



LEGISLATIVE BULLETIN



Vol. XLIII No. 12 April 2, 2021

Part 1: Baseline Budget Adopted

On Tuesday, the Maine State Legislature convened at the Augusta Civic Center to adopt a baseline FY 22 – FY 23 General Fund budget, which provides assurances that state government will have the revenues necessary to operate on July 1, 2021. The budget details are described in the amended version of LD 715, *An Act To Make Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government*, which was sponsored by Rep. Teresa Pierce of Falmouth.

Of interest to municipal officials, the budget adopted this week includes: (1) \$1.24 billion for K-12 education, increasing the state's share to 51.83%; (2) 3.75% of state sales and income tax revenue for the revenue sharing program, which is projected to distribute \$144 million to municipalities in FY 22 and FY 23; (3) nearly \$90 million in both years of the biennium to reimburse municipalities for 70% of the lost property tax revenues associated with the \$25,000 homestead exemption; and (4) \$18.4 million in each year of the biennium to help fund county jail operations.

Because the budget was adopted by a majority of members in both chambers, rather than by a two-thirds majority, the bill was stripped of the emergency clause that would have made it effective on the date signed into law by the governor. Instead, the budget enacted by 20 members in the Senate and 77 in the House, becomes effective 90 days after the Legislature adjourns. As a result, the Legislature adjourned on March 29 with the understanding that Governor Janet Mills will call state lawmakers back for a special session on April 28, unless the Legislature decides to convene earlier.

As described by many of the bill's proponents, the budget adoption process employed this year resembles the two part process used in the past. Under the two part process, the first

budget adopted includes only those items necessary for the proper and ongoing operations of government, also referred to as the baseline budget. The second budget includes funding for new or enhanced programs and services. Part two of the budget adoption process relies on the most recent revenue projections to fund programs adopted through supplemental legislation. To that end, the state's Revenue Forecasting Committee is required to update revenue projections no later than May 1 and December 1 of each odd-numbered year and no later than March 1 and December 1 of each even-numbered year.

But not all members of the Legislature support the baseline budget approach. To some, the rush to adopt the budget signals an unwillingness to engage in the discussions and process necessary to enact a spending plan that

has bipartisan support.

From the municipal perspective, this approach provides municipal, school and county leaders with the information necessary to adopt budgets in a timely fashion. Rather than waiting until June or July, local leaders know now how much state aid they will receive in the coming months.

With respect to funding for municipal programs, this is just the first step. In its report back to the Appropriations Committee, the members of the Taxation Committee unanimously supported increasing revenue sharing to 5% of state sales and income tax revenue this session. Municipal officials remain hopeful that a supplemental budget will include additional funding for this important state/municipal program.

Checks and Balances on Emergency Powers

The phrase "a camel is a horse designed by committee," debuting on an Ohio Valley Transportation Advisory Board meeting notice in 1952, is now commonly used to describe the slow pace and often nonsensical way decisions are made in large groups. The construction of legislation requires a camel-like approach to guard against unintended consequences and harm.

However, there is no room for camels in emergency response.

Generally, emergencies are short lived and a decisive response is necessary to save lives and property through the use of the best available information in the moment. Hindsight is always 20/20.

On Monday, the State and Local Government Committee held a public hearing on 14 bills proposing to limit the governor's authority to declare and maintain a state of emergency

without legislative consent. Proponents often provided charged testimony expressing support for using the bills to cobble together checks and balances on the governor's emergency authority.

Three of the proposed bills include provisions that would also limit or eliminate the municipal emergency declaration authority needed to address highly localized events, such as hazardous material spills, flooding, or civil unrest that does not extend beyond a municipal boundary.

The first bill, LD 608 *An Act Regarding the Governor's Emergency Powers*, sponsored by Rep. Chris Johansen of Monticello, would place county commissioners at the center of a gubernatorial declaration of emergency by requiring commissioner approval before such a declaration applies to a county.

