Message Delivered

Municipalities Call on Legislature to Restore Revenue Sharing Funding

On Wednesday, members of the Appropriations and Taxation Committees met in a joint session to accept testimony from municipal officials and other interested parties concerned with funding for the state/municipal revenue sharing program.

Two mayors, 15 councilors and select board members, two firefighters and one county treasurer, collectively traveled 3,200 miles to spend 2.5 hours sharing their thoughts on Part H of LD 1001, the proposed FY 2020 – FY 2021 General Fund budget.

Part H of the budget seeks to increase funding for the revenue sharing program from the current two percent of state sales and income tax revenue level to 2.5 percent and three percent in fiscal years 2020 and 2021, respectively. However, funding for the program by state law is scheduled to increase to five percent on July 1, 2019. If the state does not honor its commitment to fully restore funding for the program in FY 2020, the 33 communities represented at the public hearing stand to lose an estimated $31 million in revenue sharing funds.

The message from the municipal community was uniform. Although municipal officials appreciate that the budget proposal retains the program and includes an increase from the current two percent level, it is simply not enough.

Christine Landes, Gardiner City Manager and MMA’s Legislative Policy Committee chair, kicked off the public comments portion of the hearing by presenting the Association’s testimony. Her comments stressed that funding for the revenue sharing program is vital to the state/municipal partnership, which in turn is necessary to ensure that Maine residents, businesses and visitors receive necessary public services. The program formally recognizes all the functions municipalities perform for the good of the state and at the demand of the Legislature (e.g., elections, animal control, code enforcement, solid waste disposal, shoreland zoning, cemetery maintenance for veterans, etc.) and acknowledges local economic development efforts, which increase the financial resources that support state government.

Furthermore, by requiring municipalities to use revenue sharing to reduce the property tax commitment, the program delivers direct tax relief to all property owners. Municipal officials from Madison and Millinocket spoke of how a fully

March Madness for Jail Funding Bills

March has been jail funding month in Augusta, as the perennial conundrum of how to cover incarceration costs looms over the 2019 legislative session. This year’s bills propose to shift greater funding responsibility from the state’s income and sales taxpayers to the property taxpayers or conversely from the property taxpayers to state taxpayers, as well as to reform the bail process and expand healthcare insurance coverage to county jail and state prison inmates. All of the bills are aimed at providing county jail administrators with adequate resources to meet the over 200 mandates imposed on the system by the state’s detention and correctional facilities regulations.

In the past two weeks, the Criminal Justice and Public Safety Committee held public hearings and an initial work session on five jail funding focused bills.

LD 460, An Act Requiring the State to Reimburse Counties for All Costs Exceeding the Tax Assessment for Correctional Services, sponsored by Rep. Steve Stanley of Medway, requires the Department of Corrections (DOC) to reimburse a county for the annual costs of correctional services that exceed the county’s tax assessment for those services.

LD 678, An Act Requiring the State To Fund 20.25 Percent of the Cost of County Jails, sponsored by Rep. Stanley, requires DOC to reimburse a county for 20.25 percent of the cost of the county’s correctional services.

LD 691, An Act Regarding County Jail Funding, sponsored by Rep. Tina Riley of Jay, requires the state to provide at least 20.22 percent of the cost of county jail operations to the County Jail Operations Fund for distribution to county jails.

LD 755, An Act To Ensure Funding Sources for County Jails, also sponsored by Rep. Riley, repeals the four percent (continued on page 2)
funded revenue sharing program could have helped these communities blunt the impacts of two paper mill closures. In Millinocket, the 2008 paper mill closure resulted in a significant increase in the tax rate, which is currently $30 per $1,000 of value. In Madison the paper mill’s closure caused the community’s mill rate to increase from $16.50 in 2016 to the current rate of $21.50 mills.

Officials from Scarborough and Waterboro called on the Legislature to restore the municipal/state partnership by honoring the commitment to fully fund revenue sharing, while representatives from South Portland and Waldo challenged the Legislature to find the courage to “right the wrong” by making full funding for the program a priority this year.

If increased revenue sharing is not an option, then Lewiston officials want the Legislature to provide municipalities with the tools, such as a local sales tax, to generate non-property tax revenues.

