



LEGISLATIVE BULLETIN



Vol. XLIII No. 11 March 26, 2021

Hearing on Excise Tax Bills Rescheduled

Since the entire Legislature is scheduled to convene on Tuesday, March 30 and potentially on Wednesday, March 31, **the Taxation Committee has rescheduled the public hearing on two excise tax bills to Friday, April 2 at 9 a.m.**, with work session taking place on April 8, at 9 a.m.

As described in greater detail in the March 19 edition of the Legislative Bulletin, LD 724 *An Act To Base the Vehicle and Mobile Home Excise Tax on Actual Value*, seeks to assess the motor vehicle excise tax on the “actual” value of the vehicle, which would be obtained from sources approved by the State Tax Assessor. Beginning with cars purchased after Dec. 31, 2022, LD 970, *An Act To Base the Motor Vehicle Excise Tax on Actual Sale Price*, would require the excise tax to be assessed on the basis of the price of the vehicle less the value of trade-ins, rebates and offers.

Municipal officials interested in these bills are encouraged to submit written comments, provide remote in-person testimony or both on April 2 by registering via the Legislature’s testimony submission portal [Online Testimony Submission \(mainelegislature.org\)](http://mainelegislature.org).

Muddying Abandoned Road Laws, Again

Ironically, on the same day the State and Local Government Committee voted to support a mandate study bill (LD 584, described below), the committee conducted a public hearing on LD 596, *An Act To Improve the Law Regarding Abandoned Roads*, sponsored by Sen. Ned Claxton of Androscoggin County. The bill creates an expanded and modified process for the abandonment of roads, which will shift additional responsibilities and costs onto municipalities.

LD 596 frames the abandonment of roads as if it were a policy choice. It is not.

Statutory abandonment is a factual determination that recognizes that a road has not been maintained at public expense for decades. There is no “taking” under abandonment, because the abutters presumably have been maintaining access to their properties. In addition, there is a process in state statute allowing abutters to petition municipalities to accept roads as public ways that must be maintained at taxpayer expense.

As proposed in LD 596, municipal officers would be required to declare a road abandoned at a regularly scheduled meeting provided that two conditions are met. First, the municipal officers would have to determine that the road in question has not been kept passable at municipal expense for 30 or more years, as is the case in existing law. Second, that the municipality has not received more than 84 months’ worth of revenue under the Local Road Assistance Program for any segment of the abandoned road during the period of non-maintenance.

(continued on page 3)

Outdated and Unfunded: Municipal Mandates

In a nearly unanimous decision on Monday, the State and Local Government Committee voted “ought to pass as amended” on LD 584, *Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates*, sponsored by Rep. Will Tuell of East Machias.

As proposed, the bill creates a permanent 15-member commission consisting of legislators, a representative from the Governor’s Office, MMA, Maine County Commissioners Association, Maine Town and City Clerks’ Association and seven municipal representatives from communities of varying populations. The commission is required to meet at least twice each year to review and develop a list of unfunded and outdated municipal mandates the Legislature should consider revising or eliminating.

As amended by a majority of the committee, the bill authorizes the commission to meet virtually and expands its membership to include broad geographic representation from organizations that represent service center communities and municipal mayors.

Article 9, Section 21 of the Maine Constitution, was passed by the 115th Legislature and ratified by Maine voters in 1992. This constitutional amendment requires state government to fund 90% of the new cost of “any expanded or modified activity imposed on a local unit of government” through legislation, unless two-thirds of each chamber of the Legislature votes to override the responsibility to fund the mandate. The Constitution further requires that this section *be liberally construed*, which to local leaders means that unfunded mandates should be implemented sparingly.

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HEARING SCHEDULE

For the week of March 29, 2021

MONDAY, MARCH 29

Education & Cultural Affairs

Room 208, Cross Building, 1:00 p.m.

Tel: 287-3125

LD 816 – An Act To Improve Communication between School Boards and Educators by Requiring Notice of Discussion of Labor Matters.

Environment & Natural Resources

Room 216, Cross Building, 10:00 p.m.

Tel: 287-4149

LD 618 – An Act Regarding the Outdoor Release or Abandonment of Balloons.

LD 771 – An Act To Amend the Laws Governing Wastewater Treatment Plant Operator Certification.

LD 1023 – An Act To Define Intentional Balloon Releases as Litter.