As drafted, if the county commissioners do

(continued on page 5)

HEARING SCHEDULE

For the week of April 5, 2021

MONDAY, APRIL 5

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

LD 1016 – An Act To Ensure That Assemblies, Protests and Demonstrations in Maine Remain Peaceful.

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

LD 743 – An Act To Amend the Laws Governing Invasive Aquatic Species.

LD 780 – An Act Regarding Uncontrolled Hazardous Substance Sites.

LD 802 – An Act To Ensure Decommissioning of Solar Energy Developments.

LD 960 – An Act To Require of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS.

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

LD 733 – Resolution, Proposing an Amendment to the Constitution of Maine To Require Constitutional Officers To Be Elected by Statewide Election.

LD 874 – Resolution, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers.

LD 1017 – An Act To Let the Citizens of the State Choose Their State Auditor.

LD 1018 – Resolution, Proposing an Amendment to the Constitution of Maine To Allow the Citizens of the State To Elect the Secretary of State, Treasurer of State and Attorney General.

LD 1056 – Resolution, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General.

LD 1057 – Resolution, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State.

LD 1058 – Resolution, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Treasurer of State.

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

LD 1126 – An Act To Update the Voter Registration Process.

LD 1155 – An Act To Require Election Transparency and Audits.

TUESDAY, APRIL 6

Agriculture, Conservation & Forestry
Room 214, Cross Building, 9:15 a.m.
Tel: 287-1312

LD 574 – An Act To Clarify the Maine Food Sovereignty Act.

LD 954 – An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act.

Energy, Utilities & Technology
Room 211, Cross Building, 9:00 a.m.
Tel: 287-4143

LD 815 – An Act To Support School Decarbonization.

LD 848 – An Act To Increase High-speed Internet In Rural Maine.

LD 920 – An Act To Promote Oversight of and Competitive Parity among Video Service Providers.

LD 933 – An Act To Facilitate the Expansion of Broadband to Unserved Areas of the State.

LD 1008 – An Act To Require Joint Use Entities To Establish Permanent Liaisons with All County Emergency Management Agencies.

LD 1107 – An Act To Create Needed Broadband Infrastructure in Rural Maine through the Establishment of a Satellite-based Broadband Grant Program.

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

LD 964 – An act To Expand Access to Certified Substance Use Disorder Recovery Residence Services.

Judiciary

Room 438, State House, 10:00 a.m.
Tel: 287-1327

LD 1068 – An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment.

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

LD 821 – An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users.

LD 836 – An Act To Enhance Compliance with Motor Vehicle Insurance Requirements.

WEDNESDAY, APRIL 7

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

LD 63 – An Act Regarding the Northeastern Interstate Forest Fire Protection Compact.

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

LD 797 – An Act To Create a Registry To Improve Access to Automated External Defibrillators.

LD 829 – An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Motor Vehicle.

LD 1078 – An Act To Promote Traffic Safety in Emergency Situations.

1:00 p.m.

LD 963 – An act To Create Culturally Sensitive Treatment and Recovery Halfway Houses for Immigrants Transitioning out of the Juvenile Justice System.

LD 1040 – An Act To Require Diversity, Equity and Inclusion Training or Implicit Bias Training for school Resource Officers.

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

LD 854 – An Act To Ensure Continued School-based Services for Children with Disabilities.

Hearing Schedule continued

LD 1234 – An Act To Allow Lemonade Stands and Other Food and Nonalcoholic Beverage Sales by Minors.

LD 1241 – An Act To Establish More Transparency, Due Process, Education and Understanding between the Department of Health and Human Services and Certain Maine Businesses.

2:00 p.m.

LD 1009 – Resolve, To Create a Health Care Ombudsman Position To Serve in Maine's County Jails.

Health Coverage, Insurance & Financial Services

Room 220, Cross Building, 10:30 a.m.
Tel: 287-1314

LD 800 – An Act To Amend Credit and Debit Card Surcharges Imposed by Governmental Entities.

Inland Fisheries & Wildlife

Room 206, Cross Building, 10:00 a.m.
Tel: 287-1338

LD 944 – An Act To Simplify Dual Registration of Snowmobiles and All-terrain Vehicles.

