

Maine Town & City

The magazine of the Maine Municipal Association

AUGUST-SEPTEMBER 2019

SPECIAL EDITION: LEGISLATIVE WRAP-UP

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Good Vibrations



The 2019 Legislative Session saw partial restoration of municipal revenue sharing, a welcoming tone and effective advocacy by local leaders.

Route 1 series: *This month's installment takes readers to Thomaston, where history is valued and the town actively preserves it. [Page 47](#)*

Jackman Town Manager *Victoria Forkus writes about the allure of municipal government and the importance of internships. [Page 50](#)*

Legislative Studies

Each fall, study groups take deeper looks at complex issues, with the expectation that they will report to the Legislature about what they find.

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Top 10 'Carryovers'

Some 417 bills were carried over from the 2019 session to 2020. Here's a look at 10 with high degrees of municipal relevance. [Page 15](#)

New Laws

You won't find a better listing of new laws – the ones that directly and indirectly impact Maine towns and cities – anywhere. [Page 19](#)

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A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

MMA focus areas: A renewed discussion

Each September, the Maine Municipal Association's governing board, the Executive Committee, convenes for a two-day strategic planning meeting to take stock in where the association has been and where it's headed. It is an opportunity to review the progress MMA has made on its focus areas and begin the process of identifying work plan items for the coming year. It is also the start of the MMA budget development process for the coming year. Focus areas and resource allocation go hand in hand.

Two key MMA focus areas are member outreach and succession planning. MMA staff are making more member field visits where we learn about local issues and challenges and discuss how MMA can best serve its members. MMA's succession planning is aimed at ensuring that, as senior, experienced MMA staff members retire, new and/or promoted staff members are ready to step in and step up to meet members' needs. Focusing on member outreach and succession planning help make MMA a mission and member driven organization.

Looking at some other focus areas, I am pleased to report progress on a number of fronts. Those include: promoting municipal jobs and careers through the HoMEtown Careers initiative; offering tools and training to assist our members with promoting civility and public engagement; reinstating periodic Executive Committee meetings with the Governor as a Municipal Advisory Council; advancing MMA's legislative platform centered on comprehensive property tax relief; upgrading MMA systems and data security; and, implementing e-business for member transactions.

The upcoming Executive Committee planning meeting presents an opportunity for MMA's leadership to hear from MMA's management team members on their program challenges and members' needs. Also, in concert with another MMA focus area of establishing a positive working partnership with state government, the board will hear from the head of the Governor's new Office of Innovation and the Future as well as the Commissioner of the Department of Community and Economic Development. We expect to learn more about climate change and emergency planning and the state's long range economic development strategies from these administration officials.

The two-day meeting will help shape the association's 2020 focus areas and budget. We encourage member input. Please contact me at sgove@memun.org if you have suggestions on areas in which MMA should focus its attention in the coming year or on how your Association can best serve its members. Suggestions will be shared with the Executive Committee.

Also, I hope to see you at the 83rd Annual MMA Convention in Bangor on Oct. 2-3. We have a great lineup of speakers, sessions and exhibitors.



Martin Hanish

It is fitting that I conclude this column on MMA strategic planning by recognizing a long-term MMA staff member who is retiring in early September.

Martin Hanish, MMA's Chief Financial Officer, is closing the ledger after serving MMA and the Maine Municipal Employees Health Trust for 32 years. Marty has been a steward of MMA and Health Trust finances. Whether developing annual budgets, group insurance funding models, program rates, investments and financial plans, Marty has done so with thoroughness, integrity and creativity since becoming MMA's CFO in 1987.

Marty has been a valued member of MMA's Management Team and the team of staff and advisers who administer the MMA Property & Casualty Risk Pool, Workers' Compensation Fund and Health Trust program. He's done it all financially – from modeling a new MMA dues formula to evaluating complex health care rating structures. Marty has always understood MMA's mission and the importance of serving local governments. We will miss Marty's good humor and commitment to MMA and his fellow staff members.

We wish Marty all the best in his retirement. An active retirement which will include fishing, hiking and travel with his wife Elaine, service on local committees in his hometown of Readfield and teaching finance courses at Kennebec Valley Community College. Thank you to our colleague and friend, Marty Hanish. ■

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A Successful Legislative Session

The tone in Augusta improved, municipal leaders were treated as allies and property tax relief advanced. Above all, local officials advocated effectively.

By Kate Dufour, Director
State & Federal Relations, MMA

The legislative session that came to an end on June 19 was conducted in a fair and civil manner, with partisan politics, more often than not, taking a backseat to informed decision making and the adoption of good public policy. For the first time in over a decade, municipal government and its leaders were viewed as valued allies in the process of providing services to common constituencies.

Without a doubt, the biggest success of the session came in the form of property tax relief.

At long last, the Legislature renewed its commitment to the State/Municipal Revenue Sharing Program by increasing the portion of state sales and income tax revenue shared with communities from 2% to 3% in the current fiscal year and to 3.75% in FY 2021.

The Legislature voted to increase, as of April 1, 2020, the homestead exemption to \$25,000 and reimburse municipalities for 70% of the lost property tax revenue, thereby funding 100% of the \$5,000 exemption increase. Not only will these changes provide meaningful property tax relief, but by funding 100% of the increased exemption, the Legislature is acknowledging that a less than fully reimbursed property tax exemption shifts additional burdens onto all property owners, including those targeted for relief.

The Legislature also supported a measure to use the surplus revenue funneled into the Tax Relief Fund for Maine Residents to help offset the property taxes paid by Maine homesteaders. Under the terms of the law, if fund revenue is sufficient to provide each Maine homesteader at least \$100 in property tax relief, the State Treasurer, with information provided by municipal assessors, is directed to mail out rebate checks.

The reasons for these successes are plentiful.

Governor Janet Mills' administration displayed an interest in working with local government leaders from day one. Her proposed two-year budget included increased funding for the State/Municipal Revenue Sharing Program. For the first time in seven years, the Governor's Municipal Advisory Council was reinstated. As a result, members of the Maine Municipal Association's Executive Committee met with Gov. Mills in March to discuss issues of municipal importance.

Members of the Legislature were also responsive to municipal concerns. Throughout the session, legislators, participating as committees, caucuses and individuals, took into consideration the impact that proposed policy changes would have on municipalities and property taxpayers. Although some initiatives were enacted over the objections of local government leaders, in many instances amendments to the printed bills were adopted to blunt or circumvent shifting additional burdens onto municipalities, counties and schools.

But most importantly, local level advocacy efforts, which were undertaken "back at home" and in the halls of the State House, were at the core of the association's successes. It was clear that several legislators had been prepped by their local officials and as a result were well-versed in issues of municipal importance. Municipal officials traveled from near and far to participate in public hearings on a variety of different issues. MMA benefited from the advocacy efforts of its affiliate groups (e.g., clerks, tax collectors, assessors,



Governor Janet Mills

public safety officials, etc.), as well as from colleagues representing mayors, service center communities, counties, public schools, universities and community colleges.

The members of the association's Legislative Policy Committee (LPC) also deserve tremendous credit for developing a 2019-2020 legislative platform that

was well received. Of the 10 issues on the Policy Committee's agenda, five were enacted this year, three were carried over for further consideration during the 2020 session, and only two initiatives failed passage.

Areas of success

LPC proposals to increase access to inmate health care, expand access to broadband infrastructure and address utility poles located in the right of way were enacted.

LD 761, *An Act To Ensure Incarcerated Individuals Are Eligible for Medicaid during Incarceration and Receive Food Supplement Program Benefits upon Release*, sponsored by Rep. Rachel Talbot Ross of Portland, requires the Department of Health and Human Services to establish procedures to ensure that incarcerated individuals who qualify for federally approved Medicaid services are enrolled in the program.

LD 1063, *An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure*, sponsored by Rep. Jay McCreight of Harpswell, adds "community broadband systems" to a list of essential facilities that the state, by statute, encourages municipalities to create or operate for reasons of public necessity.

LD 1192, *An Act To Establish Municipal Access to Utility Poles Located in*

Municipal Rights-of-way, sponsored by Sen. Eloise Vitelli of Sagadahoc County, exempts municipalities from utilities' fees assessed for "make-ready" work to accommodate attaching municipal facilities to a shared-use pole for a governmental purpose consistent with the police power of the municipality or for the purpose of providing broadband service to an unserved or underserved area.

In addition, LD 1206, *An Act Regarding Utility Poles in Public Rights-of-way*, sponsored by Rep. Pinny Beebe-Center of Rockland, was also enacted. In part, this Act relieves municipal officials from liability for utility poles and facilities in the public way by adding language to the existing law specifying that utility poles and facilities are not defects in the public way.

Although LD 1234, *An Act to Expand the Value of the Homestead Exemption to \$25,000 and State Reimbursement to 100 Percent of Lost Property Tax Revenue*, sponsored by Rep. Betty Austin of Skowhegan, was carried over on the Special Appropriations Table, a modified version of the proposal was enacted. Part H of the FY 2020 – FY 2021 biennial General Fund budget increases the value of the homestead exemption to \$25,000 and state reimbursement for the lost property tax revenue to 70% as of April 1, 2020.

Second chance bills

Municipal efforts to direct a portion of the adult use marijuana excise and sales tax revenue back to the communities where the revenue is generated, to reinstate the state's property-tax deferral program, and to authorize municipalities to adopt a local option sales tax were carried over into the 2020 session for more deliberation.

LD 335, *An Act To Require the State To Distribute 12 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities*, sponsored by Rep. Charlotte Warren of Hallowell and amended by a majority of the Taxation Committee would require 12% (less state administrative costs and fund deductions) of adult use marijuana related sales and excise tax revenue to be shared with the municipalities where the revenue was generated.

LD 682, *An Act To Provide Seniors and Certain Persons with Disabilities Assistance with Property Taxes through the Deferral of Those Taxes*, sponsored by Rep. Donna

Bailey of Saco, reinstates a state program allowing qualifying homeowners to defer property tax payments. Under the terms of the bill, which mirrors legislation the sponsor submitted last year, the state pays the municipalities for the property taxes owed by a program participant and in exchange retains a non-foreclosing lien on the property, enabling the state to sell the home and recoup its costs once a participant is no longer eligible for the deferral. Although LD 682 is not technically a Policy Committee bill, Rep. Tom Skolfield of Weld did submit similar legislation on behalf of MMA. The Taxation Committee chose to advance LD 682 for consideration by the entire Legislature.

In the same vein, MMA also advanced a version of a local option sales tax bill, the concept of which was ultimately rolled into LD 1254, *An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder*, sponsored by Rep. Michael Sylvester of Portland. As amended by a majority of the Taxation Committee, the bill authorizes a municipality, by vote of the local legislative body, to assess a 1% tax on meals and lodging sales. The revenue is remitted to the state and, after accounting for state administrative costs, the state is required to share 75% of the revenue with the generating municipality and transfer the remaining 25% to the Maine Rural Development Authority.

Dead files

Despite the bill sponsors' valiant efforts, the Association's legislative agenda suffered two losses. LD 236, sponsored by Rep. Paul Stearns of Guilford, would have required school administrative units to include on the school budget warrant an article describing how unanticipated school aid would be used. And, LD 1278, sponsored by Sen. Marianne Moore of Washington County, sought to constitutionally protect funding for the State/Municipal Revenue Sharing Program.

Close calls

Somewhat counterintuitively, successes can also come in the form of initiatives that failed to pass. This year, by the actions of the governor or the Legislature, three bills with considerable potential to negatively affect property taxpayers were defeated.

LD 1177, *An Act to Improve Public*

Sector Labor Relations, would have made public sector employer/employee negotiations over salaries, retirement and insurance benefits binding in the process of arbitration. Currently, the final decision on these fiduciary responsibilities rests with duly appointed and elected representatives of Maine's university and community college systems, municipalities, counties and schools. Although the bill was supported in both the House and the Senate, LD 1177 was successfully vetoed by Gov. Mills. Municipal officials from across the state, as well as the association, greatly appreciate the governor's willingness to entrust public employer partners with the authority necessary to continue to make decisions that are in the best interest of the state's taxpayers.

LD 261, *An Act To Restrict the Authority for Posting Roads*, would have prevented the imposition of weight-related restrictions over publicly maintained roads that: (1) impact commercial entities either headquartered or conducting business activities in the state; (2) apply during any time the air temperature falls below 31 degrees Fahrenheit; or (3) are longer than a six week period, unless written notice and justification is provided. In a nutshell, LD 261 would have severely restricted the ability of the state, municipalities and counties to protect the tax funded public infrastructure network essential to Maine's economic vitality.

Currently, the Maine Tort Claims Act provides that the personal liability of an employee of a governmental entity for negligent acts or omissions within the course and scope of employment is subject to a limit of \$10,000. LD 1091, *An Act Regarding the Personal Liability of Government Employees*, would have provided an exception to this limit for an employee who has liability insurance covering negligent acts or omissions, in which case the maximum payout would have been equal to the limits of the policy. Municipal officials believe this change in statute could have increased property taxpayer exposure to claims and certainly would have inhibited crucial local level workforce recruitment efforts.

In limbo

One of the more time sensitive issues the Legislature was unable to resolve prior to adjournment was an

agreement on a bond package. While members on both sides of the political aisle supported passage of a traditional transportation bond, some members of the Legislature were more vocal about their opposition to packaging four separate bond proposals into the one bill that was before the House and Senate for consideration.

LD 1836, *An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment*, is made up of four separate bond proposals totaling \$239 million in borrowing of which: \$105 million is for transportation related projects; \$50 million for economic development, including \$30 million for expanding access to broadband internet service; \$19 million for workforce development; and \$65 million for energy and environment related programs and projects, including \$30 million to fund the Land for Maine's Future program.

As a result of the impasse, it is possible that the Legislature will reconvene before the 2020 session to vote on a bond package. In order for the Secretary of State's Office to draft, proof and print the ballots in time for the Nov. 5,

2019 referendum election, the bond bill or bills must be enacted by the Legislature and signed by the governor by the end of August.

New laws & other updates

In-depth descriptions of the newly enacted laws of municipal relevance, bills carried over into the 2020 session for more deliberation, and studies that will take place between sessions are also published in this edition of the magazine. If you have questions about the information presented in these articles or about the legislative process, please do not hesitate to contact Kate Dufour at kdufour@memun.org or

1-800-452-8786.

