



LEGISLATIVE BULLETIN



Vol. XLIII No. 13 April 9, 2021

Voter Identification at Polls

Proposals to further safeguard the validity of Maine elections is a topic the Legislature discusses annually. At issue is the government's charge to maintain a balance between ensuring unfettered voter access to the polls and protecting the integrity of Maine elections. This year, lawmakers are being asked to decide whether requiring voters to present photographic identification when casting in-person ballots creates a necessary protection. Proponents argue that the failure to pass such a measure will disenfranchise voters, while opponents believe passage of the initiative will disenfranchise voters. Where do we go... where do we go now?

To that end, on Wednesday, the Veterans and Legal Affairs Committee began the process of gathering information on how to resolve this conundrum at a public hearing on three bills requiring photo identification at the polling place. Those bills include: (1) LD 253, *An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting*, sponsored by Rep. Richard Cebra of Naples; (2) LD 557, *An Act To Require Photographic Identification for the Purpose of Voting*, sponsored by Rep. Chris Johansen of Monticello; and (3) LD 1083, *An Act to Create a Voter Identification System*, sponsored by Rep. Billy Bob Faulkingham of Winter Harbor.

While the bills seek the same outcome, there are some notable differences.

LD 253 requires proof of identity using documentation approved by the Secretary of State via the rulemaking process. LD 557 describes the acceptable forms of identification, including a current and valid Maine driver's license or non-driver identification card, and expressly prohibits the use of a Maine college or university issued ID. While the acceptable forms of identification are similar to those proposed in LD 557, unique to LD 1083 is a provision requiring the Secretary of State's

Office to issue a photo identification, free of charge, to any Maine resident who needs one for the purposes of voting.

The testimony by the Secretary of State and Attorney General, offered in opposition to these bills, raised concerns that these measures create barriers to voting that disproportionately impact minority, elderly and poor voters in an effort to address voter fraud claims that both studies and litigation have proved virtually nonexistent. Both the Secretary and Attorney General believe that the measure proposed in the bills would do more harm than good.

Those sentiments were echoed by the League of Women Voters, AARP Maine and ACLU of Maine.

MMA also provided testimony in opposition to the bills pointing to the design of an election system that requires and encourages complete openness, poll-watching transparency, and an extremely thorough cross-checking process in the administration of the balloting, which prevents the possibility of fraudulent practices. From the municipal perspective, an increase in administrative tasks and costs at the local level, as well as the additional steps the voters

(continued on page 7)

State Mulls One-Size-Fits-All Franchise Agreements

Video service providers (VSPs) are fighting to preserve the option to negotiate franchise agreements with local governments by opposing LD 920, *An Act to Promote Oversight of and Competitive Parity among Video Service Providers*, sponsored by Rep. Christopher Kessler of South Portland. The bill drew support from co-sponsor Rep. Melanie Sachs of Freeport, Sen. Lisa Keim of Oxford County, Sen. Joe Rafferty of York County, Community Television Association of Maine, and local cable TV operators and residents.

At stake is the local control municipalities wield to negotiate franchise agreements with VSPs including franchise fees up to 5% of gross intrastate revenue and any obligations to fund public, educational and governmental (PEG) access channels. LD 920 would mandate all municipalities to enter into franchise agreements with VSPs operating in their jurisdiction, impose a flat 5% fee to all VSPs, and clarify the

duties VSPs have in regards to PEG access channels.

Currently roughly one-half of Maine municipalities have franchise agreements with video service providers like Spectrum and Comcast, but only some opt to impose a franchise fee. Franchise fees invariably come out of the pockets of local residents because Federal Communications Commission (FCC) orders allow VSPs to pass the entirety of these fees down to the consumer. For that reason, most municipalities either do not impose a fee or elect to charge VSPs less than the maximum 5%. According to MMA data, in 2019 municipalities in Maine imposed cable franchise fees amounting to nearly \$10 million in municipal source revenue.

During the bill's public hearing before the Energy, Utilities and Technology Committee this week, the Association provided testimony neither for nor against LD 920 on the grounds that the bill's statewide ap-

(continued on page 5)

HEARING SCHEDULE

For the week of April 12, 2021

MONDAY, APRIL 12

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

LD 894 – An Act To Increase Government Accountability by Removing the Restriction on the Dissemination of Information Regarding Investigations.

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

LD 1188 – An Act To Include Librarians and Career and Technical Education Teachers in the Minimum \$40,000 Salary Initiative.

