

To: Key and Elected Municipal Officials
Legislative Policy Committee
Code Enforcement Officers
Municipal Planners
Planning Boards
Legislative Bulletin Subscribers

From: Kate Dufour, Director, State and Federal Relations (SFR)

Date: Friday, June 18, 2021

Re: Legislature Adjourned Until the Call of the Presiding Officers

Earlier this morning the Legislature completed its work and adjourned until the call of the Speaker of the House and President of the Senate. It is expected that the entire body will reconvene at the end of the month to adopt an amended version of Governor Janet Mills' supplemental FY 22 – FY 23 biennial General Fund budget (LD 221), decide on how to invest Maine's America Rescue Plan Act funds, and vote on bills vetoed by the governor, if any.

On behalf of the SFR Department, I thank you for your assistance with our advocacy efforts throughout the 2021 session. Your responses to our calls for action were instrumental to our successes.

Due to your efforts, communities have retained the local control necessary to regulate [accessory dwelling units](#). After a decade or more of advocacy, interested municipalities will soon have the authority to adopt policies and ordinances regulating the use of [remote meetings](#). Extended producer responsibility took a needed step forward to include [packaging material](#), which reduces the burden on participating municipalities to fund recycling programs and manage waste.

Legislators heard the municipal concerns relating to qualified immunity for law enforcement officials by rejecting [LD 214](#), which called into question the need for this protection. Even the compromise approach, [LD 1416](#), which would have created a task force to explore concerns around the application of this legal protection failed passage.

Although it is possible that on its return the Legislature will continue its debate on the [Pine Tree Power Company](#) bill, a consumer-owned electric utility, that effort has been stalled. From the municipal perspective, the potential to lose \$90 million in property tax revenue statewide is too risky of an investment.

As would be expected, the Association took a few lumps in the process. Our efforts to defeat the perennial [binding arbitration bill](#), which makes decisions over school, county and municipal employee wages, benefits and pensions binding, failed. LD 677 was supported in the

House by a vote of 73 to 60 and in the Senate by a margin of 19 to 13. However, all hope is not lost, as the governor has vetoed a similar version of the bill in the past.

Similarly, our efforts to convince the Legislature that [LD 417](#), *An Act To Protect Maine's Drivers from Pretextual Traffic Stops*, would make it harder for law enforcement to keep impaired drivers from operating motor vehicles fell short. The bill was supported in the House by a vote of 72 to 67 and in the Senate by a margin of 20 to 15.

Voters in November will be afforded the opportunity to weigh in on the constitutional [right to food](#) as proposed in LD 95. The vaguely crafted constitutional amendment has potentially broad impacts on communities through county tax assessment for jails and school food programs, while defending challenges to local regulations restricting the use of urban livestock farming and pesticide ordinances.

However, there is still work to be done. The question regarding the amount of revenue sharing to be distributed to communities in FY 22 and FY 23 remains unanswered.

As proposed in [Part G](#) of the governor's supplemental budget, the amount of state sales and income tax revenue distributed to municipal officials will increase to 4.5% in FY 22 and to 5% in FY 23. However, if Rep. Thom Harnett of Gardiner, along with 176 members of the Legislature have their way, municipalities could receive [5%, retroactive to Jan. 1, 2021](#).

Please continue to reach out to your members of the House and Senate to thank them for their support and to encourage adoption of a supplemental budget that includes an increase in revenue sharing distributions.

Thank you.