Finally, thank you to all who had a hand in the success of this session, including Rep. Thom Harnett of Gardiner and Sen. Marianne Moore of Washington County, who caused the weekly Legislative Bulletin to be distributed in the House and Senate. Also, thank you to municipal officials from across the state, members of MMA's Legislative Policy Committee, Garrett Corbin, Rebecca Graham and Laura Ellis who round out the Association's advocacy team, as well as all other MMA employees who supported our efforts. All of your contributions are greatly appreciated. ■

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Meet Our Attorneys Jonathan A. Pottle

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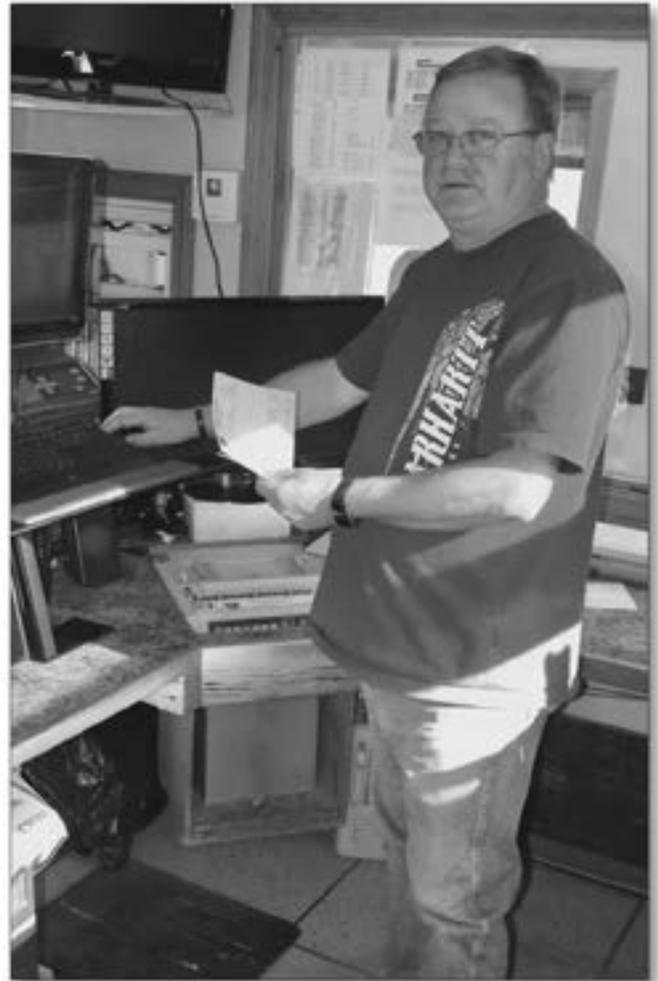
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2019 Legislative studies: Topics range from jail funds to climate

By Rebecca Graham, Legislative Advocate, MMA

As the leaves begin to change color, the role of legislators often shifts to examining complicated policies in greater detail. Legislative studies are generally established to give more time and thoughtfulness on how to approach complex problems that might extend beyond one section of law, one revenue source, or yield broad impacts on a number of stakeholders. While these studies often languish on shelves gathering dust with subsequent legislatures failing to act on the recommendations offered, this year's working groups will examine issues that nonetheless deserve thorough review.

Over the next several months MMA staff will monitor the following studies:

County jail funding. County jails have long suffered from politically charged, revolving blame approaches to funding and justice policy. Currently, the estimated \$90 million required to maintain the level of correctional services provided by the counties is funded almost exclusively through property tax assessments. While the state has increased its portion of county jail expenditures to \$18.4 million annually, property taxpayers are still carrying a majority of the expenses – roughly \$65 million annually – leaving county officials scrambling to patch together the remaining funds through their limited revenue generating capacity.

Unfortunately, the response to this perpetual problem has been to shift additional burdens onto property taxpayers. This past legislative session alone, the Criminal Justice and Public Safety Committee held public hearings on five bills, three of which proposed stabilize county jail funding by removing the only protection for the taxpayer — the municipal property tax cap — which restricts the increase of municipal funding for county jails to no more than 4% annually. That being said, this year several other cost-saving initiatives were submitted to the Legislature for



The State House grounds, in summer. (Photo by Ben Thomas)

its consideration, including measures to increase the state's contribution to jail operating costs, reduce sentencing burdens, promote bail reform and relieve inmate health care burdens on counties.

In response to the need to stabilize jail funding and improve cost savings, the Criminal Justice and Public Safety Committee has been authorized to meet between legislative sessions to explore the factors driving the cost of county jails, identify solutions, and draft legislation for consideration by the entire Legislature in 2020. Stakeholders invited to participate in the process include: the Maine County Commissioners' Association, Maine Chiefs' of Police Association, Maine Sheriffs' Association, Maine Municipal Association, NAMI Maine, the Department of Corrections and representatives from the judicial branch.

Transportation funding. The state's highway and bridge network funding shortfall is estimated at \$160 million per year. The reasons for the gap between infrastructure improvement needs and available resources are varied. Construc-

tion costs have doubled, prompting the Department of Transportation to cancel many vital projects. Vehicles have become far more energy efficient, thereby reducing the fuel tax revenues collected. Additionally, to date there have been no proposals to effectively or fairly shift increasing road and bridge maintenance and improvement costs to the 37 million visitors who travel to Maine each year to enjoy the state's natural resources.

LD 945, *An Act to Establish a Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems*, sponsored by Rep. Tom Martin of Greene, will explore those issues through the creation of a 15 member commission, which includes a municipal official "representing an organization of municipal or public works officials." The commission is tasked with: (1) reviewing the level of funding necessary to achieve the state's capital improvement goals; (2) seeking ways to achieve consistent, predictable, and sustainable funding solutions for transportation-related projects as well as multimodal transportation infrastruc-

ture; (3) increasing the predictability of bonding; (4) responding to the inequities between road users caused by vehicles' varying fuel efficiencies; and (5) considering new funding options to support achieving all current and future needs including exploring ways to share the costs between residents and nonresidents using the road system. The commission will meet six times over the course of 2019, hold public meetings in at least three different areas of the state, and submit its findings and recommendations to the Transportation Committee, which is authorized to submit legislation to the Second Regular Session of the 129th Legislature.

Climate. LD 1679, *An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council*, sponsored by Sen. David Woodsome of York County on behalf of Gov. Mills, establishes the Maine Climate Council, which is directed to: (1) identify climate change mitigation, adaptation and resiliency strategies that ensure equity for all sectors of the state and residents; (2) pursue technological and cost-effective responses to these statewide hazards; (3) reduce greenhouse gas emissions; and (4) transition Maine's economy to a clean energy plan. The proposed membership of the climate council consists of two legislators from each chamber, members from each state department, the Governor's Office of Policy and Management, Maine State Housing Authority, Governor's Energy Office, Efficiency Maine Trust and members representing the state's tribal governments, municipal government, organized labor, building and construction trades, energy sector, forestry, agriculture, marine fisheries, environmental non-profits, small businesses, climate change experts, University of Maine system, Maine youth, and members of the public. The law sets out the structure of the study, including the establishment of subject area subcommittees, compensation terms, and objectives and requires the council to report to the Environment and Natural Resources Committee on its progress on Jan. 15, 2021 and every year thereafter.

Recycling Reform. LD 1431, *Resolve To Support Maine Recycling Programs*, sponsored by Rep. Mick Devin of Newcastle, seeks to create a system of extended producer responsibility over the disposal or reuse of their

packaging by directing the Department of Environmental Protection to make recommendations for a producer supported program, through use of a third party entity, that addresses four key outcomes: (1) covers at least 80% of the cost associated with recycling readily recyclable materials; (2) reimburses municipalities for the cost of managing non-recyclable packaging; (3) invests in waste reduction, recycling education and infrastructure; and (4) pays higher fees for packaging materials that are not readily recyclable, are made of multiple materials, or are toxic, while assessing lower fees for packaging materials with higher recycling values and recycled content.

As municipalities are mandated to manage waste they do not generate, and have little power to reduce a producer source bill may provide a far better outcome than the one size fits all solutions historically introduced. Either way, municipal input is necessary.

To that end, MMA staff will hold a meeting with the Department of Environmental Protection and interested municipal officials at MMA at a yet to be determined date in September. If you are interested in participating in this discussion, please email Rebecca Graham at rgraham@memun.org. It is clear that Maine's recycling opportunities and challenges are as diverse as its extensive geography, and therefore it is important that as many voices as possible are at the table.

Improving incarceration. LD 829, *Resolve to Reestablish the Commission to Improve Sentencing Supervision, Management and Incarceration of Prisoners*, sponsored by Rep. Rachel Talbot Ross of Portland, creates a commission tasked with conducting research and preparing recommendations that: (1) reduce overall prison and jail populations; (2) reduce overall costs; (3) accomplish policy improvements to transition prisoners back into the community; (4) preserve community safety; (5) respect the needs of victims and hold prisoners accountable for their actions; and (6) address factors leading to increasing prison populations, the impact of current sentencing laws, the uses of alternate sentences, and the means of reducing recidivism. Among several others, members of the commission include nine members appointed by Governor Mills representing prosecutors, county commissioners, county sheriffs, criminal defense

lawyers, people with mental illness, organizations working to end domestic violence, as well as sexual assault, a member of a federally recognized tribe in the state, and the public. No later than Dec. 4, 2019 the commission must submit its report to the Criminal Justice and Public Safety Committee, which is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

MMA has offered to hold a stakeholder group in conjunction with the Justice Reinvestment Policy Center under the Council of State Governments Justice Center who may be part of this effort moving forward. Municipal leaders with police departments, or those struggling with challenges associated with substance use disorder in their communities and who are interested in participating in future information gathering sessions, are urged to contact Rebecca Graham at rgraham@memun.org.

Old roads and cemeteries. Another year meant another attempt to further amend discontinued and abandoned road law in Maine. While the ink was still drying on last year's significant revisions to statute, a new submission, LD 1415, *An Act To Improve the Laws Regarding Discontinued Roads*, sponsored by Rep. Catherine Nadeau of Winslow, attempted again to remove the option municipalities have to abandon roads not maintained for more than 30 years. Another bill, LD 1536, *An Act to Require Municipalities to Maintain Access on Public Rights-of-way*, sponsored by Rep. Denny Keschl of Belgrade, if passed, would have upended carefully crafted laws governing town ways and replaced them with provisions that add extra municipal costs.

The State and Local Government Committee will use LD 1415 as a vehicle to study the same underlying issue whose drum has been beat by the same few stakeholders every year, with an eye on property rights, taxpayer rights, and public access. At this juncture, the association has little insight as to what direction this study will head in terms of recommendations.

Also on the study plate for the committee is the review of issues related to ancient and family burial grounds and development of legislation for consideration in the Second Regular Session of the 129th Legislature. During the 2019 session, three bills were presented to

the Legislature attempting to clarify responsibility for maintaining, documenting, and providing access to ancient and family burial grounds when the property is conveyed to new ownership.

Dispatch center call quality funding & protocols. As with roads, the task for this study will entail balancing public access with private property rights. LD 674, *Resolve Regarding Implementation and Funding of E-911 Dispatch Protocols*, sponsored by Rep. Tina Riley of Jay, will convene a group of stakeholders directed to explore the use of a surplus of state funds available to cover the costs and implementation of standardized dispatch call quality protocols with efficient and effective use of the funds to provide relief to local taxpayers. Members invited to the study group include: the Department of Public Safety, Public Safety Answering Points (PSAPS); dispatch centers that are not PSAPS; police chiefs; county sheriffs; fire chiefs; county commissioners; emergency medical service providers; dispatchers; the Maine Emergency County Communications Association; the Maine Chapter of the National Emergency Number Association; and, MMA.

Haz-Mat team support. LD 1038, *Resolve, To Convene a Stakeholder Group on Funding Training for the State's Hazardous Materials Emergency Response Teams and the Acquisitions of Equipment*, sponsored by Rep. Colleen Madigan of Waterville, directs the director of the Maine Emergency Management Agency to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the state's hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams and equipment acquisition. The director is required to invite to the stakeholder group representatives from the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams or decontamination strike teams, and other persons who express interest in the work of the stakeholder group. No later than Nov. 6, 2019, the director must present the findings and recommendations of the stakeholder group to the Criminal Justice and Public Safety Committee, which is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

Elections. LD 1026, *Resolve, Direct-*

ing the Secretary of State to Examine Best Practices in Elections, sponsored by Rep. Brian Hubbell of Bar Harbor, directs the Secretary of State to conduct a study of the best practices in post-election ballot audits and recounts. In conducting the study, the secretary may consult with state and municipal election officials, election security advocates, and other experts in the field of election audits and recounts. By Dec. 6, 2023, the secretary is directed to submit a report based on the study to the Veterans and Legal Affairs Committee, which is authorized to submit legislation in the Second Regular Session of the 131st Legislature.

Abandoned poles. LD 1206, *An Act Regarding Utility Poles in Public Rights-of-way*, sponsored by Rep. Pinny Beebe-Center of Rockland, submitted on behalf of MMA's Policy Committee, directs the Public Utilities Commission (PUC) to study issues related to abandoned utility poles and associated facilities left in the public way. MMA staff will directly update municipal officials and other stakeholders on the PUC formal inquiry and how it proposes to improve the rules regarding pole removal, relocation of facilities and restoration of the pole site to a safe condition in a timely manner. The report may include findings and recommendations as well as suggested legislation for consideration in the 2020 session. Municipal officials interested in this study are welcome to contact Garrett Corbin at gcorbin@memun.org.

Presumptive eligibility and homelessness. LD 459, *An Act Regarding Presumptive Eligibility and Homelessness under the General Assistance Laws* sponsored by Sen. Benjamin Chipman of Cumberland County, defines "homelessness" under the General Assistance (GA) laws while it also directs the Department of Health and Human Services to convene a working group to study the municipal GA program with the goals of establishing more efficient methods of distributing benefits to individuals, reviewing

the difference in effects on service center communities and other communities, and devising an equitable method of establishing municipal responsibility and services to reduce homelessness and reliance on homeless shelters.

Mattresses. LD 710 *Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses*, sponsored by Rep. Seth Berry of Bowdoinham, directs the Department of Environmental Protection to study the establishment of a new stewardship program in the state for mattresses, which are a problematic bulky waste material with no easy solution for storage or disposal.