Environment & Natural Resources **Room 216, Cross Building, 9:00 a.m.** **Tel: 287-4149**

LD 946 – Resolve, To Authorize Maine as the Nonfederal Sponsor with the United States Army Corps of Engineers for the Shore Damage Mitigation Project in Saco.
10:00 a.m.

LD 678 – An Act Regarding Timelines for Permitting by the Department of Environmental Protection.

LD 988 – An Act To Increase Economic Development by Expanding the Special Fee Application Review Process of the Department of Environmental Protection.

LD 1028 – An Act To Ease Business Expansion by Increasing the Number and Applicability of Permit Exemptions under the Site Location of Development Laws.

LD 1038 – An Act To Facilitate a Timely Revision Process in the Site Location of Development Laws.

LD 1089 – An Act To Increase Municipal Oversight in the Site Location of Development Laws.

LD 1097 – An Act Regarding the Definition of “Development of State or Regional Significance That May Substantially Affect the Environment.”

11:00 a.m.

LD 909 – An Act Regarding the depth of Phillips Lake in the Town of Dedham.

LD 1161 – An Act Concerning Marina-based Restaurants in the Shoreland Zone.

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

LD 488 – Resolve, To Expand Recovery Community Organizations throughout Maine.

LD 968 – Resolve, To Expand Mental Health Crisis Intervention Mobile Response Services.

Inland Fisheries & Wildlife **Room 206, Cross Building, 10:15 a.m.** **Tel: 287-1338**

LD 89 – An Act To Regulate Airboats.

LD 114 – An Act To Address Airboat Operation in the State.

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

LD 455 – An Act To Give the State the Sole Authority To Establish a Minimum Wage and Hazard Pay with Certain Exceptions.

LD 543 – An Act To Provide That the Minimum Wage Increases by the Cost of Living Every 3 Years.

LD 734 – An act To Set a Minimum Wage for School Support Staff.

LD 774 – An Act To Promote Minimum Wage Consistency.

LD 1047 – An Act To Create an Alternate Minimum Wage Applicable to Student Employees Who Are under 20 Years of Age and to Employees Who Are under 18 Years of Age.

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

LD 805 – An Act To Allow Municipalities To Prohibit Firearms at Voting Places.

LD 859 – An Act To Allow Municipalities To Use Ranked-choice Voting in Municipal Elections.

LD 1051 – An Act To Promote Civic Engagement and Voter Participation for Young People by Lowering the Voting Age for Municipal Elections to 16 Years of Age.

LD 1088 – An Act To Allow Nonresidents Who Own Property To Speak at Town Meetings on Local Issues.

Veterans & Legal Affairs **Room 437, State House, 9:30 a.m.** **Tel: 287-1310**

LD 231 – An Act To Establish Open Primaries.

LD 303 – An Act To Establish Semi-open Primary Elections To Allow Unenrolled Voters To Participate.

LD 1121 – An Act To Create an Open and Streamlined Primary System.

TUESDAY, APRIL 13

Agriculture, Conservation & Forestry **Room 214, Cross Building, 9:00 a.m.** **Tel: 287-1312**

LD 1158 – An Act Regarding the Application of Certain Pesticides for Nonagricultural Use.

LD 1159 – An Act To Amend the Membership Requirements of the Board of Pesticides Control.

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

LD 1014 – An Act To Repeal the School Bus Reimbursement Formula and Replace it with Essential Programs and Services Funding.

LD 1114 – An Act To Require the State To Meet the Mandatory 55 Percent Contribution to Schools.

LD 1198 – An Act Authorizing an Increase to the Maximum Annual Fund Balance for Public School Districts.

LD 1207 – An Act To Maintain the Current Level of Education Funding.

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

LD 1079 – Resolve, To Review the Effects of the Deregulation of Maine Utilities.

LD 1116 – Resolve, To Require Review of the Outcomes of Utility Restructuring and Electricity Generation Divestiture.

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

LD 1305 – An Act To Streamline Requests for Housing Assistance.

Hearing Schedule (cont'd)

LD 1388 – An Act To Require Testing of Public Drinking Water Supplies for Toxic Perfluoroalkyl and Polyfluoroalkyl Substances and To Establish Maximum Contaminant Levels.

2:30 p.m.

LD 1385 – An Act To Provide for Timely Placement with Respect to Violent Patients in Hospital Emergency Rooms.

Innovation, Development, Economic Advancement & Business
Room 202, Cross Building, 9:30 a.m.
Tel: 287-4880

LD 857 – An Act To Create a Municipal Grant Program To Promote Sustainable Economic Development.

