

## Weapons at Local Proceedings

### State Considers Its Double Standard

On Monday of this week, the State and Local Government Committee held a hearing on LD 1470, *An Act To Allow the Prohibition of Weapons at Public Proceedings and Voting Places*, sponsored by Sen. Catherine Breen of Cumberland County. This legislation would allow but not require local legislative bodies to adopt prohibitions on the carrying of dangerous weapons at public proceedings and at buildings in which ballots are cast during elections.

In addition to the sponsor, LD 1470 was supported by Poland Selectman Stanley Tetenman (who did not testify in that capacity but rather as a private citizen), Falmouth Town Councilor Amy Kuhn, former South Thomaston administrator and state representative John Spear, the Maine Education Association, Maine School Boards Association, Maine Chiefs of Police Association, the City of Portland, former Portland Councilor Ed Suslovic, and MMA. Opponents included the National Rifle Association (NRA), Sportsman’s Alliance of Maine Institute for Legislative Action (SAM-ILA), Rep. John Andrews of Paris, and dozens of supporters of the right to bear arms.

Calling current law a double standard, Mr. Spear emphasized that “this bill is a home rule local option bill, not a weapons regulation bill.” Among the many nuggets of wisdom included in his testimony were the fact that state law currently prohibits weapons in county courthouses but not county jails, weapons are not allowed in the Legislature, state offices, schools, post offices, social security offices and most hospitals, and public and private colleges have explicit authority to regulate firearms on their

campuses. He went on to note that even bars can prohibit weapons, and “it strikes [him] as odd that bar owners are trusted to make such decisions regarding their facilities, yet no such level of confidence is afforded to our municipalities.”

Mr. Tetenman called LD 1470 a perfect example of what home rule is all about – allowing municipalities to make their own decisions about matters of primarily local relevance. He distinguished this proposal from general gun rights debates by noting that the bill does not impact anyone’s ability to acquire

firearms, but rather, allows communities to decide how best to protect municipal employees, just as the state deploys metal detectors and other measures to protect state employees. Councilor Kuhn agreed, reiterating that “local officials – not state government – are best positioned to assess risk on the ground and decide what precautions are in the best interests of their unique communities.”

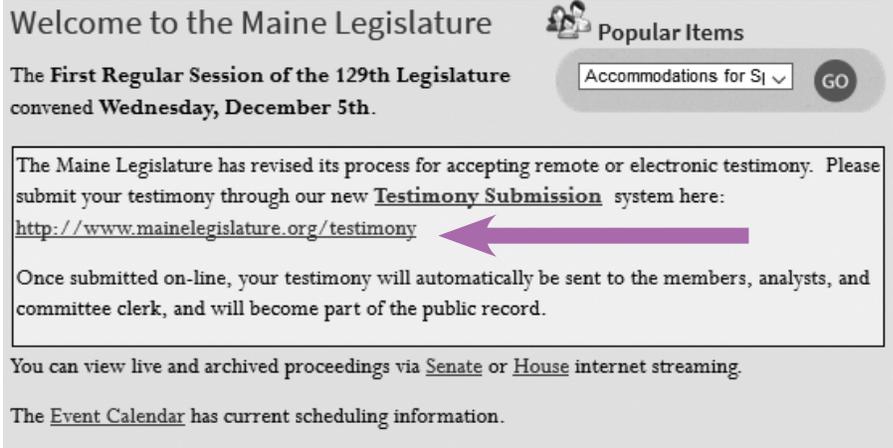
The Maine Education Association noted how, in the course of public discourse, tempers can flare and disagree-

*(continued on page 2)*

## New Process for Submitting Testimony to the Legislature

Rather than sending documents directly to Legislative Committee clerks, members of the public seeking to submit written testimony via email are strongly encouraged to use the newly developed online submission form posted on the Legislature’s home page at <http://legislature.maine.gov/> (*screen shot below*). This new process will ensure that testimony is delivered to committee members in a timely fashion and made publicly available as soon as possible.

For questions or concerns regarding this process, please contact the Legislative Information Office at (207) 287-1692.



Welcome to the Maine Legislature

The First Regular Session of the 129th Legislature convened Wednesday, December 5th.

