



# LEGISLATIVE BULLETIN



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## Maine’s Climate Action Plan Gains Momentum

The Committee on Environment and Natural Resources met on Jan. 27 to hear a presentation from the Climate Council on Maine’s four-year climate action plan, “Maine Won’t Wait.”

The presentation consisted of an overview of the plan from Council co-chairs Melanie Loyzim, Commissioner of Maine Department of Environmental Protection, and Hannah Pingree, Director of the Governor’s Office of Policy Innovation and the Future, and reports from top members of the council’s working groups and subcommittees.

Maine’s climate action plan includes four goals targeted at reducing greenhouse gas emissions, avoiding the costs of inaction, fostering economic opportunity, and advancing equity through climate change response. The council expects to achieve the plan’s goals through implementation of eight overlapping strategies. These strategies include steps to transform the state’s energy and transportation sectors, modernize the way Maine heats, cools, and lights its buildings, support the growth of a clean-energy economy and heritage industries, protect Maine’s working

lands and waters, and build healthy, resilient, and engaged communities. The full report can be found here: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

While the climate action plan is expected to be implemented over a four-year period, some of the work has already begun and more is planned to happen during the first session of the 130th Maine Legislature (2021). During the presentation, Pingree highlighted recent and upcoming executive orders and legislation.

Last week Governor Janet Mills signed

an executive order establishing a task force to initiate a State Forest and Carbon Program to encourage carbon sequestration on small and medium sized private woodlots. Planning for a clean transportation roadmap is set to begin soon. Legislation for solar energy projects, sea-level rise commitments, HFC (chlorinated and fluorinated hydrocarbons) phase-down plans, and upgraded appliance standards can be expected during the current session.

At the local level, the plan calls for the creation of a municipal infrastructure program

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## Harbor Masters Seeking Green Light for Red Lights

On Tuesday, the Transportation Committee trialed their first public hearing via Zoom receiving public testimony on four bills. Only one bill, LD 73 *An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters to Use Red and White Auxiliary Lights and Sirens When Responding to Emergencies*, sponsored by Rep. Jay McCreight of Harpswell, affects municipalities. The bill was submitted on behalf of the Maine Harbor Masters Association.

As printed, LD 73 authorizes harbor masters, with permission of the municipality, to equip a personal vehicle used to respond to a watercraft emergency with a siren and combination of red and white lights.

At the hearing, the bill’s sponsor introduced an amendment to the bill to address concerns raised by the Maine Department of Public Safety.

Falling in line with the volunteer firefighter auxiliary light law, the amendment removes the siren provision, provides that harbor masters may only use the lights when responding to water emergencies, and requires adherence to all normal traffic laws during operation. Additionally, the authority mu-

nicipal officers use to appoint harbor masters may also be used to grant permission for the use of lights and to establish other conditions, such as specialized training.

Proponents of the legislation identified budget cuts for municipal vehicles, a sharp increase in emergency response requests, and real estate market conditions that make it a challenge for public servants to live closer to the waters they serve, as drivers for the legislative request.

The bill received no opposition.

Since the day of the hearing on LD 73, MMA’s Legislative Policy Committee met and supported the amended version of the bill.

A work session on the bill has not yet been scheduled.

While the virtual hearing process was new and different for all participants, the committee worked diligently to make sure those who wanted to participate were able to be heard. Written testimony may still be submitted via the electronic portal on the legislature’s website, and all public hearings can be viewed on each committee’s YouTube channel as well.

### LEGISLATIVE BULLETIN

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**Layout:** Sue Bourdon, Communication & Educational Services.



## Early Childhood Special Education under Review

The Committee on Education and Cultural Affairs met this week to hear a presentation by Public Consulting Group, Inc. (PCG) regarding the state's early childhood special education services. The independent review was originally commissioned to assess the state's Part C - Early Intervention - and Part B-619 - Early Childhood Special Education - services and make recommendations.

The state's delivery of Part B-619, or preschool special education, is faltering. The total percentage of children served is about par with the nation, but Maine is second worst at providing services in the Least Restrictive Environment (LRE). The choice to use special purpose preschools rather than an environment with typically developing peers is not an LRE practice, as it favors segregation over inclusion of students who receive special education services.

Part C, or Early Intervention services, are for infants and toddlers with developmental delays and disabilities up to age three. Currently Maine is 50th in the nation for the number of children served from birth to one year old (0.6%), and 44th for children served from birth to three years old (2.5%). The poor performance of Maine's Child Development Services, relative to other states, has earned it a federal rating of "needs assistance."

PCG recommends Maine change its approach to Part B and Part C

services both for cost reasons and purposes of equity. In general, the independent review advised transferring the responsibility of coordinating services to the Maine Department of Education. The provision of services would come from community agencies and school administrative units (SAUs).

The state would be responsible for making the plans and administering contracts while local providers would offer screenings, education, and home-based services. The number of service providers would also be consolidated. Each county would have one or two Part C services providers and SAUs would perform Part B services.