LD 919 – An Act To Advance Maine's Economic Growth by Investing in Innovative, Next-generation Technology and Research.

LD 1087 – An Act To Save Maine Businesses.

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

LD 1146 – An Act To Protect Maine's Ocean Waters and Support Regulatory Oversight and the Long-term Health of the Aquaculture Industry.

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

LD 846 – An Act To Promote Benefit Corporations.

LD 1193 – An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax.

LD 1203 – An Act To Amend the Application of the Excise Tax on Noncommercial Watercraft Temporarily in the State.

LD 1216 – An Act To Amend the State Tax Laws.

WEDNESDAY, APRIL 14

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

LD 1175 – An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons.

LD 1192 – An Act Concerning the Composition of the Criminal Law Advisory Commission.

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/newsmainestatelibrary))

Please note that there is no longer a two-week requirement for advertising public hearings. Going forward, public hearing notices will only be required to advertise one week prior to the hearing.

Health & Human Services
Room 209, Cross Building, 2:00 p.m.
Tel: 287-1317

LD 1344 – An Act To Clarify the Authority of the Department of Health and Human Services during a Public Health Emergency.

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

LD 1254 – An Act Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors from Liability.

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

LD 755 – An Act Regarding Monhegan Plantation.

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

LD 659 – An Act To Ease the Property Tax Burden by Authorizing Municipalities To Require Payments in Lieu of Taxes from Certain Exempt Organizations.

LD 953 – An Act To Improve Affordable Housing Options and Services To Address Homelessness.

LD 1129 – An Act Relating to the Valuation of Retail Sales Facilities.

LD 1132 – An Act To Encourage the Renovation of Available Housing Stock.

LD 1174 – An Act To Allow Municipalities To Send Separate Tax Bills for Municipal, County and School Taxes.

LD 1247 – An Act to Place a Moratorium on Property Revaluations for Tax Purposes during a State of Emergency.

LD 1337 – An Act To Increase Affordable Housing and Reduce Property Taxes through an Impact Fee on Vacant Residences.

THURSDAY, APRIL 15

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

LD 1291 – An Act To Reduce Fire Response Time by Eliminating Standardized Dispatch Protocols for Fire 9-1-1 Calls.

LD 1306 – An Act To Include Crisis Response Services in Emergency Services Offered through the E-9-1-1 System.

LD 1314 – An Act To Require Dispatch Units To Employ a Person with a Social Work Background.

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

LD 966 – Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses.

LD 1118 – An Act To Promote Reliable Rural High-speed Internet.

LD 1257 – An Act To Encourage Inclusionary Zoning in Municipalities by Increasing Revenue Sharing.

Transportation

Room 126, State House, 1:00 p.m.

Tel: 287-4148

LD 669 – An Act To Ensure Public Ways are Compliant with the Federal Americans with Disabilities Act of 1990.

LD 704 – An Act To Amend the Laws Governing Culvert Replacement.

LD 1027 – An Act To Amend the Laws Governing Local Bridges.

LD 1133 – An Act To Amend the Transportation Laws.

Igniting Passion for Public Service

The aging workforce demographics in Maine are hitting municipal government hard. Many communities are teetering on the precipice of the loss of historic knowledge and experience due to an increasing number of retirements coupled with little or no interest from younger applicants to accept the torch of public service. The municipal sword of Damocles casts a larger shadow in rural communities.

On Wednesday, Rep. Morgan Riley of Westbrook introduced LD 1010, *An Act To Establish the Maine Service Fellows Program*, to the State and Local Government Committee, which creates a program to help bridge the skills divide in rural communities and reignite interest in public service to boot.

The intent of the bill is to provide a \$5,000 student loan benefit and \$15 an hour wage to recent college graduates who dedicate a year

to a locally designed public sector project or fill an identified skills gap. As drafted, the bill places special emphasis on support for projects or roles that address critical health and human services, public safety, education, or environmental needs in rural communities.

The Maine Service Fellows Program will operate like other federal service programs, which often require the navigation of cumbersome reporting and approval processes that challenge even fully staffed organizations. However, to ensure ease of implementation, priorities for the program will be developed in conjunction with the Maine Commission for Community Service and eligible county and municipal governments, school districts, nonprofit organizations, faith-based organizations, and similar entities. Federal funding is anticipated to support the first two or three

years of the program with additional revenue possible from other grant awarding entities.

