



60 Community Drive | Augusta, ME 04330-9486  
1-800-452-8786 (in state) | (t) 207-623-8428  
(f) 207-624-0129

## 2024 Legislative Issues Survey Results – Updated

08/29/2024

Additions to the list are underlined.

### Aquaculture Leases

- Reduce lease terms, increase fees and share the fees with communities where leases are located. Require all gear associated with the lease to be submersed.

### Cannabis

- Share recreational cannabis revenues with opt-in communities. (2)
- The town passed a medical marijuana ordinance a few years ago requiring everyone (caregivers, stores, growers, etc.) to come to the town office for a license. The problem is that there are still people operating facilities, getting annual renewals or beginning operations by the state, and the town is still left blind to where all this is happening. We informed the State of our ordinance so we could have a list of operations in town so we could handle the local outreach but were told the state would just direct them to us, which has never happened. The two storefronts at least come in for their licenses, but it is unfair since there are dozens of caregivers who should be doing the same, but the State has not had any communication with us. Something as minor as a requirement for caregivers and growers receiving the municipal license prior to state renewal would help solve this.

### County Government

- Pass legislation that reduces county taxes on communities that do not use certain county services.
- Increase state funding for medication assisted treatment in county jails to reduce the funding burden on local taxpayers.
- Pass legislation that reduces county taxes on communities that do not use certain county services.
- State takeover of jail system as incarceration should be a burden of state rather than local taxes due to the lack of local control over criminal statutes/what constitutes a crime.

### Education

- Revamp funding for multi-lingual support. With current look back, funding is lagging.
- Full funding for special education costs.

- Broaden the tax base for funding schools. Real-estate taxes create unequal burdens for smaller communities and are no longer adequate in many communities.
- Address the cost of education by examining the EPS formula in key areas, including weight factor, salary matrix, regional adjustment and valuation increases above 5%.

### **Elections**

- Establish polling hours of 7 a.m. to 7 p.m. to allow voters to cast ballots before and after work.
- Local option for legislative body to shorten the nomination paper timeline to whatever length of time the municipality wants.

### **Freedom of Access**

- Require municipalities to post meeting agendas 72 hours in advance and include specific items, as opposed to “other” business.

### **General Assistance (GA) & Shelters**

- Increase GA reimbursement to 90% and fund administration costs.
- Increase GA reimbursement to 100%.
- Regionalize program at county level, revise formula used to establish maximums, increase reimbursement for aid provided, and fund administrative costs.
- Address the cost of homelessness through permanent funding for all shelters currently operating and consideration for additional beds/expansion. Increase the reimbursement for current substance use and mental health beds, and increase capacities statewide.

### **Incentive Programs/Regionalization**

- Incentivize service in volunteer fire departments. (2)
- Increase State revenue sharing with towns that have shared services agreements as a carrot to encourage regionalization of services.
- Support for regional planning commission, councils of government, and regional councils to support planning and development.
- Shared Code Enforcement. Towns with less than 10,000 are struggling in efforts to retain knowledgeable code enforcement officers (CEO). In Maine, every town is required to have one, but smaller towns are struggling due to the old guard retiring and the lack of newcomers entering the field. A possible solution already discussed by many regional entities (e.g. Midcoast Council of Governments, Lincoln County Regional Planning, Kennebec Valley Council of Governments), is a regional CEO. County governments or other regional entities could hire a CEO (or multiple CEOs depending on the size of the entity) that would serve as a knowledgeable resource and handle common administrative roles faced in each community that signs up to participate. Those communities would share the costs *pro rata*, based on population. Communities that did not participate would not bear any costs and would not reap any of the benefits. CEO roles could vary by county. For example, Sagadahoc County might need a helping hand for handling only Shoreland Zoning; Lincoln County might need someone to handle basic filing and

building inspections. Permit fees could contribute to defraying the costs of the position by helping to cover the regional CEO's time (if applicable) and related administrative costs and employee benefits. Many regional entities are already receiving FEMA funding to test pilot regional CEOs, and the additional support from the State would make this an ideal time to match the funding to enhance this effort. Note that in the Midcoast alone, the following has happened: (a) the Warren CEO suddenly resigned, leaving a town of 4,000 without a CEO. Warren now works with a hodgepodge of different CEOs and will do so until a new one can be found; (b) Damariscotta and Newcastle are soon lose their third CEO in as many years; (c) South Bristol is advertising for a new CEO. There are likely many similar examples throughout the state.

