



LEGISLATIVE BULLETIN

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Recovery Residence Funding

This week, the Health and Human Services (HHS) Committee held a public hearing on LD 215, *An Act to Establish a Program to Assist Residents of Large Recovery Residences*, sponsored by Rep. Hasenfus (Readfield). The bill would create the Recovery Residence Rental Assistance program, “to provide assistance with rental fees for eligible individuals to reside in a certified recovery residence.”

While this bill is intended to address the increasing costs to communities with larger facilities, the sponsor encouraged the committee to determine the residence capacity it felt was appropriate for this alternative funding program. Several recovery community agencies testified in support of including all certified recovery residences in the program, regardless of capacity.

To receive funding, recovery residence applicants would be required to meet the same eligibility requirements as applicants for General Assistance (GA), and if awarded funding through the proposed program, would be deemed ineligible for housing assistance through GA. All other types of GA assistance, such as for basic necessities, would still be available to the residents through the GA program in the municipality where the residence is located.

Although not in the bill language, the sponsor also expressed the desire to amend the measure in a way that would make it revenue neutral by shifting the funds used to reimburse municipalities for 70% of the cost of GA recovery residence housing assistance to the residence itself. In theory, the payment to the residence would reduce the burden on the hosting community’s taxpayers by eliminating the remaining 30% of un-reimbursed costs and essentially take the municipality out of the equation entirely.

This change would positively impact property taxpayers and would maintain revenue neutrality since the current costs to the state for recovery residence housing assistance would not increase.

However, it would reduce the amount of funds being sent to the recovery residences since only 70% of the bed cost would be covered by the fund. For smaller, non-profit establishments this could cause an operating hardship. For the larger capacity facilities, this would hopefully be less of a concern since they operate as for-profit businesses.

You read that correctly.

For-profit businesses are currently relying on GA funds as part of their business plan’s revenue stream, and are looking for residents to come to their facilities from across the state to fill their beds. While those establishments would still receive state funding, since the resident applies for GA, not the residence itself, it would be at the lower threshold through the newly proposed program. Still a less than appealing prospect, but any exclusion of those residences

would limit recovery options to individuals seeking assistance and that seems even less desirable.

While written testimony from the Department of Health and Human Services (DHHS) agreed that the bill would address an identified problem, they nonetheless oppose the proposal. A representative from the Office of Behavioral Health described an existing state subsidy program, administered by the Maine Association of Recovery Residences (MARR), that subsidizes recovery residence beds for sixty days at a time, with an available 30-day extension

(continued on page 2)

What is Impaired Driver Consequence?

Maine has always viewed “implied consent” as the responsibility of a driver to the rest of us for the benefit of holding an operator’s license in the state. Under “implied consent,” a licensed operator automatically agrees to submit to a chemical test (blood, breath, or urine) at any time authorities have probable cause to request it. If you refuse to take such a test for alcohol or drugs, your driver’s license may be immediately suspended. Federal and state licensing authorities have always viewed refusal to comply with chemical testing requests as the admission of operating under the influence, resulting in loss or suspension of a commercial driver’s license (CDL) or suspension of a standard operator’s license.

However, recent differences of opinion as to which intoxicant and which test triggers the administrative license suspension, led the Bureau of Highway Safety to submit LD 96, *An Act to Amend the Motor Vehicles and Traffic Law Governing Mandatory Driver’s License Suspension for Refusing Testing for Drugs or a Combination of Drugs and Alcohol*. Sponsored by Rep. Bunker (Farmington), the bill clarifies whether you’re impaired by bouncing powder, bennies, a bong or a brew, your implied consent to submit to testing is no different and comes with consequences for failing your duty to operate sober. The bill, which was covered in the February 14, 2025 edition of the *Legislative Bulletin*, had its work session on Wednesday before the Criminal Justice and Public Safety Committee.

The implied consent administrative suspension norm has worked well for decades until the trend for impaired operation shifted from alcohol, an easily measurable level of impairment by use of an intoxilyzer which chemically analyzes breath, to a host of additional drug consumption where the substance causing the impairment requires either urine or blood chemical testing to determine a level of concentration. Urine, which is reliable for detection of a host of drugs and frequently used for compliance in drug courts, is less

(continued on page 4)

Recovery Residence Funding...cont'd

as needed. The number of subsidized beds varies depending on the capacity of the recovery residence.

