



# LEGISLATIVE BULLETIN



Vol. XLIII No. 4 February 5, 2021

## Municipal Police Chiefs to Lead Community Discussions

Last year, MMA joined with the Maine Chiefs of Police to hold a municipal law enforcement summit in Augusta. The event created an opportunity for law enforcement officials to discuss challenges and successes with the members of the Criminal Justice and Public Safety Committee.

This year, under pandemic conditions, police chiefs are joining with town and city managers, MMA and the Maine Community Policing Institute to hold regional virtual town hall meetings to engage both members of the Legislature and their communities in discussions on topics of safety, policing policy, transparency, funding, and community partnership and service.

The first event will be held **Feb. 22 from 5–7 p.m.** and led by police chiefs from five southern Kennebec County municipal agencies, including Chief Jared Mills (Augusta), Chief James Toman (Gardiner), Chief Scott MacMaster (Hallowell), Chief Ryan Frost (Winthrop) and Chief Kevin Mulherin (Monmouth). The two hour long event will be hosted by MMA and facilitated by Noel C. March of UMA's Maine Community Policing Institute.

Police chiefs, municipal officials and community members are crucial players in the advancement of public safety policy in constructive and outcome-oriented ways. Municipal police more so than any other agency know that community members are not merely the recipients of police services, but also essential partners in maintaining public safety.

Dialogues with legislators are equally important to ensure reform measures pursued at the state level are evidence-based, achievable, and support community priorities.

At the municipal level, policing is funded and directed by property taxpayers, who also must pay county tax assessments for jails and county policing. While municipal police generate the bulk of the state's fine and fee revenue, state support often only comes in

the form of services from state public safety and the creation of state grants. Access to additional federal and state funding resources require ever increasing amounts of administrative management for one-off or time limited funding for programs that cannot be sustained by the community at the end of the funding period.

Additional regional municipal town halls will be scheduled in the coming weeks and it is hoped that towns and cities will promote these listening sessions on their own websites and social media platforms.

For more information about this effort or to register to participate, please contact Legislative Advocate, Rebecca Graham at [rgraham@memun.org](mailto:rgraham@memun.org). The link to register to participate will be posted on MMA's website shortly.

## Keeping Up with the Absentee Ballots

Earlier this week, MMA joined the Secretary of State, Maine Town and City Clerks' Association (MTCCA), ACLU of Maine, Center for Secure and Modern Elections, Maine Conservation Voters and the League of Women Voters in supporting two bills seeking to improve the laws guiding the processing of absentee ballots prior to the day of the election.

**Processing Timeline.** LD 102, *An Act To Extend the Time Frame for Processing Absentee Ballots*, sponsored by Rep. Steve Moriarty of Cumberland, authorizes municipal clerks to start processing absentee ballots seven days prior to the day of the election, which is an increase from the four days provided in existing statutes.

The ability to process absentee ballots in advance of the closing of the polls is an option that is available to all communities, but one that is not required to be used. Traditionally, municipalities with higher than average ab-

sentee voter participation rates tend to take advantage of this option. During the 2020 presidential election, advanced processing became a necessity for the cities of Bangor, Lewiston and Portland, which collectively received 56,033 absentee ballots. For the November election, the statewide absentee voter participation rate of 62% was exceeded in each city with 70% of Lewiston voters casting absentee ballots. In Portland and Bangor absentee participation rates were 72% and 80%, respectively.

**Processing Notice.** An amended version of LD 112, *An Act To Facilitate the Timely and Accurate Counting of Absentee Ballots by Extending the Processing Period*, sponsored by Rep. Tiffany Roberts of South Berwick, proposes to change the deadline for informing the Secretary of State and others of the intent to process absentee ballots. Currently, the notice must be provided 60 days before

### Remote Meeting Hearing Postponed

Due to Tuesday's winter storm, the public hearing on LD 32, *An Act Regarding Remote Participation in Public Proceedings* was postponed. At the time this edition of the bulletin went to print, the hearing had not been rescheduled. Municipal officials interested in receiving notice of the rescheduled hearing date are welcome to contact Laura Ellis at [lellis@memun.org](mailto:lellis@memun.org) or at 1-800-452-8786.

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## Keeping Up with the Absentee Ballots (cont'd)

the election. LD 112 reduces the notification date to 30 days, thereby providing more time to accurately assess whether advanced processing is warranted.

**Strong Support.** The testimony offered by the bills' sponsors and proponents focused on two key goals: (1) providing election clerks the time and flexibility necessary to process increasing volumes of absentee ballots; and (2) building and maintaining public trust in the election process by supporting the timely counting of ballots and announcement of unofficial results on the evening of the election. Some of the proponents testified that delays in the announcement of election results creates anxiety among voters, which can lead to misinformation and a lack of trust in the process.

