



LEGISLATIVE BULLETIN



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Zooming Into the Future

LD 32, *An Act Regarding Remote Participation in Public Proceedings*, will receive its public hearing before the members of the Judiciary Committee on **Tuesday, Feb. 2 at 1 p.m.**

The bill, which was sponsored by Sen. Stewart of Aroostook County and drafted at the request of several municipal, school and county leaders, authorizes local governments to adopt ordinances or policies allowing members of the public body (e.g., councilors, select-persons, school board members, commissioners, etc.) to participate remotely in public proceedings (e.g., council, select-board, school board meetings, etc.), provided that certain conditions are met.

As proposed, the bill requires local governments interested in conducting remote public proceedings to: (1) adopt a policy or ordinance detailing how members of the body will participate remotely; (2) ensure that members participating remotely can hear and speak to all members of the body and be heard by the public; (3) include in the published meeting notice information on how members of the public can participate; and (4) take all votes by a roll call.

Municipal officials have long advocated for the use of technology to more efficiently conduct business and accommodate the varying schedules of elected officials, volunteers and members of the public.

However, those efforts have been thwarted by previous legislatures.

Additionally, the existing authority provided via the COVID-19 omnibus bill (<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0789&item=2&sn=129>) enacted in March 2019 is temporary. The ability to conduct remote proceedings will be repealed 30 days after the expiration of the declared state of emergency, which is currently set for Feb. 17, 2021. However, a further extension of the emergency is possible.

Municipal officials are hopeful that the

success of the remote meeting experiment – necessitated by the pandemic – bodes well for LD 32. Over the past several months, municipal officials have used remote meetings to adopt budgets, address emergencies and provide services, all while ensuring opportunities for public input and abiding by gathering limitations. It is an important tool that local government leaders can be entrusted to use.

We encourage municipal officials to share their remote meetings experiences by either

participating in the public hearing or submitting written testimony. Municipal officials interested in providing live remote testimony will need to email lio@legislature.maine.gov or call (207) 287-1692 no later than 5 p.m. on Feb. 1. Written testimony on LD 32 can be submitted electronically using this link: [Online Testimony Submission \(mainelegislature.org\)](https://www.mainelegislature.org/OnlineTestimonySubmission)

If you have questions about the public hearing, please contact Kate Dufour at kdufour@memun.org or 1-800-452-8786.

Funding for LRAP Preserved

From toilet paper to town meetings, the COVID-19 pandemic has brought new light to weaknesses in existing systems that prevent the operation of business as usual. How the state invests in the Highway Fund – responsible for 32% of the Maine Department of Transportation (MEDOT) budget – is no exception.

This past week Governor Mills released her proposed FY 22 – FY 23 Highway Fund budget, which is impacted by an unprecedented decline in fuel tax revenue as commuter and tourist travel ground to a halt. While not as dire as initially anticipated, the budget reflects a 4.4% decline in available revenue.

The municipal and state partnership remains a Mills Administration priority as indicated by the preservation of the 9% share of MEDOT transportation-related revenue being allocated to the local road assistance program. The governor's two year Highway Fund proposal includes approximately \$21.3 million annually for the support of local road improvements.

In 2018, the most recent municipal fiscal survey report (https://memun.org/Desktop-Modules/Bring2mind/DMX/Download.aspx?EntryId=14473&Command=Core_Download&language=en

[US&PortalId=0&TabId=734](#)) shows that cities and towns statewide spent an estimated \$306 million on the maintenance and repair of Maine's roads. This expense constituted 12% of statewide estimated municipal budget expenditures, outpaced only by the local share of K-12 education and debt service often associated with public works related projects.

The department's budget narrative indicates a continued commitment to maintaining essential services and investing in already triaged capital projects. The number of improvements completed will depend on the costs of paving products, severity of winter weather, and any other revenue sources that can be found to address the shortfall for the program. Additionally, hiring new employees will likely not occur. Instead, the goal will focus on preserving the existing workforce and preventing furloughs.

Hopefully the chasm created in the Highway Fund by this unexpected pandemic hit will bring a renewed sense of priority to diversifying revenue sources for the fund to better weather the future of transportation.

The complete proposed budget is available at: https://www.maine.gov/budget/sites/maine.gov.budget/files/inline-files/HF%20Biennial%20Part%20A_0.pdf

IN THE HOPPER...

(The bill summaries are written by MMA staff and are not necessarily the bill's official 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.)

Agriculture, Conservation & Forestry

LD 34 – An Act To Create the Maine Forestry Operations Cleanup and Response Fund. (Sponsored by Sen. Dill of Penobscot Cty.)

This bill establishes the Maine Forestry Operations Cleanup and Response Fund, a nonlapsing, dedicated revenue fund for the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to use to mitigate and remediate water quality violations that result from timber harvesting activities and that require immediate action to prevent or minimize further damage to waters of this state. The fund is replenished by financial penalties, permit fees and other charges associated with timber harvesting, up to a limit of \$20,000. The bill allows the bureau to recover costs incurred through the use of this fund and to place a lien on a property when the responsible party is unwilling or unable to repay such costs.