In testimony, the MARR executive director stated that the subsidy program is funded through the general fund and the Fund for a Healthy Maine (FHM), collectively at \$1 million annually. In almost two years since the subsidy program began, MARR has provided 51,800 bed nights to nearly 1,500 individuals. The governor's FY 2026 – FY 2027 General Fund budget (LD 210) includes a baseline budget for this program of \$1.1 million in both years of the biennium.

However, a breakdown of the FHM accounts, provided to the committee as part of their budget work session, shows a proposed amount of \$0 for the second half of the biennium, a portion of the overall \$27 million in programs slated for a change in funding sources, in this case from the declining tobacco settlement fund to the general fund, as well as the total amount of state revenues allocated to the program.

The HHS Committee opposes reductions in program funding, and in its budget report to the state's appropriators instead suggested that the state continue to fund the state recovery residences subsidy program at current levels and recommended that "the AFA committee consider directing a portion

of General Fund revenue from cigarette tax and tobacco products taxes to the Fund for a Healthy Maine."

There is a very real possibility that the DHHS recovery residence bed subsidy program could fall victim to the administration's "hard decisions" regarding the budget, a phrase mentioned in each piece of budget testimony offered by the DHHS commissioner.

On top of very real funding concerns, no one at the hearing dared to mention the proposal first introduced in the supplemental budget as Part S, that would limit GA housing assistance to 30 days in a 12-month period. If that initiative were to be implemented in one budget or

the other, recovery residences would be included in that restriction. GA rules state that for purposes of determining assistance, recovery residences should be considered permanent housing. With the current state program funding 60-90 day stays, and the possibility that some version of Part S will rear its head once again in a budget change package, this new program may be perfectly timed for implementation.

A streamlined, revenue neutral program for the state that supports the recovering community and relieves a property tax burden. What are the chances? Municipal leaders will find out soon, as a work session for this bill has been scheduled for Wednesday, March 19, 2025, at 1 p.m.

LEGISLATIVE BULLETIN

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Legislative Bulletin

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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 639 *An Act to Improve Training Opportunities for Law Enforcement Officers* (Sponsored by Rep. Crockett of Portland)

This bill removes the requirement that the law enforcement training program provided by the Board of Trustees of the Maine Criminal Justice Academy must be a residential program.

LD 726 *An Act to Protect Municipalities' Investment in Law Enforcement Officers* (Sponsored by Rep. Boyer of Poland)

This bill doubles the reimbursement levels that a law enforcement agency must pay when a full-time law enforcement officer is hired by another governmental agency within five years of graduating from

the Maine Criminal Justice Academy. As proposed in the bill, the percentage of the training cost that must be reimbursed is 200% in the first year; 160% in the second year; 120% in the third year; 80% in the fourth year; 40% in the fifth year after graduation.

LD 852 *An Act to Reduce the Property Tax Burden by Adequately Funding County Jail Operations* (Sponsored by Rep. Ducharme of Madison)

Beginning July 1, 2026, this bill establishes the state share for county jail operations as 20% of the Department of Corrections' total General Fund appropriation for the operation of all state correctional facilities, plus 90% of the cost incurred by county jails in the prior fiscal year necessary to comply with state mandated requirements. The bill also provides that if a jail fails to file required reports with the state by the end of the fiscal year, state revenues distributed to jails on a quarterly basis are forfeited and instead distributed to jails that have met reporting requirements. Finally, the bill requires the department to fund the administrative services costs incurred to support the activities of the County Corrections Professional Standards Council, which is established to evaluate and advise the department regarding jail funding and operations.

