



LEGISLATIVE BULLETIN

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The Lonely Mountain of Impact Fees

Who is the Real Smaug?

Tuesday afternoon, while bills impacting significant municipal programs and activities had hearings in several other committees, the Housing and Economic Development Committee held public hearings on two bills proposed to address the runaway use of municipal impact fees and ways to limit their creation and increase transparency for use. The two bills, LD 1246, *Resolve, Directing the Department of Economic and Community Development to Convene a Working Group to Review the Process of Setting Impact Fees* sponsored by Rep. Gere (Kennebunkport) and LD 1498, *An Act to Limit Municipal Impact Fees on Housing Development*, sponsored by Rep. Faulkingham (Winter Harbor) took different paths up the Lonely Mountain of impact fees, but spoke of similar hoarding tactics practiced by municipal government when creating and applying them.

Impact fees are assessed on development by an ordinance enacted under existing home rule authority and approved by the residents of the “shire” also known as the legislative body. They are limited both constitutionally and by statute, to be reasonably related to the development’s share of the cost for improvements made necessary by the development. They can be assessed before or after a project, must be defensible, kept separate from a municipality’s general revenues and only expended for the purpose necessitating their collection.

According to well armored development dragons, and the sponsor of LD 1498, plucky municipalities with invisible legal budgets are charging outrageous sums and stealing profits from housing projects to build parks and recreational areas, all allowed by impact fee law, yet somehow egregious. Proponents, who include the Chamber of Commerce, Maine Real Estate and Development Association, Maine Association of Realtors and the sponsor, stated the segregated unspent funds that sit in the municipal coffers are simply piling up and not being used for their intended purpose.

Evidently the “before or after” municipal expenditure clearly stated in statute has been overlooked and the requirement to keep the receipts in a separate account, regardless of which municipal funds are expended and when, breeds Orcish ire.

The bill also seeks to keep the fees limited to infrastructure improvements on land or property that directly abuts the location of the development, not what is allowable in statute now based on real municipal impacts which includes school facilities to address a growing population, recreational and park areas lost by eliminating open space, solid waste facilities, public safety equipment

or facilities and waste water pumps or similar infrastructure not abutting the development.

While the anti-municipal government rhetoric was present in both hearings, LD 1498 presents a significant shift to limit impact fees for ALL development, not just residential. Like the works of Isengard, historically shaped by Men of Westeros, new development that has not yet to be imagined, and its detrimental impacts would be left out of balance and a burden to remaining shire residents.

LD 1246 seeks to create a working group that likely doesn’t require legislation to accomplish if the intent of the Department of Economic and Community Development is genuine. As drafted, the bill would require the group to study the process by which municipalities impose impact fees under Title 30-A, section 4354 with representatives of municipalities, developers associated with municipal infrastructure improvements and others with experience undisclosed and appointed by them, with a goal of reporting to the Joint Standing Committee of Housing and Economic Development, which is granted the authority to report out legislation based on the group’s recommendations, by December 3, 2025.

In a perfect middle earth, this might be the path to the Undying Lands, but the details leave some reason to be skeptical. While MMA supports this path over LD 1498, clues from the lack of direction

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MTCA Slated for Review

In response to three bills seeking to amend the limits under the Maine Tort Claims Act (MTCA), on Tuesday the Judiciary Committee elected to advance an amended version of LD 1347, *An Act to Increase the Cap on Liability for Governmental Entities Under the Maine Tort Claims Act*, which is the broader of the three bills. As proposed by Sen. Lawrence (York County), the bill would increase from \$400,000 to \$1.25 million the limit on the award of damages against a governmental entity.

After posing several questions about the act, and its impact on both claimants and those left to pay insurance premiums, the committee decided that the best course of action was a study.

While the details of the study have yet been committed to paper, in summary, the 13-member study group would include four leg-

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The Lonely Mountain of Impact Fees.cont'd

on who to appoint to the working group and how, coupled with the report deadline, are worthy of scrutiny. If the legislature keeps the current posture of statutorily adjourning on June 18, the enacted bill will not be effective until mid-September leaving very little time for a deep dive informed by practitioners before a draft of the report was due on December 3. Unless, of course, the report is already written.

Surely there is no Grima Wormtongue advice happening here, right?

As this *Legislative Bulletin* goes to print, six other bills have public hearings today, all focused on attacking the municipal shire and disregarding residents' voices.