LD 1153 – An Act To Restrict Combustion Engines on Webber Pond in Bremen.

Labor & Housing

Room 202, Cross Building, 10:00 a.m.
Tel: 287-1331

LD 832 – An Act To Promote Immigrant Workforce Development and Community Integration.

LD 1022 – An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws.

LD 1167 – An Act Relating to Fair Chance in Employment.

State & Local Government

Room 214, Cross Building, 10:15 a.m.
Tel: 287-1330

LD 753 – An Act To Increase Transparency in the Legislature by Removing Certain Freedom of Access Act Exemptions.

LD 806 – An Act To Clarify That Municipal Officers May Accept a Proposed, Unaccepted Way for Pedestrian, Bicycle and Other Nonmotorized Use.

LD 876 – An Act To Promote Efficiency in County and Municipal Government.

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 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/Online-Testimony-Submission)) and interested parties can view committee proceedings, both live and recorded, on the Legislature's YouTube channel ([News | Maine State Legislature.](#))

LD 1010 – An Act To Establish the Maine Service Fellows Program.

Taxation

Room 127, State House, 9:00 a.m.
Tel: 287-1552

LD 576 – An Act To Increase Property Tax Relief for Veterans.

LD 647 – An Act To Expand Eligibility for the Veterans' Property Tax Exemption.

LD 740 – An Act To Provide Municipalities a Percentage of the Revenue Generated from the Taxes Imposed on the Sale of Recreational Marijuana in Those Municipalities.

LD 830 – An Act To Restructure the Taxation of Adult Use Marijuana.

LD 897 – An Act To Protect Maine Veterans from Unfair Consequences of Taxation Policy.

LD 1166 – An Act To Increase the Property Tax Exemption for Veterans by 50 Percent.

LD 1181 – An Act To Reduce Property Taxes on the Primary Residence of Veterans who Are 100 Percent Disabled Due to Service-connected Disabilities.

LD 1185 – An Act To Distribute Tax Revenue To Offset Costs Incurred by Adult Use Marijuana Host Municipalities.

LD 1195 – An Act To Increase Funding to Qualifying Municipalities by Sharing Adult Use Marijuana Sales and Excise Tax Revenue.

Veterans & Legal Affairs

Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 253 – An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting.

LD 557 – An Act To Require Photographic Identification for the Purpose of Voting.

LD 941 – An Act To Protect the Privacy of Absentee Voters.

LD 1083 – An Act To Create a Voter Identification System.

LD 1099 – An Act Regarding Election Reform.

THURSDAY, APRIL 8

Health & Human Services

Room 209, Cross Building, 10:00 a.m.
Tel: 287-1317

LD 81 – An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods.

LD 1076 – An Act To Support the Operations of Youth Shelters in Maine.

Innovation, Development, Economic Advancement & Business

Room 202, Cross Building, 9:30 a.m.
Tel: 287-4880

LD 891 – An Act To Eliminate or Forgive Fines and Penalties on Persons and Business Due to the COVID-19 Pandemic.

LD 992 – An Act To Prevent the Denial or Revocation of a Professional or Business License for a Violation Not Related to That Profession or Business.

Transportation

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

LD 990 – An Act Regarding Veterans License Plates.

LD 1104 – An Act To Increase the Time for Which a Temporary Motor Vehicle Registration Plate Is Valid.

Turbulence or Tranquility for Offshore Wind Industry?

President Biden's clean energy pledge this week further confirmed Maine's interest in offshore wind as a clean energy source to mitigate carbon emissions and reduce climate change impacts. Maine is naturally situated to capture both the renewable energy benefits and economic growth of offshore wind, but neither will materialize unless Maine, the United States, and the world commit to building the supply chain needed for the advancement of the industry.