Officials from Charlotte and Waterville observed that while the Legislature has been quick to reduce funding for the program, it has not eliminated the number of mandates placed on municipalities, nor has it provided 100 percent funding for state mandated activities.

A councilor from the City of Presque Isle questioned why the state would perpetuate a tax policy that is overly reliant on the regressive property tax to fund local services and that is pushing people out of the state. Representatives from Belfast and Orono asked the Legislature not to view revenue sharing as a handout, but rather as a well-designed program that shares broad based tax revenues with municipal partners.

For Bangor, Bath, Rockland and other service center communities, the reduction in revenue sharing has increased the burden placed on the property taxpayers to fund the level of services necessary to accommodate visitors who come to work, eat, shop and play in their municipalities. In these communities, the few are paying for the services provided to the many.

Representatives Thom Harnett of Gardiner, Colleen Madigan of Waterville, Catherine Nadeau of Winslow, Will Tuell of East Machias, Denise Tepler of Topsham and Senator Marianne Moore of Calais, all but one of whom have served at the municipal level, also called on the Legislature to restore funding for the revenue sharing program this year. Rep. Harnett warned that it will be impossible to expect communities to continue to prosper if state level support for the revenue sharing program continues to diminish.

A decision about the revenue sharing program now rests in the hands of the Taxation Committee members, who will discuss the matter on Wednesday, March 27 at 10 a.m. The committee’s recommendations will be shared with the Appropriations Committee for further consideration and potential inclusion in the amended budget bill (LD 1001) to be voted on by the entire Legislature.

MMA’s advocacy staff wishes to extend a sincere thank you to all the municipal officials who took the time to participate in the hearing or submitted written testimony, the members of the Appropriations and Taxation Committees for listening to the needs and concerns of local officials, and to Sen. Cathy Breen, chair of the Appropriations Committee, for running an efficient and respectful session.
growth limitation factor on county tax assessments for correctional services.

Finally, LD 925, *An Act Requiring the Department of Corrections to Fully Fund County Jails for Individuals Sentenced to County Jails for More Than 6 Months and Individuals Held for Probation or Parole Violations* sponsored by Rep. Stanley, requires DOC to reimburse a county for the costs of confining a person who is serving a sentence of more than six months or for a probation or parole violation. In the 1980s inmates were only detained in the county jails for sentences up to six months, and before the term increased to nine months to help the state out of a prison housing crisis.

A bill to reduce the cost of jail operations is also being considered by the Health and Human Services Committee, which held a public hearing on LD 761, *An Act to Clarify and Affirm Medicaid Eligibility for Incarcerated Individuals* on Wednesday.

The bill, sponsored by Rep. Rachel Talbot Ross of Portland on behalf of MMA’s Legislative Policy Committee, directs the Department of Health and Human Services to expand its existing MaineCare policy to provide incarcerated individuals with insurance coverage for federally allowable care. While department policy currently allows individuals who are incarcerated and have MaineCare as part of their supplemental security income (SSI) to retain the limited health benefits, the same benefits are terminated for individuals who have MaineCare coverage for any other reason beyond disability.

LD 761 would change that practice by ensuring that all qualifying incarcerated individuals are insured.

Additionally, the bill asks the department to address the barriers inmates face when applying for healthcare coverage (e.g., access to a computer, free phone calls or the ability to visit a field office, etc.) to make sure much needed treatment can be maintained when an inmate is released from a correctional facility. The goal is to provide insurance to those who need healthcare and ensuring there isn’t a gap in treatment upon release from jail or prison.

Leveraging allowable federal funding is instrumental to addressing the health-care crisis facing county jails, where it is estimated that 65 percent of inmates suffer from mental health or substance use disorder conditions. County jails have become the entryway in treating addiction and mental health problems, diminishing the traditional focus on criminal detainment. One critically ill inmate can bankrupt an entire county budget, which is largely funded by property taxpayers.

In addition to LD 761, MMA testified in support of the bills requiring the state to fund county jail funding shortfalls (LD 460), establishing in statute the state’s share of total jail costs (LD 678 and LD 691) and seeking to reduce the length of sentences served in county jails from nine to six months (LD 925). MMA testified in strong opposition to LD 755, which would repeal the protections currently in place that limit property taxpayer exposure to annually increasing county jail costs.