LD 1247, *An Act to Restrict Municipal Ordinance Requirements Regarding Housing Developments* sponsored by Rep. Gere (Kennebunkport) seeks to upend recently adopted ordinances accomplished under the former, and notorious, LD 2003, by permitting up to four dwelling units on each established lot and allowing subdivision and the selling of those lots. Any municipality who adopted ordinances to allow ADUs on lots after consultation with their community and kept the allowance contingent on single ownership to promote affordable rental housing, not expanded real estate investment portfolios, would now be sent back to the drawing board. Oh, and forget about protecting the larger intown lots already served by sewer and water from impacts of the Isengard approach to land use. Impact fees are not allowed as drafted.

LD 1396, *An Act to Amend Maine's Municipal Subdivision Standards to Increase the Number of Dwelling Units on or Divisions of a Tract of Land Before the Tract is Considered*, sponsored by Rep. Roberts (Berwick) does similar lot splitting harm by increasing the limit from three uses to five in a five-year period before local site review is triggered. While the bill is significantly more balanced on its impact to existing ordinances than LD 1247, it is still a blatant attack on home rule and would force all communities to rewrite their ordinances according to the new rules as drafted.

Yet, another bill seeks to put boulders in the path to Misty Housing Mountain. LD 1385, *An Act to Consider Municipalities Meeting Regional Housing Goals in Awarding Transportation Grants*, sponsored by

Rep. Gere (Kennebunkport), directs the Department of Transportation (DOT) to consider a municipality's past actions and future plans toward meeting regional housing production goals when awarding discretionary grants.

While the flow of DOT funding to municipalities for pedestrian improvements and walkable streets may appear as plentiful as the gold hoarded by Smaug, placing additional hoops before overburdened municipal budgets for the desires of the voters is akin to forcing the King of the Dead to only answer to an heir of Isildur. Someday, your town will need the elusive funds that include culvert grants to handle increased stormwater flow. You better

hope your residents have left a clear line of kinship to unreasonable state goals in a ridiculously inflated construction economy and with no staff measures up to DOT review if LD 1385 passes.

Municipalities really do not need one statutory ring to bind them. Hint: if the shire can already do it, you don't need to call on Rohan, you need to ask the littlest of them what they need and ask them to join you. They have been building communities long before statute directed. However, consider this a call to action for municipal officials of Gondor and Maine; call your state representatives and ask them to have a seat and share a pipe ASAP. They really need some reality.

Loopholes

Closing them up, one hole at a time.

As laws change, occasionally there can be loopholes left behind that aren't found immediately. One such situation that occurred in Windham at the primary election is what led Rep. Cooper (Windham) to present LD 1702, *An Act to Amend Election Polling Place Candidate Restrictions*. This bill seeks to amend the laws pertaining to candidate restrictions at the polls to include write-in candidates or those who are unenrolled or enrolled in a third political party.

In the Windham situation, an unenrolled candidate who was not on the ballot for the primary election, was able to campaign and gather signatures to be considered at the November election, alongside those who were gathering petition signatures. The loophole was uncovered during the June primary election and further researched by the Windham town clerk who confirmed their interpretation of the law with the Secretary of State's (SOS) office.

Two main players when it comes to election legislation, the Maine Town and City Clerks Association and the SOS office, both testified in support of LD 1702 for the main reason that it would level the playing field for all candidates and help to reduce confusion, which was further supported by testimony from MMA.

Maine Citizens for Clean Elections testi-

fied in support but pointed out they believe it's not appropriate for any candidate to raise money at the polling place and suggested language changes to eliminate that activity.

With no testimony in opposition or neither for nor against the bill, the chair of the Veterans and Legal Affairs Committee notified the public that the committee intended to go right into work session for LD 1702 following a short break. Upon return, Sen. Timberlake (Androscoggin County) moved the bill "ought to pass as amended," to include an emergency preamble and the suggestion from the Maine Citizens for Clean Elections testimony.

Rep. Boyer (Poland) questioned if the amendment precluded the collection of campaign funds for future elections, which sparked the committee to review and discuss the bill again in detail. As the chair was about to move the question, Rep Boyer announced that the ACLU sent him a text message that this bill would be unconstitutional.

The committee chair had no interest in text message testimony and advised that if there were problems with what the committee voted on, the analyst would address those issues through the language review process. Apparently satisfied, LD 1702 was voted out of the committee with an elusive unanimous report.