School Transportation. LD 1641, *An Act To Strengthen the School Transportation Workforce*, sponsored by Sen. Erin Herbig of Waldo County, directs the Department of Education, in collaboration with the Department of Labor, to comprehensively examine issues associated with the school transportation workforce, including, but not limited to, determining the best strategies for hiring, training and retaining school transportation personnel. The Department of Education is directed to consider ways to conduct training at no cost to school transportation personnel and by Jan. 1, 2020, submit a report with findings and recommendations to the Education and Cultural Affairs and the Labor and Housing Committees, which are both authorized to report out legislation on the subject of the report to the Second Regular Session of the 129th Legislature.

While many of these studies will have regional public hearings, all work group and study sessions are open to the public. Municipal officials interested in contributing to or monitoring the progress of one or more of the study efforts described above are encouraged to contact Laura Ellis at lellis@memun.org or 1-800-452-8786 for inclusion on an interested parties list. ■

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Carryover legislation: Here's a look at 10 of the most important

By Garrett Corbin, Legislative Advocate, MMA

Some bills take longer than others to bake. In the kitchen they might be called popovers. In the Legislature, they are called carryovers.

Of the 1,846 legislative proposals printed in the first session of the 129th Legislature (which is nearly as many bills as were produced in the entire previous Legislature), 652 were enacted into law and 738 were killed. This leaves 417 “carried” or held over to any special or regular session of the 129th Legislature, as well as 39 bills held by Governor Janet Mills, who will have three days to act on them once the next legislative session begins.

Of these carried over bills, 10 of the most municipally impactful are described here.

A key proposal still clinging to life is **LD 335**, *An Act To Require the State To Distribute 12 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities*, sponsored by Rep. Charlotte Warren of Hallowell at the request of MMA’s Legislative Policy Committee. LD 335 is the vehicle to determine whether or not the towns and cities where millions of dollars’ worth of revenue will be generated for the state deserve some portion of those new tax revenues. Maine is currently the only one – among 11 states to have legalized marijuana for non-medical purposes – not allowing local governments to recoup a reasonable return on their investments.

This bill has receive strong headwinds but we’re not counting it out yet. Municipal officials who face pressure from their residents to opt-in to allow adult use businesses, but are concerned about the increased burden on their staffs and budgets, are encouraged to contact their legislators prior to next session to seek their assistance in ushering this proposal across the finish line. LD 335 has already been enacted in the House and



The Blaine House. (Photo by Ben Thomas)

Senate but needs support from the Appropriations Committee to make it to the Governor’s desk.

LD 560, *An Act To Improve Access to Property Tax Exemptions for New Homeowners*, sponsored by Rep. Nicole Grohoski of Ellsworth, would allow primary homeowners to qualify for the homestead exemption benefit as soon as they move into their homes, beginning on or after April 1, 2020. The association’s Policy Committee disagrees with this proposal and believes the existing 12-month qualification period is appropriate public policy.

LD 636, *Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers’* sponsored by Sen. Susan Deschambault of York County and amended by the Criminal Justice and Public Safety Committee, proposes to create a working group to assess the cost of a mandate for statewide camera use by law enforcement officers and identify potential revenue sources to meet that cost, as well as addressing issues

associated with the ownership, use, storage and chain of custody of video footage; training; recording of sensitive situations; and respect for victims of crime, their families and children.

LD 900, *An Act To Expand the Rights of Public Employees under the Maine Labor Laws*, sponsored by Rep. Michael Sylvester of Portland, allows public employees, except those employees whose duties include protecting public safety, to strike pursuant to the official procedures of the employees’ organization or under a process in which an affirmative vote to strike is held. The association has long objected to legalizing public sector strikes given the importance of continuing to provide government services that the public depends on.

LD 915, *An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transport Services*, sponsored by Sen. Troy Jackson of Aroostook County, would require state reimbursement rates for ambulance services under the

MaineCare program to be at least the average allowable reimbursement rate under Medicare, and reimbursement for neonatal transport services under MaineCare to be at the average rate for critical care transport services under Medicare. Currently, the state reimburses at 65% of the federal rate. The result is that, when transporting MaineCare patients, ambulances operate at a loss almost as soon as they leave the bay. Municipal officials support this proposal in an effort to alleviate pressure on property taxes by covering MaineCare patient transportation with added broad-based state resources.

LD 988, *An Act To Reduce the Landfilling of Municipal Solid Waste*, sponsored by Sen. Benjamin Chipman of Cumberland County at the request of a constituent, removes an exemption to the municipal solid waste disposal surcharge. The exemption applies to municipal solid waste generated in a municipality that either owns the landfill accepting the waste, or that has entered into at least a nine month contract for disposal of solid waste in a landfill facility. The association is concerned about the impact of this proposal on communities with few recycling options due to their locations

and circumstances beyond their control in a distressed global recycling market with dwindling economically feasible options.

LD 1403, *An Act To Amend the General Assistance Laws Governing Eligibility and Reimbursement*, sponsored by Rep. Michael Brennan of Portland, would establish a presumption of eligibil-

ity for General Assistance (GA) for any person provided housing in an emergency shelter for the homeless. MMA's Legislative Policy Committee believes that if a community is going to be held responsible for paying for the assistance provided by a homeless shelter, the law should ensure that the community where an applicant last



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resided has an opportunity to accept and process an application and provide the necessary assistance locally.

LD 1498, *An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine*, sponsored by Sen. Troy Jackson of Aroostook County, was originally drafted to increase the weight limits and number of axles for large trucks on all roads in Maine to 137,000 pounds. While presenting the bill, Sen. Jackson emphasized the inequity between the weight limits allowed on certain sections of Maine's highways, where exemptions are provided for higher weight Canadian trucks to access mills in northern Maine.

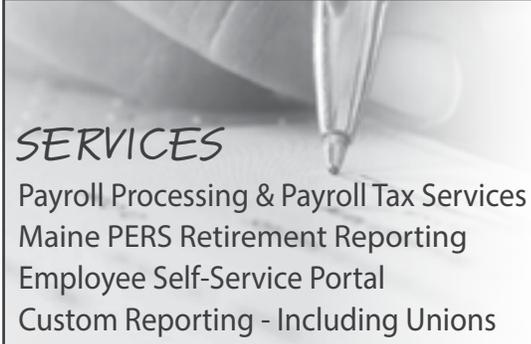
The sponsor and the Professional Logging Contractors of Maine testified in support of LD 1498, but offered an amendment to repeal the weight exemption for Canadian trucks traveling along a certain specified route, instead of increasing the weight limits on all roads as proposed in the printed draft. The bill was carried over with a letter sent to the commissioner of the Maine Department of Transportation to study the economic impact of the loss of revenue to the state from the Canadian companies operating their vehicles in those limited areas, the availability of haulers in the area who could provide similar services, and the impact that removing the exemptions would have on the few Maine mills who rely on these incentives to Canadian loggers to stay in business. The association is watching this study with an eye toward the continued economic viability of the communities depending on these mills.

LD 1646, *An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems*, sponsored by Rep. Seth Berry of Bowdoinham, creates the Maine Power Delivery Authority as a consumer-owned utility, formed to acquire and operate all transmission and distribution systems in the state currently operated by the investor-owned transmission and distribution utilities Central Maine Power Company (CMP) and Emera Maine. On the one hand, municipal officials statewide have concerns with the responsiveness of these companies, and other utilities, to municipal requests. These concerns have been strong enough to cause the Association's Policy Committee to propose legislation

addressing various issues (LD 1206, which is described in the accompanying article reviewing studies).

On the other hand, there are seri-

ous municipal budgeting questions regarding the impact this proposal will have on already stretched property-tax resources. The bill's language





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requires rates charged by the new power delivery authority to yield a sufficient amount for payments in lieu of taxes, and to the extent revenues exceed expenditures, the authority is required to make payments in lieu of taxes in the same amount as would have been assessed if the private entity continued to own the property. Based on information provided by CMP and Emera, these two utilities paid Maine's municipalities close to \$70 million in tax revenue in 2018.

In the context of the state falling far short of full reimbursement to towns and cities in other programs, and without stronger assurances in the bill's language of future state payments, MMA's Policy Committee is currently opposed to LD 1646, preferring stronger oversight of the existing utilities instead.

LD 1779, *An Act to Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems*, sponsored by Rep. Ralph Tucker of Brunswick, seeks to remove the legislative over-

sight component for publicly owned treatment works and the collection systems that feed into them, and instead grant regulatory authority to the Department of Environmental Protection to establish standards through routine technical rulemaking. There are mixed feelings in the municipal community regarding conferring appointed rather than elected officials

with decision making authority over statewide operation and maintenance and asset management requirements for these expensive municipal and quasi-municipal facilities.

A full list of the bills of municipal interest slated for more consideration next year can be found on the advocacy section of the association's website at www.memun.org. ■

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NEW LAWS

129th Legislature – First Session

Effective dates. Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is so-noted before the Public Law (PL) citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted in the Legislature's First Regular Session will be Sept. 19, 2019.

Mandate preamble. Legislation enacted with a "mandate preamble" contains the following language: *"This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two-thirds of all of the members elected to each House have determined it necessary to enact this measure."* If the new law was enacted with a mandate preamble, it is so-noted along with the Public Law citation.

AGRICULTURE, CONSERVATION & FORESTRY

LD 199 – An Act To Create the Water Resources Planning Committee. (Sponsored by Rep. Sylvester of Portland) **PL 2019, c. 67**

This Act creates the Water Resources Planning Committee, which consists of personnel from the Departments of Agriculture, Conservation and Forestry (DACF), Environmental Protection, and Health and Human Services; Public Utilities Commission; Maine Land Use Planning Commission; and members of the public with expertise in agriculture, public water utilities, water bottling, use of water by private domestic well owners and commercial entities, environment and conservation, water conservation education, and stormwater or wastewater management. The committee is directed to meet at least quarterly and report annually to DACF beginning in August 2020. The committee is tasked with: (1) collecting and reviewing information regarding water withdrawal activities; (2) coordinating state water resources information; and (3) identifying at risk watersheds. The committee must also conduct annual reviews of state policy regarding conservation of water resources, regional sources and solutions to water usage, incentives for water resources stewardship and the effects of water quality improvement on water withdrawal opportunities; provide guidance to municipalities and water districts; and disseminate education materials on water resources and the regulatory regime.

LD 333 – An Act To Amend the Laws Governing Dangerous Dogs and Nuisance Dogs To Allow for Flexibility in Protection Dog Training. (Sponsored by Rep. Skolfield of Weld) **PL 2019, c. 95**

This Act repeals the law prohibiting a person from training or encouraging a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal.

LD 497 – An Act Regarding the Providing of Human Food Waste to Swine Producers. (Sponsored by Sen. Guerin of Penobscot Cty.) **PL 2019, c. 39**

This Act clarifies that an individual, organization or institution, including a public school, that donates garbage to a swine

producer for feed is not required to verify that the producer has a license to feed garbage to swine.

LD 630 – An Act To Clarify That Food, Food Additives and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated and To Match the State's Definition of "Hemp" to the Definition in Federal Law. (Sponsored by Rep. Hickman of Winthrop) **Emergency Enacted; PL 2019, c. 12 (3/27/19)**

This Act provides that food, food additives and food products that contain hemp and hemp products, including hemp-derived cannabidiol ("CBD"), are not considered under state law to be adulterated and that the non-pharmaceutical or non-medical production, marketing, sale or distribution within the state of any food, food additives or food products that contain hemp-derived CBD may not be prohibited. The Act clarifies that eating establishments, in addition to food establishments, may not make any therapeutic claims about food products that contain hemp-derived CBD without federal approval. The Act further clarifies that the definition of "hemp" includes commodities and products derived from hemp, including food, food additives and food products, and that it does not include adult use or medical marijuana as governed by the Maine Medical Use of Marijuana Act or the Marijuana Legalization Act, respectively.

LD 786 – An Act To Reduce Hunger and Promote Maine Agriculture. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2019, c. 514**

This Act provides a \$1 million appropriation in both FY 2020 and FY 2021 allowing the Department of Agriculture, Conservation and Forestry to contract with a nonprofit organization that provides statewide hunger relief services to: (1) engage in statewide hunger relief services, including, but not limited to, the purchase of food from Maine producers and processors; (2) provide grants to local hunger relief programs; and (3) pay its operational and distribution expenses.

LD 1159 – Resolve, To End Hunger in Maine by 2030. (Sponsored by Rep. Hickman of Winthrop) **Resolves 2019, c. 32**

This Resolve directs the Department of Agriculture, Conservation and Forestry (DACF), in consultation with interested parties and stakeholders, to collaborate with the Departments of Marine Resources, Inland Fisheries and Wildlife, Health and Human Services, Labor, Economic and Community Development, Education, Defense, Veterans and Emergency Management, and the University of Maine Cooperative Extension to develop a comprehensive strategic plan to eliminate hunger in the state by 2030. DACF is required to submit an initial design for the plan by Feb. 10, 2020 to the Agriculture, Conservation and Forestry Committee, which may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 1230 – An Act To Update the Civil Animal Welfare Laws. (Sponsored by Rep. Nadeau of Winslow) **PL 2019, c. 437**

This Act makes municipally significant changes to the animal control laws. The law: (1) establishes the authority for an animal control officer, humane agent or animal shelter to euthanize a severely sick or injured livestock animal in the event the owner cannot be located, and provides immunity from civil liability for those agents or the veterinarian carrying out the act; (2) adds the administration of drugs or intoxicants to an animal

with the intent to harm as an explicitly prohibited activity under the cruelty to animals statute and increases the civil penalties for all forms of cruelty from a maximum \$5,000 to \$10,000; and (3) moves regulations pertaining to stray livestock from the lost property stray beast statutes into the animal welfare statute. As a result, a responding municipality is required to assume ownership of the animal for a period of 10 days (down from six months in previously existing law), provide all necessary care, and ensure adequate housing for the stray animal. At the end of the waiting period, the municipality may sell, adopt, give away, or humanely euthanize the stray livestock. However, there is no mechanism in the new law authorizing a municipality to recover the costs associated with this care should the owner be located, or outsource this responsibility to a willing agent who previously retained the right to recover the costs associated with care or any damage caused by the stray animal.

LD 1610 – Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley. (Sponsored by Rep. Skolfield of Weld) **Resolves 2019, c. 73**

This Resolve amends the use restrictions in place for a piece of property conveyed to the Town of Carrabassett Valley by the state for public use. Under the terms of the deed modification, the property may be used to allow for state approved commercial camping activities.

