

MaineCare Ambulance Rates: The Big Short

On Wednesday this week, the Health and Human Services Committee held a two-hour public hearing on LD 1465, *An Act To Require the State To Adequately Pay for Emergency Medical Services*. Sponsored by Rep. Michael Lajoie of Lewiston, LD 1465 requires the state to increase reimbursement for ambulance services provided to MaineCare recipients to the average allowable rate authorized under the Medicare program. Currently, MaineCare reimburses providers at just 65% of that federal rate.

In his testimony, Rep. Lajoie urged the Committee to consider amending the bill to include a provision directing the Department of Health and Human Services to work with interested parties across the state to limit or reduce the unnecessary use of emergency services by MaineCare recipients. An example would be an ambulance call for assistance with getting in and out of bed. The amended bill would be retitled to “*An Act Regarding the Delivery and Reimbursement for Emergency Medical Services*.”

Support for LD 1465, both as printed and as proposed to be amended, was overwhelming.

Public and private emergency services providers from all corners of the state – Caribou to Sanford and Mexico to Calais – participated in the public hearing. It was a unified message. The reimbursement rates provided under MaineCare are insufficient to appropriately support the services provided. Proponent after proponent explained to the members of the Committee how MaineCare reimbursements, at times as low as 35% of the actual cost of the provided service, were shifting delivery costs onto the property taxpayers, impacting efforts to recruit and retain personnel and causing delays in necessary

vehicle maintenance and purchases of supplies and equipment.

In summary, proponents of LD 1465 were simply asking that the state take a larger financial role in the provision of this vital emergency service to help offset related mandates. Those state mandates, in part, require assistance to be provided to all who call, regardless of ability to pay, regardless of the extent of the emergency and without any ability to collect losses from MaineCare recipients.

MMA also provided testimony in support of LD 1465.

The Department of Health and Human

Services provided testimony “neither for nor against” the bill. The Department agrees that the MaineCare ambulance service rates are insufficient to cover actual costs and need to be examined. According to DHHS, however, the increase in reimbursement rates proposed in LD 1465, an estimated \$643,000 hit to the state, has to be considered in relation to all other pieces of legislation to be reviewed by the Committee that seeks to increase the state’s cost of providing health and human services related programs.

The work session on LD 1465 is scheduled for next Wed., Jan. 20, at 1:00 p.m.

How to Spend Unexpected School Subsidy

Several education-focused interest groups, including the Maine Education Association, Maine School Management Association and the Maine Principals Association, convened mid-week to lend support during a public hearing for LD 1475, *An Act To Facilitate the Use of State Education Subsidies*. Sponsored by Sen. Rebecca Millett of Cumberland County, LD 1475 authorizes a regional school unit to include on the school budget validation referendum warrant an article permitting the school board to spend any additional state aid received that was not anticipated when the school budget was adopted. The permission would allow the school board to spend the money as it sees fit.

Proponents of the bill testified that the bill was necessary to address the conflicting budget adoption cycles at the state and local levels.

It is often the case that school budgets are developed, vetted and voted on at the

required school budget meetings in late winter to early spring to allow the final step of the process – the school budget validation referendum – to coincide with the scheduling of the June primary election. Although not typically the case, the state’s share of K-12 education funding is sometimes finally approved by the Legislature after the school systems have adopted their budgets.

For example, this was the case in 2015 with the June 30, 2015 adoption of the FY 2016-2017 biennial budget. That state budget included an appropriation of \$20 million for FY 2016 state aid for education over and above a \$20 million increase in the Governor’s proposed budget. That second \$20 million had not been factored in to the budgets previously approved at the local level at the June 9, 2015 election.

The proponents claim that if the
(continued on page 4)

Legislature's First Response to Drug Crisis

On Tuesday Jan. 5, the Legislature's Appropriations and Financial Affairs Committee, together with the Criminal Justice and Public Safety and Health and Human Services Committees, held a public hearing on LD 1537, *An Act To Combat Drug Addiction through Enforcement, Prevention, Treatment and Recovery*. The legislation was spurred by the serious increase in drug-related crime and overdose cases which many believe reached epidemic proportions in 2015. On Tuesday this week, the Appropriations Committee voted to support the bill, with a 9-4 split on how to fund the initiative. The full Legislature is expected to take up LD 1537 this upcoming week.