Health & Human Services

Room 209, Cross Building, 1:00 p.m.

Tel: 287-1317

LD 606 – An Act Regarding the Child Protection System.

Labor & Housing

Room 202, Cross Building, 10:00 p.m.

Tel: 287-1331

LD 711 – An Act To Allow Certain Police Officers To Return to Participation in the Maine Employees Retirement System.

State & Local Government

Room 214, Cross Building, 10:00 p.m.

Tel: 287-1330

LD 14 – An Act To Require a Two-thirds Vote To Extend a State of Emergency.

LD 131 – An Act To Amend the Governor's Emergency Powers.

LD 608 – An Act Regarding the Governor's Emergency Powers.

LD 955 – An act To Narrowly Tailor Emergency Powers of the Governor and Other Public Officials.

LD 980 – An Act To Establish Balance in the Governor's Emergency Powers.

LD 985 – Resolution, Proposing an Amendment To the Constitution of Maine To Require Legislative Approval of Any State of Emergency Lasting Longer Than 60 Days.

LD 1019 – An Act To Promote Transparent Emergency Management.

LD 1039 – An Act To Safeguard the People's Voice in a State of Emergency.

LD 1137 – An Act To Limit the Governor's Emergency Powers by Requiring a Two-thirds Vote of the Legislature To Continue an Emergency after 90 Days.

LD 1142 – An Act To Prohibit the Unequal Restriction of essential Businesses during a State of Civil Emergency.

LD 1220 – An Act To Require a Two-thirds Vote of the Legislature Every 2 Weeks To Maintain a State of Emergency Declared by the Governor.

LD 1237 – An Act To Allow the Governor To Declare a Limited State of Emergency for Federal Aid Purposes.

Veterans & Legal Affairs

Room 437, State House, 9:00 a.m.

Tel: 287-1310

LD 525 – An Act To Allow Medical and Adult Use Marijuana Stores To Share a Common Space.

LD 605 – An Act To Amend the Marijuana Legalization Act.

LD 613 – An Act To Amend the Adult Use Marijuana Program Rules and Make Other Technical Changes.

LD 881 – An Act To Make Technical Changes to the Maine Medical Use of Marijuana Act.

LD 882 – An Act To Amend the Maine Medical Use of Marijuana Act.

LD 939 – An Act To Support Maine's Medical Marijuana Program and Ensure Patient Access.

THURSDAY, APRIL 1

Agriculture, Conservation & Forestry

Room 214, Cross Building, 9:00 a.m.

Tel: 287-1312

LD 264 – An Act To Prohibit Aerial Application of Perfluoroalkyl and Polyfluoroalkyl Substances.

LD 820 – Resolve, To Convene a Working Group To Develop Plans To Protect Maine's Agricultural Lands When Siting Solar Arrays.

LD 870 – Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Study the Impact of Policies Regarding Agriculture, Access to Land, Access to Grants and Access to Financing on African-American and Indigenous Farmers in the State.

LD 937 – Resolve, To Facilitate the Provision of Incentives for Soil Carbon Storage.

LD 1075 – An Act To Protect Public Lands.

Health & Human Services

Room 209, Cross Building, 10:00 a.m.

Tel: 287-1317

LD 78 – An Act To Protect Children from Extreme Poverty by Preserving Children's Access to Temporary Assistance for Needy Families Benefits.

12:00 p.m.

LD 822 – An Act To Affirm That Food Seeds Are a Necessity in Maine.

LD 910 – An Act To Amend the General Assistance Laws Governing Reimbursement.

LD 1069 – An Act To Provide Program Solvency, Clarity, Consistency and Flexibility in Routine Public Health Licensing Activities.

(continued on next 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 \(mainelegislature.org\)](https://www.mainelegislature.org/OnlineTestimonySubmission)) 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)).

Hearing Schedule continued

Judiciary

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

LD 778 – An Act To Enable Electronic Reporting of Suspected Child Abuse and Neglect for Certain Mandated Reporters.

FRIDAY, APRIL 2

Education & Cultural Affairs

Room 208, Cross Building, 1:00 p.m.
Tel: 287-3125

LD 779 – An Act To Extend the Time Allowed for Selling, Distributing and Displaying the State of Maine Bicentennial Commemorative License Plate and To Allow the Maine Bicentennial Commission To Continue To Serve in 2021.