There were no opponents to the proposed bill, but committee member, Rep. Will Tuell of East Machias, expressed a desire for the stakeholders to work together and identify positions that are challenging to fill in municipal government as a priority.

Recognizing that many municipalities and non-profit organizations turn down federal programs due to required and intensive reporting and application processes, MMA supports the state-led, simpler model proposed in LD 1010 as a means to address community needs, ignite a passion for public service in the next generation and help fill vital municipal roles.

The work session has been scheduled for Wednesday, April 14 at 10:00 a.m.

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.)

Energy, Utilities & Technology

LD 1291 – An Act To Reduce Fire Response Time by Eliminating Standardized Dispatch Protocols for Fire 9-1-1 Calls. (Sponsored by Sen. Woodsome of York Cty.)

This bill eliminates the funding for and required standardized dispatch protocols for fire 9-1-1 calls.

LD 1306 – An Act To Include Crisis Response Services in Emergency Services Offered through the E-9-1-1 System. (Sponsored by Rep. Morales of South Portland)

This bill amends the law regulating the provision of emergency services under the Maine's E-9-1-1 system by including crisis response services as part of the services offered to individuals experiencing mental health and substance use disorder emergencies for which fire, emergency medical or police services are determined not to be required. It also directs the Public Utilities Commission, Emergency Medical Services Communications Bureau to develop protocols and procedures necessary to ensure the efficient dispatch of such crisis response under the system and to submit a report on or before Dec. 1, 2021 to the Committee on Energy, Utilities and Technology outlining protocols and procedures and including any recommendations needed to implement those protocols and procedures. After reviewing the report, the committee may report out related legislation in 2022.

LD 1314 – An Act To Require Dispatch Units To Employ a Person with a Social Work Background. (Sponsored by Rep. Terry of Gorham)

This bill requires public safety answering points receiving 9-1-1 calls to have on staff on a 24-hour basis a licensed social worker to screen 9-1-1 calls

to determine whether a 9-1-1 call requires dispatch of social work services or other emergency or law enforcement services.

Health & Human Services

LD 1385 – An Act To Provide for Timely Placement with Respect to Violent Patients in Hospital Emergency Rooms. (Sponsored by Rep. Dodge of Belfast)

This bill requires emergency departments of health care facilities to discharge a person exhibiting violent behavior once the person has been medically stabilized and directs the Department of Health and Human Services to establish measures to ensure the safety of emergency department staff and provide appropriate treatment to persons admitted to emergency departments who exhibit violent behavior.

LD 1388 – An Act To Require Testing of Public Drinking Water Supplies for Toxic Perfluoroalkyl and Polyfluoroalkyl Substances and To Establish Maximum Contaminant Levels. (Sponsored by Rep. Pluecker of Warren)

This bill requires each community water system and non-community water system to send samples of water provided by its system to an approved laboratory to be tested for PFAS on or before Dec. 31, 2022. If such testing detects the presence of certain PFAS at a level equivalent to or in excess of 20 nanograms per liter, the community water system or non-community water system is required to implement necessary treatment measures directed by the Department of Health and Human Services to reduce the levels of those PFAS contaminants below the 20 nanograms per liter threshold. The department is required to administer and enforce these requirements and to adopt implementing rules, which may include rules establishing maximum contaminant levels for PFAS contaminants.

Judiciary

LD 1254 – An Act Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors from Liability. (Sponsored by Rep. Pebworth of Blue Hill)

This bill provides immunity from liability to a fire department in the residential

State Mulls One-Size-Fits-All Franchise Agreements (cont'd)

proach to franchise agreements will impact the rates customers pay in all municipalities, whether they are not charging franchise fees or charging less than the 5% mandated in this bill. Additionally, municipal officials are concerned that the bill does not prioritize new technologies like fiber optic, symmetrical download and upload speeds, 5G infrastructure, or high-definition PEG channels.

This second point is of future significance. Video service providers are constantly upgrading and improving their infrastructure and technology, however local PEG operations and unserved areas rarely benefit from these upgrades. In order for LD 920 to be of ongoing value to all municipalities, VSPs must be motivated to invest in needed technology updates for modern local government operations.

However, the model ordinance approach provided in the bill may be of value to communities. Some municipalities do not feel prepared to negotiate franchise agreements due to the complexity of the contracts and the outsized financial power held by video service providers. Municipalities struggle to mount legal opposition since litigation is far more detrimental to municipal budgets than corporate pockets. As a result local cable operators are constantly conceding to video service providers regarding the quality of PEG access channel broadcasts, the numbering of these channels, and needed upgrades to PEG equipment. If recent allegations against Spectrum are any indicator,

video service providers might even be able to escape passing along subscriber franchise fees to the appropriate government entities. LD 920 would serve to protect municipalities from these behaviors.

