor and Housing Committee held a public hearing on LD 369, *An Act To Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees*. The bill creates a right for certain employees to earn up to 40 hours of paid sick leave each year. The Association's Legislative Policy Committee opted not to take a position on LD 369, as originally printed.

After holding two work sessions in March, on Wednesday of this week the Labor and Housing Committee returned for what appears to have been their final work session before reporting an amended version of the bill out to the full Legislature. Unfortunately, the amendment to LD 369 supported by a majority of committee members present at the work session includes a blanket preemption of home rule authority. Section 10 of the amendment adds a new substantive provision that was not included in the printed bill, which reads:

10. Preemption. No municipality or other political subdivision may enact any ordinance or other rule purporting to have the force of law under its home

rule or other authority regulating earned paid leave.

Although the specific reason for including the preemption in the compromise amendment was not articulated at the work session, a statewide news publication reported last month that the Maine State Chamber of Commerce and the Retail Association of Maine were advocating for this preemption, describing it as a "minor tweak" and not a major concession from their perspective. In its testimony, the Retail Association claimed differing ordinances in different communities would be "incredibly problematic for the business community," without providing any examples of how existing ordinance differences are in fact harming businesses.

Municipal officials have two serious concerns with this provision.

The first is the encroachment on local control. Home rule has generally been respected in Maine at the state level. Efforts in recent years to limit or entirely preempt local autonomy have not been taken lightly nor, typically, have they been successful. For good reason, recent attempts made in Maine to roll back longstanding home rule authority have not even made it out

of committee.

The second concern has to do with the way in which this preemption completely short-circuited the normal public comment process. Municipal officials know all too well the scrutiny that goes along with adhering to the state's public notice and hearing requirements. In MMA's view, bedrock constitutional concepts are too important to be undermined via negotiations that do not benefit from public hearings. The public deserves the right to weigh in on major new policy proposals that are sure to impact their communities.

A majority of the committee members present voted to support the bill as amended. One member of the committee voted against the bill, both in its printed and amended forms. Another member, Rep. Michael Sylvester of Portland voted in support of an amended version of the bill that excludes the provision regarding municipal preemption, recognizing the great compromise presented by the amended proposal even without the preemption provision.

Municipal officials concerned with this intrusion on local control are encouraged to contact their legislators.

## 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 22

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

LD 259 – An Act To Require the State To Meet the Mandatory 55 Percent Contribution to Schools.

LD 1170 – An Act To Raise the Floor of State Education Funding.

**Health & Human Services**  
**Room 209, Cross Building, 10:00 a.m.**  
**Tel: 287-1317**

LD 1134 – An Act To Set Aside Funds from Federal Block Grants for Certain Communities.

LD 1484 – An Act To Create a System Using the Permit for Disposition of Human Remains To Track the Burial of Cremated Remains in a Public Cemetery.

**Judiciary**  
**Room 438, State House, 9:00 a.m.**  
**Tel: 287-1327**

LD 1312 – An Act Regarding Access to Firearms by Extremely Dangerous and Suicidal Individuals.

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

LD 1395 – An Act To Create Fairness for Dispatchers in the Maine Public Employment Retirement System.

LD 1400 – An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit and To Improve Retirement Benefits for Veterans of the Cold War.

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

LD 1439 – An Act To Encourage Quality, Safety and Accountability on Public Construction Projects.

LD 1470 – An Act To Allow the Prohibition of Weapons at Public Proceedings and Voting Places.

LD 1476 – An Act To Clarify Recounts in Municipal Elections.

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## LEGISLATIVE HEARINGS (cont.)

### Tuesday, April 23

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

LD 643 – An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations.

LD 840 – An Act Regarding the Control of Browntail Moths.

LD 1518 – An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use.

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

LD 1216 – An Act To Support Community Schools.

LD 1262 – An Act To Allow Funds from the Federal E-Rate Program To Be Applied to Maine Preschool Programs.

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

LD 1282 – An Act To Establish a Green New Deal for Maine.

#### **Health & Human Services** **Room 209, Cross Building, 1:00 p.m.** **Tel: 287-1317**

LD 738 – Resolve, Directing the Commissioner of Health and Human Services To Convene a Study Group To Review the Crisis Response System in the State.

#### **Health Coverage, Insurance and Financial Services** **Room 220, Cross Building, 2:30 p.m.** **Tel: 287-1314**

LD 1472 – An Act To Create a Commissioner To Establish a State Bank.