LD 993 – An Act To Prevent the Spread of Infectious Disease in Schools.

Health & Human Services

Room 209, Cross Building, 10:00 a.m.
Tel: 287-1317

LD 783 – An Act Regarding the Membership of the Sexual Assault Forensic Examiner Advisory Board.

Labor & Housing

Room 202, Cross Building, 10:00 a.m.
Tel: 287-1331

LD 775 – An Act To Include within the Definitions of “Public Employee” and “Judicial Employee” Those Who Have Been Employed for Less Than 6 Months.

LD 824 – An Act To Extend the Protections Provided to State Employees upon the Expiration of Labor Contracts to Other Public Sector Employees.

LD 838 – An Act To Exempt Substitutes, Coaches and Temporary Employees in the Education System from Paid Sick Leave Requirements.

Taxation

Room 127, State House, 9:00 a.m.
Tel: 287-1552

LD 94 – An Act To Allow Municipalities To Exempt Volunteer Firefighters from Paying Excise Tax on Their Vehicles Used To Respond to Fire Calls.

LD 724 – An Act To Base the Vehicle and Mobile Home Excise Tax on Actual Value.

LD 970 – An Act To Base the Motor Vehicle Excise Tax on Actual Sale Price.

Muddying Abandoned Road Laws, Again continued

At least 30 days prior to the meeting, municipalities must provide notice to all “affected property owners,” who are defined as owners of property that abut the road to be declared abandoned and the property owners for which the road is the only access route. This includes access to property located in another jurisdiction.

The notice must include information regarding the potential retention of a public easement, the affected property owners’ maintenance obligations, the right of affected owners to enter into road maintenance agreements, including the authority to create private easements and a description of the evidence used to determine the road abandoned.

Upon a written request signed by at least 25% of the affected property owners, the municipal officers must conduct a public hearing prior to holding the declaratory vote. If the municipal officers declare the road abandoned, the clerk must record an attested certificate of the declaration of abandonment with the registry of deeds. If a public easement is retained, it is limited to foot or motor vehicle traffic. The definition of a motor vehicle is the same as found in the motor vehicle statutes (Title 29-A, §101, sub§ 41), which defines a vehicle as a self-propelled vehicle not operated exclusively on railroad tracks, excluding snowmobiles, non-permitted ATVs, motorized wheelchairs and electric bicycles.

As proposed in LD 596, any aggrieved party may appeal an abandonment determination to the local board of appeals or in the absence of an appeals board to the county commissioners.

MMA opposed LD 584 as an unwelcomed mandate that replaces the path to abandonment appropriately based on the passage of time, with a prescriptive approach.

Proponents of the bill testified to the damage caused by users of the public easement left on abandoned or discontinued roads, neighborhood disputes regarding the care and maintenance of private roads, and the belief that municipal officials are not properly abandoning roads.

Understandably, many abutters on these roads spend a great deal of money to maintain their property only to have inconsiderate users or heavy logging vehicles damage roads when accessing their easements. However, sportspeople, environmental advocates, and loggers, often desire the retention of the public easement. MMA worked with many of the same proponents to make damages to these roads a criminal violation via legislation enacted in 2016.

Municipalities are simply navigating the legal complexity legislatively gifted to them through history of state road “turn backs” and as a result the courts are often the better location to sort out the road-related issues that cross town lines and private interests.

Outdated and Unfunded: Municipal Mandates continued

For some time, legislators took this duty seriously and rarely voted to override the funding obligation for legislation deemed to place additional burdens on property taxpayers. However, from the municipal perspective this commitment has eroded. Each session, the Legislature shifts additional responsibilities that increases the cost of delivering municipal services. These shifts often result in the need to place resident and business owner needs and desires on the backburner in order to fund state priorities.

With 17 legislative committees processing bills, each new law is viewed through its individual impact on local government, rather than each new task’s cumulative impact on communities. Often, a mandate is seen as imposing a minimal change in required activity, which legislators feel should not pose too much of a burden on a local government. Municipal of-

icials, however, feel the accumulated pain of the many “minimal” burdens passed through legislative committees annually, resulting in a “death by a thousand cuts.”