Popular Items  
Accommodations for S1

The Maine Legislature has revised its process for accepting remote or electronic testimony. Please submit your testimony through our new **Testimony Submission** system here:  
<http://www.mainelegislature.org/testimony>

Once submitted on-line, your testimony will automatically be sent to the members, analysts, and committee clerk, and will become part of the public record.

You can view live and archived proceedings via [Senate](#) or [House](#) internet streaming.  
The [Event Calendar](#) has current scheduling information.

ments can become heated, and supported this legislation as a means of allowing citizens to participate without intimidation from weapons. Viewing LD 1470 as a way to clear up confusion and reinforce the ban on guns on school property, the Maine School Boards Association testified that the same public safety interest ought to rationally extend to the town and city halls where school budgets are often crafted.

The Maine Chiefs of Police Association described the bill as the essence of local control and called on the Legislature to think of the exponential escalation of gun violence that has occurred in the decades since the municipal preemption on local firearm regulation was put in place (in Title 25, section 2011). Portland Interim Chief of Police Vernon Malloch testified that based on his 30-plus years of experience, “the safety of residents of Portland during public participation in local government and that of [his] fellow city workers is very important [and] this bill allows for both.”

First to testify in opposition was Rep. Andrews who, speaking as a selectboard vice chair as well as a legislator, called LD 1470 dangerous and scary in that the “bill would potentially make random Select Boards, Town Councils, and County Commissioners the arbiters of firearms policy in the State of Maine... most definitely not the way life should be.” In his view, municipal officials ought to be focused on mil rates and paving roads rather than drafting and overseeing firearms policy. SAM-ILA testified LD 1470 “would make it nearly impossible for firearm owners and sportsmen and women to follow what would be a maze of municipal ordinances.”

The NRA echoed this concern, claiming the “myriad of local firearm laws making compliance almost impossible for law-abiding gun owners [would make it] very difficult for law-abiding gun owners to know about the laws in each municipality, and to understand them.” The NRA also claimed the term “voting places” could include schools and a variety of private places where firearms are already prohibited, which seems to MMA to underscore the fact that the sky

does not fall when firearms limitations are imposed on certain locations. Finally, the NRA pointed out that the bill lacks a clear definition of “public proceeding,” meaning the term could be interpreted broadly by municipal officials.

Regardless, the arguments that LD 1470 would lead to a “myriad” or “maze,” or “patchwork” of varying local regulations that would be difficult to comply with strikes MMA as overwrought given the ability for gun owners to navigate the wide variety of private establishments

that have already adopted their own unique weapons policies all over the state and the fact that the bill would only allow municipalities to prohibit firearms in public proceedings and voting places. The vast majority of the residents of this state know the rules that their own community plays by. That is part of the beauty of the proximity of local government to the people, ugly as it may seem to outsiders.

A work session will be scheduled in the coming weeks.

## Compromise Reached on Posted Roads Bill

On Tuesday of this week, the Transportation Committee held a work session on LD 261, *An Act To Restrict the Authority for Posting of Roads*, sponsored by Sen. Russell Black of Franklin County. As described in the Legislative Bulletin published on Feb. 8, LD 261 proposes to severely restrict the ability of the state, municipalities and counties to protect financial investments in the public road infrastructure network essential to Maine’s economic vitality.

During the stakeholder meeting held on Feb. 12, proponents of the bill laid blame for perceived road posting problems at the feet of municipal public work directors, road commissioners and elected officials, while admitting they did not use the tools currently available to ask for posted road waivers from municipal officials.

While it was expected that another stakeholder meeting would take place to allow municipal officials to speak to the concerns expressed by proponents, this meeting never occurred. Instead, the Maine Department of Transportation (MaineDOT) worked with the proponent and agreed to provide municipal officials with the tools, training and information necessary to determine when and for how long to post roads.

During the work session, Sen. Bradley Farrin of Somerset County highlighted that the Professional Logging Contractors of Maine also recognized the need to educate their own members about the road posting process. Following his statement, Sen. Farrin moved “ought not to pass” on LD 261, which was unanimously supported by the committee.