HEARING SCHEDULE

For the week of April 28, 2025

Note: It appears as though the legislative presiding officers have waived the requirement that bills be advertised for public hearings two weeks in advance; therefore, you should check your newspapers for Legal Notices as there may be changes in the hearing schedule. It is not uncommon at this time of the session to have a bill printed one day and a public hearing scheduled within a couple of days. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>. Below are the public hearings for which we have received notice prior to the publishing of this Legislative Bulletin.

MONDAY, APRIL 28

Criminal Justice & Public Safety
Room 436, State House, 9:30 a.m.
Tel: 287-1122

LD 852 *An Act to Reduce the Property Tax Burden by Adequately Funding County Jail Operations*

LD 1000 *An Act to Require Correctional Facilities and Substance Use Disorder Treatment Facilities to Release Prisoners and Patients to a Responsible Adult*

LD 1710 *An Act Regarding the Authority to Transport Prisoners Confined in Jail and the Use of Physical Force with Respect to Prisoners and Persons Who Have Been Arrested*

1:00 p.m.

LD 1600 *An Act to Provide Regional Support Funding for Municipal Police Departments to Support Special Response Teams*

LD 1607 *An Act to Require Law Enforcement Agencies to Adopt Written Policies Regarding Compliance with Certain Constitutional Obligations Related to Disclosure of Evidence*

LD 1695 *An Act to Provide Law Enforcement Agencies with an Anti-sex-trafficking and Commercial Sexual Exploitation Protocol*

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

LD 1759 *An Act to Allow Firefighters to Be Eligible for State College Funding*

LD 1255 *An Act to Ensure In-state Tuition for Postsecondary Students Who Are Registered to Vote in the State and to*

Amend Eligibility Requirements for the Free Community College Tuition Program

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

LD 297 *An Act Regarding the Management of Oversized Bulky Waste from Wastewater Treatment Plants*

LD 1349 *An Act to Require Legislative Approval for a Contract to Operate the Juniper Ridge Landfill*

LD 1604 *An Act to Protect Groundwater and Surface Waters from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate*

LD 1633 *An Act to Promote the Recycling and Reuse of Construction Materials*

LD 1782 *An Act Regarding Municipal Solid Waste Disposal Planning and the Juniper Ridge Landfill in the City of Old Town*

LD 1793 *An Act to Improve Management and Reduce the Volume of Solid Waste*

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

LD 1459 *An Act to Make General Assistance Officers Mandated Reporters*

1:00 p.m.

LD 978 *An Act to Increase General Assistance Reimbursement for Municipalities and Indian Tribes*

LD 1738 *An Act to Establish the Biohazard Waste Disposal Grant Program to Support Public Health Efforts in the State*

Judiciary
Room 438, State House, 10:00 a.m.
Tel: 287-1327

LD 1410 *An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons*

LD 1645 *An Act to Improve Legislative Access to Public Information*

LD 1660 *An Act Creating a Private Right of Action Against a Government Employer*

3:00 p.m.

LD 1742 *An Act to Prohibit a State Social Media Platform Account from Restricting User Comments*

State & Local Government
Room 214, Cross Building, 11:00 a.m.
Tel: 287-1330

LD 872 *An Act to Ensure Determinations Made by the State Are Free from Unethical, Unsafe or Illegal Interference by Artificial Intelligence*

LD 1542 *An Act to Amend the Membership of the Washington County Budget Advisory Committee*

LD 1553 *RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Supermajority of the Legislature to Approve Raising Taxes*

1:00 p.m.

LD 1560 *An Act to Address Conflicts of Interest with Municipal Contracts*

TUESDAY, APRIL 29

Education & Cultural Affairs
Room 208, Cross Building, 1:00 p.m.
Tel: 287-3125

LD 673 *An Act to Better Support the Educational Attainment of Low-income and Moderate-income Communities by Providing Additional Funding to Certain School Administrative Units*

LD 933 *An Act to Increase to 100 Percent the State Share of Funding for Special Education Costs of All School Administrative Units*

LD 1103 *An Act Regarding Unallocated Balances in a School Administrative Unit School Budget*

LD 1518 *An Act to Clarify the Amount and Use of Unallocated Balances in a School Administrative Unit Budget*

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

LD 1675 *An Act to Provide Just Compensation in Cases of Taking by Eminent Domain by Transmission and Distribution Utilities*

LD 1747 *An Act to Repeal and Replace the Charter of the Yarmouth Water District*

Environment & Natural Resources
Room 216, Cross Building, 1:00 p.m.
Tel: 287-4149