This emergency legislation, as amended by the Appropriations and Financial Affairs Committee, would use \$925,000 in FY 2016 and \$3,405,000 in FY 2017 worth of General Fund appropriations to fund enforcement, prevention, treatment and recovery programs to combat drug use, trafficking and addiction. Specifically, the bill appropriates:

- \$1.23 million to provide ongoing funding for 10 Maine Department of Public Safety investigative agents.
- \$50,000 in both FY 2016 and FY 2017 to provide grants to local law enforcement agencies and county jails located in geographically diverse communities throughout the state to fund projects designed solely to facilitate pathways to community-based treatment, recovery and support services.
- \$900,000 for the development of a detoxification center with at least ten beds in "a northern or eastern area of the State with high rates of opioid use and accessible to related services and supports."
- \$700,000 to provide grants to a statewide substance abuse organization to: (1) establish and expand peer support recovery centers in underserved areas of the state; (2) coordinate the efforts of law enforcement, treatment and recovery programs; and (3) facilitate the delivery of effective prevention and education programming in schools and communities. and (4) maintain a publicly available directory of substance abuse providers and prevention recovery services.
- And, \$800,000 to the state Office

of Substance Abuse and Mental Health Services for residential and outpatient treatment for the uninsured.

In total, over 40 people testified, including several former addicts and affected family members. The Department of Health and Human Services, the Attorney General, and representatives of the judicial branch, as well as several associations representing various types of medical providers testified. Proponents included doctors, nurses, osteopaths, social workers, a hospital, and mental health and substance abuse treatment professionals, all of whom strongly supported the bill.

The exception would be the several medical marijuana caregivers who attended, most of whom opposed the elements of the bill supporting additional law enforcement resources. The Maine Sheriffs' Association and Scarborough Police Department disagreed, describing LD 1537 as a welcome first step. Other familiar advocacy interests in support of the bill included the ACLU of Maine, AARP, and Maine Equal Justice Partners. The sponsors of LD 1537, the Speaker of the House Mark Eves of North Berwick and Senate President Mike Thibodeau of Waldo County, each explained the need to address what they characterized as a crisis, as did their fellow legislators Rep. Will Tuell of East Machias and Rep. Janice Cooper of Yarmouth.

MMA also testified in support of the legislation. The allocation in the bill for law enforcement agencies is appreciated although relatively modest. The MMA testimony focused on the importance of allocating funding based on evidence of need given the limited resources.

At the public hearing, three members of the Criminal Justice and Public Safety Committee expressed concerns over the potential municipal impacts. Rep. Justin Chenette from Saco inquired whether the \$50,000 annual allocation for law enforcement programming would be sufficient. Scarborough police officer John Gill explained that much of its funding for that Department's "Operation Hope" had been voluntarily donated, and that the police department's transportation of addicts to various recovery facilities

had cost his department roughly \$17,000 alone in the past year. With that information it seems \$50,000 may in fact not go very far, although it does represent an increase of resources, which is a start.

Sen. Stan Gerzofsky (Cumberland County) asked a line of questions aimed at ensuring that the cost of adding ten new Maine Drug Enforcement Agency agents will not be borne by property taxpayers. Those agents are often plucked from municipal police departments on a temporary basis if they have received the prerequisite training. Property tax impacts are possible because the state reimburses municipalities for the salaries and benefits of local law enforcement who go to serve in the MDEA, and in some areas the local officer's salary is greater than the state reimbursement (which is equal to the salary of a state police detective). Similarly, Rep. Catherine Nadeau of Winslow expressed concerns over potentially losing one of her town's finest officers. Commissioner of Public Safety John Morris answered each legislator by explaining how the state salary is not typically less than the local one, that the relationship between MDEA and local law enforcement is mutually beneficial and agreeable, and when the agents return to the local force they are better equipped to serve the community.

The Appropriations Committee's 9-4 vote after this week's work session reflected the same fault lines seen in numerous votes of this Committee taken during the 2015 legislative session, with House Republicans breaking with their Committee colleagues. The fissure on this bill has more to do with funding than philosophy. The majority recommendation would fund \$2.5 million worth of its proposal with proceeds from a 2015 legal settlement on an unrelated matter, while the minority recommendation seeks the funding from unallocated Fund for a Healthy Maine dollars (a program funded as a result of a 1998 legal settlement with tobacco companies). The minority concern is reportedly that the 2015 settlement funds, delegated for use at the sole discretion of the Attorney General, were intended to be protected from legislative raids.