(continued on page 5)

HEARING SCHEDULE

For the week of March 17, 2025

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

MONDAY, MARCH 17

Criminal Justice & Public Safety
Room 436, State House, 1:00 p.m.
Tel: 287-1122

LD 527 *An Act to Establish Bail Officers to Administer the Maine Bail Code*

Education & Cultural Affairs
Room 208, Cross Building, 10:00 a.m.
Tel: 287-3125

LD 722 *An Act to Fund an Administrative Structure of an Emergency Medical Services Education Program in the Community College System*

Environment & Natural Resources
Room 216, Cross Building, 10:00 a.m.
Tel: 287-4149

LD 231 *An Act to Update the Solid Waste Management Hierarchy*

LD 235 *Resolve, Regarding the Operation and Future Capacity of State-owned Landfills*

LD 827 *An Act to Allow the Sale of Polymer-coated Cookware That Is Authorized for Food Contact by the United States Food and Drug Administration*

LD 987 *An Act Clarifying Exemptions from the Notification Requirements for Products Containing PFAS*

Health & Human Services
Room 209, Cross Building, 10:00 a.m.
Tel: 287-1317

LD 219 *An Act to Limit Hypodermic Apparatus Exchange Programs to a One-for-one Exchange*

LD 710 *An Act to Expand Access and Reduce Barriers to Access to Naloxone Hydrochloride and Other Opioid Overdose-reversing Medications*

Judiciary
Room 438, State House, 11:00 a.m.
Tel: 287-1327

LD 921 *An Act to Expand Use of Electronic Proceedings in the Judicial Branch*

State & Local Government
Room 214, Cross Building, 10:00 a.m.
Tel: 287-1330

LD 542 *An Act Regarding Municipal Property Tax Levy Limits*

LD 789 *RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Legislative Approval of Any State of Emergency Lasting Longer than 60 Days*

Veterans & Legal Affairs
Room 437, State House, 11:30 a.m.
Tel: 287-1310

LD 835 *An Act to Allow Children to Participate in Beano Games Conducted by Nonprofit Charitable Organizations*

LD 863 *An Act to Exempt Internet Raffles Conducted by Certain Organizations with Prizes of \$2,500 or Less from Registration and Licensing Requirements*

LD 911 *An Act to Modify Ranked-choice Voting with Regard to Candidates Who Withdraw from an Election*

TUESDAY, MARCH 18

Agriculture, Conservation & Forestry
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 261 *An Act Regarding the Authority of Municipalities to Regulate Timber Harvesting*

Energy, Utilities & Technology
Room 211, Cross Building, 1:00 p.m.
Tel: 287-4143

LD 832 *An Act to Provide Funds to Reduce the Debt of the Vassalboro Sanitary District*

LD 860 *An Act to Require Competitive Electricity Providers to Provide Certain Information to the Public Advocate*

LD 873 *An Act to Expand Municipal Authority over Utility Pole Permits*

Housing & Economic Development
Room 206, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 641 *An Act to Support Diversion Efforts to Address Homelessness in Maine*

LD 698 *An Act to Sustain Emergency Homeless Shelters in Maine*

LD 901 *Resolve, Directing the Maine State Housing Authority to Negotiate for the Purchase of or Acquire by Eminent Domain the Land and Buildings Commonly Known as the Bangor Mall*

LD 963 *An Act to Standardize Subsidized Housing Application Forms*

Labor
Room 202, Cross Building, 1:00 p.m.
Tel: 287-1331

LD 848 *An Act Regarding the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program*

WEDNESDAY, MARCH 19

Education & Cultural Affairs
Room 208, Cross Building, 10:00 a.m.
Tel: 287-3125

LD 437 *An Act Directing the Department of Education to Develop Pilot Programs to Place Child Care Facilities in Selected School Administrative Units*

Inland Fisheries & Wildlife
Room 206, Cross Building, 1:00 p.m.
Tel: 287-1338

LD 341 *An Act to Amend the Definition of "Oversized ATV" to Increase the Minimum Weight Requirement*

Labor
Room 202, Cross Building, 10:00 a.m.
Tel: 287-1331

LD 55 *An Act to Amend the Law Governing the Accrual of Earned Paid Leave*

LD 599 *An Act to Codify the Federal Salary Threshold for Overtime Pay*

(continued on page 5)

What is Impaired Driver Consequence?...cont'd

reliable in detecting level of impairment of alcohol, thus breath analysis is preferred. Impaired driving involving any substance all require the establishment of probable cause by a certified police officer gleaned from trained observation.