Emphasizing the existing burden on municipalities, the Association informed the members of the Criminal Justice Committee that property tax revenue is not the appropriate mechanism for funding the majority of the expenses for a system that protects all citizens. More “all in” tax revenue, such as the income and sales taxes, should be allocated to the task of maintaining and protecting Maine’s incarcerated population, offering those detained individuals, who are more likely to pay income and sales taxes, as opposed to property taxes, the ability to contribute to the costs of incarceration.

The Maine Sheriffs’ Association, Maine County Commissioners Association, and Franklin County Sheriff’s Office testified in support of all six bills, including the one which would increase the burden placed on property taxpayers to fund county jails.

Recognizing the opportunity to address some of the key health issues associated with incarceration that expanded access under the Affordable Care Act could provide to the largely indigent residents housed in Maine’s county correctional facilities, the American Civil Liberties Union, Maine Equal Justice Partners, Maine Hospital Association and the Maine Chapter of the National Alliance on Mental Illness all joined in supporting LD 761. No one testified in opposition to the bill.

The Department of Corrections testified in opposition to all but one of the county jail funding bills before the Criminal Justice Committee.

The core of DOC’s opposition is the lack of accountability for county correctional budgets. The department testified that, as drafted, these bills would force DOC to be on the hook for spending without authority to require budgetary compliance. Along with the lack of authority argument, the department opposed LD 925 testifying that the state should not be fiscally accountable for the care of individuals sentenced to serve nine months or more on the basis of a judge’s decision.

The department provided testimony “neither for nor against” LD 755. While DOC understands the repeal of the tax cap could place additional burdens on the state’s property taxpayers, since it does not impact the DOC budget it is not of concern to the department.

Several members of the Criminal Justice Committee had questions for the department. Rep. Lois Rickett of South Portland asked if the department had considered what mechanism would be appropriate to provide oversight for county budgets. Rep. Richard Pickett of Dixfield, and Rep. Chris Johansen of Monticello, both pointed out that the DOC does have authority argument, the department opposed LD 755. While DOC understands the repeal of the tax cap could place additional burdens on the state’s property taxpayers, since it does not impact the DOC budget it is not of concern to the department.

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Ethics and Integrity – A New Allegation

On Monday of this week, the State and Local Government Committee heard LD 1066, An Act To Address Municipal Conflicts of Interest, sponsored by Rep. Heidi Sampson of Alfred at the request of some constituents.

The bill proposes to minimize conflicts of interest in municipal government operations by putting three new provisions into law. The first precludes the municipal treasurer and tax collector from simultaneously acting as the municipality’s code enforcement officer (CEO). The second requires the town manager to implement a training program for municipal officers and employees on the ethical standards applicable to, and the performance risks associated with hiring professional consultants. The third standard prohibits a person contracted to provide professional services to a municipality from having a direct or indirect pecuniary interest in the business of the municipality, with “pecuniary interest” defined as any benefit from the professional services provided to the municipality under a contract if the person has an ownership interest in more than 10% of the land area within the municipality. The bill further defines “professional services” as including, but not limited to, the services provided by accountants, architects, attorneys, consultants and engineers.

Proponents of the legislation testified that they had witnessed an abuse of authority in their community. Specifically, one resident of the town of Parsonsfield alleges some impropriety against the recently retired code enforcement officer and his new successor, violations of the Freedom of Access Act, and “special treatment” of a certain permit applicant.

Generally, in the proponents’ view, code enforcement officers should not hold additional positions in the municipalities they regulate. They believe this legislation would increase operational integrity and public trust in municipal governance, as well as local control.

Currently, the positions of clerk, treasurer, tax collector, and code enforcement officer are not deemed to be de facto incompatible under Maine law. Instead, the law takes a different approach, directly addressing conflicts of interest (see, for instance, Title 30-A, section 2605).

Meanwhile, courts have made clear that a person serving as a CEO may not hold another office which is “incompatible” with the position. Two offices are “incompatible” if the duties of each are so inconsistent or conflicting such that one person holding both would not be able to perform the duties of each with undivided loyalty. Additionally, some municipalities have adopted provisions in their charters or ethics policies addressing conflicts and incompatibility.