Environment & Natural Resources

LD 39 – An Act To Remove the Plastic Bag Ban. (Sponsored by Sen. Guerin of Penobscot Cty.)

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 at the point of retail sale if the retailer locates inside the store or within 20 feet of the main entrance to the store 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.

Health Coverage, Insurance & Financial Services

LD 5 – An Act Concerning the Reporting of Health Care Information or Records to the Emergency Medical Services' Board. (Sponsored by Sen. H. Sanborn of Cumberland Cty. on behalf of the Department of Public Safety)

This bill allows the Department of Public Safety, Maine Emergency Medical Services, Emergency Medical Services' Board to request and collect health care information or records, including information or records that identify a patient. The bill also requires hospitals and physicians, upon request by the board for the purpose of monitoring and improving the provision of emergency medical services and health outcomes, to provide health care information or records concerning individuals who have received emergency medical treatment, while exempting information or records that include HIV or AIDS status or test results or that relate to referral, treatment or services for a behavioral or mental health disorder or substance use disorder. The bill makes the reportable health care information or records confidential. The bill also allows the board to adopt additional rules through the routine technical process, not subject to legislative review.

LD 46 – An Act To Further Protect Consumers from Surprise Medical Bills. (Emergency) (Sponsored by Rep. Tepler of Topsham on behalf of the Department of Professional and Financial Regulation)

This bill provides that information on provider charges as reported by the Maine Health Data Organization or, if Maine Health Data Organization claims data is insufficient or otherwise inapplicable, another independent medical claims database specified by the Superintendent of Insurance must be used to determine the amount a carrier must reimburse an out-of-network provider under certain circumstances. It removes the requirement that a

benchmarking database be maintained by a nonprofit organization that is not affiliated with and does not receive funding from a carrier. It bases the amount a carrier must reimburse an out-of-network provider or enrollee on the rate paid for a health care service in the geographic area where the service is provided rather than on the rate paid for a health care service in an enrollee's geographic area.

Judiciary

LD 15 – An Act To Amend the Intelligence and Investigative Record Information Act To Ensure Government Transparency and To Protect the Privacy and Safety of the Public. (Sponsored by Sen. Deschambault of York Cty. on behalf of the Department of Public Safety)

This bill amends the Intelligence and Investigative Record Information Act to allow Maine criminal justice agencies to refuse to confirm the existence or nonexistence of a record that is or contains intelligence and investigative record information, but only in specified circumstances. Current law broadly prohibits Maine criminal justice agencies from confirming the existence or nonexistence of such information to any person or public or private entity that is not eligible to receive the information. As specified in the bill, those circumstances include interfering with a law enforcement proceeding, endangerment of life, an unwarranted invasion of privacy or the disclosure of an investigatory technique unknown to the general public. The bill also enacts an appeals process for a person aggrieved by a decision of an agency to refuse to confirm the existence or nonexistence of a record that is or contains intelligence and investigative record information.

LD 132 – An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine. (Sponsored by Rep. Talbot Ross of Portland)

This bill requires all law enforcement agencies, beginning July 1, 2023, to collect information about each person stopped for a traffic violation. The information must include the characteristics of race, color, ethnicity, gender and age of those persons. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information. The information must also include whether a warning or citation was issued, an arrest was made or a search was conducted as a result of the stop. Each law enforcement agency must report the information to the Attorney General (AG), who is required to report the information, along with analysis and any recommendations, to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters beginning Jan. 15, 2024 and annually thereafter. The report must be made available to the public. The AG is further directed to adopt rules governing the recording, retention and reporting of the information. In adopting the rules, the AG must consult with the Commissioner of Public Safety and other interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The AG must ensure that the parties consulted represent the racial and ethnic diversity of the state. The name and personally identifiable information of a law enforcement officer or any other person involved in any activity for which information is collected and compiled under these provisions are confidential.

Labor & Housing

LD 137 – An Act Regarding Absence from Work for Emergency Response. (Sponsored by Rep. Grohoski of Ellsworth)

Current law requires that in order to avoid being subject to discharge or discipline for failure to report for work or being absent when responding to an emergency, an employee who is also a firefighter or emergency medical services person must have presented to the employer within 30 days of

(continued on back page)

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/>.