The Gulf of Maine has some of the best wind resources in the country. The state has an established maritime infrastructure and history of maritime activity, and ports in Maine are sufficiently deep for the large vessels needed for offshore wind construction and operation. The state leads the world in advanced composite research and design for wind turbines and is close in proximity to large energy markets in New England. Maine is naturally and geographically prepared for offshore wind generation, but are its leaders and citizens politically committed?

Signals from political leaders that offshore wind is a priority attracts partnerships and investments. Industries and governments perceive firm policy commitments to new industries as a signal of stability and reduced risk for the long-term investments that project like offshore wind requires.

Governor Janet Mills is building international confidence in offshore wind through consenting policy. The state's four-year climate action plan, "Maine Won't Wait," employs offshore wind as an immediate and enduring solution to the transition to clean energy sources. The Governor's Energy Office is pushing ahead with a comprehensive industry roadmap, applied for the nation's first offshore floating wind research array, and is studying the port of Searsport as a leading site to support the transportation, assembly, and fabrication of offshore wind turbines. Through Governor Mills' actions, Maine is drawing attention.

The United Kingdom, a leader in offshore wind generation, recognizes Maine's natural potential for offshore wind and its buildup of political commitment to the burgeoning industry. The UK and Maine entered into a first-of-its-kind memorandum of understanding with any US state.

Together, Maine and the United Kingdom

are committing to reduce carbon emissions, facilitate academic engagement, to evaluate and share insight into the impact offshore wind has on fishing industries, and address needed workforce development and infrastructure.

The partnership is important for building a supply chain that meets the needs of a complex industry. Offshore wind generation is enmeshed in a broad array of industry sectors including robotics, aviation, sensor technology, power generation, electrical infrastructure, maritime industry, automation, AI and machine learning, subsea industry, drones and defense. The linkages between these sectors are vital to the success of an offshore wind industry and the UK and Maine are dedicated to strengthening them.

To prepare the supply chain both parties will focus on creating a strong domestic market for offshore wind, invest in enabling infrastructure, and support innovation and coordination between industry sectors.

The road to a comprehensive offshore wind industry has a clear pathway forward but it is not without potential pitfall. Maine and the UK have important fishing and marine resource industries that are concerned about unknown impacts of offshore wind turbines. To address these concerns the memorandum of understanding includes the sharing and facilitation of important academic research.

Maine's governor has called for a 10-year moratorium on offshore wind generation in state managed waters. Until research proves offshore wind is safe close to the

coast, offshore wind turbines must operate at least three nautical miles off the state's coastline. The pioneering Gulf of Maine floating offshore wind research array will be between 20 and 40 nautical miles offshore. This move displays Maine's policy commitment to the offshore wind supply chain sectors without diminishing support to its heritage industries.

While the governor's determination to support the offshore wind industry is firm the legislature is undecided. This session the Legislature will consider LD 101, *An Act to Prohibit Offshore Wind Energy Development*, sponsored by Rep. Billy Bob Faulkingham of Winter Harbor, and LD 336, *An Act to Encourage Research To Support the Maine Offshore Wind Industry*, sponsored by Sen. Mark Lawrence of York County. Neither bill has been scheduled for public hearings in front of the Energy, Utilities and Technology Committee. MMA is opposed to LD 101, which as its title suggests would prohibit any department or agency of the state or any political subdivision from permitting, approving or otherwise authorizing an offshore wind energy development project.

The Biden administration's announcement this week and the UK's interest across the pond are signals the political commitments to offshore wind are growing. Governor Mills is trying to bring a gust of interest in offshore wind to Maine, but it remains unclear which way the winds will blow in the legislature.

LEGISLATIVE BULLETIN

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Checks and Balances on Emergency Powers continued

not accept the governor's declaration, municipalities in that county would be ineligible for federal or state assistance that may be available to help address the emergency. Federal assistance often includes direct support for individuals including housing, unemployment, crisis counseling, and reconstruction loans, as well as assistance for businesses and revenues to offset infrastructure replacement costs.