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

LD 35 – An Act To Exempt All Disabled Veterans in Maine from All Income Tax and To Increase Their Homestead Exemption to \$50,000.

LD 163 – An Act Regarding Property Tax Relief for Veterans.

LD 1042 – An Act To Exempt Disabled Veterans from Property Taxes in Accordance with Their Disability Ratings.

LD 1194 – An Act To Increase Property Tax Relief for Veterans.

LD 1271 – An Act To Exempt Permanently Disabled Veterans from Payment of Property Taxes.

LD 1326 – An Act To Expand Eligibility for the Veterans' Property Tax Exemption.

LD 1448 – An Act To Expand the Homestead Exemption for Disabled Veterans.

### Wednesday, April 24

#### **Criminal Justice & Public Safety** **Room 436, State House, 1:00 p.m.** **Tel: 287-1122**

LD 1466 – An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder.

LD 1485 – An Act To Create an At-risk Persons Program in Maine.

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

LD 1163 – An Act Regarding Energy, Utilities and Technology.

LD 1562 – An Act To Encourage the Use of Renewable Energy.

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

LD 1532 – An Act To Eliminate Single-use Plastic Carry-out Bags.

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

LD 1488 – An Act To Allow Holders of Gold Star Family Registration Plates To Be Issued Complimentary Licenses To Hunt, Trap and Fish.

LD 1525 – An Act To Require Insurance on Motorized Watercraft.

LD 1579 – An Act To Allow Municipalities To Stock Ponds in Their Areas with Fish.

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

LD 1386 – An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects.

LD 1524 – An Act To Prevent Wage Theft and Promote Employer Accountability.

LD 1529 – An Act Concerning Nondisclosure Agreements in Employment.

LD 1564 – An Act To Authorize Project Labor Agreements for Public Works Projects.

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

LD 1462 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Senators and To Set Term Limits for Legislators.

LD 1489 – RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Election of Senators.

LD 1517 – An Act To Facilitate the Deployment of Small Wireless Facilities in Maine.

LD 1536 – An Act To Require Municipalities To Maintain Access on Public Rights-of-Way.

#### **Taxation** **Room 127, State House, 10:00 a.m.** **Tel: 287-1552**

LD 124 – An Act To Exempt from Sales Tax an Island-based Nonprofit Provider of Ambulance Services.

LD 564 – An Act To Encourage the Installation of Solar Panels on Residential Property.

LD 839 – An Act To Increase Funding for Multimodal Transportation.

LD 922 – An Act To Provide a Property Tax Exemption for Renewable Energy Fixtures.

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## LEGISLATIVE HEARINGS (cont.)

LD 1191 – An Act To Exempt Solar Energy Equipment from Property Tax.

LD 1430 – An Act To Create Equity among Renewable Energy Investments.

**Veterans & Legal Affairs**  
**Room 437, State House, 9:00 a.m.**  
**Tel: 287-1310**

LD 1463 – An Act To Create an Automatic Voter Registration System.

**10:00 a.m.**

LD 1565 – Resolution, Proposing an Amendment to the Constitution of Maine To Protect Voter-approved Measures.

LD 1570 – An Act to Allow Residents to Register Online To Vote.

LD 1583 – An Act To Enact the Maine Citizens' Initiatives Clean Election Act.

**Thursday, April 25**

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

LD 1316 – An Act To Make It Explicit That Maine Holds Title to Its Intertidal Lands.

LD 1323 – An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands.

LD 1561 – An Act To Amend the Maine Land Use Planning Commission Laws and Enhance the Economic Vitality of Neighboring Communities.

LD 1574 – An Act To Continue Authorization of Seaplane Landings on Katahdin Lake.

**Health Coverage, Insurance and Financial Services**  
**Room 220, Cross Building, 1:00 p.m.**  
**Tel: 287-1314**

LD 1236 – An Act To Clarify the Laws Governing the Licensing of Paramedics.

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

LD 1290 – An Act to Increase Transparency with Regard to Pawnshops.

LD 1342 – An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute.

**Friday, April 26**

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

LD 353 – An Act To Classify Recovery Residences as One-family Dwellings for the Purposes of the Fire Code.