No one testified against LD 1066 in person, although the Maine Town and City Clerks Association (MTCCA) and an official in the Town of Hancock submitted written testimony in opposition to the bill. The MTCCA said it is unaware of any conflicts having been created in some of the small towns where the same person holds the positions of municipal clerk, tax collector or treasurer, and code enforcement officer. Their testimony states that “in the handful of communities where this occurs, it seems to work well for the community.” The Association also noted the difficulty of filling these positions. Hancock Town Clerk Toni Dyer, in writing, testified that she currently serves as clerk, deputy treasurer, deputy tax collector, administrative assistant, general assistance administrator, registrar of voters, “and really, anything else that is needed.” Ms. Dyer wrote that the town’s two full time staff take the actions necessary to get the job done, and LD 1066 would require them to either cease appointing deputies for each position or hire new deputies. Each of these alternatives pose their own issues, and the latter would not be achievable within their current budget.

MMA testified that its Legislative Policy Committee had not yet had the opportunity to formulate its position, but expressed to the State and Local Government Committee the relatively widespread difficulties with workforce recruitment for these positions, particularly code enforcement.

Unfortunately, the integrity of municipal officials was called into question when a committee member claimed to have read news stories regarding malfeasance on the part of municipal officials on a monthly basis. The Association challenged that assertion, casting serious doubt regarding the alleged frequency. The legislator then responded by reading news article headlines in an attempt to prove his point.

With the public aspersions on the table, a public response seems warranted in order to properly characterize the extent of ethics issues in Maine’s local governments. Having now researched reports over the past six years of substantiated criminal or ethical lapses on the part of Maine’s roughly 13,000 elected and appointed municipal officials, MMA has discovered 21 examples reported since 2014. Thirteen of the reports pertain to monetary theft that led to the employee’s termination if not prosecution. Five detail general crimes committed by officials or former officials – none of which were against the municipality. Two reports pertained to arson committed by fire chiefs. One highly publicized case of corruption led to imprisonment of the official in question.

It is important to recognize that only this latter instance included a conflict of interest. None involved incompatibility of office. When considered in the context of the thousands of municipal officials in Maine, even Ty Cobb would acknowledge that a better batting average could hardly be expected.

The work session on LD 1066 has not yet been scheduled.
LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearing schedules and work sessions can be found at: http://legislature.maine.gov/Calendar/#PHWS/

Monday, March 25
Appropriations & Financial Affairs
Room 228, State House, 10:00 a.m.
Tel: 287-1635

LD 1001 – Governor’s Biennial Budget, with the Joint Standing Committee on State & Local Government.

Criminal Justice & Public Safety
Room 436, State House, 9:00 a.m.
Tel: 287-1122

LD 973 – An Act To Stabilize County Corrections.
LD 1018 – Resolve, To Review the Laws Governing the Enforcement of Protection from Abuse Orders.
LD 1140 – An Act To Improve the Investigation and Prosecution of Sexual Assault Cases.

1:00 p.m.

LD 1038 – An Act To Improve Funding for Maine’s Hazardous Materials Emergency Response Teams.
LD 1088 – An Act Regarding the Maine Law Enforcement Memorial.
LD 1092 – An Act To Amend the Laws Governing Critical Incident Stress Management Teams.

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

LD 359 – An Act To Address Student Hunger with a “Breakfast after the Bell” Program.
LD 549 – An Act To Promote Academic Achievement through Hunger Relief for Maine Children.

1:00 p.m.

LD 944 – An Act To Ban Native American Mascots in All Public Schools.

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

LD 1079 – An Act To Require Public Schools To Periodically Test for Radon.
LD 1116 – An Act To Strengthen the Lead Poisoning Control Act.

Innovation, Development, Economic Advancement & Business
Room 202, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 896 – Resolve, Directing the Department of Professional and Financial Regulation To Study a Voluntary Licensing System for General Contractors for Home Improvement and Construction.