LD 1749 – An Act To Amend the State’s Hemp Laws. (Sponsored by Sen. Miramant of Knox Cty.) **PL 2019, c. 528**

This Act makes a number of changes to Maine law governing hemp. Hemp is redefined as any part of the plant *Cannabis sativa L.* with a concentration of less than 0.3% of the psychoactive substance delta-9-tetrahydrocannabinol (“THC”). The enacted language clarifies that hemp, including any non-psychoactive cannabidiol (“CBD”) derived from hemp, is not subject to Maine’s adult use or medical marijuana laws. The language also keeps food and food products from being prohibited in Maine solely based on their inclusion of hemp, and allows persons to grow up to three hemp plants on an acre or less and to process that hemp without a license.

LD 1762 – Resolve, Authorizing the Transfer of a Plot of Land from the State to the Town of Allagash. (Sponsored by Sen. Jackson of Aroostook Cty.) **Resolves 2019, c. 85**

This Resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a parcel of land situated on Route 161 and Old Route 161 to the Town of Allagash for the operation of a fueling facility for the local logging industry and off-road recreational vehicles. The resolve further stipulates that title to the property reverts to the state, without cost, if at any time the property is no longer used as a fueling facility.

APPROPRIATIONS & FINANCIAL AFFAIRS

LD 1000 – An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019. (Governor’s Bill) (Sponsored by Rep. Gattine of Westbrook) **Emergency Enacted; PL 2019, c. 4 (3/14/19)**

This Act is the FY 2019 supplemental General Fund budget. Of municipal significance, the Act includes a \$2.5 million appropriation for the state’s Disaster Recovery Fund. According to the information provided in the governor’s budget overview document, these funds will be distributed to municipalities impacted by the 2017 wind storm and 2018 coastal flooding events. Of municipal interest, the supplemental budget also allocates \$200,000 to the land management and planning division of the

Department of Agriculture, Conservation and Forestry to fund capital construction materials for improvements to bridges, roads, recreational trails and sites used by the public. The budget also allocates \$400,000 to the Department of the Secretary of State to fund the annual lease of accessible voting equipment and software, as well as to provide support to municipalities.

LD 1001 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021. (Governor’s Bill) (Sponsored by Rep. Gattine of Westbrook) **Emergency Enacted; PL 2019, c. 343 (6/17/19)**

This Act is the two year General Fund budget. Of greatest municipal significance, the FY 2020 – FY 2021 General Fund budget:

Revenue Sharing. Increases the amount of state sales and income tax revenues distributed to municipalities under the state/municipal revenue sharing program to 3% in FY 2020 and 3.75% in FY 2021.

Also included as part of the revenue sharing change is the authority provided to municipalities that already adopted a budget with the assumption that state/municipal revenue sharing would be based on a number that is lower than what will actually be received in FY 2020, to use the increased revenue sharing amount without the approval by a town meeting or a municipal referendum, provided the funds are used for the repair or maintenance of roads or bridges within the municipality or for the direct reduction of the mil rate.

Homestead Exemption. Beginning on or after April 1, 2020, increases the value of the homestead exemption from \$20,000 to \$25,000 and provides full reimbursement for the \$5,000 increase by adjusting the state’s reimbursement rate from 62.5% to 70%.

Property Tax Fairness Credit. Changes the formula for calculating the property tax fairness credit to expand the credit to residents whose property taxes (or rent constituting property taxes) on homestead property exceeds 5%, rather than 6% as provided for in current law, of the residents’ income for tax years beginning on or after Jan. 1, 2020.

K-12 Education Funding. Calculates the amount necessary to fund K-12 education in FY 2020 at \$2.29 billion under the Essential Programs and Services (EPS) model, including the normal cost of teacher retirement. The state’s proposed contribution to those costs is \$1.16 billion, accounting for 50.8% of total expenditures.

The budget allocates an additional \$224 million as the state’s share of the total unfunded actuarial liabilities (UAL) of the Maine Public Employees Retirement System that are attributable to teacher and retired teacher health and life insurance benefits. The UAL appropriation brings total spending for K-12 education to \$2.52 billion, with the state’s \$1.39 billion total appropriation accounting for 55.2% of all expenditures.

For FY 2020, the minimum local share for the cost of funding K-12 education is \$1.13 billion and the mil rate expectation is 8.28, both of which represent a reduction in local costs from FY 2019.

Between FY 2019 and FY 2020, state contributions to K-12 education, excluding UAL, grew by \$48 million or 4%.

Minimum Teacher Salary. Increases the minimum salary for certified teachers to \$35,000 in school year 2020-2021, \$37,500 in school year 2021-2022 and \$40,000 beginning with the 2022-2023 school year. A school administrative unit is required to annually provide the Department of Education (DOE) with the number of teachers eligible for the increase. Based on that information, the department is required to provide the revenues

necessary to fund 100% of the incremental salary increases.

Public Preschool Programs. Extends, from the 2018-2019 to the 2023-2024 school year, the timeframe to provide adequate start-up funding to allow all school administrative units to provide public preschool programs for children four years of age. DOE is tasked with reporting back to the Legislature by Jan. 1, 2020 with a plan to meet the public preschool program goal, as well as to make recommendations for program standards, the process used for approving programs not operated by school administrative units, and funding for a public preschool program.

Special Education Services. Authorizes the Legislature, through the Education Committee, to contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services. The research entity is tasked with designing a step-by-step implementation plan for the transition of special education services for children from birth to three years of age to DOE and for children three to five years of age to local school administrative units.

Phone Surcharges. Beginning Jan. 1, 2020, requires the Public Utilities Commission to establish the statewide E-9-1-1 surcharge and prepaid E-9-1-1 surcharge, but limits the surcharges to no more than 35 cents per month per line or number, which is 10 cents less than required in current law. Beginning Jan. 1, 2020, imposes a surcharge of 10 cents per month per line or number for the ConnectME Fund and requires the assessment and surcharge to be collected from customers on a monthly basis.

County Jail Funding. Includes a one-time allocation of \$3 million in each year of the biennium to the Department of Corrections, County Jail Operations Fund for county and regional jails to offset unusually high jail costs, resulting in a total state appropriation for county jails of \$18.4 million in both FY 20 and FY 21.

CRIMINAL JUSTICE & PUBLIC SAFETY

LD 64 – An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense. (Sponsored by Rep. Bailey of Saco) **PL 2019, c. 99**

This Act authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to: (1) prohibiting ownership or possession of an animal or having an animal on the defendant's premises; (2) prohibiting employment that involves the care of or other contact with animals; and (3) requiring as a condition of probation that the probationer be evaluated to determine the need for psychiatric or psychological counseling. The Act also provides that an intentional or knowing violation of an order is a Class D crime and upon motion of the defendant allows the court to modify the conditions or restrictions set by the order.

LD 264 – An Act Regarding Liability for Taking a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Accident. (Sponsored by Sen. Cyrway of Kennebec Cty.) **PL 2019, c. 189**

This Act extends immunity from liability to an emergency medical services person, physician assistant, law enforcement officer or agency or other health care provider for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer.

LD 329 – An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency. (Sponsored by Rep. Cardone of Bangor) **PL 2019, c. 137**

This Act exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The

person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses, the use of drug paraphernalia, or a violation of probation, if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

LD 353 – An Act To Classify Recovery Residences as One-family Dwellings for the Purposes of the Fire Code. (Sponsored by Rep. Fecteau of Augusta) **PL 2019, c. 358**

This Act requires a recovery residence to be treated as a family residence under the state's building and energy codes provided the residence is certified by a nationally recognized organization that supports persons recovering from substance use disorder, the number of residents is limited to no more than two per bedroom, and there is at least one full bathroom for every six residents. With respect to smoke, carbon monoxide detectors and fire extinguisher requirements, the recovery residence must meet the standards of all adopted building codes applicable to one and two-family housing, and if located in a multi-unit apartment, the residence must meet all state and local code requirements for the type of building in which the recovery residence is located. The Act further defines a recovery residence as a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides an environment free of alcohol and illegal drugs, and assists its residents by connecting individuals to support services or resources in the community that are available to persons recovering from substance use disorder.

LD 396 – An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored. (Sponsored by Rep. Maxmin of Nobleboro) **PL 2019, c. 94**

In cases where a victim has not reported an alleged offense, this Act increases from 90 days to eight years the period of time a law enforcement agency must store a sexual assault forensic examination kit.

LD 485 – An Act Regarding Actions of the Owner or Keeper of a Dog That Assaults a Person and Causes an Injury That Requires Medical Attention. (Sponsored by Sen. Pouliot of Kennebec Cty.) **PL 2019, c. 134**

This Act requires the owner or keeper of a dog that assaults a person and causes an injury that requires medical attention to secure aid for the injured person, contain the dog, if necessary, and provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer before leaving the scene of the assault. A violation of this section is a Class D crime.

LD 829 – Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. (Sponsored by Rep. Talbot Ross of Portland) **Resolves 2019, c. 104**

This Resolve establishes the 20-member Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. Members of the commission include four legislators; representatives from the Attorney General's Office and Departments of Corrections and Health and Human Services; director of the Adult Community Corrections Bureau; nine members appointed by the governor representing prosecutors, county commissioners, county sheriffs, criminal defense lawyers, people with mental illness, organizations working to end domestic violence, as well as sexual assault, a member of a federally recognized tribe in the state and the public; and the Chief Justice of the Supreme Judicial Court and two trial judges. The

commission is tasked with conducting research and preparing recommendations that would: (1) reduce overall prison and jail populations; (2) reduce overall costs; (3) accomplish policy improvements to transition prisoners back into the community; (4) preserve community safety; (5) respect the needs of victims and hold prisoners accountable for their actions; and (6) address factors leading to increasing prison populations, the impact of current sentencing laws, the uses of alternate sentences, and the means to reduce recidivism. No later than Dec. 4, 2019 the commission must submit its report to the Criminal Justice and Public Safety Committee, which is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

LD 855 – An Act To Strengthen the Maine Uniform Building and Energy Code. (Sponsored by Rep. Caiazzo of Scarborough) **PL 2019, c. 517**

This Act shifts responsibility for certifying and training code enforcement officers and third party inspectors from the Department of Economic and Community Development to the Department of Public Safety, Office of the State Fire Marshal.

LD 1038 – Resolve, To Convene a Stakeholder Group on Funding and Training for the State’s Hazardous Materials Emergency Response Teams and the Acquisition of Equipment. (Sponsored by Rep. Madigan of Waterville) **Resolves 2019, c. 49**

This Resolve directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the state’s hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams, and equipment acquisition. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission. The director is required to invite to the stakeholder group representatives of the Maine Fire Chiefs’ Association, fire chiefs from municipalities with regional response teams and decontamination strike teams, and other persons who express interest in the work of the stakeholder group. No later than Nov. 6, 2019 the director must present the findings and recommendations of the stakeholder group to the Criminal Justice and Public Safety Committee, which is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

LD 1090 – An Act To Update the Criminal Animal Welfare Laws. (Sponsored by Sen. Carpenter of Aroostook Cty.) **PL 2019, c. 237**

This Act updates the criminal animal welfare laws by requiring that a hearing take place within 31 days of the seizure of an animal by authorities, and if the animal involved in the complaint is living, to give the case priority over other cases. The law places a limit on the extension of a hearing if it cannot be held in 31 days, describes what is admissible in court for evidence, and requires the authors of documents or providers of oral statements to be present at the hearing in order to have their evidence admitted. The law removes the word “state” from the term “state humane agent” to permit any humane agent to seize an animal under this statute, creates a temporary possession ban on any individual subjected to a lawful animal seizure, and provides a mechanism to appeal the act of impoundment or seizure of an animal.

LD 1092 – An Act To Amend the Laws Governing Critical Incident Stress Management Teams. (Sponsored by Sen. Bel-lows of Kennebec Cty.) **PL 2019, c. 89**

This Act broadens the list of individuals able to participate

and benefit from the services provided by critical incident stress management teams to include first responders working for private companies, public safety dispatchers, and correctional officers. The law defines “critical incident stress management peer support” as the services provided to a qualifying public safety employee who has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on that person. The Act also requires the person providing the service to be trained according to national best practices and standards established by the commissioner of the Department of Public Safety and have an established relationship with a licensed mental health clinician who is available to consult with the team.

LD 1140 – An Act To Improve the Investigation and Prosecution of Sexual Assault Cases. (Sponsored by Rep. Madigan of Waterville) **PL 2019, c. 80**

This Act requires a law enforcement agency, within 60 days of receiving a complaint for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and submit the complaint to the appropriate prosecutor for review and a decision regarding further investigation and commencement of prosecution. Failure of a law enforcement agency to do so does not affect the validity of a later submission and prosecution.

LD 1375 – An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution. (Sponsored by Rep. McCrea of Fort Fairfield) **PL 2019, c. 438**

This Act prohibits sexual contact between a law enforcement officer and a person who is not the law enforcement officer’s spouse while the person is under arrest, in custody, being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation, a violation of which is a Class B crime.

LD 1408 – An Act To Allow Law Enforcement Officers To Wear Insignia on Their Uniforms To Indicate That They Are Veterans. (Sponsored by Sen. Herbig of Waldo Cty.) **PL 2019, c. 221**

This Act authorizes a law enforcement agency to permit an officer who is a veteran of the U.S. Armed Forces to wear insignia on the officer’s uniform indicating that the officer is a veteran.

LD 1485 – An Act To Create a Contact Person Program in the Department of Public Safety. (Sponsored by Rep. Costain of Plymouth) **PL 2019, c. 442**

This Act directs the Department of Public Safety to develop and implement a program to assist communications during an encounter between law enforcement officers and voluntary participants of a contact person program. The program must include standards of procedure for processing applications, determining the validity of identity and legal guardianship information, entering contact information into the state’s telecommunications and radio message switching system, allowing a person to withdraw from the program at any time, and providing law enforcement officers access to the information.

LD 1509 – An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities. (Sponsored by Rep. Rykerson of Kittery) **PL 2019, c. 391**

This Act clarifies that the Maine Uniform Building and Energy Code is the only building code that may be adopted by any municipality in the state. The Act retains the provision in existing law that exempts municipalities with populations under 4,000 from enforcing the code and makes several changes to the membership and duties of the Technical Building Codes and

Standards Board.