### **Land Use**

- Better state guidance regarding the regulation of short-term rental properties.
- Population density limitation on LD 2003 applicability.

### **Local Control/Home Rule Authority**

- Authorize municipalities to prohibit the development of commercial solar in lieu of adopting complicated and restrictive ordinances.
- Local option for legislative body to impose firearm restrictions on public properties, or at least town hall and other municipal buildings.
- Remove state residency requirements for CEO, fire chief, treasurer and town clerk, to increase border towns' abilities to increase job search pool.
- Protect local control.

### **Local Government Operations**

- Repeal the requirement of publishing notices in newspapers of general circulation.
- Leeway on annual audit requirements due to a severe statewide shortage of auditors.
- Removal of the ACO mandate due to a shortage of willing capable ACOs.
- Flip the "revenue producing municipal facilities act" to authorize all revenue producing projects that are authorized by the municipal legislative body.

### **Mandates**

- Require reimbursement for all mandates from the State that are going to be a financial burden on municipalities. Or require legislators to speak to their municipalities to understand the financial impact on communities before voting to support a mandate.

### **Municipal Funding & Revenue**

- Reinstate increased reimbursement under the Homestead Exemption to 100%. (2)
- Reimbursement for the expansion of the Open Space program adopted last session.
- Reimbursement for loss of excise tax revenue due to the disabled veterans' exemption.

- Legislation allowing municipalities that do have law enforcement to set their own fines for speeding and other traffic violations. These would be in addition to existing State fines.
- Grant program for rural public facilities, particularly fire stations.
- More grants and funding for affordable housing projects.
- Funding to implement federal OSHA fire brigade rules.
- Protect 5% revenue sharing, and 55% of state aid for education.

### **Paid Family & Medical Leave**

- Exempt municipalities from the additional related payroll tax with proof of collective bargaining agreements and personnel ordinances that grant paid leave.
- Repeal the earned paid leave requirement now that the State is requiring contributions under the Paid Family Leave fund.
- Establish limits on the use of leave to prevent use of the full 12 weeks of leave year after year.

### **PFAS**

- Protect municipalities (and their fire departments) from PFAS contamination liability by directing a working group to develop an exemption similar to what is done for publicly owned treatment works and public water treatment facilities. For reference, those facilities are exempt under 38 MRS § 1367-B(1-A) and (1-B). Text found [here](#).

### **Public Safety**

- Support the Blue-Ribbon Commission study of emergency medical services in key areas of funding, including ambulance services, community paramedicine, and workforce development.
- Hybrid (residential/remote) Criminal Justice Academy with remote locations throughout the state.

### **Solid Waste**

- Funding for the skyrocketing cost of waste disposal.
- Create a network of permanent, regional transfer stations for the collection and process of household and commercial hazardous waste.
- Pay-as-You-Throw (PAYT). Propose legislation requiring communities that currently don't have PAYT to adopt it as a way of increasing recycling and reducing trash going into landfills. Something like 140 towns in Maine already use PAYT to increase recycling and reduce costs. PAYT programs vary, but the principle is the same: Use economic incentives to change behaviors to reduce tax monies senselessly spent on transportation and tipping fees by encouraging people to think about what they're doing. PAYT is a classic example of behavioral economics put into action. Legislation could be written to allow county or regional PAYT programs where they make more sense.