PCG also recommended adapting the billing system for early childhood special education services by: (1) expanding MaineCare to cover special instruction, service coordination and case management; (2) making a new MaineCare section with applicable definitions, codes, modifiers and rates; (3) conducting a rate study; (4) revising Maine's current private insurance statute to incorporate expanded services; and (5) centralizing billing at the state level.

The full PCG report can be found on the Committee's website, <http://legislature.maine.gov/independent-review-of-the-states-early-childhood-special-education-services-reports-and-memoranda>.

## 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).)

### Criminal Justice & Public Safety

**LD 28 – An Act To Create an Alert System To Notify the Public When a Person with an Intellectual or Developmental Disability Is Missing.** (Sponsored by Sen. Stewart of Aroostook Cty.)

This bill directs the Department of Public Safety to develop and implement an alert system to be activated on behalf of missing persons with intellectual or developmental disabilities. The alert system must include: (1) standards of procedure for local law enforcement agencies to determine that a missing person has an intellectual or developmental disability; (2) a process for appropriately activating an alert to local or statewide law enforcement agencies and to the media, including print, radio, Internet-based communication systems and other methods of communicating information to the public; (3) a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state when necessary; and (4) training for all law enforcement officers.

**LD 180 – An Act To Amend the Storage Requirements for Consumer Fireworks.** (Sponsored by Rep. Perkins of Oakland)

This bill brings the laws governing the storage of consumer fireworks into conformity with a recent Maine court decision by authorizing the Office of the State Fire Marshal to regulate consumer fireworks storage by those authorized by law to sell consumer fireworks. The bill specifies the conditions storage facilities and owners must meet, including compliance

with National Fire Protection Association Standards, relevant building codes, and zoning and other municipal ordinances.

### Health & Human Services

**LD 78 – An Act To Protect Children from Extreme Poverty by Preserving Children's Access to Temporary Assistance for Needy Families Benefits.** (Sponsored by Rep. Meyer of Eliot)

Under current law, the Department of Health and Human Services terminates assistance under the Temporary Assistance for Needy Families program to the entire family, including children, if the children's parent fails to comply with requirements of the family contract for a period of 90 days or for any subsequent failure. This bill amends that provision to terminate benefits for the noncomplying parent but continues to provide assistance to the children and complying parents.

**LD 129 – Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants.** (Sponsored by Sen. Stewart of Aroostook Cty.)

The purpose of this resolve is to adopt measures to protect consumers of public drinking water in Maine from potential health impacts associated with perfluoroalkyl and polyfluoroalkyl substances known as PFAS. The resolve requires community water systems and schools and child care facilities regulated as nontransient, noncommunity water systems to conduct monitoring for PFAS substances. If the monitoring results detect the presence of PFAS at a level in excess of an interim standard, the water system is required to conduct additional monitoring. The resolve also directs the Department of Health and Human Services to undertake rulemaking to establish an enforceable maximum contaminant level for the PFAS by June 1, 2024, which can include adoption of a federal maximum contaminant level if one is available and at least as restrictive as the interim standard.

(continued on back page)

# HEARING SCHEDULE

For the week of February 1

**Note:** You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

Due to COVID-19 related restrictions (and until further notice), all public hearings and work sessions will be conducted remotely. Municipal officials interested in providing live remote testimony will need to email [lio@legislature.maine.gov](mailto:lio@legislature.maine.gov) or call (207) 287-1692 no later than 5 p.m. the day before the hearing for information on how to participate. Comments on bills can be submitted in advance of a public hearing using the Legislature's testimony submission form ([Online Testimony Submission \(mainelegislature.org\)](https://www.mainelegislature.org/OnlineTestimonySubmission)) and interested parties can view committee proceedings, both live and recorded, on the Legislature's YouTube channel ([News | Maine State Legislature](https://www.youtube.com/channel/UCOz76FQZ7Gu9s5H9q_tAR_Q).)

## Maine's Climate Action Plan Gains Momentum (cont'd)

to match federal funds for adaption and resiliency projects. The plan also suggests doubling the pace of weatherization to support local efficiency. Finally, the council recommends that state and local government lead-by-example by modelling climate-friendly operations, thereby reaping cost savings.

Funding for the plan's strategies remains a concern for many legislators.

Each of the strategies will require expanded municipal operations in some form, but few of the strategies will be fully funded by the state or federal government. Co-chair Pingree recognizes that communities will need help making progress on climate change resiliency, especially in regard to vulnerable infrastructure and technical planning capacity. Pingree feels the state will need to think of incentives, rather than direct funding, to assist communities.

The hefty price tag on many of the strategies will require leveraging existing new, private, public, local, state and federal funding sources. There is hope that recent federal activity is a sign of future funding opportunities to support the council's climate action plan.

The full Climate Council presentation can be viewed on the ENR Committee's YouTube page, [https://www.youtube.com/channel/UCOz76FQZ7Gu9s5H9q\\_tAR\\_Q](https://www.youtube.com/channel/UCOz76FQZ7Gu9s5H9q_tAR_Q).