Until recently, there has been no change in interpretation of the consequences for refusal to submit to a chemical test to determine the level of impairment. A licensee is suspended once the officer has established probable cause to believe they were impaired, and the driver has refused to submit to the subsequent chemical testing, which in some cases includes the requirement of the officer to have the probable cause reviewed by a justice to issue a warrant for the collection of blood for analysis.

Even with a warrant, a licensee may still refuse, which is used as additional evidence against them in subsequent prosecution. However, the Secretary of State interprets the refusal standard as a trigger for administrative suspension to only apply to refusing a breath test, not the subsequent testing for suspected or admitted drug impairment unless a Drug Recognition Expert (DRE) has performed additional impairment testing to determine a category of drugs likely causing

the impairment. There is no administrative suspension if the individual refuses to submit to the DRE evaluation either, even though they are not widely available at all hours or in all agencies across the state.

A person is considered by Maine courts to be under the influence if “the person’s physical or mental faculties are impaired, however slightly or to any extent by the substance or substances that the person consumed, which may be consumed by eating, drinking, inhaling, or injecting it.” (State v. Soucy, 2012 ME 16, ¶ 11, 36 A.3d 910). The probable cause for impairment is established by a certified police officer through observation of operation, on scene sobriety tests for physical capabilities, disclosures by the operator, and evidence of consumption in the sphere of the operator’s control inside the vehicle. The level of intoxicant or type is not necessary for conviction, but it is helpful.

Additional testing either confirms or negates the level of impairment by alcohol or a variety of other substances, as is now the norm. Frequently operators refuse because the level of intoxicant can trigger other aggravating factors, such as jail time for repeat offenders. However, impairment

has already been established once the officer asks for additional testing. Further testing also rules out medical issues that might be impacting operation but can bring in other factors relevant to the case.

The new variation in approach to the implied consent doctrine is troubling considering that in some states, like California, the refusal to submit to a breath or blood test is a crime under Vehicle Code § 23612, not just an administrative suspension. Some licenses, like a CDL, have a higher level of impact for the refusal, but to restrict the interpretation that a refusal of a test only triggers automatic suspension based on the type of intoxicant is unusual, given the goal is to prevent impaired driving, full stop.

The SOS expressed her belief that ultimately, the difference between the Bureau of Highway Safety and the Secretary of State’s view of the matter is philosophical. The SOS considered her position to be focused on the due process of individuals. She expressed the need for DRE involvement because refusal alone is not enough of a threshold for those under the influence of drugs, sharing that individual had won their case but was still suspended because they refused to submit to additional testing as required, leaving her no ability to reinstate their license.

Empowering an automatic reinstatement of a license in those conditions might be something that all stakeholders could support in conjunction with the recognition that impaired driving hurts us all, and due process is important. Implied consent doctrine shouldn’t be waived based on the suspected intoxicant, because probable cause for the underlying impairment has already been established once a test is requested. It is impairment not the substance that is the trigger.

During its deliberations members of the committee struggled to balance the prosecutorial elements and the pre-prosecutorial operator responsibility and ultimately reached a divided position with three members present voting in favor of the amended version of the bill submitted at the public hearing and three members voting against the bill with three absent.

A Magic 8 Ball will have to be consulted to determine where this bill will come down but philosophically, no one wants impaired operators on the road regardless of whether their choice of impairment is Charlie or Colt 45.

Updating Love Language

In the world of municipal management, recordkeeping and paperwork are part of the deal. However, at times the law governing these operations could benefit from updates and consideration of current best practices. Efforts must be made to have language that is clear, modern, and inclusive, making life easier for everyone involved.

On Wednesday morning, the Judiciary Committee prepared to discuss one such previously heard bill LD 83, *An Act Concerning the Filing of Marriage Licenses and the Recording of Intentions as Part of the Electronic Vital Records System*, sponsored by Rep. Kuhn (Falmouth). This bill would update and clarify language in statute governing how marriage licenses are handled, essentially modernizing the law. The bill also amends the statute so that individuals who are being married can return the completed marriage license to the municipal clerk, rather than just the marriage officiant, and removes the requirement for a clerk to provide a brochure on the effects of drugs

and alcohol during pregnancy.

A public hearing was held on February 5 where committee members generally favored the proposal but had questions on a new section not in current law. This section confirms that a marriage is valid even if a completed marriage license was not returned to the municipal clerk by the officiant. This generated discussion about the process used to file marriage licenses and the difference when using the terms such as a “late filing” or a “delayed filing” for marriage licenses.