The second bill, LD 955 *An Act To Narrowly Tailor Emergency Powers of the Governor and Other Public Officials*, sponsored by Sen. Lisa Keim of Oxford County creates a definition of a "constitutional right" in statute; requires that a "compelling health or safety purpose" is in effect in order to officially suspend such rights; and establishes that only the governor can infringe on the list of constitutional rights defined in the bill. Under the terms of the bill, Maine residents are guaranteed the right to: (a) travel, work, assemble and speak; (b) exercise religion without government interference; (c) make contracts and hold property without government interference; (d) be free from unreasonable searches and seizures; and (e) purchase and keep firearms and ammunition.

The concern with the bill is that a compelling reason in law is generally settled through a court after the fact, and a declaration of a state emergency already assumes a compelling reason has occurred.

Under emergency circumstances, municipal officials must immediately act. In highly localized emergencies such as explosions, flooding, hazardous spills, and civil unrest, municipal officials must have the authority to temporarily limit all activity that further risks the safety and security of individuals, including emergency personnel. While scenarios for the most common emergencies are often practiced with stakeholders, the nature of any emergency or the response needed is rarely foreseen and cannot be prescriptive.

The third bill of municipal impact is LD 980 *An Act To Establish Balance in the Governor's Emergency Powers*, sponsored by Rep. Heidi Sampson of Alfred. As drafted, the proposed legislation essentially creates a similar limit on municipal authority in response to an emergency as does LD 955, but also sets the duration of the emergency order in statute rather than by the nature of the emergency.

MMA takes no position on the provisions to create legislative review of the governor's emergency declaration, however staff testified

in opposition to the provisions in those bills attempting to limit or define possible responses to municipal emergencies and clarifying the misunderstandings around the existing limits and oversight required as a result of a local emergency declaration.

Chief Counsel to Gov. Mills, Jerry Reid, also testified in opposition to all 14 bills, explaining the current process already in law that allows the legislature to end the state of emergency declaration.

Staff advised the committee that while rare, the ability for municipal officials to declare a state of emergency is already extremely narrow in scope and generally has a legislative body review provision established in ordinance, which is necessary to allow the municipality to expend funds that are otherwise restricted. Adopted ordinances also allow municipal employees responding to emergencies to remain on duty longer than the regular hours established in contracts, leverage assistance to move residents out of harm's way, or restrict activities that would place residents or responders in jeopardy. Through the adoption of a charter provision or ordinance, local emergency declarations also permit shifting oversight and decision making authority to a defined chain of municipal employees, should the entire legislative body be unavailable, too injured, or deceased.

In many cases the crisis at hand, such as the need to elect an entire board of selectpersons or rebuild a washed out road, dictates the duration for the emergency and therefore should not be constrained by an arbitrary time limit established in statute.

Furthermore, municipal emergency response plans are consistently reviewed as required by Maine law, Title 37-B § 783 in conjunction with capable local governments and community entities who are likely to participate in the local response.

As one committee chair put it, we can't fight the last war, and concern about the emergency duration is understandable.

However, flexibility is necessary to remove bureaucracy from emergency response. As legislators review proposed checks and balances on gubernatorial declarations, municipal officials hope they respect the rights of communities to grant, define, limit, amend, and review the emergency powers granted to local officials and not use statute to design a camel for communities to rely on when they already have a well-trained stabled horse.

Hearing Schedule continued

LD 1109 – An Act To Align Equipment Requirements for Electric Bicycles with National Manufacturing Standards.

LD 1110 – An Act To Clarify the Authority To Manage Electric Bicycle Access to Off-road Trails.

LD 1230 – An Act To Enhance Traffic Safety with Regard to the Operation of Bicycles on Public Ways.

FRIDAY, APRIL 9

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

LD 1103 – An Act To Allow a 5-year Open Enrollment in the Participating Local District Retirement Program for Certain Law Enforcement Officers, Firefighters and Other Municipal Employees.

LD 1231 – An Act Concerning Climate and Community Investment Projects.

LD 1233 – An Act To Determine How Many Employees of Large Companies in Maine Receive Public Benefits.

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

LD 818 – An Act To Limit Spam Texting.

