

Opening Day Updates

New Bills. The second session of the 2019-2020 Maine State Legislature started on Wednesday, Jan. 8. During the course of the Legislature's first meeting, roughly 80 newly printed bills were referred to committees of jurisdiction.

Some of the initiatives of municipal interest in this first batch of bills includes legislation proposing: (1) a new state holiday by establishing September 11th as First Responders Day (LD 1908); (2) limiting the use of consumer fireworks within the shoreland zone (LD 1942); (3) studying how zoning and land use restrictions impact the availability of low and middle income housing in Maine (LD 1956); (4) expanding the use of TIF funds for qualifying adult and child care facilities in an effort to promote workforce development and retention (LD 1958); and (5) adding public ways and other parking areas administered by municipalities to the areas where a vehicle with a disability placard or registration plate can park at no charge (LD 1966).

LPC Meeting. MMA's Legislative Policy Committee will hold its first meeting on January 30 to establish the Association's positions on these and other bills of municipal interest. A list of the bills MMA will be monitoring throughout the session is updated weekly and posted on the advocacy portion of website (www.memun.org) each Friday afternoon.

Hearings and Work Sessions. Several work sessions on legislation carried over from the previous session, as well as public hearings on newly printed bills have been scheduled to take place the week of January 13.

Of particular note, next Wednesday the Veterans and Legal Affairs Committee will conduct public hearings on two election-related bills (LD 1903 and LD 1904). The members of the Environment

and Natural Resources Committee will meet next Friday to vote on several solid waste management bills, including LD 401, *An Act To Preserve State Landfill Capacity and Promote Recycling* and LD 988, *An Act To Reduce the Landfilling of Municipal Solid Waste*.

Please refer to the "Hopper" section of the weekly bulletin for a list of bills

with their descriptions, as well as a list of the public hearings being held in the upcoming week.

Odds & Ends. With each convention of the House and Senate an agenda of the day's events, referred to as the calendar, is printed. These calendars contain information on appointments to committees and working groups, special sentiments

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Save the Date: Municipal Law Enforcement Summit

The first ever "Municipal Law Enforcement Summit" facilitated by the Maine Municipal Association and the Maine Chiefs of Police will be held on Wednesday, February 26, 2020 from 9:00 a.m. - 2:00 p.m. at MMA.

The purpose of the summit is to provide an opportunity for police chiefs, municipal officials, and state policymakers to discuss the impacts of locally-based initiatives used to divert individuals from incarceration, the challenges associated with sustaining funding for those programs and areas for improved collaboration between state and local leaders to ensure that individuals in crisis receive the services they need as an alternative to incarceration.

The genesis for the summit came as a result of the work of the Maine Commission to Improve the Sentencing, Supervision, Incarceration and Management of Prisoners, which was established by enactment of LD 829 last year. The commission was, in large part, directed to develop recommendations to reduce the number of pressures placed on the correctional system, increase access to needed

diversion programs, explore trends in the incarcerated population, and understand the impacts that poorly funded mental health and homelessness support systems have on vulnerable Mainers and the state's recidivism rates.

As part of its work, the commission leveraged grant funding to engage the assistance of the Council of State Governments (CSG) Justice Reinvestment Initiative, which was tasked with examining arrest records, court filings, and prison and probation admissions in Maine from 2008 to 2018. The quantitative research was conducted to support the commission's efforts to uncover trends, pressures, and missed opportunities for investment and system changes to improve outcomes for the justice involved population.

While combing through available statewide reporting data, CSG highlighted that input from Maine's largest law enforcement community - municipal police - was missing from the analysis. That was the case, however, until mid-November 2019 when the Maine Municipal Association, along with several municipal chiefs

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Opening Day Updates (cont'd)

honoring the successes of Maine people, institutions, businesses and sports teams, as well as the list of bills to be debated in the coming days.

The first printed calendar of each session often contains interesting pieces of information and the Jan. 8, 2020 calendars did not disappoint.

Within the pages of the Senate and House calendars, it was reported that 76% of the voters participating in the Nov. 5, 2019 referendum supported the \$105 million transportation bond. Readers were also informed that during the 2019 session, members serving on the 17 legislative committees acted on 1,938 bills, 58% of which received unanimous committee reports. On Wednesday, the members of the House also celebrated Renys' 70th anniversary through the adoption of a special sentiment. The representatives who rose to speak thanked the Maine institution for stocking unique products, including

the blue candy canes that one lawmaker annually distributes to the town's law enforcement officers.