At the work session, the analyst provided her summary of the bill which helped to clarify the terms that had caused confusion at the public hearing. Rep. Kuhn offered an “ought to pass as amended” motion that incorporated all the language suggestions from the analyst, as well as a member amendment to change the marriage license return period to 15 days.

With that, LD 83 was voted out of committee with a unanimous report.

HEARING SCHEDULE (cont'd)

For the week of March 17, 2025

LD 797 *An Act to Amend the Laws Regarding Work Search Efforts for Unemployment Benefits and to Eliminate Benefits for Temporary Unemployment*

LD 833 *An Act to Expand the Earned Paid Leave Exception*

State & Local Government

Room 214, Cross Building, 10:00 a.m.
Tel: 287-1330

LD 634 *Resolve, to Establish the Commission to Study the Reduction of Unfunded and Outdated Municipal and County Mandates*

LD 731 *An Act to Prohibit Municipalities from Barring the Creation of Homeless Shelters*

Taxation

Room 127, State House, 9:30 a.m.
Tel: 287-1552

LD 7 *An Act to Increase the Homestead Property Tax Exemption for Residents 65 Years of Age or Older*

LD 140 *An Act to Incrementally Increase the Homestead Property Tax Exemption*

LD 559 *An Act to Provide Property Tax Stabilization for Older Maine Residents*

LD 570 *An Act to Provide an Additional Maine Resident Homestead Property Tax Exemption Based on Income*

LD 658 *An Act to Lower Property Taxes by Increasing the Homestead Property Tax Exemption*

LD 934 *An Act to Provide 100 Percent of the Maine Resident Homestead Property Tax Exemption Amount to Seniors and Veterans*

Veterans & Legal Affairs

Room 437, State House, 11:30 a.m.
Tel: 287-1310

LD 903 *An Act to Regulate the Advertising of Cannabis Products*

LD 948 *An Act to Reduce Administrative Burdens and Expand Access in the Laws Governing Cannabis*

THURSDAY, MARCH 20

Agriculture, Conservation & Forestry
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 870 *An Act Regarding the Membership of the Maine Land Use Planning Commission*

Health Coverage, Insurance & Financial Services

Room 220, Cross Building, 1:00 p.m.
Tel: 287-1314

LD 627 *An Act to Require Insurance Coverage for Glucagon-like Peptide-1 Receptor Agonist Medication*

LD 917 *An Act Regarding Changes to Uninsured Patients for COVID-19 Vaccines*

Taxation

Room 127, State House, 2:00 p.m.
Tel: 287-1552

LD 223 *An Act to Amend the Mining Excise Tax Laws*

LD 936 *An Act to Amend the Laws Regarding the Mining Excise Tax*

IN THE HOPPER (cont'd)

Education & Cultural Affairs

LD 933 *An Act to Increase to 100 Percent the State Share of Funding for Special Education Costs of All School Administrative Units* (Sponsored by Rep. Dill of Old Town)

Beginning in fiscal year 2026-27, this bill provides that the minimum state share of a school administrative unit's special education costs under the essential programs and services school funding formula is 100%.

Energy, Utilities & Technology

LD 873 *An Act to Expand Municipal Authority over Utility Pole Permits* (Sponsored by Rep. Abdi of Lewiston)

This bill increases the number of municipalities authorized to revoke the location of a utility pole when required for public safety and welfare by reducing the population threshold from 40,000 to 30,000.

Health Coverage, Insurance & Financial Services

LD 784 *An Act to Require Health Insurance Coverage for Specialized Risk Screening for First Responders* (Sponsored by Sen. Bailey of York Cty.)

For policies issued or renewed on or after January 1, 2027, this bill

prohibits a health insurance carrier from denying coverage to an enrollee who is a first responder for specialized risk screening recommended by a health care provider. It limits the ability of a health insurance carrier to require prior authorization for specialized risk screening and prohibits a carrier from imposing any out-of-pocket costs for specialized risk screening except for high deductible health plans offered for use in connection with a health savings account to the extent required under federal regulations.