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MTCA Slated for Review.cont'd

islators, an attorney with experience with the act from the plaintiff's perspective, two municipal officials from communities of differing populations, a county official, a state official designated to serve by the governor, a member from the law enforcement community, a representative of the insurance industry, and representatives from MMA and the Maine School Management Association. The working group would be directed to explore the issues needing to be addressed, whether limits on governmental liability are sufficient, the fiscal impacts on property taxpayers, which activities should be exempted from liability limits, and the laws in place in other New England states. The working group would also be directed to submit a report to the

Judiciary, Education and Cultural Affairs and State and Local Government Committees, with each provided the authority to submit legislation necessary to implement the working group's recommendations.

Although the details of the working group approach will be reviewed at a future meeting, the committee voted unanimously to support an amended version of LD 1347.

With the study approach in place, the committee also unanimously supported the "ought not to pass" motion on LD 1348, *An Act to Increase the Limit on Damages Under the Maine Tort Claims Act for Negligence Involving School Field Trips*, and on LD 1222, *An Act to Limit Sovereign Immunity for Schools and School Superintendents*, by a margin of 9 to 1.

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Maine Municipal Association
60 Community Drive, Augusta, ME 04330
207-623-8428 Website: www.memun.org

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

Layout: Sue Bourdon, Advocacy & Communications

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 1600 *An Act to Provide Regional Support Funding for Municipal Police Departments to Support Special Response Teams* (Sponsored by Rep. Ankeles of Brunswick)

This bill creates the Special Response Team Fund to reimburse municipalities that maintain and operate special response teams that rapidly respond to high-risk law enforcement operations and conduct criminal investigations that exceed the capabilities of standard law enforcement agencies and require specialized training, equipment and tactics. The bill also requires: (1) each county to contribute annually a pro rata share based upon population of an amount equal to 10% of the previous calendar year's expenses that each municipality spent to maintain and operate a special response team; (2) the Maine Criminal Justice Academy to certify the teams; and (3) requires the Department of Public Safety to adopt rules to manage the fund.

LD 1607 *An Act to Require Law Enforcement Agencies to Adopt Written Policies Regarding Compliance with Certain Constitutional Obligations Related to Disclosure of Evidence* (Sponsored by Rep. Bunker of Farmington)

By January 1, 2026, this bill requires law enforcement agencies to adopt written policies to assist prosecuting agencies in complying with constitutional obligations to disclose evidence as provided under *Brady v. Maryland* (1963) and *Giglio v. United States* (405 U.S. 150 (1972)), and to comply with mandatory disclosures to the Maine Criminal Justice Academy.

LD 1676 *Resolve, to Study Ways to Improve Recruitment and Retention of Rural Emergency Medical Services Personnel Through Access to Health Insurance* (Sponsored by Rep. Eaton of Deer Isle)

This bill directs the Commissioner of Public Safety to convene a seven-

member commission, including two EMS providers and a representative of a statewide association of municipalities to study ways to improve the recruitment and retention of EMS personnel in rural areas by providing access to health insurance. By December 3, 2025, the commission is required to submit a report to the Joint Standing Committee on Criminal Justice and Public Safety, which is authorized to submit legislation in 2026.

Education & Cultural Affairs

LD 1518 *An Act to Clarify the Amount and Use of Unallocated Balances in a School Administrative Unit Budget* (Sponsored by Rep. Frost of Belgrade)

Under current law, an unallocated balance in excess of 5% of a school unit's previous school budget must be used to reduce the state and local share of total cost in the next school year. This bill provides that the excesses in unallocated balances must be spent on educational programs.

LD 1579 *An Act to Abolish School Budget Referenda* (Sponsored by Rep. Abdi of Lewiston)

This bill eliminates the requirement for voters to validate a regional school unit budget at a referendum.

LD 1586 *An Act to Amend the Regional School Unit Budget Validation Referendum Law* (Sponsored by Bagshaw of Windham)

This bill requires the question for the school budget validation referendum to include the dollar amount of the budget.

Energy, Utilities & Technology

LD 1675 *An Act to Provide Just Compensation in Cases of Taking by Eminent Domain by Transmission and Distribution Utilities* (Sponsored by Rep. Flynn of Albion)

This bill updates the laws regarding damages paid to owners of property taken by eminent domain by a transmission and distribution utility for the construction, rebuilding or relocation of a transmission line by requiring the utility to set aside 1% of the total revenue generated from the project to be paid annually as damages to the owner of a property taken by eminent

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HEARING SCHEDULE (cont'd)

For the week of April 28, 2025

LD 630 *An Act to Implement Portions of the "Protecting Maine's Beaches for the Future: 2017 Update" Report Regarding Beach Nourishment and Dune Restoration Projects*

1:30 p.m.