**Committee Concerns.** While no testimony was offered in opposition to the bills during the hearing, the questions fielded by the sponsors suggests that some members of the Veterans and Legal Affairs Committee are uncomfortable with the proposed changes.

One member of the committee fears that increasing the time available for processing absentee ballots could unintentionally impact election results. The example offered was that if one party's candidate is ahead in the polls, then the opposing party could use the information obtained during the processing of absentee ballots to rally the opposing candidate's supporters. Another committee member worried that partisanship could have an impact on an election clerk's ability to fairly process absentee ballots.

Fortunately, the testimony offered by Secretary of State Shenna Bellows and MTCCA representative and Waterville City Clerk Patti Dubois addressed those concerns by pointing to the voter protections in law that remain in effect even if both LD 102 and LD 112 are enacted.

Existing protections include: (1) requiring notice of the dates and times absentee ballots are processed; (2) requiring two clerks to oversee the process; and (3) allowing members of the public to not only observe the process, but with advanced notice to also inspect the ballots prior to processing.

Most importantly, Secretary Bellows pointed out that existing law expressly prohibits the counting of ballots prior to the closing of polls on election day. Until that point, clerks cannot count, record or publish results. This provision applies to communities that use ballot machines to tabulate votes, as well as to

municipalities that hand count paper ballots.

It merits noting that the concern raised with the change proposed in LD 102, is mitigated, in part, by the change proposed in the amended version of LD 112. By allowing municipalities to wait until 30 rather than 60 days before the election to announce that absentee ballots will be processed, clerks will be able to rely on evidence (e.g., rate of request and return of absentee ballots, etc.) rather the conjecture (e.g., historic participation rates, etc.) to determine if early processing is necessary.

Another concern raised during the public hearing was with the motivation to amend existing law based solely on the increased use of absentee ballots in the November 2020 election.

While municipal officials agree that it is unlikely the number of absentee votes cast in future general elections will hit the 514,000 mark, it is equally unlikely that the use will diminish to pre-2020 presidential election averages. On average, roughly 230,000 absentee ballots were cast in the 2008, 2012 and 2016 presidential elections. Now that more voters are familiar with the ease in which absentee ballots can be obtained and cast, it's expected to remain a popular option for years to come.

Additionally, election clerks have advocated for changes similar to those proposed in LD 102 and LD 112 long before the onset of the pandemic and the November 2020 election. The need for these tools is nothing new to municipal election officials.

The work session on these bills is scheduled for Feb. 10 at 11 a.m.

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### LEGISLATIVE BULLETIN

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

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**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](mailto: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 \(mainelegislature.org\)](https://www.mainelegislature.org)) and interested parties can view committee proceedings, both live and recorded, on the Legislature's YouTube channel ([News | Maine State Legislature.](https://www.youtube.com/news-maine-state-legislature))

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## Red Light Bill Greenlighted

In a 93-minute Zoom session, the Transportation Committee plowed through a confirmation hearing and work sessions on four bills. The work of the committee on one of the bills resulted in giving the green light for harbor masters to install red lights in their personal vehicles at the discretion of municipal officers.

Adopting the amended version of a bill introduced by Rep. Jay McCreight of Harpswell at the public hearing last week, the committee unanimously supported LD 73, *An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters To Use Red and or Combination Red and White Auxiliary Lights and Sirens When Responding to Watercraft Emergencies*.

As the title indicates, the bill will provide the municipality the authority to grant or revoke the ability for a harbor master or deputy harbor master to use red or white lights or a combination of both in their personal vehicle when responding to watercraft emergencies.

The remaining hurdle for the bill is a full legislative vote supporting the committee's recommendation, which has not yet been scheduled.

# HEARING SCHEDULE

*For the week of February 8*

## MONDAY, FEBRUARY 8

**Criminal Justice & Public Safety**  
**Room 436, State House, 10:00 a.m.**  
**Tel: 287-1122**

LD 28 – An Act To Create an Alert System To Notify the Public When a Person with an Intellectual or Developmental Disability Is Missing.

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

LD 44 – An Act To Establish the Summer Success Pilot Program Fund.

**Inland Fisheries & Wildlife**  
**Room 206, Cross Building, 9:00 a.m.**  
**Tel: 287-1338**

LD 223 – An Act To Clarify Maine’s Fish and Wildlife Licensing and Registration Laws.

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

LD 148 – An Act To Establish Ongoing Absentee Voting.

LD 185 – An Act To Abolish Mandatory Political Caucuses.

## TUESDAY, FEBRUARY 9

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

LD 129 – Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants.

LD 164 – An Act To Establish Maximum Contaminant Levels under the State’s Drinking Water Rules for Certain Perfluoroalkyl and Polyfluoroalkyl Substances.

