



# LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLV No. 5 • FEBRUARY 17, 2023

## For the Love of State and Local

On Valentine's day, the State and Local Government (SLG) committee held a public hearing on a number of bills celebrating the love for iconic Maine products, rocks, and anadromous fish. While all the talk of alewives and needhams may have made post-lunch conversations more palatable than normal, the committee was not without some important policy discussions.

One serious policy bill, LD 354, *An Act to Amend the Laws Regarding the Use of Engineers on Public Works Projects over \$100,000*, sponsored by Sen. Bradlee Farrin of Somerset County, attempts to update one statutory trigger for municipalities requiring them to engage a professional engineer for public works projects. The original bill was a concept draft updated with legislative language amending the current statute, following engagement with several stakeholders.

As presented, LD 354 would increase one of the two triggers for municipalities to hire an engineer for a project from \$100,000 to \$250,000. The additional trigger, a nexus with public safety for any public works project, would remain in place.

Culvert replacement is one task that can easily go beyond the \$100,000 threshold in just the material purchase stage but involves the replacement of existing conveyances with products structurally engineered and tested in the manufacturing process. While culverts could be interpreted as a public safety concern depending on their placement, adding the cost of an engineer to the project is not always necessary. The additional cost to add a 15% engineering fee to a project can mean the difference between choosing a six-foot concrete bottomless culvert that lasts 75 years and allows better passage for aquatic life and one that disrupts the stream bed, naturally attracts debris, and requires continual maintenance needing replacement in 25 years.

During the public hearing, there was no opposition to increasing the threshold in statute, though what the threshold should be was debated by Department of Administrative and Financial Services who did not want the state level to change beyond \$150,000, the threshold which they calculate an inflation measure would meet. The Board of Licensure for Engineers in the State supported the \$250,000 amount and

the American Council of Engineering Companies (ACEC) suggested removing the project cost threshold all together. ACEC felt the insertion of a dollar amount was confusing and less important than a public safety aspect that is the true driver of an engineer's services. *(continued on page 2)*

## Budget Bit

Governor Janet Mills delivered her State of the Budget address this week, highlighting her priorities for the next two years. For local leaders, the budget signals a strong commitment to the state-municipal partnership.

Featured in that address was her commitment to fund 55% of the cost of K-12 education, which as calculated by the Essential Programs and Services model is \$1.4 billion in FY 2024.

The governor also touted the \$6 million, allocated over the course of the biennium, to fund the Community Resilience Partnership, which provides funding for projects making communities more resilient to weather related events and the impacts of climate change. In 2022, municipalities across the state of varying populations and fiscal and workforce capacities have benefited from the partnership. As examples, Carthage received nearly \$37,000 to make energy efficiency updates to municipal buildings, Bangor received \$50,000 to electrify the city's transportation network, and by working collaboratively, Blue Hill and Brooksville were awarded \$125,000 to conduct a community vulnerability assessment.

While not called out in her speech, on the property tax relief front, the budget proposal also provides the funding necessary to fully reimburse municipalities for the lost property tax revenue associated with the senior tax stabilization program and continues down the path to increasing reimbursement under the homestead exemption to 100%.

The most exciting moment of the evening, by far, was the bipartisan standing ovation the governor received for her proposal to direct 5% of state sales and income tax revenues to be distributed to communities via the state-municipal revenue sharing program.

---

## Going Out of Business

A proposal to extend severance pay requirements in Maine's labor laws to all employers was voted out of the Labor and Housing Committee this week with a 9 to 3 "ought to pass as amended" recommendation. LD 12, *An Act to Amend the Laws Governing Severance Pay to Cover More Types of Employers and Include More Workers*, was advanced by Rep. Amy Roeder of Bangor.

Currently, the requirement to provide severance pay upon the closure or relocation of a business applies only to industrial and commercial employers, that at any point over the course of the previous 12 months employed 100 or more persons.

As defined in statute, severance pay is calculated "at the rate of one week's pay for each year, and partial pay for any partial year, from the last full month of employment..." The calculation of the payment includes all compensation for regular hours, shift differentials, premiums, overtime, floating holidays, holidays, funeral leave, jury duty pay, sick pay and vacation pay earned in the 12 months prior to the layoff.

As proposed, the bill extends the severance pay obligation to all employers, including municipalities, and repeals a provision in law that exempts employ-

ees that have been employed with an organization for less than three years from receiving severance pay.

However, the amended version of the bill retains the three-year minimum employment provision.