Health & Human Services

LD 219 *An Act to Limit Hypodermic Apparatus Exchange Programs to a One-for-one Exchange* (Sponsored by Rep. Mastraccio of Sanford)

This bill limits the number of hypodermic needles that may be exchanged through a program certified by Maine CDC on a one-to-one basis.

LD 710 *An Act to Expand Access and Reduce Barriers to Access to Naloxone Hydrochloride and Other Opioid Overdose-reversing Medications* (Sponsored by Rep. Zager of Portland)

This bill expands access to opioid overdose-reversing medications by allowing municipalities to provide vending machines for use by the public in response to an opioid-related drug overdose. The bill

(continued on page 7)

Voter Fraud—Did You Really Sign That?

Aging presents many changes to our bodies from aching joints to graying hair and just plain slowing down physically. While not all individuals feel these telltale signs of aging in the same way, there are many who do at one time or another. In particular, some find their handwriting has changed with age or due to other factors occurring throughout the course of their lives.

Recognizing this natural shift and with an interest in increasing voter turnout, Rep. Smith (Palermo) sponsored and presented LD 266, *An Act to Require the Updating of Voter Registration Signatures*, to the Veterans and Legal Affairs Committee on Monday, March 10, with a personal story for her colleagues as evidence for support. When collecting signatures, seven of the 25 signatures she collected were crossed out and deemed invalid signatures. When Smith questioned the clerk for the reason why, she found the signatures in question could not be verified as accurate since the signatures on file had not been updated, in some cases for decades.

Although no others provided testimony in support, the first to rise in opposition was Emily Cook, from the Secretary of State's (SOS) office. Cook advised the committee that citizens in Maine currently can update their signatures at their discretion and further noted that it happens occasionally for a variety of reasons. However, she also informed the committee that the current central voter registration system does not track the signature date and if this bill is passed, it would potentially require costly updates to the software to enable that function.

Additional testimony in opposition came from The League of Women Voters and the Maine Municipal Association (MMA), who

raised concerns with shifting additional work onto municipal clerks or state mandates, but the most compelling testimony came from Patty Dubois, Waterville City Clerk, who represented the Maine Town and City Clerks Association (MTCCA).

MTCCA is strongly opposed to LD 266 due to the potential cost of mailing forms to update signatures, the measure being an unfunded mandate, and that the bill could cause voters to be flagged, which could lead to longer lines and waiting times to provide for this new task. Dubois confidently answered questions in detail on how clerks determine if a signature is valid, being sure to stress that there is an element of subjectivity for clerks. Often clerks will lean more towards validating the signature, as to not disenfranchise a voter, and in some cases may reach out to the voter to ask.

Ultimately, candidates are urged to get more than the required number of signatures to alleviate the circumstance when a signature cannot be validated for whatever reason. Regardless, an interesting discussion is bound to be had at the work session which has not yet been scheduled.

With several public hearings and work sessions in the queue, the committee eventually shifted their attention to LD 811, *An Act to Require a Municipal Public Hearing and Vote Before a Sports Wagering Facility May Be Established*, sponsored by Rep. Brennan (Portland), but presented by Rep. Malon (Biddeford) in the sponsor's absence. This bill aims to require municipalities to hold a public hearing and vote before a sports wagering facility can operate within their borders, with the sponsor noting when the first online gaming facility opened in

Portland, it happened without any municipal input.

MMA provided sole testimony in support of LD 811, given that offering a public hearing allows residents in a community to ask questions and fully understand a proposal, allowing for a transparent process. Equally as transparent, a vote confirms acceptance by the residents and welcomes the proposal into the community. An example of home rule in its purest form.

Testimony neither for nor against the proposal came from Michael Cianchette representing First Tracks Investments, LLC, who operates a retail sports wagering facility in Portland. In his testimony he pointed out that municipalities can already utilize zoning powers and ordinances to leverage where growth is allowed and encouraged the committee to streamline and update statutes to provide clear standards similar to those used for the enforcement of Maine's liquor laws.