### Legislative Bulletin

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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)

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

# Permitting Small Cell Antennae

On Wednesday of this week, the State and Local Government Committee held the hearing on LD 1517, *An Act To Facilitate the Deployment of Small Wireless Facilities in Maine*. The bill, sponsored by Rep. Teresa Pierce of Falmouth, defines small wireless facilities as those which can fit an antenna within an enclosure of three cubic feet or less, with associated equipment not exceeding 28 cubic feet. Following that definition, the legislation states these facilities “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...”

In addition to the sponsor, supporters of LD 1517 included Sen. David Woodsome of York County, the Maine Department of Economic and Community Development, CTIA (the trade association for the wireless communications industry), Verizon, AT&T, T-Mobile, and the Wireless Infrastructure Association. The testimony focused on the trend of consumers toward increasingly using their smart phones and other wireless devices to access the internet through cellular technology, rather than through the traditional wired approach with lines running directly to a building.

The “small cell” antennae will attach to utility poles and buildings, transmit at distances of a few hundred feet, and will reportedly be used in the near term to help take the load off the larger existing cell towers that transmit over a much broader range but are struggling to provide adequate service given the expanded reliance on cell phones not just to make calls, but to surf the web as well. Small cells will also be deployed to more densely populated areas in the near-to-medium term as a necessary component of the forthcoming next-generation “5G” wireless infrastructure.

In the wireless industry’s view, there is a need for rapid deployment of small cell facilities in order to keep up with demand for cellular internet service. They believe that subjecting the deployment to the same type of permitting that cable and electric companies use for their attachments to utility poles in the right of way would be more appropriate and expedient than the full blown local land use review process that has been used for cell towers.

The Association’s “neither for nor against” position on this legislation was not arrived at lightly. Municipal officials in the towns and cities receiving the first deployments of “small cell” wireless antennae have devoted careful thought

and planning to what is expected to be thousands of new utility facilities located in public places, primarily in densely populated areas, in coming years. After much deliberation and consideration of the industry’s perspective, an overarching preference of municipal stakeholders emerged through conversations last year. That preference is to answer the various land use questions which are expected to be posed by small wireless facilities through the development of a model ordinance, and the local adoption of permitting standards. For this reason, MMA’s Legislative Policy Committee is willing to live with this legislation if it is enacted, based on the belief that the language leaves room for the many deployment details to be ironed out through local permitting standards.

One person, a resident of the Town of Freedom, testified against LD 1517, preferring to preserve the home rule authority for each community to decide whether or not to allow small cells. His perspective was informed by reports of public health concerns tied to 5G technology, which uses more concentrated signals to transmit data than today’s 4G technology.

The committee will weigh these perspectives and the appropriate public policy for the state at a work session that has not yet been scheduled.

## 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/>.*

*The Legislature is no longer obliged to provide two weeks’ notice for public hearings, and beginning Monday, April 29 until the end of the 2019 legislative session, the Legislature will no longer be advertising public hearings in the newspaper.*

*In some cases, bills are being printed and scheduled for a public hearing within two days. If you would like to receive notice of a public hearing on any particular bill, please contact Laura Ellis at [lellis@memun.org](mailto:lellis@memun.org) or 1-800-452-8786.*

### Monday, April 29

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

LD 1169 – An Act to Provide Ready Access to Defibrillators in Businesses and Pharmacies.

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

LD 596 – An Act To Prevent the Closure of Maine Businesses.

#### 1:00 p.m.

LD 1537 – An Act To Increase the Portion of Retirement Benefits to Which the Cost-of-living Adjustment Applies.

LD 1620 – An Act Regarding Licenses for the Sale of Liquor for On-premises Consumption.

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

LD 1455 – An Act To Change the Name of Township 17, Range 3 to Van Buren Cove.

LD 1568 – An Act Authorizing the Deorganization of Magalloway Plantation.

LD 1581 – An Act To Restore County Tax Appropriation Integrity.

LD 1587 – An Act To Amend the Laws Governing Nominations of County Commissioners, the Terms of County Commissioners and County Commissioner Districts.

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## LEGISLATIVE HEARINGS (cont.)