## 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).)

### Agriculture, Conservation and Forestry

LD 1518 – An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use. (Sponsored by Rep. Stanley of Medway)

Of greatest municipal significance, this bill requires a political subdivision seeking to ban the use of a pesticide registered by the U.S. Environmental Protection Agency to submit a request to the Board of Pesticides Control for review and determination of whether the pesticide should be further regulated. The board's review must include participation from the officers of the political subdivision, board staff, and experts and other interested parties the board determines appropriate. The board is also required to investigate complaints of violations of local, state and federal pesticide laws.

LD 1561 – An Act To Amend the Maine Land Use Planning Commission Laws and Enhance the Economic Vitality of Neighboring Communities. (Sponsored by Sen. Carson of Cumberland Cty.)

This bill amends the laws governing the Maine Land Use Planning Commission (LUPC) by removing the existing locally-led process for regional planning and mandating the commission to start regional planning activities at the request of two municipalities in a region, adds four gubernatorial appointments to the LUPC causing four counties with the least Unorganized Territory acreage to lose their representation, and limits the types of municipal expertise for the appointments to experience only in communities next to the Unorganized Territories, favoring expertise in conservation and forest economy over municipal perspectives. The bill also directs the LUPC to conduct a land use structure inventory by July 1, 2020 and drive future development

into communities where possible asking the applicant and the LUPC to conduct analysis for any application for proposed development by seeking sites in organized municipalities first.

### Criminal Justice and Public Safety

LD 1485 – An Act To Create an At-risk Persons Program in Maine. (Sponsored by Rep. Costain of Plymouth)

This bill creates the at-risk persons program to provide law enforcement officers with the contact information for a person designated by an at-risk person or that person's legal guardian. The program also provides access to information that may aid in maximizing the safety of the at-risk person during an encounter with a law enforcement officer.

### Education and Cultural Affairs

LD 1170 – An Act To Raise the Floor of State Education Funding. (Sponsored by Sen. Lawrence of York Cty.)

This bill changes the formula for determining the minimum state allocation for a school administrative unit to be the unit's total cost of education, as adjusted, multiplied by 15% or the unit's special education costs, as adjusted, whichever is greater. This bill also guarantees a member municipality a minimum state contribution of 15% of the municipality's total cost of education, as adjusted, and requires the funds to be paid to the school administrative unit and deducted from the municipality's required contribution.

### Health and Human Services

LD 738 – Resolve, Directing the Commissioner of Health and Human Services To Convene a Study Group To Review the Crisis Response System in the State. (Sponsored by Rep. Gattine of Westbrook)

This resolve requires the Commissioner of Health and Human Services to convene a study group of interested parties, including

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police departments, to review the crisis response system in the Maine. The study group is directed to evaluate average call times, time on hold when contacting referral services, wait time for mobile units, any decline in number of crisis teams and crisis stabilization unit beds in the state, average length of stay in crisis stabilization units and any other pertinent date. The study group is required to submit its report, including any recommended legislation, to the Health and Human Services Committee no later than Dec.15, 2019.

LD 1484 – An Act To Create a System Using the Permit for Disposition of Human Remains To Track the Burial of Cremated Remains in a Public Cemetery. (Sponsored by Rep. Doore of Augusta)

This bill changes the requirements for persons responsible for public burying grounds by changing the documentation of cremated remains buried in a burying ground from a permissive function to a mandated duty to be performed by the responsible person within 7 days of the cremated remains being buried.

### Inland Fisheries & Wildlife

LD 1579 – An Act To Allow Municipalities To Stock Ponds in Their Areas with Fish. (Sponsored by Rep. Mason of Lisbon)

This bill allows a municipality to stock fish in an inland water of the municipality, subject to a determination by the Department of Inland Fisheries and Wildlife, Bureau of Resource Management that the species of fish is appropriate to be stocked in that inland water and to the public notification requirements that apply when the bureau proposes to stock an inland water with fish.

### Innovation, Development, Economic Advancement and Commerce

LD 1342 – An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute. (Sponsored by Rep. Daughtry of Brunswick)

This bill establishes the Maine Workforce, Research, Development and Student Achievement Institute and a related steering committee to advise the Legislature on matters related to workforce training, research and development, student debt and economic advancement in the state. The bill describes the eight required steering committee members, which includes the Maine Municipal Association, and establishes that each member serves a two-year term and that the steering committee will meet at least four times per year. The bill directs the Legislature to contract with the University of Maine System to establish the steering committee.

### Judiciary

LD 1312 – An Act Regarding Access to Firearms by Extremely Dangerous and Suicidal Individuals. (Sponsored by Sen. Millett of Cumberland Cty.)