LD 914 – An Act To Meet the State's Obligation To Pay 55 Percent of Education Costs.

LD 916 – An Act To Protect Data Privacy and Security in Elections.

LD 1178 – Resolution, Proposing an Amendment to the Constitution of Maine To Prohibit the Consideration of a People's Veto at a Presidential Primary.

IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's official summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the *Legislative Bulletin* to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, www.memun.org.)

Criminal Justice & Public Safety

LD 797 – An Act To Create a Registry To Improve Access to Automated External Defibrillators. (Sponsored by Sen. Deschambault of York Cty.)

This bill requires the Director of Maine Emergency Medical Services to establish a registry of publicly accessible automated external defibrillators located within the state for the purpose of assisting a person or a law enforcement officer, firefighter or emergency medical services provider who calls for assistance in an emergency situation. The bill authorizes the director to accept grants, funds, equipment and services to establish, operate and maintain the registry and requires the Department of Public Safety to adopt routine technical rules regarding the registry.

LD 1078 – An Act To Promote Traffic Safety in Emergency Situations. (Sponsored by Sen. Breen of Cumberland Cty.)

This bill enables a trained unsworn member of a law enforcement agency to serve as a public safety traffic flagger to control vehicular traffic at emergency scenes in the same manner as firefighters and members of emergency medical services control vehicular traffic.

LD 1175 – An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons. (Emergency) (Sponsored by Rep. Kinney of Knox)

This bill prohibits the Department of Corrections, county jails and municipal detention facilities from accepting a commission or charging a fee for the provision of services from an outside provider to incarcerated individuals, including telephone, video and commissary services. This bill also requires the department to negotiate contracts for services, allowing county jails to opt in, at the lowest cost to the client. A contract for services may not include a connection fee. A contract for telephone services may not exceed a rate of 11¢ per minute and must allow incarcerated individuals to receive two 15-minute telephone calls per week at no charge.

LD 1192 – An Act Concerning the Composition of the Criminal Law Advisory Commission. (Sponsored by Rep. Tuell of East Machias)

This bill amends the membership of the Criminal Law Advisory Commission to require that at least one member be a state law enforcement officer and at least one member be a county or municipal law enforcement officer. It also requires the chair of the commission to provide written notice of each commission meeting to every state, county and municipal law enforcement agency in the state.

Education & Cultural Affairs

LD 1114 – An Act To Require the State To Meet the Mandatory 55 Percent Contribution to Schools. (Sponsored by Sen. Miramant of Knox Cty.)

This bill increases the targeted state share of K-12 education as calculated by the essential programs and services to 55% beginning in FY 22 and continuing at that rate annually.

Environment & Natural Resources

LD 678 – An Act Regarding Timelines for Permitting by the Department of Environmental Protection. (Sponsored by Sen. Keim of Oxford Cty.)

This concept draft bill impacts the Department of Environmental Protection laws governing permitting by amending: (1) requirements for who may intervene in a department application review; (2) deadlines for and limitations on submitting public comments for complex projects; (3) duration of public comment periods during the permit application process; and (4) requirements on the ability to appeal a decision of the department.

LD 960 – An Act To Require of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS. (Sponsored by Rep. Fay of Raymond)

This bill requires manufacturers of products with intentionally added perfluoroalkyl and polyfluoroalkyl substances to report the presence of those substances in those products to the Department of Environmental Protection beginning in 2023. This bill also requires any person who causes a discharge of aqueous film-forming foam into waters of the state to report that discharge to the department within 24 hours.

LD 988 – An Act To Increase Economic Development by Expanding the Special Fee Application Review Process of the Department of Environmental Protection. (Sponsored by Sen. Keim of Oxford Cty.)

This bill requires the department to adopt rules identifying the relevant factors the commissioner of Environmental Protection must consider in determining if a particular application is subject to special fees. The bill also authorizes the department to assign a project a category and establish an appropriate fee and timeline for the project based on the complexity of the project.