LD 1543 – An Act To Amend the Maine Uniform Building and Energy Code. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2019, c. 392**

This Act directs the Technical Building Codes and Standards Board to establish an appendix containing increased energy conservation and efficiency requirements as part of the Maine Uniform Building and Energy Code for voluntary adoption by municipalities, and maintain a publicly accessible list of municipalities that have adopted the expanded energy code.

LD 1676 – An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence. (Sponsored by Rep. McLean of Gorham) **PL 2019, c. 368**

This Act improves existing authority to collect blood samples for the purpose of determining blood alcohol level by: (1) allowing laboratories qualified by either the state or federal government to analyze chemical tests on blood and urine; (2) broadening the list of qualified individuals who may draw a sample; and (3) providing liability protections for medical and licensed professionals participating in the activity.

EDUCATION & CULTURAL AFFAIRS

LD 309 – Resolve, Directing the Department of Education To Direct a Study of the Regional Adjustment for School Administrative Units. (Sponsored by Rep. Stewart of Presque Isle) **Emergency Passed; Resolves 2019, c. 70 (6/17/19)**

This Resolve requires the Department of Education to direct the Maine Education Policy Research Institute, in the institute's review of the Essential Programs and Services model, to study and report to the department on the regional adjustment for school administrative units. The study must include an update of the data used to calculate the regional adjustment to reflect the current economic environment and an analysis of how any adjustment to, or removal of, the regional factor in the funding formula would affect all school administrative units. The department must submit the report to the Education and Cultural Affairs Committee no later than Jan. 15, 2020.

LD 375 – An Act To Promote the Forest Products Industry in School Construction and Renovation Involving Heating Systems. (Sponsored by Rep. Stewart of Presque Isle) **PL 2019, c. 53**

This Act clarifies that in approving school construction projects, the State Board of Education must ensure that school administrative units have considered heating systems that use renewable, locally sourced wood-based fuels that benefit the state's economy and reduce carbon dioxide emissions in all planning and design for new or substantially renovated schools or school buildings subject to state board approval. The term "substantially renovated" means any renovation for which the cost exceeds 50% of the building's pre-renovation value.

LD 412 – An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18. (Sponsored by Rep. McCrea of Fort Fairfield) **PL 2019, c. 213**

Current law requires that beginning in fiscal year 2018-19, a greater portion of per pupil state aid for system administration is allocated to school administrative units that have established regionalized administrative services. This Act repeals provisions of law providing enhanced reimbursements to school units that have regionalized services and reinstates the allocation for all school administrative units at \$135 per pupil in fiscal year 2021.

LD 541 – Resolve, To Reduce Food Waste in Schools. (Sponsored by Rep. Sampson of Alfred) **Resolves 2019, c. 45**

This Resolve directs the Department of Education to de-

velop a school food sharing policy to encourage schools and food banks to work together to collect whole and packaged school cafeteria surplus or leftover food and share it with the community. The Resolve also requires the department and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to collaborate, revise, and disseminate by Jan. 1, 2020 to public school food service programs, a version of the state's health inspection program guidance document titled "Food Sharing Tables – Guidance for Schools" that is less restrictive than current guidance, and meets the requirements of the U.S. Department of Agriculture's Food and Nutrition Service.

LD 577 – An Act To Increase Access to Nutritious Foods in Schools by Implementing an After-school Food Program for At-risk Students. (Sponsored by Rep. Brennan of Portland) **PL 2019, c. 428**

This Act requires school administrative units that have at least one public school in which 50% or more students qualified for a free or reduced-price lunch during the preceding school year to participate in the federal child and adult care food program. The commissioner of the Department of Education is directed to assist impacted school administrative units with developing a participation plan and obtaining federal, state and private funds to pay for the program. A school administrative unit may choose not to operate such a program if it determines by a vote of the governing body of the school administrative unit, after notice and a public hearing, that operating such a program would be financially or logistically impracticable.

LD 651 – Resolve, To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services. (Sponsored by Rep. Farnsworth of Portland) **Resolves 2019, c. 29**

This Resolve directs the Department of Education to report to the Education and Cultural Affairs Committee, no later than Jan. 1, 2020, on the progress of implementing the recommendations of the Task Force To Identify Special Education Cost Drivers and Innovation Approaches to Services, including: (1) the facilitation of the process by which schools apply for funds under Title I of the federal Elementary and Secondary Education Act of 1965; (2) increased use of dual programs for general education and special education certifications; (3) review of the maintenance of effort funding component of the Essential Programs and Services funding formula; and (4) improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools. The committee may submit legislation to the Second Regular Session of the 129th Legislature to implement any recommendations in the report.

LD 944 – An Act To Ban Native American Mascots in All Public Schools. (Sponsored by Rep. Collings of Portland) **PL 2019, c. 123**

This Act prohibits a public school, including the University of Maine System, Maine Community College System and the Maine Maritime Academy, from having or adopting a name, symbol or image that depicts or refers to a Native American tribe, individual, custom or tradition and that is used as a mascot, nickname, logo, letterhead or team name of the school.

LD 985 – An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards and Adding the Equivalent in Standards Achievement. (Sponsored by Rep. Fecteau of Augusta) **PL 2019, c. 202**

This Act repeals the provisions of law that allow diplomas requiring graduation from a secondary school to be based on a student's demonstration of proficiency, and instead adds minimum instructional requirements leading to the award of a high school diploma, including the equivalent in standards of

achievement or four years of English, two years of social studies and history, two years of mathematics, two years of science, and one year of fine arts instruction.

LD 1216 – An Act To Support Community Schools. (Sponsored by Sen. Millett of Cumberland Cty.) **PL 2019, c. 434**

Under current statute, “community schools” are defined as public elementary or secondary schools that: (1) participate in a community-based effort to coordinate and integrate educational, developmental, family, health and other comprehensive services through community-based organizations and public and private partnerships; and (2) provide access to services to students, families and the community, such as access during the school year to services before school hours, after school hours and during the weekend, as well as access to services during the summer. This Act makes the Department of Education’s community school pilot project permanent by authorizing the department to designate five community schools in the 2020-2021 school year and 10 additional schools biannually beginning in the 2021-2022 school year. The department is further directed to apply for available federal funds in support of community school program implementation and expansion.

LD 1262 – An Act To Allow Funds from the Federal E-Rate Program To Be Applied to Maine Preschool Programs. (Sponsored by Sen. Pouliot of Kennebec Cty.) **PL 2019, c. 241**

This Act enables public preschool programs to be eligible for the Federal E-Rate Program by amending the definition of “public preschool program” to mean a program offered by a public elementary school that provides instruction to children who are four years of age, including but not limited to a Head Start program that is approved as a component of the public preschool program.

LD 1341 – An Act To Provide Flexibility for Efficient and Effective Management of School Management and Leadership Centers. (Sponsored by Rep. Kornfield of Bangor) **PL 2019, c. 219**

This Act amends the law governing school management and leadership centers in several ways. The Act changes the term “school management and leadership center” to “education service center,” includes public charter schools as eligible members of education service centers rather than associate members, and caps the direct state funding for the provider of leadership services or the executive director to 55% of the statewide average superintendent’s salary and benefits using the most recent data available. It allows a center to contract for leadership services and hire a fiscal agent and changes the provisions of statutes regulating borrowing authority by repealing language requiring debts to be repaid within one year and limiting borrowing to 3/4 of a center’s annual approved budget. The Act also amends the law governing the withdrawal or dissolution of a member school administrative unit by requiring the member school administrative unit to demonstrate that the withdrawal or dissolution is in the best interests of the school administrative unit and of any of the remaining member school administrative units.

LD 1592 – An Act To Allow the Dissolution of Regional School Units Composed of a Single Municipality. (Sponsored by Rep. Gramlich of Old Orchard Beach) **PL 2019, c. 302**

This Act specifies the process for a municipality to withdraw from a regional school unit that is composed of a single municipality and provides that upon withdrawal of a municipality from a regional school unit that is composed of a single municipality, the regional school unit is dissolved.

LD 1593 – An Act To Support Infrastructure Improvements in Schools. (Sponsored by Rep. Brennan of Portland) **PL 2019, c. 385**

This Act makes changes to the laws governing energy conservation improvements at school administrative unit facilities by amending the definition of “energy services company” to include organizations that provide design, installation, operation, maintenance and financing of locally funded energy conservation improvements, air quality improvements or combined energy conservation and related air quality improvements at existing school administrative unit facilities. This act also increases from \$2.5 million to \$10 million the cap on the total contract cost, excluding private or federal grant funds, interest and operating and maintenance costs, for which an agreement is deemed to be a professional service, which is not subject to competitive bidding requirements.

LD 1638 – An Act to Provide for Gubernatorial Appointments to the Maine Charter School Commission. (Sponsored by Sen. Chenette of York Cty.) **PL 2019, c. 406**

This Act shifts the appointing authority for four members of the Maine Charter School Commission from the State Board of Education to the governor, subject to review by the Education and Cultural Affairs Committee and to confirmation by the Senate, and increases the terms of those members from three to four years.

LD 1641 – Resolve, To Examine Issues Relating to the School Transportation Workforce. (Sponsored by Sen. Herbig of Waldo Cty.) **Resolves 2019, c. 59**

This Resolve directs the Department of Education, in collaboration with the Department of Labor, to comprehensively examine issues associated with the school transportation workforce, including, but not limited to, determining the best strategies for hiring, training, and retaining school transportation personnel. The Department of Education is directed to consider ways to conduct training at no cost to school transportation personnel and by Jan. 1, 2020, submit a report with findings and recommendations to the Education and Cultural Affairs and the on Labor and Housing Committees, which are both authorized to report out legislation on the subject of the report to the Second Regular Session of the 129th Legislature.

LD 1773 – An Act To Clarify Bonding Authority for School Management and Leadership Centers. (Sponsored by Rep. Dodge of Belfast) **PL 2019, c. 336**

This Act provides school management and leadership centers construction bond issuing authority that is comparable to the authority provided to school administrative units and career and technical education regions. The bonding provisions include a debt limit of 4% of state-adjusted valuation; a debt limit exclusion for state-subsidized debt; a 25-year maximum bond term; a method for debt allocation, assessment and collection; and the rights of bondholders to enforce the payment of bonds to facilitate their sale.

LD 1785 – An Act To Amend Certain Education Laws. (Sponsored by Rep. Kornfield of Bangor) **PL 2019, c. 398**

Of greatest municipal significance, this Act clarifies that the adjustment for economically disadvantaged students is the amount computed as the school administrative unit’s total allocation for economically disadvantaged students. The Act also allows an elementary school student who resides in the unorganized territory to attend as a tuition student any public or private elementary school approved for tuition purposes and a secondary school student who resides in the unorganized territory to attend any public or private secondary school to which that student may gain entrance and is approved for tuition purposes.

ENERGY, UTILITIES & TECHNOLOGY

LD 68 – An Act To Improve the Record Keeping of Utilities and the Public Utilities Commission. (Sponsored by Sen. Carson of Cumberland Cty.) **PL 2019, c. 26**

This Act amends the law governing the record-keeping requirements of the Public Utilities Commission by requiring the commission to preserve records of customer complaints for a period of 10 years from the date of final resolution and to make those complaints readily available to the commission for examination. The record is required to include the results and conclusions of proceedings, investigations, formal public hearings and complaints, including but not limited to orders, findings, decisions and settlement agreements.

LD 91 – An Act To Eliminate Gross Metering. (Sponsored by Rep. Berry of Bowdoinham) **PL 2019, c. 16**

This Act clarifies the definition of “net energy billing” to mean the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period. In addition, the Public Utilities Commission is directed to amend its net energy billing rules within 60 days of the effective date of the legislation and is required to retroactively apply the rules to all customers that entered into net energy billing arrangements on or after March 29, 2017.

LD 147 – An Act To Extend Internet Availability In Rural Maine. (Sponsored by Rep. Alley of Beals) **Emergency Enacted; PL 2019, c. 52 (4/23/19)**

This Act specifies that revenues in the Telecommunications Education Access Fund may be used for mobile internet access through a portable wireless access point or “hotspot” that provides internet access over a cellular network, provided that the revenues support qualified libraries in rural areas of the state with greatest need, as determined in consultation with the state librarian, the commissioner of the Department of Education and the ConnectME Authority.

LD 346 – An Act To Amend the Brunswick Sewer District Charter. (Sponsored by Rep. Tucker of Brunswick) **P & SL 2019, c. 1**

This Act amends the Brunswick Sewer District Charter to allow the district to charge readiness to serve rates consistent with state statutes. The Act also amends the charter to allow the treasurer of the district, when authorized by the trustees, to waive the district’s right to foreclose on a lien mortgage established by the district on an individual’s property and provides the form that must be followed for filing the waiver.

LD 347 – An Act to Provide Sustainable Funding for Drinking Water and Wastewater Infrastructure. (Sponsored by Rep. DeChant of Bath) **PL 2019, c. 423**

This Act increases from 15% to 30% the amount of excess Liquor Operation Revenue Fund balances available to capitalize the State Water and Wastewater Infrastructure Fund. The Act requires that 45% and 55% of the funds be used for drinking water and wastewater purposes, respectively, and that the revenue is first used to raise the state match for federal funds, with any remaining revenue deposited in the Maine Clean Water Fund.

LD 372 – An Act To Increase the Safety of Municipal Residents in Extended Power Outages. (Sponsored by Rep. McCreight of Harpswell) **PL 2019, c. 120**

This Act requires an investor-owned transmission and distribution utility to establish an emergency response plan for recovery and restoration of service when widespread outages

occur due to weather events or other causes beyond the utility’s control. It requires that the prioritization process under the plan follow the statewide comprehensive emergency management plan and include consideration of steps to ensure the safety of electric facilities, road opening and service restoration. The plan must detail a coordinated approach that includes: (1) priorities for emergency response and service restoration; (2) staffing with knowledge sufficient to implement the emergency response plan; (3) provisions for communicating and coordinating with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency (MEMA), as well as with relevant municipal, county and regional emergency management agencies; (4) systems for customer communications during the emergency; (5) procedures for the deployment of internal and external resources, including field employees, supplies and equipment; and (6) provisions to ensure the safety of employees and contractors engaged in emergency response efforts. The plan must be filed no later than May 15 of each even-numbered year with the Public Utilities Commission (PUC), with a copy of the plan provided to MEMA. If the commission, through investigation, finds that the utility failed to implement its emergency response plan in a prudent manner, the commission is required to take action to remedy the failure, which may include denying the recovery through rates of all or part of the costs of emergency response and service restoration. Finally, the Act requires the PUC to include in its annual report to the Legislature information regarding the performance of investor-owned transmission and distribution utilities during an emergency.