This bill creates an extreme risk protection order to authorize a court to order a person to surrender that person's firearms temporarily for 14 days or on an extended basis for 365 days when it has been proven that the person poses a danger of causing personal injury to that person or another person. The bill provides that: (1) A law enforcement officer, a law enforcement agency or a family or household member may file a petition for a temporary extreme risk protection order, which may be granted if the court finds probable cause exists to issue the order. The temporary extreme risk protection order expires in 14 days or when a hearing to determine whether to issue an extended extreme risk protection order is held, whichever occurs sooner. A temporary extreme risk protection order may be issued on an ex parte basis; (2) Whether or not the court issues a temporary extreme risk protection order, the court is required to hold a hearing within 14 days to determine whether the person poses a danger of causing personal injury to that person or another person. If the court, based on clear and convincing evidence, finds that an extended extreme risk protection order should be issued, the extended extreme risk protection order must be issued, and it expires 365 days after the issuance of the order unless extended after another hearing; (3) Following the issuance of a temporary or extended extreme risk protection order, the court is required to order

law enforcement to serve the order and is required to issue a search warrant if the court finds probable cause that the person who is the subject of the order is in possession of a firearm; (4) A person who is the subject of a temporary or extended extreme risk protection order is required to surrender all firearms in the person's possession to a law enforcement officer or law enforcement agency. The firearms must be returned to the person at the expiration of the extreme risk protection order unless an extended extreme risk protection order is issued; (5) A person against whom an extended extreme risk protection order is issued may request that the order be dissolved and be granted a hearing once during the term of the extended extreme risk protection order; and (6) A person who possesses firearms in violation of an extreme risk protection order commits a Class D crime.

### Labor & Housing

LD 1386 – An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects. (Sponsored by Sen. L. Sanborn of Cumberland Cty.)

This bill directs the Department of Labor, Bureau of Labor Standards, when determining prevailing hourly wages and benefits, to collect one set of data through conducting a survey of wages and benefits and a second set of data through certified payroll submissions on state construction projects during two weeks in July of each year and to use the higher wage and benefit information of the two data sets to determine the prevailing hourly wage and benefit rate. This bill also increases from \$50 to \$250 the penalty for failing to provide requested information to the bureau.

LD 1395 – An Act To Create Fairness for Dispatchers in the Maine Public Employment Retirement System. (Sponsored by Rep. Sylvester of Portland)

This bill adds dispatchers to the categories of participating local district employees for which a special retirement plan is available. Participating local districts that elect to cover their dispatchers by a more favorable special plan are responsible for the payment of any increased employer costs associated with such an election. Depending upon the plan that is elected, dispatchers may also pay an increased member contribution rate for participation in the more favorable special plan.

### State and Local Government

LD 1470 – An Act To Allow the Prohibition of Weapons at Public Proceedings and Voting Places. (Sponsored by Sen. Breen of Cumberland Cty.)

This bill allows a political subdivision to prohibit the carrying of dangerous weapons at public proceedings and at voting places. It provides an exception to allow the carrying of a handgun by an on-duty law enforcement officer. It defines "political subdivision" as any municipality, plantation, county, quasi-municipal corporation and special purpose district, including, but not limited to, any water district, sanitary district, hospital district, municipal transmission and distribution utility and school administrative unit.

LD 1476 – An Act To Clarify Recounts in Municipal Elections. (Sponsored by Rep. Handy of Lewiston)

This bill repeals the law governing a candidate's inspection of ballots and incoming voting lists and amends the law governing the referendum recount procedure to provide for establishing official representatives of both sides of a referendum issue, determining the date of the recount, the hand recount of votes, the availability of election materials for inspection, the resolution of disputed ballots, the resealing of recounted ballots and certification of the election results.

LD 1517 – An Act To Facilitate the Deployment of Small Wireless Facilities in Maine. (Sponsored by Rep. Pierce of Falmouth)

This bill provides that a small wireless facility must be a permitted use within the public right-of-way, subject to any duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses within the municipality and consistent with state and federal law, including, without limitation, any permitting requirements in the statutes

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regulating the placement of utility facilities in the right of way.

