

To: Key and Elected Municipal Officials  
Legislative Policy Committee  
Code Enforcement Officers  
Planning Board Members  
Municipal Planners

From: MMA State and Federal Relations Department Staff

Date: Monday, June 14, 2021

Re: Action Alert Updates

Thank you for your prompt response to the numerous action alerts staff sent out last week. Your messages are being heard and we greatly appreciate your “at home” efforts. Since the Legislature did not convene on Friday and adjournment is on the horizon, it is expected that this week will be very busy. While we understand a steady flow of emails can be tiring, please continue to reach out to members of the House and Senate. Your efforts are invaluable.

What follows are brief updates on the municipal issues debated by the Legislature last week. You can also expect to receive a separate action alert on LD 920 regarding municipal cable franchise fee agreements later this morning.

**LD 1312: Accessory Dwelling Units.** An [amended version](#) of LD 1312, *An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed*, seeks to preempt home rule authority by allowing an accessory dwelling unit (ADU) to be placed on the same lot as a single family dwelling, regardless of the existence of a local ordinance to the contrary or the desires of the residents of the community.

Due to your outreach, the members of the Labor and Housing Committee have asked the interested parties to consider an alternative approach.

The bill sponsor suggested enacting LD 1312 in its current form, with the municipal concerns addressed next year through subsequent legislation. MMA suggested allowing the discussion of ADUs to be included as part of [Speaker Fecteau’s LD 609](#) housing study. In response, the House committee chair, Rep. Michael Sylvester of Portland, asked MMA to work on language that moves the concept forward this session, but retains local regulation.

As a result, [this amendment](#) has been offered. If you have questions on LD 1312, please contact Kate Dufour at [kdufour@memun.org](mailto:kdufour@memun.org) or 207-592-4038.

**LD 677: Binding Arbitration/Right to Strike.** By a [margin of 19 to 13](#), the Senate voted to support [LD 677](#), *An Act To Improve Public Sector Labor Relations by Amending the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws*. As proposed, the bill amends the labor relations laws impacting public employers by making

arbitrator decisions regarding salaries, pensions and insurance benefits binding on all parties. Furthermore, under the terms of the bill, if a public employer fails to implement the binding determinations, employees represented by the bargaining unit, except those responsible for protecting public safety, are authorized to strike.

The bill is currently tabled in the House. Municipal officials concerned with the impacts LD 677 will have on municipal budgets are urged to contact their representatives.

If you have questions on LD 667, please contact Kate at [kdufour@memun.org](mailto:kdufour@memun.org) or 207-529-4038.

**LD 95: Constitutional Right to Food.** [LD 95](#), *Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food*, seeks a constitutional amendment protecting personal choice over nutritional adequacy, availability, access, and sustainability as required by existing obligations, and protects against “abuses of other private property rights,” which could expose Maine farmers to constitutional challenges from patented seed holders. Additionally, institutions that provide food for individuals through government services like school lunch and county jails, could be required to adhere to an individual’s personal choice of food rather than nutritional needs. In both cases, it will be left to the courts to determine whether an individual’s right to food has been violated.

The bill was supported in the House by a [margin of 106 to 31](#) and now appears as item 7-1 on the Senate Calendar. Municipal officials concerned with the legal ramifications associated with the constitutional right to food are urged to contact their senators.

If you have questions on LD 95, please contact Rebecca Graham [rgraham@memun.org](mailto:rgraham@memun.org) or 207-350-0419.

**LD 489: Constitutional Right to a Healthy Environment.** The second proposed amendment of interest to municipal officials, [LD 489](#), *Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Right to a Healthy Environment*, grants the people of Maine the right to a clean and healthy environment and to the preservation of the natural, cultural, and healthful qualities of the environment. This amendment broadens the scope of environmental impact to include an activity that is deemed an infringement on a healthy environment, as determined by anyone. Since the definition of “healthy environment” includes vague terminology there is also concern that numerous legal challenges will force the court system to decipher the meaning of cultural, scenic, or healthful qualities, potentially delaying the efficacy of this bill.

The bill was supported in the Senate and is currently tabled in the House. Municipal officials concerned with the legal ramifications associated with the constitutional right to a healthy environment are urged to contact their representatives.

If you have questions on LD 489, please contact Neal Goldberg at [ngoldberg@memun.org](mailto:ngoldberg@memun.org) or 301-785-6740.

Members of the Senate can be reached at 1-800-423-6900. To look up your Senator and their contact information check this [site](#). Members of the House can be reached 1-800-423-2900. To search for your House member and their contact information check the site available [here](#).