### Tuesday, April 30

#### Transportation

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

Tel: 287-4148

LD 827 – An Act Regarding the Placement of Campaign Signs.

LD 1195 – An Act To Encourage the Removal of Campaign Signs from the Public Right-of-way.

LD 1258 – An Act To Increase Access to Transportation for Workforce and Other Essential Transportation Needs.

LD 1329 – An Act To Allow Temporary Roadside Memorials for Deceased Victims of Traffic Accidents.

LD 1367 – An Act To Preserve and Protect the State's Rail Corridors.

LD 1471 – Resolve, To Name the Route 7 Bridge in Corinna in Honor of PFC Paul Earl Sudsbury.

LD 1487 – An Act To Exempt Holders of Gold Star Family Registration Plates from Vehicle Registration Fees.

LD 1528 – An Act To Amend the Laws Regarding Motor Vehicle Fees.

### Wednesday, May 1

#### Education & Cultural Affairs

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

Tel: 287-3125

LD 309 – An Act To Eliminate the Regional Adjustment for Public School Systems.

LD 385 – An Act To Base School Funding on the Number of Students Sent by a Town to a Regional School Unit.

LD 412 – An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18.

LD 712 – An Act To Fully Fund After-school and Preschool Programs in the School Funding Formula, Increase the Economically Disadvantaged Student Factor in the School Funding Formula and Increase the School Construction Debt Service Limit.

LD 1497 – An Act To Recognize High-performing, Efficient School Districts with Regard to the System Administration Allocation.

#### 1:00 p.m.

LD 468 – An Act To Require That the State Fund on an Ongoing Basis a Minimum of 50 Percent of the Costs Associated with Public Preschool Programs.

LD 1043 – An Act To Establish Universal Public Preschool Programs.

LD 1428 – An Act To Require the State To Fund 50 Percent of Public Preschool Programs.

LD 1549 – An Act To Increase the Supplement for Certain National Board for Professional Teaching Standards Certified Teachers in Maine.

#### Environment & Natural Resources

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

Tel: 287-4149

LD 1594 – An Act To Establish a Stewardship Program for Consumer Batteries.

#### Health & Human Services

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

Tel: 287-1317

LD 1129 – An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act.

LD 1218 – An Act To Allow Maine Medical Marijuana Caregivers To Measure Cultivation Limits by Plant Canopy Size.

LD 1374 – An Act To Amend the Maine Medical Use of Marijuana Act.

LD 1505 – An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws.

#### Judiciary

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

Tel: 287-1327

LD 1388 – Resolve, Directing the Attorney General To Pursue the State's Claim That It Holds Title to Maine's Intertidal Lands.

#### 1:00 p.m.

LD 639 – An Act To Protect Student Privacy.

LD 1183 – Resolve, To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation by Members of Public Bodies.

LD 1301 – An Act Regarding the Confidentiality of Investigations by the Bureau of Forestry.

LD 1414 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act.

LD 1416 – An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials.

LD 1511 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions.

LD 1575 – An Act To Improve the Freedom of Access Laws of Maine.

#### Labor & Housing

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

Tel: 287-1331

LD 1572 – An Act To Increase the Portion of Retirement Benefits to Which the Cost-of-living Adjustment Applies.

#### Taxation

Room 127, State House, 10:00 a.m.

Tel: 287-1552

LD 393 – An Act To Change the Eligibility Requirements for the Property Tax Fairness Credit.

LD 669 – An Act To Provide Housing Relief for Maine Families and Seniors.

LD 887 – An Act To Improve the Property Tax Fairness Credit.

LD 957 – An Act To Increase the Property Tax Fairness Credit.

LD 1158 – An Act To Provide Property Tax Relief.

#### Veterans & Legal Affairs

Room 437, State House, 9:00 a.m.

Tel: 287-1310

LD 1631 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting, Voting by Absentee Ballot and Voting by Mail.

### Thursday, May 2

#### Agriculture, Conservation & Forestry

Room 214, Cross Building, 1:00 p.m.