LD 674 – Resolve, Regarding Implementation and Funding of E-9-1-1 Dispatch Protocols. (Sponsored by Rep. Riley of Jay) **Resolves 2019, c. 24**

This Resolve directs the Public Utilities Commission, Emergency Services Communications Bureau to convene a stakeholder group to develop recommendations regarding: (1) use of the E-9-1-1 fund to cover costs associated with the implementation of standardized dispatch protocols and related requirements; (2) issues related to the adoption and implementation of protocols for fire 9-1-1 calls and medical 9-1-1 calls; and (3) potential future implementation of dispatch protocols for police 9-1-1 protocols on a mandatory or voluntary basis. The members of the stakeholder group invited to participate include, among other interested parties, representatives of public safety answering points, dispatch centers, chiefs of police, county sheriffs, fire chiefs, county commissioners, emergency medical service providers and the Maine Municipal Association. No later than Nov. 1, 2019 the bureau is required to submit a report detailing the recommendations of the stakeholder group to the Energy, Utilities and Technology Committee, which is authorized to submit legislation to the Second Regular Session of the 129th Legislature related to the report.

LD 694 – An Act To Amend the Charter of the Town of Madison’s Department of Electric Works. (Sponsored by Sen. Farrin of Somerset Cty.) **P & SL 2019, c. 4**

This Act replaces language regarding the bonding authority of the Madison Department of Electric Works to provide that it is the electric works that issues bonds for its purposes and not the Town of Madison. The Act also removes the \$1.2 million cap on the issuance of bonds or notes for current operating expenses.

LD 1063 – An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure. (Sponsored by Rep. McCreight of Harpswell) **PL 2019, c. 108**

This Act adds “community broadband systems” to a list of essential facilities that the state, by statute, encourages municipalities to create or operate for reasons of public necessity. The

language authorizes municipal and multi-municipal high-speed internet infrastructure systems that connect to Maine's "3 Ring Binder" broadband backbone to help meet demand.

LD 1192 – An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way. (Sponsored by Sen. Vitelli of Sagadahoc Cty.) **PL 2019, c. 127**

This Act exempts municipalities from expenses assessed by aboveground utilities for "make-ready" work to accommodate the attaching of municipal facilities to a shared-use pole, whenever the municipality is attaching its facilities to the pole for a governmental police power purpose or for the purpose of providing broadband service to an area defined by the state as unserved or underserved.

LD 1206 – An Act Regarding Utility Poles in Public Rights-of-way. (Sponsored by Rep. Beebe-Center of Rockland) **PL 2019, c. 128**

This Act relieves municipal officials from liability for utility poles and facilities in the public way by adding language to existing law specifying that utility poles and facilities are not defects in the public way. The Act also directs the Public Utilities Commission to report to the Energy, Utilities and Technology Committee by Jan. 31, 2020 regarding actions the commission has taken to address issues related to abandoned utility poles and any associated facilities left in the public right-of-way, as well findings and recommendations to address concerns. In turn, the committee is authorized to submit legislation to the Second Regular Session of the 129th Legislature related to the commission's report.

LD 1248 – Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine. (Sponsored by Rep. Morales of South Portland) **Resolves 2019, c. 33**

This Resolve directs the ConnectME Authority to include in 2020, 2021, and 2022 editions of its annual report to the Energy, Utilities and Technology Committee information outlining the progress of the authority in meeting the goals of its Detailed 2019-2021 Strategic Plan for Broadband Service in Maine. The report must include, but is not limited to, an explanation of the measures the authority has taken to build partnerships with private businesses and state, county, and municipal planning organizations, and to coordinate and communicate with the Department of Transportation to facilitate the installation of broadband infrastructure along roadways.

LD 1282 – An Act To Establish a Green New Deal for Maine. (Sponsored by Rep. Maxmin of Nobleboro) **PL 2019, c. 347**

This Act creates an apprenticeship program for construction workers building new electricity generation facilities that have the capacity to produce two or more megawatts of power at least part of which would be transmitted across electric grid infrastructure. The program requires that, between 2021 and 2025, 10% of the employees hired to construct such generation facilities be qualified apprentices, with this quota ratcheting up to 25% of generation facility construction employees by Jan. 1, 2027. In addition to this program, the Act requires that the Efficiency Maine Trust enter into power purchase agreements for new solar power capacity of up to 100 kilowatts for all new schools constructed with funding from the State Board of Education and provide incentives for electric and natural gas conservation measures in state funded school construction projects.

LD 1364 – An Act Regarding Net Neutrality and Internet Policy. (Sponsored by Rep. Grohoski of Ellsworth) **PL 2019, c. 468**

This Act prohibits an agency, department or instrumentality of the state from committing state funds to an internet service

provider unless the provider agrees to provide "net neutral service" directly to the state entity or across advanced communications infrastructure constructed with the use of state funds. The Act defines net neutral service as internet service provided without engaging in any of the following: blocking of lawful content, applications, services or devices; speed throttling; or paid prioritization. The Act also clarifies that net neutrality continue to allow internet service providers to address copyright infringement or other illegal activity and the public safety needs of emergency communications, law enforcement, or national security authorities.

LD 1371 – An Act To Ensure Nondiscretionary Treatment of Public, Educational and Governmental Access Channels by Cable System Operators. (Sponsored by Sen. Woodsome of York Cty.) **PL 2019, c. 245**

This Act refines Maine's cable television franchise law in a number of ways including: (1) capping cable operators' "minimum homes-per-mile" density requirement for line extensions, setting the threshold under state law at a maximum cable company requirement of 15 homes per mile; (2) prohibiting automatic franchise renewals beyond the initial term of the franchise renewal period, except for automatic franchise renewals in effect prior to Sept. 19, 2019, which require 36 months' advance notification of expiration from the cable system operator to the municipality; (3) requiring cable operators to provide requested information to municipalities regarding the renewal process in a timely manner; (4) prohibiting altering the state's model franchise agreement without the consent of the municipality; (5) requiring that public, educational and governmental ("PEG") access channels be carried, and placed or retained in the same numerical sequence location as the local commercial network broadcast channels, unless the municipality or its delegate agrees otherwise, including the restoration within two months of any PEG channels to their previous channel numbers if the number had been reassigned after Sept. 19, 2017; and (6) requiring that cable system operators in Maine set up a toll-free telephone number for requests to resolve signal quality problems.

LD 1401 – Resolve, To Study Transmission Solutions To Enable Renewable Energy Investment in the State. (Sponsored by Rep. Berry of Bowdoinham) **Resolves 2019, c. 57**

This Resolve directs the Governor's Energy Office to convene a stakeholder group to address transmission system needs and funding strategies that will support renewable energy investment in the state. At a minimum the stakeholder group must examine and make recommendations regarding: (1) current constraints and barriers on increased renewable energy development; (2) transmission infrastructure investment and system improvements to realize different renewable energy development scenarios; (3) opportunities for regional coordination that support new renewable energy resources development in Maine; and (4) potential funding sources, including bonds and public-private partnerships. The stakeholder group's report and recommendations must be submitted no later than Dec. 15, 2019 to the Energy, Utilities and Technology Committee, which is authorized to report out legislation in the Second Regular Session of the 129th Legislature.

LD 1469 – An Act To Amend the Charter of the Rumford-Mexico Sewerage District. (Sponsored by Sen. Keim of Oxford Cty.) **P & SL 2019, c. 8**

This Act amends provisions of the Rumford-Mexico Sewerage District charter by increasing from \$25,000 to \$80,000 or 3% to 10% of the total sum appropriated in the prior year, as the amount of revenue the district may transfer to a surplus or capital account if a surplus exists at the end of a calendar year.

LD 1494 – An Act To Reform Maine’s Renewable Portfolio Standard. (Sponsored by Sen. Vitelli of Sagadahoc Cty.) **PL 2019, c. 477**

This Act amends the amounts of retail electricity sales in Maine that are required by statute and rule to be derived from resources deemed renewable. The categories of renewable resources are designated as Class I, Class IA, or Class II, and varying conditions of eligibility and renewable energy credits are established for each class. The outcome is an overall increase in renewable sourcing requirements from 10% of all electricity sold by 2030 under current law, up to 50% of electricity sold by that year under the terms of the Act. State goals are also established at higher percentages. The language applies a 300% multiplier for the output of a generator fueled by municipal solid waste in conjunction with recycling in Class II, and allows energy storage systems to be awarded long-term contracts from the Public Utilities Commission (PUC) when paired as a complementary resource with a Class IA resource. The Governor’s Office of Policy and Management and the Governor’s Energy Office are required to conduct a market assessment study and analysis of opportunities and challenges in meeting the state’s renewable energy goals and to report on this study by Jan. 31, 2021. Additionally, the PUC is required to submit a report by March 31, 2024 and every five years thereafter regarding the status and impacts of implementing the requirements for Class IA resources and thermal renewable energy credits.

LD 1683 – An Act To Clarify the Definition of “Consumer-owned Transmission and Distribution Utility” (Sponsored by Rep. Grohoski of Ellsworth) **Emergency Enacted; PL 2019, c. 311 (6/17/19)**

This Act changes the statutory definitions of “consumer-owned transmission and distribution utility” and “consumer-owned water utility” to ensure the existing requirement that these utilities be wholly owned by consumers and municipalities now explicitly includes consumers and municipalities located in Maine.

LD 1711 – An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine. (Sponsored by Sen. Dow of Lincoln Cty.) **PL 2019, c. 478**

This Act expands eligibility for participation in Maine’s net energy billing law, removing the 10-meter cap on the number of customer accounts who may share a financial interest (except in the Northern Maine Independent System Administrator territory, unless allowed by the Public Utilities Commission), and directs investor-owned electric utilities to procure by July 1, 2024 a total of 375 megawatts from a distribution of facilities which use state-designated renewable fuels or technologies to generate up to five megawatts of electricity. The Act also requires the Public Utilities Commission to report to the Energy, Utilities and Technology Committee with recommendations regarding metering and billing capabilities and issues by Dec. 1, 2021.

LD 1720 – An Act To Amend the So-called Dig Safe Law. (Sponsored by Sen. Lawrence of York Cty.) **PL 2019, c. 322**

This Act requires excavators to call 9-1-1 if contact with or damage to an underground pipe or another underground facility results in the escape of any natural gas or other hazardous substance or material regulated by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration.

LD 1752 – An Act To Amend the Charter of the Boothbay Harbor Sewer District. (Sponsored by Rep. Stover of Boothbay) **P & SL 2019, c. 12**

This Act updates Private and Special Law 1961, chapter 161, the Charter of the Boothbay Harbor Sewer District, to include language from the Standard Sewer District Enabling Act and

to allow for representation from the Town of Boothbay on the board of trustees of the district.

LD 1766 – An Act To Transform Maine’s Heat Pump Market To Advance Economic Security and Climate Objectives. (Governor’s Bill) (Sponsored by Sen. Lawrence of York Cty.) **PL 2019, c. 306**

This Act creates a five year goal to install 100,000 “high-performance air source heat pumps,” directing forward capacity market payments that are received by the Efficiency Maine Trust into the state Heating Fuels Efficiency and Weatherization Fund, and allowing the Public Utilities Commission to establish a safe heat load standard as an alternative to its waiver process when such pumps are going to be used as the primary heating system in publicly supported multifamily residential structures.

LD 1796 – Resolve, To Study Transmission Grid Reliability and Rate Stability in Northern Maine. (Sponsored by Rep. Stewart of Presque Isle) **Resolves 2019, c. 71**

This Resolve directs the Governor’s Energy Office to convene an 11-member stakeholder group to identify and develop strategies to address transmission grid reliability and electric rate stability for the northern Maine service territory. The Governor’s Energy Office is directed to submit a report that includes its findings, together with any proposed implementing legislation, to the Energy, Utilities and Technology Committee, by March 1, 2020, with the committee authorized to report out a bill before adjournment.

LD 1800 – An Act to Modernize the E-9-1-1 Laws To Include Text Messaging and Other Methods of Contacting E-9-1-1. (Sponsored by Rep. Berry of Bowdoinham) **PL 2019, c. 339**

This Act makes changes to the emergency services communication laws to replace the term “E-9-1-1” with “9-1-1” and to reflect that text messaging and other methods can be used to contact 9-1-1.

ENVIRONMENT & NATURAL RESOURCES

LD 112 – An Act To Implement Changes to Maine’s Solid Waste Laws Pursuant to a Review of the State Waste Management and Recycling Plan. (Sponsored by Rep. Tucker of Brunswick) **PL 2019, c. 291**

This Act makes several changes to the state’s solid waste management laws. It: (1) amends the definition of the term “bypass” to clarify that it is solid waste destined for processing at an “operating facility” but cannot be disposed of because of a temporary malfunction, insufficient capacity, inability to process or burn or downtime and further defines operating facilities as licensed solid waste facilities that are fully operational prior to a temporary malfunction, insufficient capacity, inability to process or burn or downtime and will resume full operation once the problem is resolved; (2) specifies through legislative findings and statements of intent that the purpose, management and operation of state-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy; (3) stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at state-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the facility operator, the disposal is consistent with the solid waste management hierarchy, and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available; (4) authorizes the department to limit the volume of municipal solid waste disposed of at a state-owned solid waste disposal facility and the duration of such disposal through the imposition of limitations under the facility’s license; (5) requires that, beginning March 1, 2020

and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the state report to the department regarding its recycling of such materials; (6) clarifies the existing recycling reporting requirement for municipalities to identify the options available to residents and businesses within the municipality for managing solid waste, including any provisions for the separate management of reportable recycling materials and organic waste and the disposal of other municipal solid waste, including construction and demolition debris, and changes the reporting to biennial rather than annual; and (7) changes the existing due date for the department's report on statewide generation of solid waste, recycling rates and available disposal capacity to the Environmental and Natural Resources Committee to Jan. 1, 2021, and biennially thereafter.