Shoreland Zoning Recommendations Presented to ENR Committee

On the first day the Legislature reconvened in 2016, the Environment and Natural Resources (ENR) Committee scheduled a work session to accept a report from a shoreland zoning working group that the Committee asked MMA to convene.

Background. The impetus for the formation of a working group was LD 713, *Resolve, To Further Protect Lake Water Quality*. Submitted on behalf of lake associations and watershed protection groups, the printed version of LD 713 would have effected some unworkable changes to Maine's shoreland zoning laws, such as increasing the 100-foot building setback from the water line to 112 feet, creating an entire new universe of nonconforming structures. Another section of LD 713 directed the Department of Environmental Protection (DEP) to convene a working group to study the effectiveness of the Department's shoreland zoning minimum guidelines in protecting and preserving the habitat, environment and resources within the shoreland zone.

Having just convened a substantial, multi-year working group process for the purpose of thoroughly updating the shoreland zoning minimum guidelines, the DEP was not interested in convening a new working group on that subject or even participating in the process.

To accommodate the bill's supporters, the ENR Committee elected to carry LD 713 over to the 2016 legislative session and asked MMA to convene the working group. The specific charge given to this *ad hoc* working group included:

- Determining the nature and extent of compliance and noncompliance with shoreland zoning laws.
- Identifying the most common shoreland zoning violations and the various methods of resolving violations.
- Reviewing the support and training systems available to code enforcement officers.
- Reviewing new enforcement techniques that may be in use, such as photographic inventories.
- And, conducting surveys of the code enforcement officers, lake associations

and DEP regarding these issues.

The 17 member working group was formed in June and convened four times from July through November to complete its task. On Wednesday last week, the Committee held a work session on LD 713 and the six recommendations of the working group were presented. Four of those recommendations were unanimously supported by the working group. Two of the recommendations were opposed by MMA's representative on the Working Group for either directly or effectively being unfunded state mandates.

Recommendations. The four unanimous recommendations presented to the committee were:

- CEO training. Create the availability of advanced training programs for code enforcement officers by allowing and even encouraging lake association groups, watershed and environmental protection organizations, educational entities, etc. to create advanced shoreland zoning training programs to be vetted by the appropriate state agencies, the DEP and the Department of Economic and Community Development (DECD). The programs found to be meritorious by those agencies would be made available to code officers seeking recertification.

- Photographic baseline data. Amend the Shoreland Zoning minimum guidelines as promulgated by DEP to include a requirement that the submission requirements for development proposals in the shoreland area include pre-development and post-development photographs of the area affected by the development. This requirement would parallel the application requirements for a permit by rule under the Natural Resource Protection Act (NRPA).

- Database development. Ask the DEP about the current status of centralized information regarding the number and types of cited shoreland zoning violations and further inquire as to the potential of creating such a database. The working group submitted an information request to the DEP along these lines, but the DEP declined to respond to that request.

- Education alliances. (1) Establish alliances between lake associations, envi-

ronmental protection groups, municipalities, code officers and realtors to provide quality educational materials to property owners, including information about both the shoreland zoning standards and the Natural Resources Protection Act rules, along with explanations as to why and how those rules are separate but work together; and (2) expand municipal training programs for local government officials who are involved in the administration of the shoreland zoning program along with the code officers (e.g., Planning Board and Board of Appeal members, selectmen/councilors) by including curriculum regarding the role of the code officer in the shoreland zoning system and the importance of individual appellate or enforcement decisions not undermining the even-handedness of administration.

The two non-unanimous recommendations presented to the Committee were:

- CEO inspection protocols. Direct DEP to establish as a "best management practice" that municipal code officers always conduct a pre-construction, during construction and post-construction on-site inspection of shoreland building projects and include those "BMPs" in all code officer training programs.

- Notification for tree cutting/vegetation removal. Amend the shoreland zoning minimum guidelines to require a notification system whereby landowners intending to cut down trees or remove vegetation within the first 100' of the shoreland zone would have to first contact the code officer to review the applicable standards.