**LD 1536 – An Act To Require Municipalities To Maintain Access on Public Rights-of-Way.** (Sponsored by Rep. Keschl of Belgrade)

This bill makes several changes to the laws regulating the discontinuance and abandonment of municipal roads. The bill: (1) Provides that in the context of a road discontinuance proceeding the municipal officers must proceed with a discontinuance without retaining a public easement if the municipal officers verify that private easements that run with the title of the property owners' land for the purpose of allowing travel along the way for all abutting property owners and their lessees and guests have been filed with the registry of deeds. If the municipal officers are unable to verify those easements, they may discontinue the road only if a public easement is retained and the public use for which the easement is retained is specified. If the municipality retains a public easement, the municipality must provide sufficient public maintenance of the public easement to allow the specified use; (2) Modifies the road abandonment law to provide that: (A) A presumption of abandonment of a way is fully rebutted and removed by evidence that records maintained by the Department of Transportation indicate that a municipality received Local Road Assistance funds on any mileage of the way during any portion of the 30 or more consecutive years of apparent discontinuance; (B) A municipality may not intentionally cease to maintain a way as a means of creating a presumption of abandonment and a presumption of abandonment is fully rebutted and removed by evidence that a municipality intentionally ceased maintenance as a means of creating a presumption of abandonment; and

(C) A municipality may not assert a presumption of abandonment for any way that was discontinued prior to September 3, 1965 that resulted in a public easement; (3) Moves a provision of law relating to the removal of snow fences along public highways from a section relating to mail routes to the section of law relating to snow removal; (4) Requires a town to maintain any town public right-of-way used as part of a United States postal route in passable condition for postal service delivery. All maintenance must be in accordance with applicable United States Postal Service requirements. 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 (5) Provides 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.

### Taxation

**LD 564 – An Act To Encourage the Installation of Solar Panels on Residential Property.** (Sponsored by Rep. Blume of York)

This bill provides a property tax exemption for solar panels and associated equipment installed on residential property that qualifies for a homestead exemption.

**LD 839 – An Act To Increase Funding for Multimodal Transportation.** (Sponsored by Rep. Cloutier of Lewiston)

This bill increases the sales tax on short-term rentals of automobiles, small trucks and vans from 10% to 15% to provide funding for multimodal transportation. The increase takes effect October 1, 2019.

**LD 1042 – An Act To Exempt Disabled Veterans from Property Taxes in Accordance with Their Disability Ratings.** (Sponsored by Rep. Roberts-Lovell of South Berwick)

This bill permits a veteran with a service-connected disability rated by the United States Department of Veterans Affairs at 30% or greater to choose to receive a homestead exemption equal to 50% of the just value of the homestead multiplied by the veteran's percentage disability rating instead of the current homestead exemption and exemptions for veterans and legally blind persons. The bill requires the state to reimburse municipalities for 75% of the revenue loss attributable to the new exemption.

**LD 1191 – An Act To Exempt Solar Energy Equipment from Property Tax.** (Sponsored by Sen. Lawrence of York Cty.)

This bill provides a property tax exemption for solar energy

equipment installed on residential property on or after Sept. 1, 2019 to generate electricity or provide hot water to be used in a structure. A person who wishes to claim this exemption shall file with the assessor a written application in the manner prescribed by the assessor within 30 days following the annual assessment date of the municipality.

**LD 1194 – An Act To Increase Property Tax Relief for Veterans.** (Sponsored by Sen. Jackson of Aroostook Cty.)

This bill increases the property tax exemption beginning on or after April 1, 2020 from \$6,000 to \$10,000 of the just value of a home of a veteran who served in the Armed Forces of the United States during specified periods or who is receiving compensation from the United States Government for total, service-connected disability.

**LD 1271 – An Act To Exempt Permanently Disabled Veterans from Payment of Property Taxes.** (Sponsored by Sen. Jackson of Aroostook Cty.)

This bill provides a complete property tax exemption in the municipality of residence for a veteran receiving benefits based on a rating of 100% for a service-connected disability.

**LD 1326 – An Act To Expand Eligibility for the Veterans' Property Tax Exemption.** (Sponsored by Sen. Keim of Oxford Cty.)

This bill allows persons who served in the Armed Forces of the United States during the period from February 1, 1955 to February 27, 1961 to qualify for the veterans' property tax exemption based on dates of service.