The single dissenting vote on LD 584 came from Rep. Mark Bryant, of Windham, who feels it is MMA’s job to study the unfunded mandates placed upon municipalities and propose legislation to remove them. While MMA identifies mandates on a routine basis and has participated in related studies in the past, each successive Legislature still adds to the list of unfunded, expanded and modified tasks that are shouldered by their municipal partners.

However, the Association takes Rep. Bryant’s point seriously. To that end, municipal officials are invited to share the mandates they would like the commission to review, amend or eliminate with Rebecca Graham at rgraham@memun.org.

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.)

Education & Cultural Affairs

LD 1188 – An Act To Include Librarians and Career and Technical Education Teachers in the Minimum \$40,000 Salary Initiative. (Emergency) (Sponsored by Rep. Millett of Cape Elizabeth)

This bill includes school librarians and career and technical education teachers in the minimum \$40,000 salary for teachers' initiative.

Energy, Utilities & Technology

LD 848 – An Act To Increase High-speed Internet In Rural Maine. (Sponsored by Rep. Collamore of Pittsfield)

This concept draft bill would provide incentives to companies that expand high-speed internet access to rural communities with populations under 2,500. Incentives would come in the form of tax breaks, which become available once 90% of the citizens of a community are connected to internet service.

Environment & Natural Resources

LD 780 – An Act Regarding Uncontrolled Hazardous Substance Sites. (Sponsored by Rep. Fay of Raymond)

This bill amends the state's uncontrolled hazardous substance sites law by providing a limited exemption from liability for publicly owned treatment works and public water systems based on the contribution of effluent or sewage sludge or water treatment residuals to an uncontrolled site. Exemptions from limited liability protections include: (1) failure to follow best management practices; (2) failure to comply with an information request or administrative subpoena; or (3) impediment of the performance of a response action or natural resource restoration at the uncontrolled site. The bill also requires that, on or before Jan. 15, 2023, the Department of Environmental Protection report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters the uncontrolled hazardous substance sites where the department has used its authority to require responsible parties to investigate or remove hazardous substances that are pollutants or contaminants and, for each site, information identifying the substance involved.

Health & Human Services

LD 1009 – Resolve, To Create a Health Care Ombudsman Position To Serve in Maine's County Jails. (Sponsored by Rep. Madigan of Waterville)

This resolve directs the Department of Health and Human Services to designate an intensive case manager working in the county jails to serve as a health care ombudsman to oversee county jail inmates with medical and mental health care needs and connect them to the health care services for which they qualify. The health care ombudsman also assists county jail inmates in receiving the medications they need in a timely fashion.

Innovation, Development, Economic Advancement & Business

LD 992 – An Act To Prevent the Denial or Revocation of a Professional or Business License for a Violation Not Related to That Profession or Business. (Sponsored by Rep. Newman of Belgrade)

In part, this bill prohibits municipalities from denying or revoking a business license if the denial or revocation is for a violation unrelated to the conduct of the business. It requires the Department of Economic and Community Development to submit to the Committee on Innovation, Development, Economic Advancement and Business a report identifying existing statutes that allow for such denial or revocation and give the committee the authority to report out legislation in 2022.

Labor & Housing

LD 838 – An Act To Exempt Substitutes, Coaches and Temporary Employees in the Education System from Paid Sick Leave Requirements. (Sponsored by Rep. Poirier of Skowhegan)

This bill exempts substitute teachers, other substitute employees, coaches and temporary employees in school systems from being covered by the law that requires employers to offer earned paid leave to employees.

LD 1167 – An Act Relating to Fair Chance in Employment. (Sponsored by Rep. Talbot Ross of Portland)

This bill prohibits an employer from requesting criminal history record information on an initial employee application form or prior to determining a person is otherwise qualified for the position that a person with a criminal history may not apply or will not be considered for a position. The bill provides exceptions to those prohibitions, including instances in which federal or state law, regulation or rule mandates for a position that a criminal conviction disqualifies an applicant, or imposes an obligation on an employer not to hire an applicant who has been convicted of a certain type of offense, or requires that an employer conduct a criminal history record check. An employer who violates this prohibition is subject to a penalty of not less than \$100 nor more than \$500 for each violation to be enforced by the Department of Labor.

State & Local Government

LD 608 – An Act Regarding the Governor's Emergency Powers. (Emergency) (Sponsored by Rep. Johansen of Monticello)

This bill, in part, limits the Governor's authority to declare a state of emergency in a county unless the county's board of commissioners has declared that a disaster or civil emergency exists.