MMA's minority report on these two recommendations pointed out that the site inspection protocol recommendation is effectively a municipal mandate because code officers understand their training curricula to be "the law" and will implement the site visit "best management practice" advanced by the DEP as a required operating procedure. The vegetation removal notification recommendation establishes a new and unfunded review and enforcement mandate on the code officers.

The municipal governments on which these mandates would be imposed are

(continued on page 4)

How to Spend Unexpected School Subsidy (cont'd)

authority created by LD 1475 had been in place, the school boards could have asked the voters for the necessary permission to expend whatever additional state revenues might be received on the various school budget cost centers, all at the school board's discretion. The proponents of the bill held that the voters' ability to delegate the spending decision-making authority would avoid the cost of holding additional budget meetings and subsequent referenda to determine how to spend the additional revenues. Absent an article directing the school boards, unanticipated state school subsidies must be carried over into the next budget cycle as undesignated fund balance.

The Mayor's Coalition also supported the initiative for its cost avoidance benefits. The Coalition's spokesperson mentioned that the mayors had mulled over a possible amendment to LD 1475 that would require school officials to consult with local decision makers to discuss how to expend unanticipated state aid.

MMA's Legislative Policy Committee voted to oppose LD 1474 because the school boards already have the authority to place articles on the school budget warrant governing the management of unanticipated state revenue. Nothing in existing state law pre-empts that authority and many school systems regularly exercise it. For example, at the June 9, 2015 budget validation referendum, the voters in Canaan, Cornville, Mercer, Norridgewock, Skowhegan and Smithfield, all members of RSU 54/MSAD 54, voted on an article directing the school board to reduce each municipality's local contribution in the event additional state funds were provided. At that same election, voters in Lewiston adopted an

article authorizing the school committee to utilize additional state revenues on school related purposes.

From the municipal perspective, the problem with LD 1475 is that it restricts existing local authority by implying there is only one possible utilization of unanticipated state aid that can be authorized by the voters, and that is not the case. There are numerous ways in which school district voters can direct the use of unanticipated state subsidy. The voters can direct the board to return unanticipated state revenues to the contributing communities by adjusting the local contribution, as was the case in RSU54/MSAD 54. The voters can instruct the school board to hold over the additional funds to address the local contribution in the following year's school budget. The voters can instruct the school board to reinstate the foreign language program in the elementary school or recharge a dedicated reserve account. The possibilities are endless.

Municipal officials believe the decision on how to manage unanticipated

school subsidy should be left to the voters of each individual district.

The only other comments offered in opposition to LD 1475 came, in writing, from Governor LePage. In his testimony, the Governor stated: "*By placing a mechanism in law that would silence this debate should additional resources become available, this bill seeks to erode the right of property tax payers to have a say in how funds are used, and whether they would prefer that any additional dollars from the state reduce the local share of the cost of education. Voting on a school budget is one cornerstone of local control that provides transparency and accountability at the local level. This Administration will not support a law that erodes rights of voters to hold local officials accountable for how tax dollars are administered.*"

On this issue, MMA is in solid agreement with the Governor's observation.

It is anticipated that the work session on LD 1475 will be held in the next two weeks.

Shore Land Zoning Recommendations (cont'd)

facing significant financial challenges as a result of the decision of state government to sharply reduce municipal financial support through the revenue sharing program. Each and every year \$100 million less is being delivered through the primary state-municipal "partnership" program than formerly required under that longstanding law. Indeed, municipal revenue sharing was created to help with the unfunded state mandates. To pull that level of financial support from the towns and cities and in the next breath impose some additional state mandates is unacceptable.

Committee actions. After reviewing the slate of recommendations, the Committee decided not to proceed with legislation to implement the recommendations. Instead, the Committee is going to send out three letters in response to the working group's final report: one to DEP, one to DECD and one to MMA. As of this writing, those letters have not been finalized, but their content is likely to be as follows.

The letter to DECD asks the agency

to be open to the idea of reviewing and approving advanced code officer training programs in the area of shoreland zoning administration as developed by interested organizations, and then advertise the availability of those programs to code officers seeking recertification.

The letter to DEP includes the same request as made to DECD. In addition, the DEP letter asks the agency to:

- Consider the working group's recommendations regarding the required submission of photographic information when applying for a construction permit in the shoreland zone when DEP is next ready to promulgate an updated version of the Chapter 1000 minimum shoreland zoning guidelines.