LD 1028 – An Act To Ease Business Expansion by Increasing the Number and Applicability of Permit Exemptions under the Site Location of Development Laws. (Sponsored by Sen. Keim of Oxford Cty.)

Under current law, new construction at a licensed manufacturing facility and new construction at or modification of a campus of an educational institution and of an existing licensed development is exempt from review under the laws governing site location of development if certain criteria are met. This bill amends those exemptions by increasing the square footage criteria under the exemptions.

LD 1038 – An Act To Facilitate a Timely Revision Process in the Site Location of Development Laws. (Sponsored by Sen. Keim of Oxford Cty.)

This bill provides that the processing period for each type of permit or license application submitted to the Department of Environmental Protection may not exceed 90 days. It applies the processing period to both new and revised applications.

LD 1089 – An Act To Increase Municipal Oversight in the Site Location of Development Laws. (Sponsored by Sen. Keim of Oxford Cty.)

This bill amends the laws governing municipal review of developments under the site location laws by removing the acreage limits on developments that a municipality may review.

LD 1097 – An Act Regarding the Definition of “Development of State or Regional Significance That May Substantially Affect the Environment.” (Sponsored by Sen. Keim of Oxford Cty.)

The purpose of this bill is to ensure that the site location of development law subjects to review those projects that are truly of state or regional

IN THE HOPPER *cont'd*

significance. It requires the application of the law to residential subdivisions only if they contain at least 100 dwelling units. It increases the threshold for review by modifying the definition of “structure” to include at least five non-vegetated acres, increased from three acres. It exempts solar energy projects generating less than 10 megawatts from review, even if the project covers more than 20 acres

Health & Human Services

LD 964 – An act To Expand Access to Certified Substance Use Disorder Recovery Residence Services. (Sponsored by Rep. Fecteau of Augusta)

This bill requires recovery residences to be certified according to the standards set by a nationally recognized organization that supports persons recovering from substance use disorder in order to receive contracts from the department or receive housing vouchers or housing assistance under the municipal general assistance program. The bill also prevents an applicant for general assistance from being denied aid for the sole reason that the person is living in a recovery residence.

LD 968 – Resolve, To Expand Mental Health Crisis Intervention Mobile Response Services. (Sponsored by Rep. Supica of Bangor)

This resolve requires the Department of Health and Human Services to expand mental health crisis intervention mobile response services to provide services 24 hours a day, 7 days a week to the entire state. The department is directed to do this using funding provided for a request for proposal for behavioral health crisis center services.

LD 1234 – An Act To Allow Lemonade Stands and Other Food and Nonalcoholic Beverage Sales by Minors. (Sponsored by Rep. Fecteau of Augusta)

This bill prohibits the Department of Health and Human Services, the State Tax Assessor and municipalities from requiring a license or a permit or charging fees or sales taxes for the operation of a stand on private property operated by a person under 18 years of age for the occasional sale of prepackaged food, baked goods, lemonade or other nonalcoholic beverages.

Health Coverage, Insurance & Financial Services

LD 800 – An Act To Amend Credit and Debit Card Surcharges Imposed by Governmental Entities. (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill explicitly allows a state department or agency to impose a surcharge for payments made by credit card or debit card for taxes, fines, charges, fees, and licenses or the provision of a specific service or good. It also amends the Maine Consumer Credit Code – Truth-in-Lending to allow a governmental entity to impose a surcharge for payments made by credit card or debit card for registration fees and goods and includes under the definition of “governmental entity” a state department or agency.

Judiciary

LD 1068 – An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment. (Sponsored by Sen. Carney of Cumberland Cty.)

This bill allows a court, in a protection from harassment order, to direct a defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the duration of the order. The bill also authorizes the court direct the defendant to relinquish, within 24 hours after service of the order on the defendant or such earlier time as the court specifies in the order, all firearms, muzzle-loading firearms,

bows, crossbows and specified dangerous weapons in the possession of the defendant to a law enforcement officer or other individual for the duration of the order. If the weapons are relinquished to an individual other than a law enforcement officer, the defendant shall file, within 24 hours after relinquishment, with the court or local law enforcement agency designated in the order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize weapons at any location if there is probable cause to believe such weapons have not been relinquished.