If video service providers were worried about LD 920, they were further dismayed over a proposed amendment to the bill that would regulate VSPs as public utilities, and as such be assessed regulatory costs from the Public Utility Commission (PUC). While VSPs can pass along franchise fees imposed by municipalities, they will not be able to escape regulatory charges from the state.

The regulatory aspects of the bill's proposed amendments have value in the eyes of municipal officials, so long as they do not interfere with FCC orders. The original regulatory surcharge drafted into LD 920 would conflict with recent FCC orders capping all charges, franchise and regulatory, at 5% of total intrastate gross revenue. But a proposed amendment aims to circumvent FCC preemption by folding video service providers into the definition "public utility," thereby authorizing the PUC to offset its oversight and enforcement costs related to VSPs.

Joining MMA with neither for nor against testimony was the Public Utilities Commission and the Office of the Public Advocate.

Opposition was presented by Charter Communications, Dish Network, Comcast, and the Motion Picture Association. Video service providers expressed firm opposition to the proposed changes. VSPs are clearly concerned for their bottom line if they are forced to pay more for use of public rights of ways or are committed to PEG equipment upgrades. Representatives on behalf of video service providers cited increasing competition from streaming services, a history of cooperation with municipalities, and a proven record of investment into unserved areas as reasons why this bill is unnecessary.

The work session for LD 920 is yet to be scheduled but is expected to draw a large viewing audience, perhaps via PEG access channels.

Are you curious if your municipality has any franchise agreements with Spectrum or Comcast? If so, check it out here: <https://www.spectrum.com/franchise-agreements/maine> and <https://www.xfinity.com/maine-franchises/>.

Hearing Schedule (cont'd)

FRIDAY, APRIL 16

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

LD 400 – An Act to Modify the Composition of the Board of Trustees of the Maine Criminal Justice Academy.

LD 505 – An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy.

LD 513 – An Act Regarding the Membership of the Board of Trustees of the Maine Criminal Justice Academy and Its Complaint Review Committee.

LD 1092 – An Act To Expand the Board of Trustees of the Maine Criminal Justice Academy To Include 6 Members of the Public Who Are Not Employed as Any Type of Law Enforcement Personnel and To Require a Public Review of the Training Syllabus.

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

LD 997 – An Act To Support Maine's Corrections Officers and E-9-1-1 Dispatchers.

LD 1024 – Resolve, Directing the Workers' Compensation Board To Study the Impact of Workers' Compensation Laws on Certain Public Sector Employees.

LD 1240 – Resolve, To Review Barriers to Regional Solutions for Housing Choices.

LD 1246 – Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities.

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

LD 1065 – An Act To Clarify the Qualifications and Oversight of Sheriffs.

LD 1274 – An Act Regarding 2021 Municipal Elections and Town Meetings.

LD 1300 – An Act To Require County Governments To Coordinate with Municipalities To Create Plans To Address Homelessness.

LEGISLATIVE BULLETIN

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 Drive, Augusta, ME 04330. 207-623-8428. Website: www.memun.org

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

Layout: Sue Bourdon, Communication & Educational Services.



Protecting Absentee Voter Privacy

LD 941, *An Act To Protect the Privacy of Absentee Voters*, sponsored by Rep. Billy Bob Faulkingham of Winter Harbor, would require a blank opaque sheet of paper to be included along with the ballot, voter instruction sheet and return envelope sent to an absentee voter. The sheet would be wrapped around a completed ballot before it is stuffed into the return envelope and mailed to or dropped off at a municipal office. Rep. Faulkingham believes the use of the privacy sleeve affords absentee voters the same level of privacy as that provided to voters who cast ballots at the polling place.

At the bill's hearing before the Veterans and Legal Affairs Committee this week, MMA joined the Secretary of State, Maine Town and City Clerks' Association (MTCCA) and League

of Women Voters in opposing the initiative.

The secretary pointed to the measures in place that require the ballot to be designed, printed and folded in a manner that prevents a voter's choices from being revealed when removed from the envelope. Referencing a 2020 Pennsylvania Supreme Court decision, the secretary also raised concerns with the possible rejection of an otherwise legitimate ballot should a voter fail to return the ballot in the provided privacy sleeve. In that case, after the June primary election the decision of election officials to accept and count absentee ballots returned without the sleeve was challenged, which resulted in the court putting that state's election officials on notice that during the November 2020 election that ballots returned

without privacy sleeves would be rejected.