- Provide information about how to access the public records in the agency's possession regarding cited violations and enforcement actions so individuals and organizations interested in reviewing that data could do so.

- Develop a site visit protocol as a

(continued on page 5)

Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: www.memun.org

Editorial Staff: Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

Sweeping Elections Bill Comes Back for a Second Try

On Wednesday last week, opening day of the 2016 legislative session, the Veterans and Legal Affairs Committee held a public hearing on LD 1484, *An Act Regarding the Election Laws*. LD 1484 is a somewhat modified version of LD 1335, the “omnibus” elections bill submitted on behalf of the Secretary of State’s Office that was successfully vetoed by the Governor last session.

There are several elements of LD 1484 that are very important to municipal election officials and municipal government, generally, which is why MMA’s Legislative Policy Committee voted to support the bill. As explained below, there are also a few elements of LD 1484 that give some selectmen and municipal managers, particularly from the more rural areas of the state, cause for concern. On balance, MMA’s Policy Committee gave its support to the legislation, with the hope that the Committee would give consideration to the points of municipal concern.

The most important element of LD 1484 from the municipal perspective is the section of the bill that expands the number of days immediately preceding an election during which absentee ballots can be processed from one to four days. Given the ever-growing utilization of the absentee voting process and a likely record turnout for the 2016 presidential election, it is extremely important this measure is enacted to provide some relief to the crush of election day responsibilities.

Municipal officials also support the section of LD 1484 that extends the time frames within which election personnel must update the central voters list with election day registration data and the “voter participation history” data. The duties of municipal election personnel are so concentrated in a small window of time immediately surrounding election day, a small amount of breathing room with respect to the post-election data updates to the central voter registration list is well warranted.

With respect to the elements of LD 1484 that triggered concerns among our Legislative Policy Committee members:

- The bill expressly prohibits a municipal clerk from serving as a supervisor of an election when a family member is on the federal, state, county or local ballot.

Municipal officials in the more rural areas of the state already experience difficulties from time to time in filling the office of municipal clerk with qualified personnel, and the “immediate family” situation in those communities can easily be triggered.

- Another section of the bill authorizes the Secretary of State to collect from the municipalities the costs incurred by dispatching “couriers” to retrieve the election returns that are supposed to be provided to the Secretary within 3 business days of an election. Municipal officials understand that the Secretary has a need for that information in a timely manner. Since the issue of delinquent reporting came to MMA’s attention last year, the Association has been offering whatever assistance it may be able to provide to investigate the issues that result in those delinquencies. Slapping what amounts to a financial penalty on the towns for failing to comply with a state and federal mandate seems a little abrupt without at least some further investigation of the cause of the reporting delinquency. If a penalty system is necessary, it’s hard to believe that courier cost reimbursement is the correct choice. Courier costs are going to fluctuate according to the municipality’s location. The value of the penalty the town is assessed should not turn on

its proximity to Augusta. MMA requested that the Committee allow MMA to work with the Secretary to determine why these delinquencies occur and propose a remedy, including a penalty if appropriate, that is more equitable.

On Wednesday of this week the Committee held a work session on LD 1484. With only a few changes, the Committee unanimously voted LD 1484 “ought to pass.” The most substantial change was to jettison the provision of the bill that would disqualify the municipal clerk from supervising any election when a relative is on the ballot. Instead, the bill now provides that a municipal clerk is disqualified from supervising an election only when the clerk is the candidate on the ballot and the clerk is running for an office other than the office of the municipal clerk.

As to the proposal to charge a courier fee when the clerk’s election returns are provided after the 3-day time frame, a Committee member asked the Secretary’s Office how those charges are calculated and what the average bill to a municipality might be. The Secretary’s Office reported that it had not researched what the costs might be and could not estimate the potential charge. Nonetheless, the Committee strongly supported the courier charge element of the bill.

Shore Land Zoning Recommendations (cont’d)

“recommended practice” and include that recommendation in the code officer training program provided it is made clear that the recommended practice is not required by law or considered a required operating procedure by DEP.