Tel: 287-1312

LD 1610 – Resolve, To Modify the Deed for a Parcel of Property in

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## LEGISLATIVE HEARINGS (cont.)

the Town of Carrabassett Valley.

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

LD 860 – An Act To Establish the Maine Community College System No-cost Tuition Program.

**Labor & Housing**  
**Room 202, Cross Building, 2:00 p.m.**  
**Tel: 287-1331**

LD 371 – An Act To Create the Small Communities Tourism Fund.

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

LD 104 – An Act To Expand the Earned Income Tax Credit.

LD 1520 – An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses.

LD 1585 – An Act To Allow the City of Augusta To Adjust the Definition of “Original Assessed Value” for the City of Augusta’s Performance Food Group Municipal Tax Increment Financing District and To Validate the Assessment, Commitment and Collection of Property Taxes Dedicated for the District for the Fiscal Years 2018-19 and 2019-20.

### Friday, May 3

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

## 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 643 – An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations. (Sponsored by Rep. Tepler of Topsham)

This bill authorizes the Commissioner of Health and Human Services, in consultation with the State Entomologist, to identify pests, such as browntail moths and ticks, in this state that pose a risk of significant harm to human health, and to undertake measures to manage those pests. The bill also establishes the Maine Harmful Pest Management Fund to disburse funds to municipalities severely infested with harmful pests for the purpose of mitigating the infestations. The funds capped at \$50,000 per municipality and require that 75 percent of the funds be used to mitigate infestation of residential property where persons with health conditions exacerbated by the infestation reside and 25 percent on publicly owned properties in the municipality. The bill allocates \$500,000 to the fund.

### Criminal Justice and Public Safety

LD 855 – An Act To Strengthen the Maine Uniform Building and Energy Code. (Sponsored by Rep. Caiazza of Scarborough)

This bill requires that the Commissioner of Public Safety appoint a technical codes coordinator, an office specialist and a building codes trainer. It also requires that municipalities impose a \$3 surcharge on building permits and remit those funds to the Department of Public Safety to fund the Uniform Building Codes and Standards Fund.

LD 1509 – An Act To Amend the Laws Governing the Maine

LD 161 – An Act To Increase Access to Career and Technical Education.

LD 358 – An Act To Fully Fund Career and Technical Education for Fiscal Year 2018-19.

LD 1036 – Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System To Support Workforce Development.

LD 1606 – An Act To Increase Funding for Career and Technical Education Programs.

**1:00 p.m.**

LD 1064 – An Act to Address Maine’s Firefighter Shortage by Offering Firefighter Training for Credit in High School Career and Technical Education Programs.

LD 1227 – An Act To Allow Parents To Apply to the Commissioner of Education To Enroll Their Children in a Receiving School Administrative Unit and To Remove Limitations on Which Students May Be So Enrolled.

**Health & Human Services**  
**Room 209, Cross Building, 9:00 a.m.**  
**Tel: 287-1317**

LD 1377 – An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish an Independent Oversight Panel To Review Deaths of and Serious Injuries to Persons with Intellectual Disabilities or Autism.

Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities. (Sponsored by Rep. Rykerson of Kittery)

Beginning July 1, 2020, this bill repeals provisions of existing law requiring the Maine Uniform Building and Energy Code (MUBEC) to be enforced in municipalities with more than 4,000 and instead requires that any municipality that has adopted a building or energy code by July 1, 2020 adopt and enforce MUBEC. This bill also adds the executive director of the Efficiency Maine Trust to the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board. The bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code so as to be consistent with the most recent edition of the International Energy Conservation Code published by the International Code Council, as well as the most recent edition of the International Mechanical Code published by the International Code Council.

LD 1543 – An Act To Amend the Maine Uniform Building and Energy Code. (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill amends provisions regarding the Maine Uniform Building and Energy Code by requiring the Technical Building Codes and Standards Board to adopt and maintain an appendix to the Maine Uniform Building and Energy Code that contains energy conservation and efficiency requirements that exceed the requirements in the code, to make the appendix available for voluntary adoption by municipalities and to maintain a list of those municipalities on the board’s publicly

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accessible website.