LD 216 – An Act To Protect Water Quality by Standardizing the Law Concerning Septic Inspection in the Shoreland Zone. (Sponsored by Rep. Fay of Raymond) **PL 2019, c. 43**

As of Jan. 1, 2020, this Act extends to all shoreland areas including lakes, streams and wetlands, the requirement that subsurface wastewater disposal systems on property located within a shoreland area be inspected prior to a sale of the property. Previously, this requirement was only imposed on coastal shoreland property transfers.

LD 289 – An Act To Prohibit the Use of Certain Disposable Food Service Containers. (Sponsored by Rep. Zeigler of Montville) **PL 2019, c. 62**

Beginning Jan. 1, 2021, this Act prohibits a food establishment, subject to certain exemptions, from processing, preparing, selling or providing food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam. The Act also: (1) excludes from the definition of "food establishment" hospitals and so-called meals on wheels establishments funded in whole or in part directly or indirectly by the Department of Health and Human Services; (2) excludes from the definition of "disposable food service container" polystyrene foam coolers and ice chests used for processing or shipping seafood; (3) adds sleeves and stirrers to the definition of "service ware;" and (4) incorporates penalty provisions and a prohibition on the use of plastic beverage stirrers by food establishments providing or serving beverages at a facility or function of the state or of a political subdivision.

LD 543 – Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections. (Sponsored by Rep. Blume of York) **Resolves 2019, c. 13**

This Resolve directs the Department of Health and Human Services, in consultation with the Department of Environmental Protection, to submit to the Environment and Natural Resources Committee on or before Jan. 15, 2020, a report containing a variety of information regarding septic system inspections and the certification of septic system inspectors. After reviewing the report, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

LD 550 – An Act To Amend the Definition of "Subdivision" in the Laws Governing Planning and Land Use Regulation for Subdivisions and a Provision Excepting the Division of a New or Existing Structure from Those Laws Beginning July 1, 2018. (Sponsored by Sen. Libby of Androscoggin Cty.) **PL 2019, c. 174**

This Act changes the date by which definitions of "subdivision" found in municipal ordinances must comply with the definition of "subdivision" in state law to Jan. 1, 2021 and extends the time municipalities have to register an ordinance with

a conflicting definition with the registry of deeds to June 30, 2020. The Act also repeals current provisions requiring a project subject to municipal site plan review to be conducted in accordance with provisions in Title 38. Instead, the law now defines "municipal site plan review" to mean a review established by ordinance that sets forth the process of determining whether a development meets certain specified criteria, which must include stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety. The municipal review authority must determine whether local ordinances meet these requirements. The enacted changes are retroactive to June 30, 2018.

LD 562 – An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities. (Sponsored by Rep. Blume of York) **PL 2019, c. 40**

This Act amends the shoreland zoning laws to: (1) require the state to provide training, rather than "basic" training, to code enforcement officers; (2) increase the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increase the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000; and (3) require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority pre-construction and post-construction photographs of the shoreline vegetation and development site.

LD 603 – An Act To Amend the Laws Governing Funding for Landfill Closure Costs. (Sponsored by Sen. Dill of Penobscot Cty.) **PL 2019, c. 93**

This Act extends the eligibility for state funding for 75% of certain landfill closure costs where an application for licensure was accepted for processing on or before Sept. 1, 1989 and approved by the commissioner of the Department of Environmental Protection within one year of receipt of the application.

LD 710 – Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses. **Resolves 2019, c. 36** (Sponsored by Rep. Berry of Bowdoinham)

This Resolve requires the Department of Environmental Protection to study the establishment of a new state stewardship program for mattresses and by Dec. 4, 2019 report the results of its study and recommendations to the Environment and Natural Resources Committee, which is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

LD 817 – An Act To Advance the Restoration of the Penobscot River. (Sponsored by Sen. Dill of Penobscot Cty.) **PL 2019, c. 72**

This Act moves upstream the starting point of the prohibition on erecting, operating, maintaining or using any dam on the section of the Penobscot River from the Bangor Hydroelectric Company Dam located in Veazie under current law, up to the Milford Dam located between Milford and Old Town, except the portion of the river known as the Stillwater Branch. The Act also repeals the section of law allowing for the study of the feasibility of erecting, operating, maintaining or using a dam for hydroelectric generation on the portion of the Penobscot River currently prohibited from use.

LD 906 – An Act Concerning Pavement Sealing Products. (Sponsored by Rep. Daughtry of Brunswick) **PL 2019, c. 493**

This Act prohibits the sale of coal tar sealant products beginning Oct. 1, 2023 and prohibits the application of coal tar sealant products on driveways or parking areas beginning Oct. 1, 2024. The commissioner of the Department of Environmental

Protection may grant an exemption from the prohibitions for research or development purposes.

LD 959 – An Act To Increase Funding for the Maine Lakes Society “LakeSmart” Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program. (Sponsored by Rep. Keschl of Belgrade) **PL 2019, c. 519**

This Act allocates \$75,000 in both FY 2020 and FY 2021 to the Department of Environmental Protection to provide funding for the Lake Stewards of Maine volunteer lake monitoring program and the Maine Lakes Society “LakeSmart” education program, as well as \$25,000 in both FY 2020 and FY 2021 to the New England Interstate Water Pollution Control Commission for pollution control training programs.

LD 1121 – An Act To Acknowledge Potable Water as a Necessity. (Sponsored by Sen. Chenette of York Cty.) **PL 2019, c. 126**

This Act adds potable water to the lists of necessities in the laws governing profiteering in necessities, municipal general assistance and supplies for jails.

LD 1320 – An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities. (Sponsored by Rep. Fay of Raymond) **PL 2019, c. 181**

When a Natural Resources Protection Act permit is issued or denied or a related rule is approved or denied, this Act clarifies that the Department of Environmental Protection must provide each municipality where a proposed activity is to occur a copy of the permitting decision or other authorization or denial, and may do so electronically.

LD 1431 – Resolve, To Support Municipal Recycling Programs. (Sponsored by Rep. Devin of Newcastle) **Resolves 2019, c. 42**

This Resolve directs the Department of Environmental Protection to develop a plan to establish a program of extended producer responsibility for packaging. The Resolve exempts small producers and producers already covered under the beverage container redemption laws from participation, though they may voluntarily opt into the program. The design of the program must provide for the establishment of a nonprofit stewardship organization of producers of packaging to support Maine’s municipal solid waste management program by: (1) covering 80% of the cost of recycling the packaging; (2) providing per capita reimbursement payments to municipalities for nonrecyclable packaging to help municipalities cover the cost of packaging needing disposal; (3) investing in waste reduction and recycling education and infrastructure; (4) requiring producers to pay higher fees for packaging materials sold into the market that are not easily recyclable or contain hazardous or multiple packaging material types and lower fees for using higher value reusable components and recycled content; (5) directing the stewardship organization to pay for the costs of collecting and reporting data on the program; (6) creating incentives for municipalities and producers to reach predetermined goals based on the reporting data and; (7) establishing a system where participating producers can protect themselves against producers who fail to register with the program to ensure fairness and full compliance. No later than Dec. 16, 2019, the department is further directed to report its findings and recommendations to the Environment and Natural Resources Committee, which is authorized to submit legislation to the Second Regular Session of the 129th Legislature.

LD 1532 – An Act To Eliminate Single-use Plastic Carry-out Bags. (Sponsored by Rep. Stover of Boothbay) **PL 2019, c. 346**

After April 22, 2020, this Act prohibits retail establishments, unless otherwise excepted, from offering single use plastic bags to customers, unless the retailer places a receptacle for collecting used bags within 20 feet of the main entrance of the establishment, ensures the single use bags are recycled or delivered to a person engaged in recycling activities, and assesses a five cent per bag fee with the collected fees retained by the retail entity for any lawful purpose, except to provide a refund to a consumer returning a bag. The Act exempts several entities from the fee assessment mandate, including hunger relief organizations, and restaurants or stores with less than 2% of retail sales and 10,000 square feet of retail area. Municipalities are also preempted from adopting ordinances regulating single use plastic bags, and all existing ordinances are made null and void as of April 22, 2020.

LD 1644 – An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection. (Sponsored by Rep. Zeigler of Montville) **PL 2019, c. 180**

This Act clarifies that a member of the Board of Environmental Protection may not participate in a review of a National Pollutant Discharge Elimination System permit or enforcement decision under the federal Clean Air Act if the member receives, or during the previous two years has received, a significant portion of income directly or indirectly from the licensee, permit holder, or applicant. The Act defines a “significant portion of income” as 10% or more of gross personal income for a calendar year, unless the board member is over 60 years of age and is receiving that portion under retirement, pension or similar arrangement, then the limit is 50% or more of gross personal income.

LD 1668 – An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State’s Mercury-added Lamp Law. (Sponsored by Rep. Tucker of Brunswick for the Joint Standing Committee on Environment and Natural Resources) **PL 2019, c. 286**

Among other provisions, this producer responsibility Act codifies the recommendations of the Department of Environmental Protection with regard to mercury lamp disposal, and establishes the parameters for collection points of the hazardous material by directing the commissioner to provide collection locations that serve 90% of the state’s residents with points generally no more than 15 miles from residences unless deemed impracticable. Manufacturers of mercury added lamps must promote the lamp disposal and pickup program and assist in developing strategies for outreach and education efforts. Data regarding the collection activity, number of lamps recycled, and compliance with the system must be reported to the Environmental and Natural Resources Committee.

LD 1679 – An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council. (Governor’s Bill) (Sponsored by Sen. Woodsome of York Cty.) **Emergency Enacted; PL 2019, c. 476 (6/26/19)**

This Act establishes the Maine Climate Council, which is directed to identify climate change mitigation, adaptation and resiliency strategies that ensure equity for all sectors of the state and residents; pursue technologically and cost-effective responses to these statewide hazards; reduce greenhouse gas emissions; and transition Maine’s economy to a clean energy plan. The proposed membership of the climate council consists of two legislators from each chamber, members from each state department, the Governor’s Office of Policy and Management, Maine State Housing Authority, Governor’s Energy Office, Efficiency Maine Trust and 20 members representing the state’s tribal governments, municipal government, organized labor, building and construction trades, energy sector, forestry, agriculture, marine fisheries, environmental non-profits, small businesses, climate

change experts, University of Maine system, Maine youth, and two other government or public members. The law sets out the structure of the study, including the establishment of subject area subcommittees, compensation terms, and objectives and requires the council to report to the Environment and Natural Resources Committee on its progress and strategies to achieve climate action goals on Jan. 15, 2021 and every year thereafter.

LD 1706 – An Act To Ensure Public Notification of Air Quality Violations. (Sponsored by Sen. Millett of Cumberland Cty.) **PL 2019, c. 321**

This Act requires the Department of Environmental Protection to notify an affected municipality when the U.S. Environmental Protection Agency issues a notice of violation or initiates an enforcement action relating to an air quality violation.

LD 1743 – An Act To Reclassify Certain Waters of the State. (Sponsored by Rep. Zeigler of Montville) **PL 2019, c. 333**

This Act reclassifies several waterbodies or segments of water bodies including portions of Millinocket Stream to the East Branch of the Penobscot, portions of the Penobscot River from Milford Dam and Stillwater Branch, tributaries to Web Lake, West Branch Mattawamkeag River, Fish Stream, portions of East Branch Wesserunsett Stream and its tributaries, Back Brook and its tributaries, Salmon Brook, and West Branch Salmon Brooke, Tunk Stream and its tributaries, and the Mattaceunk impoundment (as it existed in 1990) and restricts new direct discharges to the segments of the Mattaceunk impoundment confluence with the West Branch.

LD 1784 – An Act To Increase Land Permit by Rule Application Fees. (Sponsored by Rep. Blume of York) **PL 2019, c. 374**

This Act increases the Department of Environmental Protection's "permit by rule" application fees from \$50 to \$250 that apply to certain activities covered under the Natural Resources Protection Act and that occur near wetlands and waterbodies.

LD 1789 – An Act To Restore the Authority of the Board of Environmental Protection. (Governor's Bill) (Sponsored by Sen. Foley of York Cty.) **PL 2019, c. 315**

This Act restores Board of Environmental Protection authority to establish criteria and conditions for the classification of wastewater treatment plants, hazardous waste, waste oil and biomedical waste disposal and flame retardants, along with the rules around qualifications, conditions and licensing standards and procedures. The Act provides the board with authority to review the commissioner of the Department of Environmental Protection's enforcement actions and recommendations for changes in statute, as well as to evaluate the adequacy of penalties and enforcement activities, approve administrative consent agreements, hear appeals of emergency orders, and adopt, amend, or repeal reasonable and emergency rules the department is charged with administering.

HEALTH & HUMAN SERVICES

LD 153 – An Act To Strengthen Testing for Lead in School Drinking Water. (Sponsored by Sen. Millett of Cumberland Cty.) **PL 2019, c. 158**

This Act requires private and public schools to test water used for drinking or culinary purposes for lead and to mitigate and abate issues, only if the Department of Health and Human Services provides the necessary financial resources. The Act also directs the department to: (1) adopt rules regarding testing and guidance to reduce exposure to lead; (2) provide resources to schools within existing resources or identify alternative means to achieve the purposes of the legislation; and (3) beginning Jan. 1, 2021 report to the Health and Human Services Committee on

the number of schools tested for lead, whether the department issued specific guidance to reduce exposure to lead, the number of schools that engaged in abatement or mitigation efforts and the methods of abatement or mitigation used.

LD 459 – An Act Regarding Presumptive Eligibility and Homelessness under the General Assistance Laws. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2019, c. 515**

This Act defines "homelessness" for the purposes of the laws governing the General Assistance (GA) program, to include living in a place that is not fit for human habitation, living in an emergency shelter or temporary housing, or fleeing violence, and specifies that a person experiencing or facing homelessness who meets the conditions for receiving emergency assistance in current law is presumed eligible for emergency general assistance. After 30 days, a person's eligibility must be reassessed, however, no other municipality may be designated the municipality of responsibility during the initial 30-day period. The Act directs the Department of Health and Human Services to convene a work group of stakeholders to study the GA program to establish more efficient methods of distributing benefits to individuals, review the differential effects on service center communities and other municipalities providing GA, devise an equitable method of establishing the municipality of responsibility, and develop services to reduce homelessness and reliance on homeless shelters. The stakeholders include Maine State Housing Authority and organizations representing mayors, municipalities, GA providers, clients of services and other appropriate persons. The department is further directed to report its findings, recommendations and suggested legislation to the Health and Human Services Committee no later than Jan. 2, 2020.