State & Local Government

LD 1088 – An Act To Allow Nonresidents Who Own Property To Speak at Town Meetings on Local Issues. (Sponsored by Sen. Moore of Washington Cty.)

This bill allows a nonresident individual who owns residential real property in a town to speak at a town meeting to the same extent as a resident of the town.

Taxation

LD 1195 – An Act To Increase Funding to Qualifying Municipalities by Sharing Adult Use Marijuana Sales and Excise Tax Revenue. (Sponsored by Rep. Roberts of South Berwick)

This bill allocates 5% of the gross sales and excise tax revenue generated by adult use marijuana establishments in the state to the municipalities where the revenue was generated.

Transportation

LD 1104 – An Act To Increase the Time for Which a Temporary Motor Vehicle Registration Plate Is Valid. (Sponsored by Sen. Farrin of Somerset Cty.)

This bill increases from 14 to 30 the number of days a person may operate a motor vehicle or trailer with a temporary registration plate without payment of a regular registration plate fee.

LD 1110 – An Act To Clarify the Authority To Manage Electric Bicycle Access to Off-road Trails. (Sponsored by Sen. Daughtry of Cumberland Cty.)

This bill clarifies that a municipality, local authority or governing body of a public agency has the discretion to permit the operation of Class 1 and Class 2 electronic bicycles on bicycle paths or trails designated for non-motorized traffic.

Veterans & Legal Affairs

LD 1099 – An Act Regarding Election Reform. (Sponsored by Sen. Moore of Washington Cty.)

This bill amends the election laws by: (1) prohibiting incarcerated persons from voting; (2) requiring ballots to be in paper form; (3) requiring photo identification to vote; (4) prohibiting the receipt of ballots after the polls close; (5) prohibiting the buying of a vote by another person for money or any other thing of value; and (6) allowing absentee voting only for a person who is unable to vote, the reason for which is certified by the person, and requires two other persons to collect and deliver the ballot, each of whom must certify the collection and delivery.



Maine Municipal Association

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IN THE HOPPER *cont'd*

LD 1126 – An Act To Update the Voter Registration Process. (Sponsored by Rep. Pierce of Falmouth)

This bill requires the Secretary of State to create a process for accepting online voter registration applications beginning Jan. 1, 2023, which uses a valid Maine driver's license, non-driver identification card number or the last four digits of the applicant's social security number to verify the identity of an online applicant. The deadline for receipt of online voter registration applications is midnight on the 21st day before election day. The bill further directs the secretary to create an online process enabling a previously registered voter whose name is changed by marriage or other process of law or who has moved within a municipality to notify the appropriate registrar of voters of the voter's new name or address through the online voter registration, as well as processes for a registered voter to change party enrollment or to withdraw from a party. In addition, the bill directs the secretary submit a report by June 30, 2022 to the Committee on Veterans and Legal Affairs on the feasibility of and progress made toward implementing a system for third-party organizations to collect and to submit electronic voter registration applications to the secretary.

LD 1155 – An Act To Require Election Transparency and Audits. (Sponsored by Rep. Grohoski of Ellsworth)

This bill requires the Secretary of State to: (1) produce and publicly disseminate a guide to election procedures; (2) develop an election complaint process; and (3) report to the Legislature on certain election issues after a general election. The secretary is further directed to conduct a pilot post-election audit following the November 2022 election, to include: (1) a study of best practices in post-election ballot audits; (2) recounts and the intersection of audits with recounts; and (3) a review of security protocols related to hardware, software and paper ballots. In conducting the pilot audit, the secretary may consult with state and municipal election officials, election security advocates and other experts in the field of election audits and recounts. By Feb. 1, 2023, the secretary must submit a report on the pilot audit with any recommended legislation to the committee having jurisdiction over veterans and legal affairs, which may report out a bill in 2023.