## MONDAY, FEBRUARY 1

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

LD 102 – An Act To Extend the Time Frame for Processing Absentee Ballots.

LD 112 – An Act To Facilitate the Timely and Accurate Counting of Absentee Ballots By Extending the Processing Period.

## TUESDAY, FEBRUARY 2

**Agriculture, Conservation & Forestry**  
**Room 214, Cross Building, 10:00 a.m.**  
**Tel: 287-1312**

LD 65 – An Act To Invest in the Stewardship and Management of Properties Acquired with the Proceeds from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund.

**Health Coverage, Insurance & Financial Services**  
**Room 220, Cross Building, 10:45 a.m.**  
**Tel: 287-1314**

LD 46 – An Act To Further Protect Consumers from Surprise Medical Bills.

**Innovation, Development, Economic Advancement & Business**  
**Room 202, Cross Building, 9:30 a.m.**  
**Tel: 287-4880**

LD 105 – An Act To Adopt the Department of Economic and Community Development's 10-year Strategy for Maine.

**Judiciary**  
**Room 438, State House, 1:00 p.m.**  
**Tel: 287-1327**

LD 32 – An Act Regarding Remote Participation in Public Proceedings.

LD 71 – An Act To Provide State Recognition for the Kineo Band of Maliseet Indians.

## WEDNESDAY, FEBRUARY 3

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

LD 89 – An Act To Regulate Airboats.

LD 114 – An Act To Address Airboat Operation in the State.

**Labor & Housing**  
**Room 202, Cross Building, 10:00 a.m.**  
**Tel: 287-1331**

LD 37 – An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program.

LD 61 – An Act To Include Grandparents under Maine's Family Medical Leave Laws.

**State & Local Government**  
**Room 214, Cross Building, 10:00 a.m.**  
**Tel: 287-1330**

LD 2 – An Act To Require the Inclusion of Racial Impact Statements in the Legislative Process.

LD 100 – An Act To Establish the General Election Date in United States Presidential Election Years as a State Holiday.

LD 115 – An Act To Restore the Former State of Maine Flag.

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

LD 109 – An Act To Facilitate Fair Ballot Representation for All Candidates By Allowing a Candidate's Nickname To Appear on the Ballot.

## THURSDAY, FEBRUARY 4

**Agriculture, Conservation & Forestry**  
**Room 214, Cross Building, 9:00 a.m.**  
**Tel: 287-1312**

LD 34 – An Act To Create the Maine Forestry Operations Cleanup and Response Fund.

LD 36 – An Act To Amend the Definition of "Timber Harvesting."

**Innovation, Development, Economic Advancement & Business**  
**Room 202, Cross Building, 1:30 p.m.**  
**Tel: 287-4880**

LD 11 – An Act To Clarify the Laws Regarding Reciprocity for Licensure of Professional Engineers.



## Maine Municipal Association

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### HOPPER...(cont'd)

#### Judiciary

LD214—An Act To Eliminate Qualified Immunity for Police Officers. (Sponsored by Rep. Evangelos of Friendship)

This bill eliminates the ability to assert a defense of qualified immunity for civil actions concerning the actions of state police officers, sheriffs, deputies, constables, municipal police officers, marine patrol officers, game wardens and Capitol Police officers brought under the Maine Civil Rights Act.

#### Marine Resources

LD 152 – An Act To Address Training Requirements for Harbor Masters. (Sponsored by Rep. McCreight of Harpswell)

Under current law, a person appointed or reappointed to the position of harbor master or deputy harbor master after Aug. 13, 2006 must complete a basic training course within one year of appointment. This bill amends existing requirements by specifying that if a person has not held the position within the last five years, that person must complete the basic training course. Effective as of Jan. 1, 2022, the bill also requires harbor masters and deputies to complete an advanced course within two years of completing the basic course. In order to maintain certification, harbor masters and deputies are further required to participate in continuing education training every other year. The costs for the basic, advanced and continuing education training is to be paid by the harbor master or deputy, however the bill provides that the municipality may pay for the training.

#### Labor & Housing

LD 213 – An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer. (Sponsored by Rep. Millett of Cape Elizabeth)

This bill adds gynecologic cancer to the list of rebuttable presumptions extended to firefighters under the Maine Workers' Compensation Act of 1992.

#### Veterans & Legal Affairs

LD 107 – Resolution, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors. (Sponsored by Rep. Faulkingham of Winter Harbor)

This resolution proposes to amend the Constitution of Maine to specify that only a person who is a citizen of the United States may vote in a state, county or municipal or other local election.

LD 208 – An Act To Expand Access to Absentee Ballots. (Sponsored by Rep. Brooks of Lewiston)

This bill eliminates restrictions on the issuance of absentee ballots after the third day before an election, removes deadlines for the return of an absentee ballot by a third person and allows a voter to vote by absentee ballot in the presence of the clerk until 8:00 p.m. on the day of any election.

LD 253 – An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting. (Sponsored by Rep. Cebra of Naples)

For the purpose of voting, this bill requires that a voter provide proof of identity using photographic identification approved by the Secretary of State by rule.