Marine Resources
Room 206, Cross Building, 1:00 p.m.
Tel: 287-1337

LD 1241 – An Act To Improve Survival Rates of Salmon and Other Migratory Fish Transitioning from Freshwater to Saltwater Environments.
LD 1285 – An Act To Establish Criteria for a Permit To Conduct Research in the Intertidal Zone.

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


Wednesday, March 27
Appropriations & Financial Affairs
Room 228, State House, 10:00 a.m.
Tel: 287-1635

LD 1017 – An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace.
LD 1058 – An Act Concerning Liability for Direct Reimbursement of Unemployment Benefits.

LD 1001 – Governor’s Biennial Budget, with the Joint Standing Committee on Energy, Utilities & Technology.

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

LD 910 – An Act To Establish as a Priority the Interests of Maine Farmers, Growers and Food Producers.

Health & Human Services
Room 209, Cross Building, 1:00 p.m.
Tel: 287-1317

LD 901 – An Act To Establish as a Priority the Interests of Maine Farmers, Growers and Food Producers.

Innovation, Development, Economic Advancement & Business
Room 202, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 896 – Resolve, Directing the Department of Professional and Financial Regulation To Study a Voluntary Licensing System for General Contractors for Home Improvement and Construction.

Marine Resources
Room 206, Cross Building, 1:00 p.m.
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Transportation
Room 126, State House, 1:00 p.m.
Tel: 287-4148


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LEGISLATIVE HEARINGS (cont.)

LD 1001 – Governor’s Biennial Budget, with the Joint Standing Committee on Health Coverage, Insurance and Financial Services.
1:00 p.m. with the Joint Standing Committee on Transportation

Energy, Utilities & Technology
Room 211, Cross Building, 9:00 a.m.
Tel: 287-4143

LD 1063 – An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure.


LD 1198 – An Act To Ensure Transparency and Participation in Maine Water Districts.

LD 1206 – An Act To Improve Aboveground Utilities’ Responsiveness to Public Interests.

1:00 p.m.

LD 1127 – An Act To Expand Community-based Solar Energy in Maine.

LD 1139 – An Act To Eliminate Restrictions on Capacity and the Number of Accounts for Net Energy Billing.

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

LD 544 – An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products.

LD 937 – An Act Regarding the Sale and Release or Abandonment of Balloons.

LD 1101 – An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone.

Health & Human Services
Room 209, Cross Building, 1:00 p.m.
Tel: 287-1317

LD 414 – An Act To Provide Intensive Case Managers to Counties That Do Not Have County Jails or Regional Jails.

LD 683 – An Act To Provide Social Workers to Persons with Mental Illness to Help Them Avoid Incarceration.

Judiciary
Room 438, State House, 1:00 p.m.
Tel: 287-1327

LD 1073 – Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast.

Labor & Housing
Room 202, Cross Building, 9:00 a.m.
Tel: 287-1331

LD 522 – An Act To Prohibit the Imposition by Municipalities of General Restrictions on Rents and Rental Properties.

LD 591 – An Act To Create Flexibility in Affordable Housing Calculations.

LD 1201 – An Act To Create a Low-barrier, Permanent Housing Rental Subsidy for Individuals in the State Experiencing Long-term Homelessness.

1:00 p.m.


LD 1107 – An Act To Promote Workforce Development and Community Integration.

State & Local Government
Room 214, Cross Building, 9:00 a.m.
Tel: 287-1330

LD 1128 – An Act To Clarify Statutes Related to Establishing a Municipal Charter Commission.


LD 1209 – An Act To Require Legislative Hearings on Citizen-initiated Legislation.

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 65 – An Act To Allow Municipalities To Impose a Seasonal or Year-round Local Option Sales Tax.

LD 156 – An Act To Allow Regional Service Center Municipalities To Assess an Additional One Percent Sales Tax for Infrastructure Costs.

LD 609 – An Act to Provide Municipalities Additional Sales Tax Revenue from Lodging Sales.

LD 1110 – An Act To Establish a Local Option for Sales Tax.

LD 1254 – An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder

Veterans & Legal Affairs
Room 437, State House, 9:00 a.m.
Tel: 287-1310

LD 1255 – RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Referenda To Receive 60 Percent of the Vote To Become Law.