Due to COVID-19 related restrictions (and until further notice), all public hearings and work sessions will be conducted remotely. Municipal officials interested in providing live remote testimony will need to email lio@legislature.maine.gov or call (207) 287-1692 no later than 5 p.m. the day before the hearing for information on how to participate. Comments on bills can be submitted in advance of a public hearing using the Legislature's testimony submission form ([Online Testimony Submission \(mainelegislature.org\)](http://mainelegislature.org)) and interested parties can view committee proceedings, both live and recorded, on the Legislature's YouTube channel ([News | Maine State Legislature.](#))

HEARING SCHEDULE

For the week of January 25

MONDAY, JANUARY 25

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

LD 42 – An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government. (Governor's Supplemental Budget), in conjunction with the Joint Standing Committee on Taxation

TUESDAY, JANUARY 26

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

Governor's Supplemental Budget, in conjunction with the Joint Standing Committee on Health & Human Services Health Coverage, Insurance & Financial Services

**Room 220, Cross Building, 10:00 a.m.
Tel: 287-1314**

LD 5 – An Act Concerning the Reporting of Health Care Information or Records to the Emergency Medical Services' Board.

Transportation

**Room 126, State House, 1:00 p.m.
Tel: 287-4148**

LD 40 – Resolve, Regarding Legislative Review of Portions of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a Major Substantive Rule of the Department of Transportation.

LD 43 – An Act To Require the Department of Transportation To Provide Ferry Service to Frenchboro.

LD 45 – Resolve, Directing the Department of Transportation To Improve a Bridge over the West Branch of the Mattawamkeag River in Moro Plantation and Associated Culverts.

LD 73 – An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters To Use Red and White Auxiliary Lights and Sirens When Responding to Emergencies.

WEDNESDAY, JANUARY 27

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

Governor's Supplemental Budget, in conjunction with the Joint Standing Committees on Health Coverage, Insurance & Financial Services; Innovation, Development, Economic Advancement & Business; Energy, Utilities & Technology; and Labor & Housing

1:00 p.m.

Governor's Supplemental Budget, in conjunction with the Joint Standing Committees on Appropriations & Financial Affairs and State & Local Government

2:30 p.m.

Governor's Supplemental Budget, in conjunction with the Joint Standing Committee on Education & Cultural Affairs

THURSDAY, JANUARY 28

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

Governor's Supplemental Budget, in conjunction with the Joint Standing Committees on Agriculture, Conservation & Forestry; Inland Fisheries & Wildlife; Environment & Natural Resources; and Marine Resources

1:00 p.m.

Governor's Supplemental Budget, in conjunction with the Joint Standing Committees on Criminal Justice & Public Safety; Veterans & Legal Affairs; Judiciary; and Transportation

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Editorial Staff: Kate Dufour, Rebecca Graham, Neal Goldberg and Laura Ellis of the State & Federal Relations staff.

Layout: Sue Bourdon, Communication & Educational Services.





Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486

HOPPER...(cont'd)

employment a copy of a fire department or emergency medical services provider policy that specifies the circumstances under which the employee is needed to respond to an emergency and that affirms that the employee will be released as soon as practicable. This bill removes the requirement that the employee present the copy within 30 days of employment and instead requires that the employee present the copy within 30 days of notifying the employer of the employee's status as a firefighter or emergency medical services person.

State & Local Government

LD 100 – An Act To Establish the General Election Date in United States Presidential Election Years as a State Holiday. (Sponsored by Rep. Moriarty of Cumberland)

This bill designates Election Day, the first Tuesday after the first Monday in November, as a state holiday in any year in which the President of the United States is elected. The holiday effects the state's court system, nonessential state offices, financial institutions and K-12 public schools.

Transportation

LD 73 – An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters To Use Red and White Auxiliary Lights and Sirens When Responding to Emergencies. (Sponsored by Rep. McCreight of Harpswell)

This bill allows a municipality to authorize a harbor master or deputy harbor master to use a siren and a combination of red and white auxiliary lights on a vehicle when responding to a watercraft emergency.

Veterans & Legal Affairs

LD 109 – An Act To Facilitate Fair Ballot Representation for All Candidates By Allowing a Candidate's Nickname To Appear on the Ballot. (Sponsored by Rep. Faulkingham of Winter Harbor)

This bill permits a candidate to request that a nickname appear on the ballot for an election in the state. The nickname must also be included on the candidate's declaration of consent or written acceptance filed with the Secretary of State along with a declaration that the nickname is the name by which the candidate is known. It also specifies that if a candidate requests that a nickname appear on the ballot, the Secretary of State must set off the candidate's nickname by quotation marks and it must be placed on the ballot following the candidate's legal last name, first initial and middle initial, if any.

LD 148 – An Act To Establish Ongoing Absentee Voting. (Sponsored by Rep. Fecteau of Biddeford)

This bill provides a process for a voter to request ongoing absentee voter status, which allows the voter to automatically receive an absentee ballot for each statewide election, municipal election and any other election until the status is terminated. It provides that if the clerk notes a discrepancy in the signature on the return envelope of an absentee ballot, the return envelope is missing a signature or the affidavit on the return envelope is not properly completed, the clerk shall make a good faith effort to notify the voter within 24 hours by mail, telephone or e-mail of the procedure by which the voter may cure the discrepancy, correct the missing signature or properly complete the affidavit on the return envelope. If enacted, these change would be in effect as of Jan. 1, 2023.