On behalf of MTCCA, Patti Dubois, Waterville City Clerk, spoke to the absentee ballot processing procedures in place to protect voter privacy. When an absentee ballot is received, election officials remove the completed folded ballot from the return envelope and keep the ballot in a bin with other ballots. After a number of ballots have been received, then, and only then, are the ballots unfolded and either fed into a ballot machine or bundled for hand counting after the polls close. MTCCA is also concerned that adding a sheet of paper to the mailed absentee ballot will increase postage costs for municipalities.

A work session on this bill is scheduled for Friday, April 16 at 11 a.m.

IN THE HOPPER *cont'd*

installation or delivery of a smoke or carbon monoxide detector or batteries for a smoke or carbon monoxide detector if the installation or delivery is performed in the fire department's official capacity.

Labor & Housing

LD 774 – An Act To Promote Minimum Wage Consistency. (Sponsored by Rep. Morris of Turner)

This bill prohibits a municipality or other political subdivision of the state from enacting an ordinance regulating the minimum wage that an employer must pay an employee.

LD 997 – An Act To Support Maine's Corrections Officers and E-9-1-1 Dispatchers. (Sponsored by Rep. Pebworth of Blue Hill)

Of municipal significance, this bill adds corrections officers and E-9-1-1 dispatchers to the list of employees for whom there is a rebuttable presumption under the laws governing workers' compensation that when the employee is diagnosed by a licensed psychiatrist or psychologist as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual, the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment.

LD 1024 – Resolve, Directing the Workers' Compensation Board To Study the Impact of Workers' Compensation Laws on Certain Public Sector Employees. (Sponsored by Rep. Tuttle of Sanford)

This resolve directs the Workers' Compensation Board to study the fiscal impact of certain workers' compensation laws providing a rebuttable presumption that certain employees received injuries in the course of their employment on municipalities and to devise a high-risk pool to protect the municipalities from that impact.

LD 1240 – Resolve, To Review Barriers to Regional Solutions for Housing Choices. (Sponsored by Sen. Vitelli of Sagadahoc Cty.)

This resolve directs the Department of Economic and Community Development to conduct a review of barriers to regional solutions to making housing affordable, accessible, available, functional and compatible with strategies outlined in the Maine Climate Council's plan and providing its finding to the Labor and Housing Committee by Dec. 1, 2021. The office is further directed to include in its report: (1) proposals to update the planning and land use regulation laws pertaining to growth management with a focus on regional solutions; (2) an assessment of the implication of housing choices of state and

regional transportation investments and policies; (3) identification of regional approaches to address significant mil rate differentials between rural and urban service center hubs and surrounding communities that increase living expenses; and (4) strategies for offering choices to local government about how to meet statewide housing goals though their comprehensive plans and land use codes.

LD 1246 – Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities. (Sponsored by Rep. Gere of Kennebunkport)

This resolve creates the 13-member Commission to Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities. Members of the commission include Legislators and others with interest or experience in affordable housing and financing in the state. The commission's duties include studying: (1) the extent of need for affordable housing; (2) variations in housing markets, local conditions, housing costs and area incomes; (3) best practices in local efforts to meet the need for affordable housing; and (4) the potential for new state resources to address the need for affordable housing in a manner that leverages local efforts and other available resources. The commission is required to submit its report to the Labor and Housing Committee no later than Dec. 7, 2022.

State & Local Government

LD 1065 – An Act To Clarify the Qualifications and Oversight of Sheriffs. (Sponsored by Rep. Pickett of Dixfield)

This bill requires a candidate for sheriff or someone serving as sheriff to have met and continue to meet any statutory requirements of preservice, basic or in-service law enforcement training required for certification or continued certification as a law enforcement officer. This bill also provides that any person who served as a full-time law enforcement officer employed by a state agency, including the University of Maine System, on or before July 1, 1990 is considered to have met the standards required by this bill.

LD 1274 – An Act Regarding 2021 Municipal Elections and Town Meetings. (Emergency) (Sponsored by Rep. Hepler of Woolwich)

Retroactive to Jan. 15, 2021, this bill provides municipalities with the tools necessary to safely adopt budgets and conduct municipal elections, including: (1) permitting municipal assessors to commit property taxes on the basis of a municipal budget deemed approved; (2) permitting a municipal treasurer to disburse money on the authority of a warrant drawn for that purpose seen and signed individually by a majority of the municipal officers outside of a public

Voter Identification at Polls (cont'd)

will have to take in order to get to the ballot box, are not justified given the absence of voter fraud in Maine.