Once the public hearings were complete, the committee moved on to the work sessions for bills previously heard. One of interest to MMA was LD 718, *An Act to Require Municipal Clerks to Issue Absentee Ballots Only to Residents of That Municipality and to Eliminate Ongoing Absentee Voter Status*, sponsored by Rep. Adams (Lebanon). The bill provides that an absentee ballot can only be issued to individuals who reside in that municipality, including a third party who currently pick up and return the ballot on behalf of the voter, and repeal the statute that allows ongoing absentee voting status.

Committee members discussed how voters are removed from the rolls and if municipalities have the authority to remove voters without oversight by the SOS office. Rep. Malon commented that there is a department bill forthcoming that could be used to clean up any language changes that are needed but given the testimony from MMA and MTCCA indicating opposition to the proposal, he moved LD 718 "ought not to pass," sending the bill out of committee with the elusive unanimous report.

The committee then moved along to LD 600, *An Act to Initiate Recounts in Tied Elections*, sponsored by Rep. Malon (Biddeford), which aims to provide a mechanism for a recount when a tie occurs and neither candidate has requested a recount.

Sen. Timberlake (Androscoggin County) commented that he feels this bill is unnecessary and moved "ought not to pass" on the proposal to which Sen. Hickman (Kennebec



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County) asked if he would be willing to amend his motion to include a language change to remove the requirement that a candidate would have to request a recount.

This suggestion led to the request for a partisan caucus.

Upon return, Rep. Chapman (Auburn) requested the “ought not to pass” motion be rescinded which was agreed to by Sen. Timberlake. A motion of “ought to pass as amended” was then offered that would not initiate an automatic recount but would allow anyone to request one. The bill was voted out of committee with a divided report along party lines—the minority report retains the automatic recount provision and other technical language changes.

On March 12, the committee once again gathered to conduct work sessions on a series of bills but were notified by the analyst of two bills OFPR flagged as being potential mandates, which would be presented for reconsideration first. Before describing the bills themselves, the analyst provided the committee with the options available to them when a potential mandate has been signaled.

If a state mandate has been identified, the legislative committee of jurisdiction may choose to act in a few ways. They could amend the bill to provide 90% of the

funding to local governments, amend the proposal to address the section in question (for example, by making it optional), report the bill out of committee with a mandate preamble, which would require a two-thirds vote from the House and Senate, or simply do nothing.

It was at this moment that Sen. Hickman realized that if the committee takes no action, local governments do not need to comply.

The first bill to be reconsidered was LD 313, *An Act to Improve Voter Confidence in Electronic Ballot Counting by Requiring Ballots to Contain Unique Identifiers*, sponsored by Rep. Foster (Dexter), which shows a fiscal note of more than \$6.3 million. Given the concerns for the cost to update the tabulation machines, Rep. Boyer (Poland) provided a motion of “ought not to pass” for consideration and was unanimously approved by all committee members.

Rep. Hymes (Waldo) commented that although he agrees with the vote of the committee, the machines will need to be updated or replaced at some point and the issue raised in LD 313 should be considered when thinking about budgetary implications in the future.

The second bill flagged by the fiscal of-

fice was LD 600, *An Act to Initiate Recounts in Tied Elections*, mentioned previously in this article. Rep. Malon argued the validity of this mandate pointing to testimony from MMA and MTCCA, that indicated the frequency with which this could occur, and the associated cost would be minimal to a municipality. Sen. Duson (Cumberland County) mentioned the language in the municipal section seems to indicate that a recount process would have to be used, when in some cases a tie at the municipal level is determined by a coin flip.

After a brief caucus, LD 600 was unanimously tabled, and the committee spent the rest of the morning discussing the slate of bills originally scheduled before them.

The analyst then drew the committee’s attention to LD 234, *An Act to Eliminate Ranked-choice Voting*, sponsored by Rep. Campbell (Orrington), and reminded committee members that this bill would repeal the ranked choice voting used as a method of voting in Maine.

Out of the gate, Rep. Malon suggested an “ought not to pass” motion based on his feeling the bill was not necessary. Without much discussion, the bill was voted out of committee with a divided report along party lines.

IN THE HOPPER (cont’d)

also provides additional immunity protections to an individual who administers an opioid overdose-reversing medication to another when they believe the other individual is experiencing an opioid related drug overdose. Lastly, the bill incorporates other opioid overdose-reversing medications in the provisions governing naloxone hydrochloride.