Thursday, March 28

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 452 – An Act To Change the Penalty When Land under the Maine Tree Growth Tax Law Is Transferred.

LD 1122 – An Act To Expand Tax Increment Financing.

LD 1123 – An Act Regarding Telecommunications Infrastructure Costs.

LD 1150 – An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access.
IN THE HOPPER

Criminal Justice and Public Safety

LD 1038 – An Act To Improve Funding for Maine’s Hazardous Materials Emergency Response Teams. (Sponsored by Rep. Madigan of Waterville)

This concept draft bill proposes to improve the training and retention of oil and hazardous materials emergency response workers and their ability to respond to oil and hazardous materials emergencies by requiring the State to: (1) pay or waive the fee for workers for the cost of necessary training courses and any materials required for those courses; (2) compensate workers fairly for the time spent in training courses, while on call and when responding to hazardous materials emergencies; and (3) purchase hazardous materials emergency response equipment for use by municipalities or reimburse municipalities that purchase hazardous materials emergency response equipment.

LD 1092 – An Act To Amend the Laws Governing Critical Incident Stress Management Teams. (Sponsored by Sen. Bellows of Kennebec Cty.)

This bill clarifies the qualifications and duties of members of critical incident stress management teams and provides that the services of critical incident stress management teams are provided to employees of state, county or municipal government entities that provide or have the authority to provide fire, emergency medical or police services.

Energy, Utilities & Technology

LD 1063 – An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure. (Sponsored by Rep. McCreight of Harpswell)

This bill recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multi-municipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. The bill prohibits a municipality from providing retail communications services through community broadband systems to non-municipal entities. The bill exempts community broadband systems from taxation.


This bill provides that the Public Utilities Commission may not limit the installed capacity of an eligible facility or the number of accounts or meters a customer or shared ownership customer may designate for net energy billing. Current commission rules limit the capacity to 660 kilowatts and the number of meters or accounts to 10.


This bill amends the utilities laws to provide access by municipalities to facilities located in the municipal right-of-way in the interest of public health, safety and welfare. The bill also establishes the preservation of space for municipal attachments to shared-use poles by exempting municipalities from expenses assessed by joint use entities when the attachment is made for any purpose.

LD 1198 – An Act To Ensure Transparency and Participation in Maine Water Districts. (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill removes from the laws governing water districts and standard water districts language referencing the appointment of standard district trustees pursuant to standard district charters. It amends the law regarding appointments of trustees to provide that, if sufficient and appropriate nominations for the election of trustees have not occurred, trustees may be appointed.

LD 1206 – An Act To Improve Aboveground Utilities’ Responsiveness to Public Interests. (Sponsored by Rep. Beebe–Center of Rockland)

This bill provides specific authority to a municipality or other applicable licensing authority to manage public rights-of-way, to issue licenses or permits for the use of those rights-of-way by utilities such as wireless telecommunications service providers and cable television systems and to charge a fee for the license or permit. A municipality or applicable licensing authority may order a utility to alter, remove or relocate its facilities. A utility that fails to comply with a written order of a municipality to alter, remove or relocate the utility’s facilities is subject to a fine of up to $1,000 per day for each day the utility remains in violation of the order of the municipality.

Environment and Natural Resources

LD 1101 – An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone. (Sponsored by Rep. Doudera of Camden)

This bill amends the shoreland zoning laws to authorize a municipality to adopt an ordinance that exempts pedestrian walkways or trails within the shoreland zone from otherwise applicable setback requirements so long as use of motorized vehicles, other than motorized assistive devices, is prohibited on the walkway or trail and the ordinance maintains certain other protective standards. Any allowed walkway or trail must meet all other state and local permit requirements and comply with all other applicable rules.

Health and Human Services

LD 683 – An Act To Provide Social Workers to Persons with Mental Illness to Help Them Avoid Incarceration. (Sponsored by Rep. Craven of Lewiston)

This concept draft bill proposes to provide social workers to persons with mental illness who are in crisis or pose a threat to themselves or others in order for them to avoid incarceration and protect their safety and the safety of others.

