

To: Key Municipal Officials
Legislative Policy Committee
Public Works Directors and Highway Foremen

From: Kate Dufour, Director, State and Federal Relations

Date: Thursday, June 3, 2021

Re: Items on the House Calendar

While the [Senate Calendar](#) does not include items of municipal significance, there are four issues of note on the June 3 [House Calendar](#).

The most concerning of which is [LD 596](#), *An Act To Improve the Law Regarding Abandoned Roads*, which sets into motion the complete overhaul of the laws regarding abandoned roads. The bill is printed as item 7-1 on page 73 of the House Calendar.

In summary, the bill which received unanimous support from the State and Local Government Committee, replaces the doctrine of the passage of time as the determining factor of the abandonment of a local road with an overly prescriptive process. The details of the bill are described in Rebecca Graham's memo, which is [linked here](#). Although municipal officials believe the changes proposed in the bill will increase municipal costs, the bill has not been identified as a mandate.

Complicating the matter is the fact that the bill is on the House consent agenda.

Unless removed from the agenda, the committee report will be accepted without debate. Municipal officials are urged to contact members of the House to discuss municipal concerns with the bill and to encourage the full Legislature to engage in a debate over the merits of LD 596.

Also of municipal concern is [LD 95](#), *RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food*, which received a majority ought to pass as amended report from the Agriculture, Conservation, and Forestry Committee. The bill, printed as item 10-1 on page 77 of the calendar, would place a question on the Nov. 2, 2021 ballot establishing a constitutional right "to food and to save food."

The vague language of the referendum question is likely to open communities to legal challenges for delivery or protection of resources and leave municipalities without the tools and ordinances necessary to address regulatory obligations. Generally, such rights are only established concretely through the creation of case law to legal challenges. Once settled, case law can strip a community, or a Legislature, of the flexibility necessary to respond to new and emerging food and environmental challenges.

The House will also have the opportunity to discuss an amended version of [LD 1448](#), *An Act To Increase State Reimbursement to Municipalities for Revenue Lost Due to the Homestead Property Tax Exemption*, which is printed as item 6-50 on page 68 of the calendar.

As amended by the Taxation Committee, as of April 1, 2022 the bill increases the value of the Homestead Exemption from the current \$25,000 to \$30,000. The bill's title is also amended to *An Act To Increase the Homestead Property Tax Exemption*, as the reimbursement provided to municipalities for lost property tax revenue remains at 70%. While municipal officials support the increase in the value of the exemption, they recognize that absent 100% reimbursement from the state the value of the benefit is diminished.

Finally, the House will address [LD 824](#), *An Act To Extend the Protections Provided to State Employees upon the Expiration of Labor Contracts to Other Public Sector Employees*, printed as item 6-8 on page 26 of the calendar and described in yesterday's [memo](#). The "ought to pass as amended" report was adopted by the Senate on Wednesday.

The Legislature is not in on Friday, but will reconvene on Monday, June 7 at 10 a.m.