Saying Goodbye. On Wednesday, members of the House memorialized the passing of Representatives Ann Peoples of Westbrook and Arthur "Archie" Verow of Brewer. Rep. Peoples served on the city council and other community boards throughout her 30 years as a Westbrook resident. Rep. Verow served his hometown, Brewer, in many capacities, including as the city clerk for 40 years and several terms as a city councilor, two of which he served as the mayor. In the Senate the passing of William Dowling was also memorialized. Mr. Dowling served the City of Augusta as its mayor, as well as the Secretary of State's Office as the assistant deputy secretary. These quintessential public servants will be missed by the municipal community.

Save the Date (cont'd)

of police, conducted a listening session with CSG analyst, Ben Shelor, to better understand local level efforts not captured in statewide data.

As a result of that listening session and an interest among the municipal police chiefs to continue these discussions with municipal officials and members of the Criminal Justice and Public Safety Committee, the municipal law enforcement summit was created.

MMA's State and Federal Relations staff will be sending out registration information and materials to municipal officials next week, and are encouraging interested police chiefs to commandeer their municipal officials into participating in this important conversation. In the meantime, if you have any questions regarding this event, or interest in being a municipal panel presenter, please contact Rebecca Graham, Legislative Advocate, directly at rgraham@memun.org or 1-800-452-8786.

Recycling Reform Revisited

Last session, the Legislature adopted and Governor Mills signed into law, LD 1431, *Resolve To Support Municipal Recycling Programs*. The bill directed the Maine Department of Environmental Protection (MEDEP) to develop a stewardship program for product packaging to help fund municipal recycling efforts and shift the cost of implementing desired recycling outcomes to the point of origin rather than on the backs of the property taxpayers.

After a lengthy stakeholder process conducted throughout the fall of 2019, MEDEP Commissioner Gerald Reid presented his recommendations to the members of the Environment and Natural Resources Committee on Wednesday of this week. Although the department raised significant concerns with its own proposal, including potential conflicts with federal regulations, the committee pushed the process forward, signaling a commitment to relieving some of the burden borne exclusively by property taxpayers for waste generated by everyone. During the stakeholder process, department staff revealed

that product packaging constituted nearly 60% of all waste municipalities must manage — much of which has no place in the current recycling market.

The department's proposal has several technical requirements including: (1) mandating producers to cover at least 80% of the cost associated with recycling packaging material sold in the state that is not readily recyclable; (2) investing in waste reduction and recycling education efforts; and (3) providing per capita reimbursement payments to municipalities for non-recyclable packaging in an effort to offset the cost of disposal. Furthermore, the bill requires that the program is implemented by a third party stewardship organization and exempts several small and specialized producers from the program, as well as the material already covered under Maine's bottle bill.

Requiring that packaging producers have "skin in the game" for the waste they create is nothing new. Such programs are wide spread in our neighboring Canadian provinces, and most European countries.

To that end, the committee will be holding a listening session with experts managing existing programs on Wednesday, January 22 from 9:00 a.m. to noon in room 216 of the Cross Office Building. While there may be no opportunity for public comment during this session, municipal officials and their waste management teams are encouraged to attend or listen in using the state's audio system.

This session the committee will have additional public hearings on several other bills that attempt to "incentivize" recycling through increased fees and reporting requirements rather than through state investment. Without affordable — and widely available — access to recycling options for all of Maine's 487 communities, most of these proposals will simply increase the cost of state mandated waste management responsibly without the benefit additional financial support, ultimately making less revenue available for communities to explore creative recycling options.

Hearing Schedule for 1-10-20

Monday, January 13

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

LD 1908 – An Act To Establish First Responders Day as a State Holiday on September 11th.

Tuesday, January 14

Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1635

LD 602 – An Act To Authorize a General Fund Bond Issue To Support Research and Development in Maine.

LD 1705 – An Act To Authorize A General Fund Bond Issue To Strengthen the Marine Economy.

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

LD 936 – Resolve, Establishing a Commission To Study the Existing and Potential Effects of Freshwater and Marine Debris on Maine's

Freshwater and Coastal Habitats and Species.
LD 1906 – An Act To Amend the Laws Governing the Composition of the Shellfish Advisory Council.