LD 1079 – An Act To Require Public Schools To Periodically Test for Radon. (Sponsored by Rep. Warren of Hallowell)

This bill requires school administrative units to test schools and other buildings for radon every five years. The radon testing must comply with the U.S. Environmental Protection Agency’s (EPA) recommended testing standards for schools. A school administrative unit must notify parents, faculty and staff of the test results and must report test results to the Department of Education and the Department of Health and Human Services (DHHS), which in turn must report these results to the Governor and the Legislature every five years. The bill also requires school administrative units to build new schools and buildings using radon-resistant new construction techniques as recommended by the U.S. EPA.

Labor and Housing

LD 591 – An Act To Create Flexibility in Affordable Housing Calculations. (Sponsored by Rep. Sylvester of Portland)

This concept draft bill proposes to allow exemptions in the calculation of the affordable housing cap for per unit expenditures.

LD 622 – An Act To Improve Public Sector Labor Relations. (Sponsored by Rep. Tucker of Brunswick)

This concept draft bill proposes to improve, encourage and support public sector collective bargaining and sound labor relations in the public sector by more clearly defining the rights and obligations of public employers and labor organizations that represent public employees under state public employment labor relations laws concerning information, representation, collective bargaining and other matters.


This bill requires an employer to register with and use the federal immigration verification system, currently known as the E-Verify program, to determine the work eligibility status of new employees physically performing services within the state.

(continued on page 8)

This bill directs the Department of Labor to establish an immigrant workforce development council and, after consultation with the council, to distribute funds through a competitive process to entities that promote integration of immigrants into the workforce and community. The bill also provides funds to support integration of immigrants into the workforce and community.

LD 1177 – An Act To Improve Public Sector Labor Relations. (Sponsored by Sen. Jackson of Aroostook Cty.)

The municipally relevant elements of the bill amends the labor relations laws governing municipal public employees to provide that determinations by arbitrators with respect to controversies over all subjects, including salaries, pensions and insurance, are final and binding on the parties.

Marine Resources

LD 1285 – An Act To Establish Criteria for a Permit To Conduct Research in the Intertidal Zone. (Sponsored by Rep. Blume of York)

This bill authorizes the Department of Marine Resources to establish criteria for a permit to conduct research in the intertidal zone.

State and Local Government

LD 1128 – An Act To Clarify Statutes Related to Establishing a Municipal Charter Commission. (Sponsored by Sen. Claxon of Androscoggin Cty.)

This bill clarifies that a petition to form a charter commission to establish a new municipal charter must use different language than a petition to revise an existing charter.


This bill allows a descendant of an individual or a veteran buried in an ancient or public burying ground to appoint a caretaker to maintain the burying ground when the municipality is unable to care for the burying ground or to appoint a caretaker.

Taxation

LD 1110 – An Act To Establish a Local Option for Sales Tax. (Sponsored by Rep. Gramlich of Old Orchard Beach)

This bill allows a municipality to impose a local option sales tax if approved by referendum of the voters in that municipality. The referendum question must identify the rate of the local option sales tax, the categories of taxable items the local option sales tax will apply to and the purposes for which the revenue will be used. The local option sales tax would be collected and administered by the State in the same manner as the sales and use tax. Revenue from the local option sales tax is distributed to the municipality imposing the local option sales tax. Revenue received by a municipality may not be used to reduce or eliminate funding otherwise due the municipality under other provisions of law.

LD 1122 – An Act To Expand Tax Increment Financing. (Sponsored by Sen. Pouliot of Kennebec Cty.)

This bill expands the types of projects eligible for tax increment financing for municipalities and plantations by including public safety facilities instead of just fire stations, as in the current law.

LD 1123 – An Act Regarding Telecommunications Infrastructure Costs. (Sponsored by Sen. Black of Franklin Cty.)

This bill amends the laws governing development districts designated by a municipality or plantation to provide that costs associated with broadband and fiber optics expansion projects, including preparation, planning, engineering and other related costs in addition to the construction costs of such projects, whether or not such expansion projects serve residential or business areas within the municipality or plantation are authorized project costs.

LD 1150 – An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access. (Sponsored by Rep. Martin of Eagle Lake)

This bill excludes from benefits under the Maine Tree Growth Tax Law a parcel of land to which public access for recreational use is limited or prohibited.