### Education and Cultural Affairs

LD 1064 – An Act to Address Maine’s Firefighter Shortage by Offering Firefighter Training for Credit in High School Career and Technical Education Programs. (Sponsored by Rep. Andrews of Paris)

This bill allows career and technical education centers and regions to offer firefighter training as an approved program and requires the program to use National Fire Protection Association standards for fire fighter professional qualifications as the industry standard for the firefighter training.

LD 1182 – An Act To Improve School Safety by Requiring Law Enforcement Visits. (Sponsored by Rep. Hutchins of Penobscot)

This bill requires that a public school be visited at least 2 times per week by a law enforcement officer from the State Police, a county sheriff’s office or a municipal law enforcement agency when that public school is in session. Visits by law enforcement officers must be unannounced and occur at varying times of the day and week at each public school. The county sheriff’s office is responsible for coordinating these visits.

LD 1428 – An Act To Require the State To Fund 50 Percent of Public Preschool Programs. (Sponsored by Sen. Millett of Cumberland Cty.)

This bill requires the state to fund a minimum of 50% of the costs of an approved public preschool program for each year a school administrative unit operates the program, other than the year in which the school administrative unit receives start-up funds for the program. If funds for essential programs and services do not provide the funding necessary to fund a minimum of 50% of approved public preschool programs, the state is directed to use other funding sources and the Commissioner of Education is directed to include the funding levels necessary in the Department of Education’s request to the Legislature for appropriations from the General Fund.

### Environment and Natural Resources

LD 1594 – An Act To Establish a Stewardship Program for Consumer Batteries. (Sponsored by Rep. Fay of Raymond)

This bill provides for the establishment of a stewardship program for consumer batteries, including both single-use and rechargeable batteries and certain products containing these batteries. Under the bill, a producer of consumer batteries or an organization composed of one or more producers of such batteries must submit a plan for the establishment of a battery stewardship program to the Commissioner of Environmental Protection for approval. Once approved, the program must operate to provide convenient, free statewide collection opportunities for discarded batteries, and the batteries collected through the program must be recycled or otherwise responsibly managed. The bill also amends and repeals existing laws relating to certain battery types to avoid statutory conflict with the stewardship program for consumer batteries.

### Health and Human Services

LD 1129 – An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act. (Sponsored by Rep. Jorgensen of Portland)

This bill clarifies the Maine Medical Use of Marijuana Act by standardizing the term “caregiver retail store” by creating a definition of the term and replacing other variations of “retail store” in the Act with “caregiver retail store”. The bill also defines “municipal approval” in the provisions regarding marijuana for medical use caregiver retail stores, dispensaries and facilities operating before the effective date of the Act as a specific examination and approval of the underlying use of the store, dispensary or facility, including a conditional use approval, site plan approval or issuance of a marijuana-specific business license and not including the issuance of a building, electrical or other similar permit that does not address the use of the structure or facility for which the permit was issued.

LD 1505 – An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws. (Emergency) (Sponsored

by Rep. Hymanson of York)

This concept draft emergency bill proposes to make technical changes to and correct errors in the adult use marijuana and medical marijuana laws.

### Innovation, Development, Economic Advancement and Commerce

LD 371 – An Act To Create the Small Communities Tourism Fund. (Sponsored by Sen. Herbig of Waldo Cty.)

This bill establishes the Small Communities Tourism Fund in the Department of Economic and Community Development, Office of Tourism to issue grants to small communities to promote tourism and events.

LD 1290 – An Act to Increase Transparency with Regard to Pawnshops. (Sponsored by Rep. Harrington of Sanford)

Current law requires pawnbrokers to provide before the 15th day of every month to the law enforcement agency of jurisdiction a summary of the pawn transactions entered into during the preceding month. This bill requires pawnbrokers within 10 days of a pawn transaction to submit a report of the transaction to the law enforcement agency of jurisdiction and to a regional property and recovery tracking system administered by a regional law enforcement agency, currently the Regional Information Sharing Systems Program administered by the New England State Police Information Network, listing information concerning the consumer or seller in the transaction and of every item pawned or sold in the transaction. This bill makes a violation of the reporting requirements a Class E crime.