The letter to MMA is based on the observation by some Committee members that several of the recommendations of the working group are very good ideas, such as requiring photographic information in applications for shoreland construction permits, scheduling an on-site visit prior to breaking ground, or suggesting a contact with the code officer prior to cutting trees or removing vegetation between the house or structure and the waterbody. While the Committee is not recommending at this time that these ideas be mandated by law, it was noted that there

is nothing stopping a municipality from adopting these ideas as either requirements under its own home rule authority or as suggestions through its landowner education programs. To that end, the Committee has asked MMA to provide a write-up on the shoreland zoning issues reviewed and discussed in the working group’s report in a Maine Townsman article in the next edition that may include land use regulations as a theme.

As to the working group’s educational alliance recommendation, no action on the part of the Legislature or its Natural Resources Committee is required. The lake associations, watershed protection organizations, environmental groups, interested code officers and the association of realtors appear enthusiastic to implement that recommendation on their own.

LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.

Monday, January 18 - Holiday

Tuesday, January 19

Judiciary

Room 438, State House, 3:00 p.m.

Tel: 287-1327

Carryover Work Session:

LD 1241 – An Act To Increase Government Efficiency.

Wednesday, January 20

State & Local Government

Room 214, Cross State Office Building, 1:00 p.m.

Tel: 287-1330

Public Hearing:

LD 1456 – Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Approximately 0.75 Acre of Land in Madrid Township to the Madrid Historical Society.

LD 1504 – An Act To Establish November 1st as Veterans in the Arts and Humanities Day.

1:30 p.m.

Carryover Work Session:

LD 166 – An Act To Allow York County To Better Provide Rescue and Ambulance Services.

LD 1298 – An Act Relating to the Creation of Public-private Facilities and Infrastructure.

LD 1325 – An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road.

LD 1328 – An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds.

Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

Carryover Work Session:

LD 49 – An Act To Exempt from Excise Tax Certain Vehicles Used by Persons with a Disability.

LD 646 – An Act To Provide Incentives for Municipal Cooperation and Shared Services.

LD 1254 – An Act To Implement and Fund and Integrated Beach Management Program.

Thursday, January 21

Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 1:00 p.m.

Tel: 287-1331

Carryover Work Session:

LD 1384 – An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements.

Transportation

Room 126, State House, 1:00 p.m.

Tel: 287-4148

Public Hearing:

LD 1483 – An Act To Amend Maine's Motor Vehicle Laws.

LD 1507 – An Act To Authorize a Person Whose Operator's License Is Suspended Due to Failure To Pay Child Support To Drive to and from a Place of Employment.

IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's 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 1536 – An Act To Provide Ballistic Vests to State Law Enforcement Officers. (Sponsored by Sen. Burns of Washington Cty.)

Although written in an odd way to achieve the intended result, this bill requires that all active law enforcement officers employed by the state (e.g., game wardens, forest rangers, marine patrol officers, state police officers, investigative officers and detectives, corrections officers, etc.) be equipped with well-fitting and contemporary ballistic vests (formerly referred to as "bullet-proof" vests). In addition, their police dogs would need to be similarly equipped. According to the bill, each of the various state agencies employing the law enforcement officers are required by the bill to pay for the necessary ballistic vests. The bill uses the term "political subdivision of state government" to express the mandate, which is normally interpreted to mean the counties,

towns and cities, so it is somewhat unclear if the mandate is intended to be imposed on local governments as well.

Education & Cultural Affairs

LD 1491 – An Act To Allow Trained, Nonmedical Employees in School To Administer Emergency Medications. (Emergency) (Sponsored by Rep. Chenette of Saco.)

This bill authorizes a school administrative unit to participate in a program to allow nonmedical school employees to volunteer to be trained to provide emergency medication to students upon request by a parent or guardian. The bill establishes a comprehensive array of requirements and assigns certain financial obligations and potential liabilities on schools that choose to participate, including obligations to: (1) train the non-medical school personnel according to standards to be developed by the Department of Education and the Department of Health and Human Services; (2) inform and potentially re-inform parents of students provided prescriptions for emergency medication of their potential qualification for special education services; (3) defend and indemnify volunteer school personnel for any civil liabilities related to the administration of emergency medication; (4) prepare and maintain an administrative plan for the program; (5) compensate school personnel participating in the program for any work beyond normally scheduled hours associated with participation, etc.

Environment & Natural Resources

LD 1494 – An Act To Revise Oil Spill Reporting Standards. (Sponsored by Rep. Duchesne of Hudson.)