**LD 1430 – An Act To Create Equity among Renewable Energy Investments.** (Sponsored by Rep. Tipping of Orono)

This bill provides clarification related to the eligibility of business investments in renewable energy facilities for purposes of the business equipment tax exemption and provides personal property tax and real estate tax exemptions for renewable energy facilities installed for noncommercial use. Additionally, the bill directs the Department of Administrative and Financial Services, Maine Revenue Services to provide guidance documents to assist municipalities with the assessment of renewable energy facilities included in these provisions.

**LD 1448 – An Act To Expand the Homestead Exemption for Disabled Veterans.** (Sponsored by Rep. Collings of Portland)

This bill permits a veteran with a service-connected disability rated by the United States Department of Veterans Affairs to choose to receive a homestead exemption equal to the just value of the homestead multiplied by the veteran's disability rating percentage instead of the current homestead exemption and exemptions for veterans and legally blind persons.

### Veterans and Legal Affairs

**LD 1463 – An Act To Create an Automatic Voter Registration System.** (Sponsored by Rep. Gideon of Freeport)

This bill establishes, beginning January 1, 2022, a method of automatically registering eligible individuals to vote. The Department of the Secretary of State, Bureau of Motor Vehicles, when receiving any documentation from an individual doing business with the bureau, including applying for or renewing a driver's license or nondriver identification card, is required to scan and electronically store the documentation provided by the individual. If the documentation provides proof of eligibility to vote, including citizenship, age and residency, that individual is added to the central voter registration system and relevant information is transmitted to election officials unless the individual, at the time of the collection of the documentation, chooses not to be registered to vote, which the Secretary of State is required to ensure that an individual is given the opportunity to do. An application or document used to collect information that may be used to register an individual must contain a notice that the individual's information may be used to register that individual to vote, meaning that the information would be available by persons other than the State or election officials.

An election official must provide the same notice to an individual upon receipt of the registration record from the Bureau of Motor Vehicles

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## HOPPER (cont.)

and also must inform the individual of the ability to choose not to be registered to vote and to pick a party affiliation. If the individual fails to respond within 21 days, the individual is considered a registered voter if that individual meets the qualifications to be registered as a voter.

The Secretary of State and the Governor are allowed to designate other state agencies and departments and public and private entities, such as colleges and municipal clerk offices, as so-called source agencies that are allowed to submit registration information to the bureau for inclusion in the central voter registration system, but only if those agencies, as part of their normal course of business, collect information that provides proof of eligibility to vote, including an entity that, as of January 1, 2022, is designated under the National Voter Registration Act of 1993 as a voter registration agency that collects information that provides proof of voter eligibility. A source agency is required to comply with the same restrictions regarding sharing and use of documentation as the bureau. Information from a source agency may also be used to update an individual's voter registration.

This bill exempts from liability an individual who is not qualified to be a registered voter but who becomes a registered voter by operation of the automatic registration, as long as that individual has not knowingly or willfully provided false information. This bill also requires the Secretary of State to adopt major substantive rules to implement the new automatic voter registration system and submit those rules, along with any proposed legislation necessary for the proper implementation of the new system, to the Second Regular Session of the 129th Legislature. Finally, this bill lowers the age at which a person may submit a conditional registration to vote and enrollment in a political party from 17 years of age to 16 years of age.

LD 1565 – Resolution, Proposing an Amendment to the Constitution of Maine To Protect Voter-approved Measures. (Sponsored by Sen. Chenette of York Cty.)

This resolution proposes an amendment to the Constitution of Maine to allow the Legislature to change a direct initiative approved by the voters at referendum if the change clarifies or further advances the original intent of the direct initiative. A change to such a direct initiative made by the Legislature no later than one year after the direct initiative takes effect that frustrates the effectuation or implementation of the direct initiative does not go into effect until submitted to the voters at referendum and approved by a majority of those voting on the question. The resolution also authorizes the Legislature to provide a process for the review of a direct initiative before petition forms are furnished or approved by the Secretary of State.

LD 1570 – An Act to Allow Residents to Register Online To Vote. (Sponsored by Rep. Ackley of Monmouth)

This bill allows online application for voter registration by an eligible resident of Maine through the Secretary of State's publicly accessible website. The information required to be submitted to the Secretary includes the applicant's legal name, residence, date of birth, most recent prior residence, choice of political party, identification number on a state issued driver's license or non-driver's card, affirmation by the applicant that the information provided is valid and any other information the Secretary determines necessary. After verifying the information, the Secretary must notify the register of the voting district in which the applicant resides, revise the central voter registration system and send conformation of the registration to the applicant either electronically or by mail.