LD 757 *Resolve, to Study and Oversee Water in the State of Maine*

LD 1696 *Resolve, to Study Maine's Absolute Dominion and Beneficial Use Laws Relating to Water Rights*

Health Coverage, Insurance & Financial Services
Room 220, Cross Building, 1:00 p.m.
Tel: 287-1314

LD 1502 *An Act to Update the Requirement for Health Insurance Coverage of Prostate Cancer Screening*

LD 1687 *An Act to Clarify and Increase Access to HIV Prevention Medications*

LD 1713 *An Act to Prohibit Certain Provisions in Health Care Provider Contracts with Insurance Carriers*

WEDNESDAY, APRIL 30

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

LD 1382 *An Act Regarding Dam Repair*

LD 1510 *An Act to Establish Statutory Deadlines for Processing Applications for Emergency Medical Services Personnel*

LD 1676 *Resolve, to Study Ways to Improve Recruitment and Retention of Rural Emergency Medical Services Personnel Through Access to Health Insurance*

Education & Cultural Affairs
Room 208, Cross Building, 1:00 p.m.
Tel: 287-3125

LD 1579 *An Act to Abolish School Budget Referenda*

LD 1586 *An Act to Amend the Regional School Unit Budget Validation Referendum Law*

LD 1701 *An Act to Support the Implementation of Learning Standards and Results in Public Schools*

Health Coverage, Insurance & Financial Services

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

LD 1589 *An Act to Improve Parity in Insurance Coverage for Outpatient Counseling Services in Maine*

THURSDAY, MAY 1

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

LD 1689 *An Act to Implement the Recommendations of the Commission to Study Expansion of Public Preschool and Early Care and Education*

FRIDAY, MAY 2

Health & Human Services
Room 209, Cross Building, 11:00 a.m.
Tel: 287-1317

LD 1707 *An Act to Require a Person to Be a United States Citizen to Receive State or Local Financial Assistance and to Ensure Municipal Compliance with Federal Immigration Laws*

IN THE HOPPER (cont'd)

domain. The 1% of the revenue set aside for damages must be distributed to property owners based on the acres of property taken and in the form of an annual installment provided over the course of 20 years from the operation date of the transmission line.

Environment & Natural Resources

LD 1604 *An Act to Protect Groundwater and Surface Waters from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate* (Sponsored by Sen. Tipping of Penobscot Cty.)

This bill requires a person licensed by the Department of Environmental Protection to discharge wastewater to groundwater or any waters to maintain a record of and annually report to the department data regarding the origin, volume and final disposition of leachate collected from a solid waste landfill delivered to or otherwise accepted by the licensee for treatment or other management. Beginning June 1, 2026, the bill also prohibits the discharge of wastewater containing leachate collected from a solid waste landfill unless the effluent satisfies PFAS limits adopted by department rule. The bill requires a licensed solid waste landfill that has installed a landfill leachate collection system to ensure that its leachate is tested on a quarterly basis by an independent third-party entity for PFAS contamination in a manner directed by the department. The leachate testing results must be made available on the department's publicly accessible website and further provides that if the department receives a written request from a property owner abutting a licensed solid waste landfill, the landfill licensee is required to conduct sampling and analysis for PFAS in a private water supply well used by the owner for drinking water.

LD 1793 *An Act to Improve Management and Reduce the Volume of Solid Waste* (Sponsored by Sen. Grohoski of Hancock Cty.)

This bill requires the Department of Environmental Protection to ensure that solid, hazardous, special and other waste materials are managed in accordance with the state's solid waste management hierarchy, food recovery hierarchy and state goals for recycling and waste disposal reduction, which includes: (1) developing and implementing rules, policies, programs and incentives designed to reduce the volume of solid waste; (2) providing technical and financial assistance and guidance to municipalities, regional entities and other persons in the management of waste; (3) administering grants and other programs to support reduction initiatives; and (4) collaborating with other state agencies and stakeholders to advance solid waste management solutions. The bill also directs the department to convene a task force to identify and recommend cost-effective waste management practices, develop plans to assist municipalities and others in implementing waste reduction strategies, and before January 15, 2027, to submit a report to the Joint Standing Committee on Environment and Natural Resources, which is authorized to report out legislation. Beginning January 1, 2026, the bill requires waste facility license applicants to describe efforts to collaborate with communities surrounding the facility and to solicit and accept community input regarding the operation of the facility, as well as plans for conducting comprehensive reviews of any input received for implementing cost savings and waste reduction strategies. The bill also requires facility operators to submit annual reports providing information on the origin, volume and disposition of waste materials managed by the facility. The bill amends the eligibility criteria for grants distributed

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Illegal Cannabis Grows

Will this really help?