### Judiciary

LD 1183 – Resolve, To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation by Members of Public Bodies. (Emergency) (Sponsored by Rep. Bailey of Saco for the Joint Standing Committee on Judiciary)

This resolve establishes the Study Committee on Remote Participation to explore the use of remote participation by members of public bodies in this state and other jurisdictions and determine the best way to guarantee government transparency and accountability, goals of the Freedom of Access Act, when considering the use of remote participation. The study committee consists of three members of the Senate and four members of the House of Representatives. The study committee may hold a public hearing to collect public testimony on the use of remote participation. The study committee is required to make recommendations, which may include prohibition of or limitations on the use of remote participation. The study committee is required to submit a report, including any legislative recommendations, to the Joint Standing Committee on Judiciary no later than Dec. 4, 2019.

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 proved 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

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## HOPPER (cont.)

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.

**LD 1414 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act.** (Reported by Rep. Bailey of Saco for the Joint Standing Committee on Judiciary)

Under existing law, if an officer or employee of a state government agency or local government entity willfully commits a violation of the Freedom of Access Act, a fine of not more than \$500 may be adjudged. This bill replaces the current penalty provision with a tiered schedule of fines, which includes an up to \$500 fine for a first violation, up to \$1,000 fine for a second violation committed within four years of the initial violation, and up to \$2,000 fine for a third or subsequent violation committed within four years of second violation.

**LD 1416 – An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials.** (Reported by Rep. Bailey of Saco for the Joint Standing Committee on Judiciary)

Current law requires public officials elected to certain positions to complete training on the requirements of the Freedom of Access Act. This bill implements the recommendation of the Right To Know Advisory Committee that officials appointed to those same positions also be required to complete the training, which includes municipal clerks, treasurers, assessors and budget committee members.

**LD 1511 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions.** (Reported by Rep. Bailey of Saco for the Joint Standing Committee on Judiciary)

This bill implements statutory changes recommended by the Right To Know Advisory Committee pursuant to its responsibility to review existing public records exceptions. The bill eliminates specific protection for social security numbers in the context of constituent communications because social security numbers are designated as not public records for all contexts. Current law provides that personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services is not a public record as long as the municipality has adopted an ordinance that protects the information from disclosure. The bill repeals the requirement that a municipality adopt such an ordinance in order to protect the information about minors. Current law provides a public record exception for records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software. The bill amends the provision to specifically include records or information maintained to ensure government operations and technology continuity and to enable disaster recovery. The bill amends the statutes governing the confidentiality of the working papers of the Office of Program Evaluation and Government Accountability to clarify that the working papers, whether in the possession of the office or an entity with which the office director has contracted, remain confidential even after the

report is released to the public. The bill amends the Maine Human Rights Act to update and clarify the language describing medical history and information about disabilities, as well as to update a reference to employee health and wellness programs.

**LD 1575 – An Act To Improve the Freedom of Access Laws of Maine.** (Sponsored by Rep. Harnett of Gardiner)

The purpose of this bill is to enhance access to public records without imposing undue burdens on the efficient and effective functioning of government. This bill makes the following changes to the Freedom of Access Act. (1) Current law defines public records that are subject to the Freedom of Access Act as matter in the possession or custody of an agency or public official that has been received or prepared for use in connection with, or that contains information relating to, the transaction of public or governmental business. This bill defines “public or governmental business” as the administration of public policy and the exercise of governmental power through laws, rules, ordinances, regulations and the equivalent. (2) The bill requires that, when requesting to inspect or to receive a copy of a public record, a person must provide to the agency or official with custody of the record sufficient information to identify the record sought. Under the bill, a request for a public record must include, at a minimum, the specific subject matter contained in the record and the date or dates upon which the record was created or a range of dates within which the record may have been created. (3) Current law requires that, within “a reasonable time” of receiving a request for information, the agency or official must provide a good faith, nonbinding estimate of the time within which the agency or official will comply. This bill instead requires that the agency or official, within 30 days of receiving the request, provide to the requester an update on progress on the request and, within 30 days of providing the update, fulfill the request. If the agency or official is unable to fulfill the entirety of the request within the specified time period, the agency or official must provide to the requester an explanation of the reason or reasons it was unable to comply, fulfill those portions of the request that it can fulfill and provide a written estimate of the expected date of compliance with the remainder of the request. (4) The bill directs the Right To Know Advisory Committee to examine the specific challenges of ensuring public access to public records in the face of new and emerging technologies and to develop recommendations that are designed to preserve communications that can be accessed by the public. The Right To Know Advisory Committee is directed to report its findings and recommendations to the Joint Standing Committee on Judiciary, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