LD 955 – An act To Narrowly Tailor Emergency Powers of the Governor and Other Public Officials. (Sponsored by Sen. Keim of Oxford Cty.)

This bill requires the emergency powers exercised by the governor, a person within the executive branch or a municipal official that bind, curtail or infringe the rights of private parties to be narrowly tailored to serve a compelling health or safety purpose and to be limited in duration, applicability and scope to reduce any infringement of individual liberty. Only the governor may issue an order that infringes a right guaranteed under the United States Constitution or the Constitution of Maine, including, but not limited to, freedom of travel, assembly, work, speech, religion, contract and purchase and possession of arms and ammunition, and that order must be narrowly tailored to serve a compelling health or safety purpose limited in duration, applicability and scope to reduce any infringement of a constitutional right. This bill also gives a state court jurisdiction to hear a case challenging the legality of the exercise of emergency powers and requires the court to expedite consideration of the case to the extent practicable. Inequality in the applicability of impact of emergency orders on analogous groups, situations

Who Doesn't Want Faster Broadband?

How the state defines broadband access impacts how unserved areas are identified and prioritized for investment. The Energy, Utilities and Technology Committee met this week to consider updating the current definition during a public hearing on LD 83, *An Act to Clarify the Meaning of "Unserved Area" within the State's Broadband Service Laws*, sponsored by Rep. Walter Riseman of Harrison.

As proposed in LD 83, the ConnectMaine Authority is directed through its rulemaking process to include in the definition of an "unserved area" geographic areas where broadband service is not available or where the speeds available are less than 100 megabits per second (mbps) for downloads and less than 100 megabits per second for uploads.

The default criteria used by state agencies like the ConnectMaine Authority and private internet service providers (ISPs) to identify unserved areas is the federal standard of 25 mbps download and 3 mbps upload (25 over 3). This baseline measurement directs public and private investment in broadband infrastructure across Maine. By most standards these speeds are unsatisfactory for the array of needs of modern broadband customers.

Currently, gaps in broadband coverage are widespread in rural areas and common in developed areas. If the meaning of unserved

area is upgraded to higher speeds more sections of Maine will be identified. LD 83's proposed 100 over 100 speeds would cast a net over a much larger portion of the state as unserved.

Proponents and opponents of the bill noted that putting more communities in the unserved category cuts both ways.

Proponents of the bill feel the current 25 over 3 speeds are antiquated and do not reflect the quality of broadband that is vital for modern work, education, and health care delivery. Without upgrading the criteria, areas of Maine that only have the minimum 25 over 3 speeds will continue to be overlooked by ISPs.

Opponents believe expanding the pool of unserved areas will impede broadband expansion and possibly widen the digital divide between rural and developed areas. Once more of Maine is labeled unserved, ISPs will redirect some of their investment from areas with below federal broadband speed standards to areas that already meet the 25 over 3 threshold. For instance, LD 83 would allow a community with 50 over 10 speeds to attract broadband investment that otherwise could have been deployed in broadband dead zones. According to the opponents, this scenario would increase the broadband disparity between communities.

Parties on both sides of the bill also took aim at the proposed new criteria of 100 over

100. Download speeds of 100 mbps would support a typical family operating multiple video streaming devices. As the COVID-19 pandemic proved, this is needed.

However, 100 mpbs upload might be too ambitious. Most broadband customers in the nation have never experienced upload speeds that fast. The 100 over 100 criteria enshrined in LD 83 is admirable, but potentially unachievable.

Symmetrical download and upload speeds are rare, but the exact reason for this is uncertain. Internet service providers reason that providing symmetrical speeds would be cost prohibitive and unnecessary for most customers. Others assert that ISPs should at least be installing broadband networks that support the option for symmetrical download and upload speeds.

Those in support of the bill included MaineHealth, Northern Light Health, Maine Principals' Association, and MMA. The bill received opposition from Charter Communications, Telecommunications Association of Maine, and Maine Policy Institute. The Island Institute and Office of the Public Advocate spoke neither for nor against the bill.

Looking toward a better connected future, the Energy, Utilities and Technology Committee will continue the discussion during the bill's virtually delivered work session, which is yet to be scheduled.