Bills relating to cannabis are typically heard before the Veterans and Legal Affairs (VLA) Committee but occasionally will have elements that may fall under the purview of another committee. Once such bill, LD 1535, *An Act to Reduce Illegal Cannabis Operations by Requiring Permits for High Electrical Usage*, sponsored by Sen. Haggan (Penobscot County), seeks to address the illegal cannabis grow houses that have come to be a problem throughout Maine and was heard by the Energy, Utility, and Technology (EUT) Committee on Thursday.

The sponsor acknowledged that the bill has some issues, but was brought to him by concerned residents, and pledged to work with stakeholders before the work session to get the bill in a place amenable to all parties. Committee members pointed out concern with the term “suspicious activity” as it is not defined in the bill, leaving it subjective, and further questioned if this is leaning towards a government overreach.

James Cote, testifying on behalf of Versant Power and Central Maine Power in opposition to the bill, recognized the issue being raised and expressed interest in working with stakeholders to come up with a better solution. His testimony pointed to customer privacy concerns and that the bill specifically calls

out 300-amp services when more residential services are installing this level of service due to the increasing use of heat pumps and electric car chargers.

Committee member, Rep. Foster (Dexter), commented that there are several of these illegal grow sites near his community and is curious what the utility does to manage the requests for service upgrades of this level. Cote promised to bring accurate details to the work session regarding this information request.

MMA also testified in opposition to LD 1535 under the premise that it will not have the intended outcome to curb the illegal grow houses that have been popping up. It is known that these properties have been seeking registration certificates from the Maine Office of Cannabis Policy to get into the legal market. If LD 1535 were to pass, electricity usage, while perhaps suspicious, would be expected in the legal market.

Dirigo Electric Cooperative, Inc. echoed Cote’s comments from the perspective of a smaller utility and shared the concern of the subjective use of the word “suspicious.”

Occasionally, amid the mundane flow of public hearings and work sessions, a glimmer of amusement shines through. That day, a familiar face to those on the VLA committee,

Derrick Shirley, Gray resident, who regularly testifies on bills relating to cannabis issues attended the public hearing for LD 1535 in the EUT committee. The animated and passionate manner in which he testifies is well known and expected by VLA members, however, members of this committee were a bit taken back by his passion for the subject.

In his testimony he compared LD 1535 to a bill that could have been written by Kim Jong Un, the controversial North Korean leader. After several attempts by the chair to have him tone down his testimony, he was allowed to continue for the remainder of his three minutes.

While some committee members were amused, and others a smidge annoyed, it was ultimately nice to see grace offered to someone who wanted to exercise their right to speak on a bill before the Maine Legislature.

After the public hearing, representatives from the Senate Republican Office, CMP, Versant, MMA, and the PUC met for a hallway discussion and agreed to participate in a stakeholder group, including law enforcement representation, to discuss options to combat this growing issue.

A work session has not yet been scheduled for this bill.

IN THE HOPPER (cont’d)

under the Maine Solid Waste Diversion Grant Program to include hiring or contracting with consultants or specialists in the process of conducting feasibility studies and promoting collaborative regional efforts. Finally, the bill directs the department to implement a pilot program designed to evaluate innovative solid waste management solutions and no later than January 15, 2027, submit a report to the Joint Standing Committee on Environment and Natural Resources, which is authorized to report out legislation.

Health & Human Services

LD 978 *An Act to Increase General Assistance Reimbursement for Municipalities and Indian Tribes* (Sponsored by Rep. Zager of Portland)

This bill provides that for the six municipalities or tribes that received the most amount of GA reimbursement between fiscal years 2022 and 2025, the amount of state reimbursement is: (1) 75% in FY 2027 and FY 2028; (2) 80% in FY 2029 and FY 2030; and (3) 90% in FY 2031 and subsequent years. For all other municipalities and tribes, the reimbursement rate increases to 90% as of July 1, 2026.