## Tax Policy

- Address the cost of public safety buildings by amending Title 30-A, section 525 from 15% to 100% of TIF funds for the qualified costs in the development of necessary programs not just within the district but outside due to economic development or to address regulations and codes.
- A hot resident market is resulting in drastic tax shifts from commercial to residential homeowners. Expand the property tax fairness program and increase state reimbursement for the homestead exemption to 100%.
- Direct a working group to develop legislation delivering property tax relief to homeowners meeting certain eligibility requirements.
- Local option sales tax to relieve the strain on the property taxes.
- Too many service center communities are no longer receiving funding under Revenue Sharing II and changes need to be made so towns with low mil rates and high tax burdens receive a fair share.
- Make forestry plans available at the town office under the Tree Growth program.
- Improve transparency with the Tree Growth reimbursement formula.
- Prohibit Tree Growth program enrolled property from being posted.
- Require tax exempt properties to pay for a portion of municipal services.
- Further amend tax foreclosure laws to: (1) remove the requirement of having to hire a realtor; and (2) the codification of the look back period.
- Direct a working group to develop to review the revenue sharing II formula, as many communities experienced reductions due to market related increases in valuations.
- I had a conversation with our Tax Collector regarding liens and the statutory limits on fees we are able to charge. As you are likely aware the lien process is time and resource intensive. We are of the opinion that consideration should be given to legislation in the upcoming session which increases the statutory fees for liens. The present effect of the existing fee structure is for the administrative burden to be spread across general government operations. We think this is not appropriate and that liened property taxpayers should bear the full burden of the administrative process required to effect lien recording and entry into the tax records.

## Transportation

- Given the lack of public lands in Maine, towns should be authorized to use abandoned roads as recreational resources. Increased clarity and specificity around recreational easements would be helpful.
- Increase the annual allocation within MDOT to the Municipal Partnership Initiative fund.
- Support for rural transportation infrastructure, such as increase funding for the Local Roads Assistance Program and identify ways to supplement the fuel tax.
- Funding for walkable, bikeable communities, such as the Village Partnership Initiative, Safe Routes for All, and Planning Partnership Initiative.

## Miscellaneous

- Update state procurement requirements to prioritize subsidization of public projects before private projects.
- Funding for Efficiency Maine programs to advance energy efficiency and reduce greenhouse gas emissions.
- Support for working waterfront climate adaptation.
- Promote legislation similar to that proposed—and in some cases enacted—in California, Florida, Ohio and Texas that would allow installation of 5G small cells on telephone poles in areas where fiber optic infrastructure is *already* present. This would create a robust 5G network, ensuring fast, reliable communication, especially critical for rural ambulance and other emergency responders that need to communicate with hospitals and clinics about incoming cases. 5G small cells would also make 2<sup>nd</sup> or 3<sup>rd</sup> ISP options available to people within range of the network. Some examples: (1) California: SB 649 (2017): The bill would have streamlined the permitting process for small cell wireless facilities on public infrastructure (vetoed by the governor); (2) Texas: SB 1004 (2017): The legislation expedited the deployment of small cell nodes by allowing wireless providers to place these nodes on public rights-of-way. The bill set a maximum fee for the use of public poles and limited the ability of municipalities to regulate the placement of small cells; (3) Florida: HB 687 (2017): The bill created a uniform process for the installation of small wireless facilities on utility poles and other structures within public rights-of-way. It aimed to simplify the permitting process and established guidelines for fees and the time frame for permit approval; and (4) Ohio: HB 478 (2018): This legislation established a uniform process for small cell wireless facility deployment in public rights-of-way. It set limits on fees, provided a standardized application process, and restricted local governments from creating excessive barriers to small cell deployment.

## General Comments

- I am in favor of the “Protect the Core” option. I’m responding by email as I wanted to add a few comments. Given the uncertainty surrounding the forward-looking revenue projections I think we should pursue a protect the core strategy. It seems likely, based on the March report, that we should expect flat revenues through the next biennium. From a broad policy perspective, maintaining the following at the current funding level would be a priority for us (1) 55% GPA; (2) General Revenue Sharing at 5%; (3) MDOT local road assistance and highway/bridge capital; (4) GA funding; (5) housing/homeless related programs; and (6) homestead exemption. I think that it is unlikely that we will move bills that have a fiscal impact without working against our broader self-interests. Thus, we should look to avoid supporting bills that have a fiscal note. Of course, it is likely that we will see bills introduced that attempt to diminish home rule and transfer authority from the municipalities to the State. We should make protection of home rule a priority.
- I am comfortable deferring to the group as to which approach is best for this legislative session.