In its testimony, the Association

requested that municipal governments be excluded from the proposed expansion of the severance requirement, as municipalities de-organize rather than close or relocate. Unfortunately, that request was neither considered nor discussed.

---

### *For the Love of State and Local (cont'd)*

Many larger municipalities have licensed engineers on staff, but smaller municipal offices with infrequent public works projects can easily reach the monetary threshold for routine road resurfacing or gravel road repair where engaging a contracted engineer may not be necessary, and finding one is competitive. MMA testified in support of change that would either clarify the statute or raise the level to match construction inflation which is arguably higher than an average CPI measure in Maine.

As MMA's Legislative Policy Committee met to take positions on pending bills on Thursday, SLG was taking votes to show needhams and alewives legislative love. Engineering projects for municipalities will need to wait at least another week to be shovel ready.

## Hearings of The Week: Construction Zones & GA

**General Assistance.** When convened jointly with the Health and Human Services Committee, the members of the Appropriations Committee will conduct a public hearing on PART VV (limits on temporary housing assistance) of Governor Mills' biennial state budget, LD 258, *An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund...for the Fiscal Years Ending June 30, 2024 and June 30, 2025*. The hearing will take place at **1:00 p.m. on Wednesday, February 22** in room 228 of the State House.

Part VV of the budget amends the General Assistance law by limiting the amount of assistance for temporary housing (e.g., hotels, motels, etc.) to: (1) the federal per diem reimbursement rate for lodging, which is currently \$98 per night; and (2) a maximum of 30 days, unless the applicant is engaged in services that will lead to the acquisition of permanent housing.

**Speed Limits in Construction Zones.** The Transportation Committee will conduct a public hearing on LD 31, *An Act to Allow the Commissioner of Transportation to Reduce Speed Limits at Construction Sites with Input from Municipalities and Utilities*. The hearing will take place at **10:00 a.m. on Thursday, February 23** in room 126 of the State House.

This bill, sponsored by Sen. Bradlee Farrin of Somerset County, provides that with guidance from a municipality or utility engaged in a construction project on a public way where construction workers are present, the Commissioner of Transportation is authorized to temporarily reduce the posted speed limit and requires the adoption of routine technical rules, including the criteria that must be met before the posted speed limit is reduced.

---

### 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. 207-623-8428. Website: [www.memun.org](http://www.memun.org)

**Editorial Staff:** Kate Dufour, Rebecca Graham, Rebecca Lambert and Laura Ellis of Advocacy & Communications.

**Layout:** Sue Bourdon, Advocacy & Communications



# HEARING SCHEDULE

For the week of February 20, 2023

## MONDAY, FEBRUARY 20 – HOLIDAY

## TUESDAY, FEBRUARY 21

**Appropriations & Financial Affairs  
Room 228, State House, 10:00 a.m.  
(all day)  
Tel: 287-1635**

LD 258 – Governor’s Biennial Budget, in conjunction with the Joint Standing Committee on Health & Human Services

**Transportation  
Room 126, State House, 10:00 a.m.  
Tel: 287-4148**

LD 21 – Resolve, Designating Maine Turnpike Approach Road in South Portland as Samantha Smith Way

LD 44 – Resolve, to Rename the Bridge Between Bingham and Concord Township on Route 16 the Jason Dore Memorial Bridge

LD 85 – Resolve, Directing the Maine Turnpike Authority to Study Adding Exits off the Maine Turnpike to Aid Economic Development

LD 318 – Resolve, to Designate the Route 170 Bridge Located in Webster Plantation the Gary “Swampy” Worster Memorial Bridge

LD 331 – Resolve, to Name a Bridge in the Town of Canaan After Staff Sergeant Richard Gerald Salsbury

LD 382 – Resolve, Naming Portions of a Highway in St. George

LD 502 – Resolve, Designating the Desert of Maine Overpass the Matthew MacMillan Overpass

## WEDNESDAY, FEBRUARY 22

**Appropriations & Financial Affairs  
Room 228, State House, 10:00 a.m.  
(all day)  
Tel: 287-1635**

LD 258 – Governor’s Biennial Budget, in conjunction with the Joint Standing Committee on Health & Human Services

## THURSDAY, FEBRUARY 23

**Appropriations & Financial Affairs  
Room 228, State House, 10:00 a.m.  
(all day)  
Tel: 287-1635**

LD 258 – Governor’s Biennial Budget, in conjunction with the Joint Standing Committee on Health & Human Services