Housing & Economic Development

LD 698 *An Act to Sustain Emergency Homeless Shelters in Maine* (Sponsored by Sen. Talbot Ross of Cumberland Cty.)

This bill appropriates \$5 million annually in ongoing funding to support emergency homeless shelters.

State & Local Government

LD 542 *An Act Regarding Municipal Property Tax Levy Limits* (Sponsored by Rep. Adams of Lebanon)

This bill reinstates the so-called LD 1 municipal property tax levy limit law that was repealed as of August 9, 2024.

LD 634 *Resolve, to Establish the Commission to Study the Reduction of Unfunded and Outdated Municipal and County Mandates* (Sponsored by Rep. Tuell of East Machias)

This resolve creates the 15-member Commission to Study the Reduction of Unfunded and Outdated Municipal and Educational Mandates,

with members including a representative of the Maine Municipal Association, Maine Town and City Clerks’ Association, and seven municipal officials representing communities of varying populations. The commission is directed to meet at least twice and no more than four times in 2026 and 2027 to review unfunded and outdated mandates, provide recommendations for eliminating or amending the mandates, and no later than December 1, 2027, submit findings and recommendations to the Joint Standing Committee of the Legislature having jurisdiction over state and local government matters.

LD 731 *An Act to Prohibit Municipalities from Barring the Creation of Homeless Shelters* (Sponsored by Rep. Lookner of Portland)

This bill prohibits municipalities from enacting or enforcing ordinances that prohibit the creation or operation of a homeless shelter.

Taxation

LD 559 *An Act to Provide Property Tax Stabilization for Older Maine Residents* (Sponsored by Sen. Bailey of York Cty.)

This bill authorizes municipalities to impose a 1% sales tax on taxable prepared food and lodging sales for the sole purpose of funding a local property tax stabilization program for seniors. The tax assessed is payable to the state, which may retain no more than 2% of the revenue generated to cover administrative costs and remit the remaining revenues to the generating community monthly. The

(continued on page 8)



IN THE HOPPER (cont'd)

bill also establishes the parameters associated with the stabilization program, which at a minimum requires eligible participants: (1) to be at least 62 years of age; (2) have owned a homestead in Maine for at least 10 years; and (3) apply for the program annually. Municipalities are authorized to adopt stricter eligibility requirements.

LD 570 An Act to Provide an Additional Maine Resident Homestead Property Tax Exemption Based on Income (Sponsored by Sen. Reny of Lincoln Cty.)

Beginning on April 1, 2026, this bill provides an additional \$75,000 homestead exemption, for a total of \$100,000, to homeowners whose federal adjusted gross income in the previous year was less than: (1) \$200,000 for joint filers; (2) \$150,000 for heads household; and (3) 100,000 for individual filers.

LD 658 An Act to Lower Property Taxes by Increasing the Homestead Property Tax Exemption (Sponsored by Rep. Faulkingham of Winter Harbor)

For property tax years beginning on or after April 1, 2025, this bill increases the homestead exemption from \$25,000 to \$50,000.

LD 934 An Act to Provide 100 Percent of the Maine Resident Homestead Property Tax Exemption Amount to Seniors and Veterans (Sponsored by Rep. Wood of Greene)

For property tax years beginning on or after April 1, 2026, this bill

extends the full amount of the homestead exemption, currently \$25,000, to homeowners who are either 65 years of age or older or veterans of the U.S. Armed Services, regardless of the municipality's assessment ratio. The bill also directs the state to reimburse municipalities for 100% of the lost property tax revenue associated with the proposed change.

Veterans & Legal Affairs

LD 948 An Act to Reduce Administrative Burdens and Expand Access in the Laws Governing Cannabis (Sponsored by Rep. Pluecker of Warren)

This bill doubles the current limit under the medical cannabis laws by allowing a caregiver to cultivate up to 60 mature cannabis plants, up to 120 immature cannabis plants, up to 1,000 square feet of mature plant canopy and up to 2,000 square feet of immature plant canopy. The bill also amends the medical cannabis and adult use cannabis laws to extend registration and license periods from one to two years and updates the license renewal process for registrants and licensees without any violations of those laws in the previous year to require only the payment of the license or registration fee to the Office of Cannabis Policy for a new active license to be issued.