### State and Local Government

**LD 1587 – An Act To Amend the Laws Governing Nominations of County Commissioners, the Terms of County Commissioners and County Commissioner Districts.** (Sponsored by Sen. Pouliot of Kennebec Cty.)

This bill amends the provisions regarding the election and appointment of county commissioners in the following ways: (1) It requires that, in the case when a party is eligible to choose a candidate or nominee for a primary, general or special election for county commissioner by political committee, the members of the county political committee who reside within the boundaries of the district subject to the election make the choice of candidate or nominee; (2) It clarifies that, in the case of a vacancy during the term of office of a county commissioner that occurs prior to the general election held in the second year of the term, a special election must be held to elect a new county commissioner for that district for the last two years of the term, and requires that the election be held within the boundaries that existed at the time of the original election for that term; (3) It requires that when a county commissioner appointed by the Governor to fill a vacancy must be enrolled in the same political party as the commissioner whose term is vacant, the Governor is required to choose from any recommendations submitted by the members of the county committee

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## HOPPER (cont.)

of the political party from which the appointment is to be made who reside within the boundaries of the district with the vacancy that existed at the time of the initial election for that term; (4) It requires that, for the apportionment plan of county districts after a decennial census, the plan take effect on the second year after the decennial census for the year 2020 and every 20 years thereafter and the plan take effect on the fourth year after the decennial census for the year 2030 and every 20 years thereafter; and (5) It amends the provisions creating each county's commissioner districts to eliminate staggered terms of commissioners so that, beginning in 2022, each four-year commissioner term expires in a year in which there is a gubernatorial election.

### Taxation

LD 393 – An Act To Change the Eligibility Requirements for the Property Tax Fairness Credit. (Sponsored by Rep. Cooper of Yarmouth)

This bill changes the formula for calculation of the property tax fairness credit to expand the credit to residents whose property taxes or rent constituting property taxes on homestead property exceeds 5%, rather than 6% in current law, of the residents' income for tax years beginning on or after January 1, 2020.

### Transportation

LD 1195 – An Act To Encourage the Removal of Campaign Signs from the Public Right-of-way. (Sponsored by Sen. Woodsome of York Cty.)

This bill requires that a temporary sign, which includes a campaign sign, placed within the public right-of-way that advertises or announces an event must be removed from the right-of-way within 4 weeks after

the event and, if the sign is not removed within that 4-week period, the municipality in which the sign is located may remove the sign and assess the individual, entity or organization that placed the sign a fee of \$10.

LD 1329 – An Act To Allow Temporary Roadside Memorials for Deceased Victims of Traffic Accidents. (By Request) (Sponsored by Rep. Foley of York)

This bill allows, for a period not to exceed 180 days, the placement of a roadside memorial on a public way marking the site of the death of a person and provides penalties for tampering with or the unauthorized removal of a roadside memorial. The person placing the roadside memorial must inform the state or municipality of the location of the memorial within seven days. Memorials cannot interfere with the use of the public way, display a political or commercial message or use reflective materials. While tampering or unauthorized removal of a roadside memorial is a civil violation, municipalities or the state can remove the memorials at any time.

LD 1367 – An Act To Preserve and Protect the State's Rail Corridors. (Sponsored by Rep. Collings of Portland)

This bill directs the Department of Transportation to preserve and protect the rail corridors of the State for future railroad use and maintain all rail corridors in a condition that allows for their resuming railroad service. The bill prohibits a rail corridor from being converted into or operated as a trail, used as a pathway or space for walking or biking, used for any other form of non-motorized travel or recreation or used as a bus line without first being evaluated for passenger railroad service.