**Transportation  
Room 126, State House, 10:00 a.m.  
Tel: 287-4148**

LD 31 – An Act to Allow the Commissioner of Transportation to Reduce Speed Limits

*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/>. There is also the option testify via Zoom if you register 30 minutes in advance. Persons wishing to testify over Zoom can submit their testimony by uploading it through the registration portal (<https://www.mainelegislature.org/testimony/>).*

at Construction Sites with Input from Municipalities and Utilities

LD 102 – An Act to Increase the Length of Registration for Antique Autos

LD 128 – An Act to Increase the Limit on Sets of Special Veterans Registration Plates from 3 Sets to 4 Sets

LD 145 – An Act to Increase the Penalties for Operation of a Motor Vehicle While Using a Handheld Electronic Device or Mobile Telephone

LD 334 – An Act to Ensure the Full Value of the Balance of Registration Fees Is Retained by the Seller of Used Motor Vehicles

## IN THE HOPPER

### Environment & Natural Resources

LD 425 – An Act to Lower the Environmental Impact of Consumers, Increase Food Safety and Strengthen Consumer Choice by Ending the Ban on Single-use Plastic Shopping Bags (Sponsored by Rep. Perkins of Dover-Foxcroft)

This bill repeals the law restricting the use of single-use carry-out plastic bags by retail stores and instead allows a retailer to use plastic bags at the point of retail sale if the retailer provides a receptacle for collecting any used plastic bags and ensures that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics.

LD 572 – An Act to Remove the 5 Cent Fee for Bags in Retail Stores (Sponsored by Rep. Lemelin of Chelsea)

This bill removes the 5¢ fee currently required when a retail establishment provides a recycled paper bag, or a reusable bag made of plastic to bag products at the point of sale.

(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](http://www.memun.org).)

### Innovation, Development, Economic Advancement & Business

LD 583 – An Act to Provide for Municipalities to Allow Grocery Stores up to 10,000 Square Feet to Open on Easter, Thanksgiving and Christmas (Sponsored by Sen. Lyford of Penobscot Cty.)

This bill authorizes municipalities to adopt ordinances allowing grocery stores with no more than 10,000 square feet of interior customer selling space to be open on Easter, Thanksgiving and Christmas.

**MAINE MUNICIPAL**  
ASSOCIATION SINCE 1936

60 Community Drive  
Augusta, ME 04330

## IN THE HOPPER (*cont'd*)

LD 648 – An Act to Address Staffing Shortages in Critical Public Safety Jobs Through Economic Incentives (Sponsored by Sen. Baldacci of Penobscot Cty.)

This bill appropriates \$10 million in FY 2024, to be equally split between a student loan forgiveness program and no-interest home mortgage program for local and county law enforcement officers, firefighters, emergency medical services persons, dispatchers and public health workers.

### Labor & Housing

LD 301 – An Act to Exempt Employers from Providing Earned Paid Leave for Certain Employees (Sponsored by Rep. Poirier of Skowhegan)

This bill exempts substitute teachers, other substitute employees, coaches and temporary employees in school administrative units and part-time or temporary employees in a retail trade or a service-related industry from being covered by the law that requires employers to offer earned paid leave to employees.

### State & Local Government

LD 422 – An Act to Eliminate the Requirement That Municipalities Provide Public Notice in Newspapers (Sponsored by Rep. Newman of Belgrade)

This bill provides that the municipalities may meet the requirement

to place of notice in a newspaper by posting the required notice on its publicly accessible website.

LD 577 – An Act to Increase Availability of Election Information on Local Government Websites (Sponsored by Sen. Beebe-Center of Knox Cty.)

This bill requires the Secretary of State to develop and maintain a web page on its publicly accessible website containing general information on state and local elections, including links to related municipal websites and webpages.

### Veterans & Legal Affairs

LD 365 – An Act to Support Compliance and Establish Graduated Sanctions Under the Maine Medical Use of Cannabis Act (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill directs the Department of Administrative and Financial Services to adopt major substantive rules to develop a graduated enforcement plan for violations of the Maine Medical Use of Cannabis Act or rules, to include a stakeholder process in the adoption of those rules, and to make the enforcement plan publicly available.

LD 555 – An Act to Increase the Number of Mature Plants Allowed for the Home Cultivation of Cannabis (Sponsored by Rep. Boyer of Poland)

This bill increases from three to six the number of mature cannabis plants allowed for home cultivation under the adult use program.