However, proponents believe this “no brainer” initiative is necessary to protect a loose and easily abused system, which serves only to dilute the choices made by legal voters. Furthermore, the proposed bills are viewed as necessary to balance the leniency in state law that allows a qualifying resident to register to vote on the day of the election. While none of the proponents provided evidence of voter fraud taking place in their communities, the concern raised is that without this tool fears over fraud will never be resolved.

In the true spirit of “neither for nor against” testimony, the Maine Town and City Clerks As-

sociation commented on both the benefits and disadvantages associated with passage of LD 253, LD 557 and LD 1083. Some municipal clerks believe that the photo identification requirement will increase voter confidence in the election process, decrease errors at the polls when voters check-in, reduce the chances of voter fraud and serve to strengthen the overall process.

However, Maine’s election officials also raised several red flags.

Unlike previous iterations of this legislation, these bills do not provide for any alternative approach to allow voters to cast provisional ballots in the absence of appropriate identification.

In addition, the process allows for the unequal

treatment of voters by requiring residents who elect to vote at the polls to provide identification, while absentee voters have no obligation to do so. Municipal election officials are also concerned that the requirement to ask for and check IDs will slow the process and increase staffing costs. Furthermore, the municipal officials on the frontline question how voters, some of whom have cast ballots for decades, will be informed of the new requirement.

Proof of identity is an issue that is perennially debated by the Legislature, but to date efforts remained undeveloped. The success of this year’s proposals will be decided by the committee when it meets to conduct a work session on the bills, which is scheduled for April 14 at 1 p.m.

IN THE HOPPER cont'd

meeting; (3) authorizing municipal officers during the calendar year 2021 to postpone the date of a scheduled secret ballot election for which nomination papers have already been issued; (4) suspending during the state of emergency the requirement under Title 30-A, section 5721-A, subsection 7, paragraph A for a written ballot to exceed or increase the property tax levy at an open town hall meeting and permits the use of either a show of hands or a voice vote; and (5) suspending Title 30-A, section 2528, subsection 1 to allow the municipal officers of any municipality that has not voted to accept secret ballot voting to do so during the state of emergency and allowing elected officials in those municipalities to remain in office until an election is called pursuant to Title 30-A, section 2525. The authorities granted in the bill are repealed on Jan. 15, 2022.

LD 1300 – An Act To Require County Governments To Coordinate with Municipalities To Create Plans To Address Homelessness. (Sponsored by Rep. Supica of Bangor)

This bill requires the county commissioners of each county, in consultation and coordination with the Statewide Homeless Council, regional homeless councils and the municipalities in the county, to develop and implement a plan with protocols to address homelessness within the county.

Taxation

LD 966 – Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine’s Working Families and Small Businesses. (Emergency) (Sponsored by Rep. Tepler of Topsham)

This resolve establishes the 14-member Commission To Study Fair, Equitable and Competitive Tax Policy for Maine’s Working Families and Small Businesses, which includes a member from a statewide organization representing municipalities. The commission is directed to develop recommendations to ensure the state’s tax policy promotes fair and equitable funding for all government services and no later than Nov. 4, 2021 to submit recommendations and findings for the Legislature’s consideration in 2022.

LD 1129 – An Act Relating to the Valuation of Retail Sales Facilities. (Sponsored by Rep. Matlack of St. George)

This bill provides that, in establishing the just value of retail sales facilities, consideration must be given to three recognized approaches to valuation of commercial property and that the assessor must consider the value of reasonably similar properties with regard to age, condition, use, type of construction, location, design, physical features and economic characteristics.

LD 1132 – An Act To Encourage the Renovation of Available Housing Stock. (Sponsored by Rep. Morales of South Portland)

The purpose of this bill is to make more affordable housing available by allowing the clearing of title of tax-acquired abandoned property within one year of the acquisition rather than the existing five years. This bill also directs the Maine State Housing Authority to develop a program to purchase tax-acquired properties that have been renovated and make them available for rent or for sale to first-time home buyers.

LD 1174 – An Act To Allow Municipalities To Send Separate Tax Bills for Municipal, County and School Taxes. (Sponsored by Rep. Ordway of Standish)

This bill permits municipalities to issue separate bills for the portion of their tax commitments attributable to education, county operations and all other municipal costs.