Current law provides that if a person discharges oil into or upon coastal and inland waterbodies, public or private water supplies or sewers, the person is not subject to fines or civil penalties as long as the person reports the discharge to the Department of Environmental Protection within 2 hours of the discharge and removes the discharge in accordance with the rules and orders of the DEP Board or Commissioner. This bill exempts the reporting requirement for discharges of less than 10 gallons, provided the discharge is promptly removed in accordance with the DEP's rules and orders.

LD 1535 – An Act To Protect Firefighters by Prohibiting the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals. (Sponsored by Sen. Baker of Sagadahoc Cty.)

For the purpose of protecting firefighters from the chemical exposure, this bill prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing more than .1% of a flame retardant chemical or a mixture that includes a flame retardant chemical.

Health & Human Services

LD 1547 – An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders. (Sponsored by Rep. Gideon of Freeport.)

This bill establishes the Naloxone Bulk Purchase Fund to be administered by the Attorney General's Office. The Fund is a vehicle to allow the Attorney General to make bulk purchases of naloxone hydrochloride, sometimes referred to as Narcan, that may then be purchased by municipalities for use by first responders attempting to reverse or mitigate the effects of an opioid overdose.

Judiciary

LD 1500 – An Act To Protect and Promote Access to Sport Shooting Ranges. (Sponsored by Rep. Corey of Windham.)

This bill provides that any statute, rule, municipal ordinance or other provision of law enacted or adopted after the establishment of a sport shooting range does not and cannot be applied to the sport shooting range if the law, rule or ordinance would cause its closure or substantially limit sport shooting at the range. The bill further provides that the sport shooting range is immune from law suits filed against it on the basis of any claim based on any such law, rule or ordinance. The bill further provides that sport shooting ranges are authorized as a matter of state law to: (1) repair or remodel any building or structure as necessary to protect public safety or to secure the continued use of the building; (2) repair, restore or resume the use of any nonconforming building or structure damaged by fire, collapse, explosion, etc.; and (3) expand or increase their membership, opportunities for public participation, events and activities.

Marine Resources

LD 1550 – An Act To Protect Shellfish Conservation Areas. (Sponsored by Sen. Gerzofsky of Cumberland Cty.)

This bill specifies that a person with a recreational or commercial shellfish or marine worm license may not harvest shellfish or marine worms within a buffer zone of 10 feet around protective netting placed as part of a municipal shellfish conservation program.

State & Local Government

LD 1504 – An Act To Establish November 1st as Veterans in the Arts and Humanities Day. (Sponsored by Rep. Duchesne of Hudson.)

This bill encourages municipalities, other political subdivisions and school administrative units to celebrate "Veterans in the Arts and Humanities Day" on November 1st of each year. The bill elaborates on the various activities that may take place during the newly established day of celebration.

LD 1543 – An Act To Create Stability in the Control of Pesticides. (Sponsored by Rep. Timberlake of Turner.)

This bill requires any municipal ordinance that applies to the storage, distribution or use of pesticides or herbicides to expressly exempt from that municipal regulation farms, nurseries and golf courses, and further requires that the municipal administration of a pesticide control ordinance include the establishment of a municipal pesticide control board similar to the state's Pesticide Control Board.

Taxation

LD 1551 – An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation. (Emergency) (Sponsored by Sen. McCormick of Kennebec Cty; additional cosponsor.)

This bill makes a number of technical changes to tax-related legislation enacted in 2015. Among the various technical changes, the bill establishes that the municipal reimbursement rate for the Homestead property tax exemption, beginning with the tax year starting April 1, 2017 (when the value of the Homestead exemption will be increased to \$20,000) will be 62.5%. Under the law on this subject enacted in 2015, the reimbursement rate would be 50% for the first \$10,000 of the exemption and 75% for the second \$10,000 of the exemption, implying that an analysis would need to be conducted with respect to the proper reimbursement for any homestead property valued at less than \$20,000. This bill removes that implication.

Veterans & Legal Affairs

LD 1539 – An Act To Expand the Early Processing of Absentee Ballots. (Sponsored by Rep. O'Connor of Berwick.)

This bill allows municipal election personnel to process absentee ballots beginning on the 4th day immediately prior to election day (although prohibiting processing on a Sunday). Current law allows early processing of absentee ballots only on the day immediately preceding the election day.