IN THE HOPPER *cont'd*

and circumstances may constitute one ground among others for a court to invalidate or enjoin an emergency order, or some of its applications, on the basis that it is not narrowly tailored to serve a compelling public health or safety purpose.

LD 980 – An Act To Establish Balance in the Governor's Emergency Powers. (Sponsored by Rep. Sampson of Alfred)

This bill places limitations on the powers of the governor to issue and maintain powers pursuant to an emergency proclamation. Of municipal significance, the bill requires the emergency powers exercised by the governor, a person within the executive branch or a municipal official that bind, curtail or infringe on the rights of private parties to be narrowly tailored to serve a compelling health or safety purpose and to be limited in duration, applicability and scope to reduce any infringement of individual liberty. The bill also gives a state court jurisdiction to hear a case challenging the legality of the exercise of emergency powers and requires the court to expedite consideration of the case to the extent practicable. Inequality in the applicability of impact of emergency orders on analogous groups, situations and circumstances may constitute one ground among others for a court to invalidate or enjoin an emergency order, or some of its applications, on the basis that it is not narrowly tailored to serve a compelling public health or safety purpose.

Taxation

LD 1166 – An Act To Increase the Property Tax Exemption for Veterans by 50 Percent. (Sponsored by Rep. Dodge of Belfast)

For tax years beginning on or after April 1, 2022, this bill increases by 50% the exemption for all categories of eligible veterans other than paraplegic veterans receiving a \$50,000 exemption for specially adapted housing units.

LD 1185 – An Act To Distribute Tax Revenue To Offset Costs Incurred by Adult Use Marijuana Host Municipalities. (Sponsored by Rep. Perry of Bangor)

This bill establishes the Local Government Marijuana Revenue Fund capitalized by 12% of revenue from the sales and excise tax on adult use marijuana and related products. The fund must be distributed to a municipality where marijuana establishments are operating in proportion to the ratio of revenues generated by the sales and excise taxes within the municipality to the revenues generated by all marijuana establishments operating in the state.

Veterans & Legal Affairs

LD 882 – An Act To Amend the Maine Medical Use of Marijuana Act. (Sponsored by Sen. Luchini of Hancock Cty.)



Maine Municipal Association

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IN THE HOPPER *cont'd*

This bill amends the Maine Medical Use of Marijuana Act by authorizing the Department of Administrative and Financial Services to: (1) place an administrative hold on marijuana plants and harvested marijuana or impose an administrative hold on certain registry identification cardholders and registration certificate holders; (2) permanently revoke issued registry identification cards and registration certificates; and (3) assess fines for misconduct by a registered caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances of up to \$10,000. It authorizes the department to assess fines for misconduct by registered caregivers or assistants or other authorized agents of a registered caregiver, caregiver retail store, dispensary, manufacturing facility or person authorized to engage in marijuana extraction using inherently hazardous substances of up to \$2,000.

LD 939 – An Act To Support Maine’s Medical Marijuana Program and Ensure Patient Access. (Sponsored by Rep. Pluecker of Warren)

This bill amends several regulations under the Maine Medical Use of Marijuana Act to: (1) allow caregivers to employ assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver; (2) allow registered caregivers and dispensaries to transfer and accept from another registered caregiver or a dispensary an unlimited amount of their marijuana plants and harvested marijuana in a wholesale transaction; (3) allow caregivers to accept a digital image of a written certification for the purposes of initiating a transaction for harvested marijuana and requires the caregiver to verify the written certification in person before transferring any harvested marijuana to the qualifying patient; (4) allow registration identification cards and criminal history record checks to be valid for one year regardless of employment status; (5) add a fee structure for a caregiver cultivating based upon plant canopy; (6) repeal

the prohibition on marketing marijuana plants or harvested marijuana to any adult use marijuana market within the same sign, advertisement or marketing material; (7) repeal a current provision in law and replace it to authorize the Department of Administrative and Financial Services to adopt rules allowing advertising or marketing using location-based services if such marketing includes a permanent and easy opt-out feature and the owner of the device is 21 years of age or older; (8) change the period of time registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities must keep records from seven years to two years; and (9) repeal the requirement that registered caregivers, registered dispensaries, marijuana testing facilities and manufacturing facilities have annual audits by an independent third party.

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

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year.

Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Dr., Augusta, ME 04330 207-623-8428. Website: www.memun.org

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