LD 1193 – An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax. (Sponsored by Rep. Brooks of Lewiston)

This bill provides a motor vehicle excise tax exemption for veterans who are receiving benefits based on 100% permanent service-connected disability.

LD 1203 – An Act To Amend the Application of the Excise Tax on Noncommercial Watercraft Temporarily in the State. (Sponsored by Rep. Fay of Raymond)

This bill reduces from 75 to 28 days the length of time certain noncommercial vessels may be in Maine without being subject to the watercraft excise tax.

LD 1216 – An Act To Amend the State Tax Laws. (Emergency) (Sponsored by Rep. Terry of Gorham)

Of municipal interest, this bill repeals the real estate and personal property tax exemptions on solar and wind energy equipment. The bill also: (1) reduces the declared ratio accuracy threshold from within 20% to within 10% of the most recent state valuation ratio used to provide state reimbursement for the homestead exemption; (2) authorizes the Property Tax Bureau to audit municipal records to ensure compliance with the laws pertaining to reimbursement for property tax exemptions, similar to the process provided for homestead exemption reimbursement; and (3) authorizes the bureau to offset payments if it is determined that a BETE exemption was improperly approved. Under current law, the bureau is authorized to offset payments for any of the three years immediately preceding the determination that an exemption was improperly approved.



IN THE HOPPER *cont'd*

LD 1247 – An Act to Place a Moratorium on Property Revaluations for Tax Purposes during a State of Emergency. (Sponsored by Sen. Dill of Penobscot Cty.)

This bill requires a municipality or state department or agency to temporarily halt a property revaluation required by state law during a state of emergency and to resume the revaluation upon the termination of the emergency.

LD 1257 – An Act To Encourage Inclusionary Zoning in Municipalities by Increasing Revenue Sharing. (Sponsored by Rep. Lookner of Portland)

This bill creates a new level of state-municipal revenue sharing funded with an additional 0.25% of state sales and income tax revenues to provide revenue to municipalities that adopt inclusionary zoning in an effort to increase the availability of affordable housing. “Inclusionary zoning” is defined as municipal planning ordinances applicable to residential and mixed-use zones that are classified by the state as urban and that encourage affordable housing in at least 25% of the areas located in residential or mixed-use zones within the municipality and designated for residential housing by policies, including, but not limited to, allowing greater density in development of residential housing units, permitting workforce housing development, reducing minimum lot sizes, allowing for accessory

dwelling units and reducing the percentage of neighborhoods zoned for single-family dwellings.

LD 1337 – An Act To Increase Affordable Housing and Reduce Property Taxes through an Impact Fee on Vacant Residences. (Sponsored by Rep. Kessler of South Portland)

Beginning on or after 2021, this bill creates a residential vacancy impact fee calculated as 0.5% of the equalized value of the property for certain vacant residential property. The revenue from the impact fee is distributed to the Housing Opportunities for Maine Fund to be used to fund affordable housing activities and to the Local Government Fund to be used to reimburse municipalities for the Maine residents homestead property tax exemption.

Transportation

LD 1027 – An Act To Amend the Laws Governing Local Bridges. (Sponsored by Sen. Farrin of Somerset Cty.)

This bill requires the Department of Transportation to notify a municipality when a bridge for which a municipality has maintenance responsibility requires a posting or closure and requires the municipality to carry out the posting or closure. The bill also provides that in order for the department to accept certain responsibilities for an improved bridge or for a new bridge, the department must approve the design

of the improvements or construction before the improvements are made or the bridge is constructed. The design of the improvements or construction must meet standards set by the department and be sealed by a professional engineer.

LD 1133 – An Act To Amend the Transportation Laws. (Sponsored by Rep. Martin of Sinclair)

This bill authorizes the Commissioner of the Department of Transportation to convene a 15-member rail corridor use advisory council, which may include one or more municipal officials from communities located on a rail corridor, to advise and make recommendations each time one or more governmental entities that represent communities along a state-owned rail corridor request that the department review a non-rail recreational use or non-recreational transportation use of that rail corridor. The bill also: (1) revises the priority classifications and goals for the state’s public highways; (2) prohibits the department from dismantling or making changes to state-owned railroad track for a non-rail use without going through the advisory council process and obtaining legislative approval; (3) amends the law governing appeals to awards made by the State Claims Commission to clarify the appeals filing process; and (4) defines “roundabouts” and includes them in the laws governing the use of traffic circles and rotaries.