Wednesday, January 15

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

LD 1894 – An Act To Incentivize the Purchase of Electric Public School Buses.

Environment & Natural Resources

Room 216, Cross Building, 10:00 a.m.
Tel: 287-4149

LD 951 – An act To Improve the Research Capabilities of State Agencies.

LD 952 – An Act To Coordinate and Standardize Data Collection Protocols.

LD 1779 – An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems.

LD 1832 – An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program.

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

LD 1884 – An Act To Amend the Laws Governing Dual Liquor Licenses.

LD 1903 – An Act To Amend the Laws Governing Activities at or near the Polls on Election Day.

LD 1904 – An Act To Amend Certain Laws Governing Elections.

Friday, January 17

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

LD 1295 – An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds.

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.)

Criminal Justice and Public Safety

LD 1295 – An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds. (Sponsored by Rep. Talbot Ross of Portland)

This concept draft bill proposes to direct the Departments of Health and Human Services and Corrections to determine the current need for forensic emergency and crisis beds to ensure the prompt and humane treatment of arrested individuals who are suffering from mental illness and awaiting trial. In making this determination, the departments shall consider: (1) the number of currently available forensic emergency and crisis beds; (2) the number of individuals currently awaiting placement pretrial; (3) the annual average number of individuals needing forensic services pretrial; (4) proposals to address unmet needs and associated costs; and (5) other factors that would lessen wait times for placements and provide needed mental health services to individuals pretrial.

Marine Resources

LD 1906 – An Act To Amend the Laws Governing the Composition of the Shellfish Advisory Council. (Sponsored by Rep. Tuell of East Machias)

Of direct municipal interest, this bill changes the composition of the Shellfish Advisory Council to clarify that one of the members is a municipal official involved in pollution permitting or mitigation and provide that two additional members are municipal shellfish officials, including, but not limited to, a municipal

shellfish conservation warden or a member of a municipal shellfish management committee.

State and Local Government

LD 1908 – An Act To Establish First Responders Day as a State Holiday on September 11th. (Sponsored by Rep. Tuell of East Machias)

This bill establishes First Responders Day as a state holiday to be celebrated annually on September 11.

Veterans and Legal Affairs

LD 1903 – An Act To Amend the Laws Governing Activities at or near the Polls on Election Day. (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill repeals and replaces the provisions of the law governing activities at polling places on the day of the election to: (1) require a six foot wide access corridor from the entrance to the polling place to the guardrail enclosure where voting takes place that must be kept open at all times for the sole purpose of allowing voters to pass through; (2) designate a wider campaign-free zone of up to 150 feet outside the entrance of the voting place where campaign activities related to any candidate or question on the current ballot are restricted; (3) define restricted activities as (a) the instruction of voters; (b) display or distribution of advertising material including literature, posters, palm cards, buttons, badges or stickers; (c) solicitation or acceptance of Maine Clean Election

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Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486

IN THE HOPPER (cont.)

Act candidate contributions; (d) collection of signatures on nomination papers; or (e) communications with voters in a manner that expresses support or opposition for a party, candidate or question; (4) provide that signatures on petitions for direct initiatives, people's veto referenda and municipal referenda may be permitted by the election warden inside the voting place and within the 150-foot zone but outside the six foot wide access corridor; (5) remove the provision making a violation of these laws a Class E crime and (6) direct the Secretary of State to issue guidelines to assist local election officials, candidates, campaigns and the public in interpreting and applying these restrictions.

LD 1904 – An Act To Amend Certain Laws Governing Elections. (Sponsored by Sen. Luchini of Hancock Cty.)

This bill amends the election laws to: (1) add a published obituary or notice from an immediate family member that

includes the name, date and place of death of the voter to the list of resources election officials can use to maintain their voter files; (2) lower the age of qualification to be an election official from 17 to 16 to correspond to a recent change in law allowing for the conditional registration of 16 year olds; (3) reduce from three to two business days the time municipal clerks have to submit their official election returns to the Secretary of State; (4) require the clerk to post a copy of the notice of early processing of absentee ballots along with the notice of election; (5) require an application for a citizens initiative or people's veto referendum to include the residences, e-mail addresses and telephone numbers of individuals designate to receive related notices and direct the secretary to provide notice by email only; and (6) change the withdrawal provisions of candidates for the office of U.S. Senator, Representative to Congress and Governor to match the provisions of other offices.

Legislative Bulletin

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