LD 1459 *An Act to Make General Assistance Officers Mandated Reporters* (Sponsored by Rep. Henderson of Rumford)

This bill makes municipal general assistance officers mandated reporters of the suspected abuse, neglect or exploitation of incapacitated or dependent adults and of the suspected abuse or neglect of children or a suspicious child death.

LD 1707 *An Act to Require a Person to Be a United States Citizen to Receive State or Local Financial Assistance and to Ensure Municipal Compliance with Federal Immigration Laws* (Sponsored by Rep. Greenwood of Wales)

This bill requires an individual to be a U.S. citizen to receive any form of financial assistance from the state or a municipality, except for funding for general purpose aid for education. The bill also provides that a municipality is ineligible to receive municipal general assistance and state-municipal revenue sharing if that municipality prohibits or restricts, formally or informally, the exchange of information with federal immigration authorities or any other federal, state or local government entity regarding the citizenship or immigration status, lawful or unlawful, of any individual or the maintenance of such information.

LD 1738 *An Act to Establish the Biohazard Waste Disposal Grant Program to Support Public Health Efforts in the State* (Sponsored by Rep. Rana of Bangor)

This bill creates the Biohazard Waste Disposal Grant Program to fund

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Chicken Attack

If you haven't heard the now eight-year-old song "Chicken Attack" by the Gregory Brothers, you need to get to YouTube and listen now before reading this article. Or better yet, reach out to staff for the super-secret Spotify playlist which might feature it. Staff take no responsibility for residual ear worm impacts, however.

Yesterday, the Agriculture, Conservation and Forestry Committee held a public hearing on LD 1655, *An Act to Allow the Keeping of Chickens on Private Residential Property*, sponsored by Rep. Poirier (Skowhegan), which would create a statewide ordinance standard for backyard chickens preempting all existing municipal ordinances on the matter.

While expressing openness to amendments to the bill, during the hearing the sponsor shared that the bill was inspired by contact she received from a resident of Waterville who fell afoul of the city's ordinance standards after calling the local animal control officer to capture a large tropical snake that had made its way out of another owner's control and into his backyard. Following the snake's capture, a visit from the code enforcement officer resulted in the loss of his chickens and coop because the unpermitted activity did not meet the city's codes.

As drafted, the bill would limit the adoption of an ordinance that prohibits the raising of chickens in any zone or limiting the number of chickens allowed to 36 or a number designated by the municipality, whichever is higher; require no more than 15 foot setbacks from property lines; require

four square feet of space inside the coop per chicken; 10 square feet outside the coop for each chicken to roam; a predator-proof mesh; and provisions for addressing neighborhood nuisance, such as the infestation of rodents.

The Waterville code at the crux of the issue limits the raising of backyard chickens to six hens and no roosters for non-commercial purposes and prohibits the raising of meat birds or slaughtering on property that is less than five acres. Henhouses are required to be located at least 15 feet from all property lines and 20 feet from the nearest residence with adequate safety and health precautions for their care and waste management. Permits are required for the activity and can be revoked if violations of the adopted performance standards occur.

The bill had no support at the podium and some opposition beyond just MMA's concerns around wholesale preemption of home rule and uprooting carefully crafted ordinances. Active backyard farmers raised concerns around the space needs for different birds if standards are to be placed in statute, recognition that 36 chickens on an intown lot may not be appropriate and limits the bill may impose on rural locations with greater opportunity to balance meat bird production with egg production. One opponent spoke on behalf of the chickens, yodeling for registration and education to prevent pandemic style adoption and abandonment of birds by well-meaning but ill-suited owners.

During the public hearing, committee member Rep. Cooper (Windham) said he

heard of ordinances being adopted quietly with no notice and with residents experiencing unreasonable enforcement of building code standards by code enforcement officers. He felt the information to understand the state-wide impacts was necessary because communities have adopted ordinances secretly and kept the information hidden to make it challenging to find.

Unlike the anaconda that uncovered the Waterville situation, municipalities are not chicken when it comes to passing rules or having publicly accessible uncomfortable conversations. If the residents of the town do not agree to regulation, they fill the municipal barn and throw it out like chicken guano. Unlike legislation with hearings pumped out this week, municipal ordinances must be publicly noticed weeks in advance of the hearing, printed and available at the town office, on websites, and in the newspaper in the case of the special town meeting or printed, and mailed to all residents when part of an annual town meeting. They are also readily available on each town website under their ordinances. Work, true. But it's not hard.