LD 206 – Resolve, Regarding Legislative Review of Portions of Chapter 234: Lead Testing in School Drinking Water Rule, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

**Marine Resources**  
**Room 206, Cross Building, 9:00 a.m.**  
**Tel: 287-1337**

LD 106 – An Act To Amend Maine’s Aquaculture Leasing and Licensing Statutes.

LD 152 – An Act To Address Training Requirements for Harbor Masters.

**Taxation**  
**Room 127, State House, 9:30 a.m.**  
**Tel: 287-1552**

LD 80 – An Act To Provide Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet and Broadband Infrastructure.

LD 140 – An Act to Assist Certain Businesses in the State That Sell Prepared Food or Alcohol.

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

LD 154 – Resolve, To Name Bridge 2267 in the Town of Embden and the Town of Solon the Jotham and Emma Stevens Bridge.

LD 186 – An Act To Allow Signs in a Public Right-of-way To Be Removed by the Landowner.

LD 230 – An Act To Allow Low-beam Headlights on Motorcycles To Flash during Daytime Hours.

LD 236 – An Act To Amend the Definition of “Reportable Accident.”

## WEDNESDAY, FEBRUARY 10

**Criminal Justice & Public Safety**  
**Room 436, State House, 10:00 a.m.**  
**Tel: 287-1122**

LD 58 – An Act To Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse.

LD 180 – An Act To Amend the Storage Requirements for Consumer Fireworks.

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

LD 24 – An Act Regarding Certificates of Birth, Marriage and Death.

LD 47 – An Act To Fund the State’s Free Health Clinics.

**Inland Fisheries & Wildlife**  
**Room 206, Cross Building, 9:00 a.m.**  
**Tel: 287-1338**

LD 184 – An Act To Minimize the Propagation of Invasive Aquatic Plants.

LD 199 – An Act To Amend Certain Fish and Wildlife Laws and Related Provisions.

**Labor & Housing**  
**Room 202, Cross Building, 11:00 a.m.**  
**Tel: 287-1331**

LD 225 – An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment.

**Veterans & Legal Affairs**  
**Room 437, State House, 10:00 a.m.**  
**Tel: 287-1310**

LD 107 – Resolution, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors.

LD 202 – Resolution, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting.

## THURSDAY, FEBRUARY 11

**Agriculture, Conservation & Forestry**  
**Room 214, Cross Building, 10:00 p.m.**  
**Tel: 287-1312**

LD 65 – An Act To Invest in the Stewardship and Management of Properties Acquired with the Proceeds from the Land for Maine’s Future Fund or the Public Access to Maine Waters Fund.

**Health & Human Services**  
**Room 209, Cross Building, 9:00 a.m.**  
**Tel: 287-1317**

LD 81 – An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods.

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

LD 132 – An Act To Implement the Attorney General’s Recommendations on Data Collection in Order To Eliminate Profiling in Maine.

LD 159 – An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement Act.

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

LD 162 – An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 20, 2021.

LD 234 – An Act To Amend the Law Concerning the Annual Number of Ferry Service Trips to Matinicus Isle.



## Maine Municipal Association

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

#### **Agriculture, Conservation & Forestry**

LD 95 – Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food. (Sponsored by Rep. Faulkingham of Winter Harbor)

This constitutional resolution declares that all individuals have a natural, inherent and unalienable right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being.

LD 155 – Resolve, Directing the Board of Pesticides Control To Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use. (Sponsored by Rep. Grohoski of Ellsworth)

This resolve directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to prohibit the use of any product containing certain neonicotinoids used for application in outdoor residential landscapes such as on lawn, turf or ornamental vegetation. The resolve also provides that products used for preserving wood, controlling or treating indoor insects and treating pets are specifically exempt from the prohibition.

LD 268 – An Act To Eliminate Online Burn Permit Fees for All Areas of the State. (Sponsored by Sen. Dill of Penobscot Cty.)

Currently, burn permits can be obtained via the state's online platform for a \$7 fee, of which \$2 is transferred to the municipality where the permit is issued. This bill repeals the \$7 fee and the provision in law prohibiting a vendor or owner of a private party burn permit software system to charge a municipality for use of the software.

#### **Energy, Utilities & Technology**

LD 83 – An Act To Clarify the Meaning of “Unserved Area” within the State's Broadband Service Laws. (Sponsored by Rep. Riseman of Harrison)

This bill clarifies the meaning of “unserved area” within the state's broadband service laws by providing that the criteria established by the ConnectMaine Authority by rule to define that term must include any geographic area where broadband service is not available or where the speeds available are less than 100 megabits per second for downloads and less than 100 megabits per second for uploads.

LD 256 – An Act To Adjust Sewer and Wastewater Lien Fees. (Sponsored by Rep. Doudera of Camden)

This bill increases from \$13 to \$25 the flat fee paid by a delinquent sewer or wastewater ratepayer to the treasurer of the district.