Instead of a one-coop to house them all approach to chicken rule, a sensible solution would be to issue guidance on how to balance and measure appropriate chicken raising in confined spaces. Throwing them at your neighbors like Takeo Ischi in "Chicken Attack" is likely to not go down well, especially when those neighbors spent a lot of time balancing chicken needs in harmony with the rest of the fowl through ordinance adoption.

IN THE HOPPER (cont'd)

hypodermic apparatus mitigation and collection efforts, which may be issued to community-based organizations and municipalities, including municipal health departments. The grant revenues must be used to purchase and install disposal boxes, hire and train staff to collect and dispose of improperly discarded apparatuses, and to support other innovative or evidence-based strategies to mitigate and prevent improper disposal.

Judiciary

LD 1410 *An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons* (Sponsored by Rep. Rana of Bangor)

This bill prohibits the state, counties, municipalities, school districts and law enforcement agencies from confiscating or destroying the personal property of an unhoused person unless: (1) the property is found on public property; (2) the owner is provided seven days' notice before the property is removed; and (3) the owner is offered the opportunity to attend a hearing regarding the removal of the property. If the person does not attend the

hearing, then the property must be stored at a secure location for at least 90 days and notice of the location provided to the owner.

LD 1660 *An Act Creating a Private Right of Action Against a Government Employer* (Sponsored by Rep. Boyer of Poland)

This bill creates a private right of action for a person against a government employer for an injury caused by an act or omission of a government employee who violates a right of another person under the United States Constitution or the Constitution of Maine.

LD 1742 *An Act to Prohibit a State Social Media Platform Account from Restricting User Comments* (Sponsored by Rep. Boyer of Poland)

This bill prohibits the administrator or official of a state agency, county or municipal social media account from restricting a user's ability to comment on posted content. The bill also clarifies that the account owner may adopt and enforce rules related to the type and removal of content shared on the platform.

(continued on page 8)



IN THE HOPPER (cont'd)

State & Local Government

LD 1560 *An Act to Address Conflicts of Interest with Municipal Contracts* (Sponsored by Rep. Hymes of Waldo Cty.)

This bill amends the law governing conflicts of interest in the awarding of contracts by making voidable a contract made by a municipality during the term of an official involved in the negotiation or award of the contract who has a direct or an indirect pecuniary interest in the contract even if the contract was obtained through properly advertised bid procedures. The bill also creates an exception to the requirement when the municipality determines that no other option is feasible and the municipality appoints an independent board of three residents to address grievances against the business practices of the selected entity for the life of the contract.

Taxation

LD 1770 *An Act to Provide Immediate and Long-term Property Tax Relief to Maine Households* (Emergency) (Sponsored by President Daugherty of Cumberland Cty.)

This emergency bill creates the 13-member Real Estate Property Tax Relief Task Force, including a member with expertise in assessing property and two municipal officials with expertise in municipal government, taxation, finances or property valuation, to contract with an entity for research and analytical support, with the goal of determining the source of the problems with the current system of property taxation, who is most negatively affected by the current system and how those persons

are negatively affected. The task force is authorized to meet at least four, but no more than eight times, and by December 15, 2025, to submit a report to the Joint Standing Committee on Taxation, which is authorized to report out legislation in 2026. Beginning on January 1, 2025, the bill also increases the property tax fairness credit from \$1,500 to \$2,000 for property taxpayers under 65 years of age and from \$2,000 to \$2,500 for taxpayers 65 years of age and older.

LD 1795 *An Act to Change the Calculation for Municipal Service Charges for Tax-exempt Organizations* (Sponsored by Sen. Moore of Washington Cty.)

Beginning on January 1, 2027, this bill authorizes municipalities to impose a service charge on the owner of property exempt from taxation equal to the actual cost of providing municipal services to the property, which is defined as all services other than education and welfare. The bill also provides that the charge levied by a municipality may not exceed 20% of the assessed value of the property.

LD 1798 *An Act to Increase Revenue Sharing and to Control Property Taxes* (Sponsored by Sen. Baldacci of Penobscot Cty.)

This bill provides additional revenue sharing to municipalities that adopt and implement a program to impose a no more than 2% limit on the property taxes assessed on homes owned by residents who are at least 65 years of age and qualify for the homestead exemption. The additional distribution is 20% of the amount that the municipality would receive before the additional distribution.