LD 761 – An Act To Ensure That Incarcerated Individuals Are Eligible for Medicaid during Incarceration and Receive Food Supplement Benefits upon Release. (Sponsored by Rep. Talbot Ross of Portland) **PL 2019, c. 492**

This Act requires the Department of Health and Human Services to establish procedures to ensure that: (1) a person receiving federally approved Medicaid services prior to incarceration does not lose eligibility as a result of incarceration and receives assistance with reapplying for benefits if coverage expires or is terminated during the term of incarceration; and (2) a person who is not receiving Medicare services prior to incarceration, but meets the eligibility requirements, receives assistance with applying for services. The Act also requires the department to apply for and implement a waiver to promote streamlined and timely access to the food supplement program for a person who is being released from incarceration.

LD 765 – Resolve, To Review Asset Limits for Social Service Programs. (Sponsored by Rep. Madigan of Waterville) **Resolves 2019, c. 41**

This Resolve directs the Department of Health and Human Services to convene a stakeholder group to examine the asset limits for eligibility applied to the elderly low-cost drug program, Medicare savings program, Temporary Assistance for Needy Families program and the statewide food supplement program and determine whether the limits meet the missions of the programs or represent barriers. The department is required to submit a report, including findings and recommendations, to the Health and Human Services Committee no later than Dec. 1, 2019.

LD 1079 – An Act To Authorize Public Schools To Periodically Test for Radon. (Sponsored by Rep. Warren of Hal-lowell) **PL 2019, c. 172**

This Act allows, but does not require, a school administrative unit to hire a person registered with the division of environmental health within the Department of Health and Human Services

(DHHS) under the Radon Registration Act to test an occupied school building every five years for radon. The method of testing must be consistent with the standards established in department rules. A school administrative unit that chooses to test must maintain, make available for review and notify parents, faculty, staff and DHHS, as well as the Department of Education of the test results. DHHS is also directed to disburse money, when available, to school units conducting the testing. The Act also requires radon resistant techniques to be used when a new school is built.

LD 1116 – An Act To Strengthen the Lead Poisoning Control Act. (Sponsored by Sen. Libby of Androscoggin Cty.) **Emergency Enacted; PL 2019, c. 479 (6/27/19)**

This Act: (1) changes the year for the state’s goal to eradicate childhood lead poisoning from 2010 to 2030 and requires that a report on the progress toward meeting that goal is submitted to the Legislature by Jan. 1, 2025; (2) requires that all Maine children be tested for unsafe exposure to lead at one and two years of age; and (3) amends the factors in existing law that must be present in order for the 25 cent per gallon fee imposed on manufacturers or wholesalers of paint sold in the state to be repealed. Under the terms of existing law, the fee is repealed when the commissioner of the Department of Health and Human Services certifies that a period of 24 months has elapsed since the department has identified a child with an elevated blood lead level. Under current law, an “elevated blood lead level” is defined as the lesser of 10 micrograms per deciliter or a level defined by the federal Department of Health and Human Services, Center for Disease Control. As amended by the Act, an elevated blood lead level is defined as a level that is equal to or exceeds five micrograms per deciliter.

LD 1129 – An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act. (Sponsored by Rep. Jorgensen of Portland) **PL 2019, c. 217**

This Act clarifies the Maine Medical Use of Marijuana Act by defining a “caregiver retail store” as an establishment that has the attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public, and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients. The Act also defines “municipal approval” to mean an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under the Act.

LD 1218 – An Act To Allow Maine Medical Marijuana Caregivers To Measure Cultivation Limits by Plant Canopy Size. (Sponsored by Rep. Corey of Windham) **PL 2019, c. 256**

This Act amends the Maine Medical Use of Marijuana Act provision governing how much medical marijuana caregivers may cultivate. It defines the term “plant canopy” and adds language to caregivers’ existing allowance to cultivate up to 30 mature marijuana plants, to allow caregivers to grow as much as may be feasible in up to 500 square feet, as measured by plant canopy.

LD 1297 – An Act To Reduce Youth Cancer Risk. (Sponsored by Rep. Perry of Calais) **PL 2019, c. 275**

This Act: (1) prohibits a tanning facility from allowing an individual who has not attained 18 years of age to use a tanning device; (2) requires the owner of a tanning facility or the lessee of a tanning device to post a conspicuous notice regarding the laws governing and the health risks associated with tanning; (3) requires that each customer, prior to that customer’s first use in that calendar year of that tanning device, sign an acknowl-

edgment that the customer understands the posted notice and agrees to use protective eyewear; and (4) authorizes municipalities to adopt more restrictive regulations than required in this law. The Act also specifies that a violation of the section on tanning facilities is subject only to civil penalties and requires the Department of Health and Human Services to adopt routine technical rules to implement the laws regulating tanning facilities.

LD 1318 – Resolve, To Increase Access to Housing-related Support Services. (Sponsored by Rep. Gattine of Westbrook) **Resolves 2019, c. 55**

This Resolve directs the Department of Health and Human Services to examine opportunities available through the use of a home and community-based services waiver from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services to provide housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations. It also directs the department to: (1) collaborate with Maine State Housing Authority to determine how resources may be leveraged more effectively to address the housing needs of identified vulnerable populations; (2) consult with interested stakeholders as it conducts the review; and (3) by Feb. 1, 2020 provide its recommendations to the Health and Human Services Committee, which is authorized to report out legislation implementing the recommendations.

LD 1484 – An Act To Create a System Using the Permit for Disposition of Human Remains To Track the Burial of Cremated Remains in a Public Cemetery. (Sponsored by Rep. Doore of Augusta) **PL 2019, c. 257**

This Act requires persons responsible for public burying grounds to provide the State Registrar of Vital Statistics or the municipal clerk documentation of buried cremated remains. If documentation is not provided within seven days after the remains are buried, the funeral director or other authorized person may file the authorization with the state or municipality.

LD 1505 – An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws. (Sponsored by Rep. Hymanson of York) **PL 2019, c. 331**

This Act corrects technical conflicts that resulted from the enactment by the previous Legislature of two separate laws addressing the same provisions of the Maine Medical Marijuana Act. Of note to municipalities, the recognition of home rule regulatory authority that had been enacted in Title 22, section 2423-A (14) is repealed, leaving Title 22, section 2429-D as the key section of the Act explicitly addressing local authority to regulate medical marijuana businesses.

LD 1735 – An Act To Clarify the Pathway for a Registered Dispensary under the Maine Medical Use of Marijuana Act To Become a For-profit Entity. (Sponsored by Sen. Jackson of Aroostook Cty.) **Emergency Enacted; PL 2019, c. 312 (6/17/19)**

This Act governs the potential reorganization of the eight medical marijuana dispensaries registered with the state as of April 1, 2018, transitioning from operating as a nonprofit entity as previously required by law into operating as a for-profit entity. Dispensaries’ boards of directors are exempted from ordinary fiduciary duty and conflict-of-interest laws for this limited reorganization purpose. Any dispensary that reorganizes as a for-profit is required to provide discounts of at least 2% to those registered patients receiving hospice care, those over 65 years old, those earning an income at or below 400% of the nonfarm income official poverty line, and those who are veterans.

LD 1738 – An Act Regarding Medical Marijuana. (Emer-

gency) (Sponsored by Rep. Perry of Bangor) **Emergency Enacted; PL 2019, c. 354 (6/18/19)**

This Act establishes a certification program for adult use and medical marijuana testing facilities within the Department of Health and Human Services, Maine Center for Disease Control and Prevention, creating a new fund and authorizing the expenditure of some certification fees to operate the program.

LD 1803 – An Act To Update the Laws Regarding Death and Marriage Records. (Sponsored by Rep. Hymanson of York) **PL 2019, c. 340**

This Act makes changes to the laws governing marriage records and the filing, correction and amendment of death records, including removing language from the statutes that describes marriage as the union of a man and a woman to conform with the laws in the state. This Act also authorizes people to record their intentions to marry with the State Registrar of Vital Statistics.

INLAND FISHERIES & WILDLIFE

LD 79 – An Act To Protect Shooting Ranges. (Sponsored by Rep. Corey of Windham) **PL 2019, c. 14**

This Act allows firearms to be discharged on a sport shooting range that is within 100 yards of a building, provided the sport shooting range was established and in regular operation prior to the erection of the building.

LD 212 – An Act To Provide a Source of Funding for the ATV Recreational Management Fund and To Establish the ATV Enforcement Fund. (Sponsored by Rep. Martin of Sinclair) **Emergency Enacted; PL 2019, c. 75 (5/01/19)**

This Act creates the ATV Enforcement Fund, which is a non-lapsing fund used for the enforcement of ATV laws, education, and the purchase of necessary machinery or equipment related to ATV safety and enforcement activities. The Act increases the ATV registration fee from \$33 to \$45 for annual registrations for residents, from \$53 to \$75 for seven-day registrations for nonresidents and from \$68 to \$90 for one-year registrations for nonresidents, and requires \$12 of each resident and \$10 of each non-resident registration fee to be deposited into the fund.

LD 235 – An Act To Increase Funding To Contain and Manage the Spread of Invasive Aquatic Species. (Sponsored by Rep. Riseman of Harrison) **PL 2019, c. 264**

Beginning Jan. 1, 2020, this Act increases: (1) the invasive species prevention and control fees for watercraft operating on inland waters from \$10 to \$15; (2) the fee for operating watercraft on inland waters by \$5; and (3) the fee for nonresident motorboats, personal watercraft and seaplanes by \$10, by an additional \$5 beginning on Jan. 1, 2022, and by another \$5 beginning on Jan. 1, 2024. The Act also requires that 80%, rather than 60%, of the invasive species prevention and control fee revenue is credited to the Invasive Aquatic Plant and Nuisance Species Fund and 20%, rather than 40%, credited to the Lake and River Protection Fund.

LD 1147 – Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Study Registration Fees for All-terrain Vehicles and Snowmobiles. (Sponsored by Rep. Stearns of Guilford) **Resolves 2019, c. 35**

This Resolve directs the commissioner of the Department of Inland Fisheries and Wildlife to review, in consultation with interested parties, the current registration fees for all-terrain vehicles and snowmobiles to consider alternatives to the current fee structure and the potential effects on revenue. It requires the commissioner to submit a report to the Inland Fisheries and Wildlife Committee, no later than Feb. 1, 2020, detailing the alternatives considered and any recommendations. The com-

mittee is authorized to submit legislation to the Second Regular Session of the 129th Legislature, based on the commissioner's report.

LD 1488 – An Act To Allow Holders of Gold Star Family Registration Plates To Be Issued Complimentary Licenses To Hunt, Trap and Fish. (Sponsored by Rep. Fecteau of Augusta) **PL 2019, c. 443**

This Act allows the holder of a registration certificate and a set of gold star family registration plates to be issued a complimentary lifetime license to hunt, trap and fish, including permits, stamps, and other permissions needed to hunt. The issued permit or license remains valid provided the person is a resident of Maine and the permit or license has not been revoked or suspended.

LD 1579 – An Act To Allow Municipalities To Stock Ponds in Their Areas with Fish. (Sponsored by Rep. Mason of Lisbon) **PL 2019, c. 263**

This Act allows a municipality to introduce fish into a great pond within its jurisdiction, provided the pond was previously stocked by the Department of Inland Fisheries and Wildlife, is stocked with the same species of fish previously stocked in that program, meets all health guidelines, and is conducted at the expense of the municipality or local government. The Act also requires the local government seeking to establish a stocking program to provide public access suitable at least for boats that can be hand carried, has a public parking area, and is marked with adequate signage to increase awareness of the existence of public access.

LD 1824 – An Act To Make Certain Snowmobile and Watercraft Laws Consistent with All-terrain Vehicle Laws. (Sponsored by Sen. Davis of Piscataquis Cty.) **PL 2019, c. 452**

This Act adds snowmobiles and watercraft to the statutes governing the operation of recreational vehicles to mirror current all-terrain vehicle operating rules, including refusal to stop, or eluding law enforcement, and operating recklessly under the influence of prohibited substances, and further authorizes the commissioner of the Department of Inland Fisheries and Wildlife to suspend all snowmobile and watercraft licenses, permits and registrations for violations of the statute.

INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT & BUSINESS

LD 277 – An Act to Ban Telephone Solicitations Using an Artificial or Prerecorded Voice and Enhance Caller Identification. (Sponsored by Sen. Chenette of York Cty.) **PL 2019, c. 185**

This Act makes several changes to the laws governing telephone solicitation, including: (1) adding language including interconnected voice over internet protocol and text messaging, and removing the requirement for at least one intrastate call in the definition of telemarketing; (2) excepting from the prohibition on the use of automatic calls emergency messages from a government entity, information provided with the prior written, expressed consent of the recipient of the call, and communications from a business about reservations, purchases and other information for customers such as hours of operation, directions and merchandise availability; (3) specifying that the Office of the Attorney General may enforce violations of the prohibition on misleading or inaccurate caller identification information, along with other violations of the Maine Unfair Trade Practices Act; (4) defining "misleading or inaccurate caller identification information" to include blocked calls while limiting the term's scope to only those transmissions which intend to defraud, cause harm, or wrongfully obtain something of value; and (5) exempting from the Act's scope telecommunica-

tions services provided by a carrier pursuant to federal law.

LD 671 – Resolve, To Require Professional Licensure for Home Inspectors. (Sponsored by Rep. Kessler of South Portland) **Resolves 2019, c. 61**

This Act requires the Department of Professional and Financial Regulation to conduct a sunrise assessment of a legislative proposal to license home inspectors and to issue a report to the Innovation, Development, Economic Advancement and Business Committee no later than Jan. 10, 2020, which is authorized to submit legislation on the subject matter to the Second Regular Session of the 129th Legislature.

LD 1290 – An Act to Increase Transparency with Regard to Pawnshops. (Sponsored by Rep. Harrington of Sanford) **PL 2019, c. 296**

Effective July 1, 2020, this Act requires pawnbrokers, within 10 days of a transaction, to record the transaction using a regional property and recovery tracking system administered by a law enforcement support organization designated by the Department of Public Safety, Bureau of State Police. The report must include the name and address of the pawnbroker, date and time of the transaction, the buyer or seller's name, address, date of birth, telephone number, and proof of identification and information on every item involved in the transaction.

LD 1685 – An Act To Facilitate Entry of Immigrants into the Workforce. (Sponsored by Rep. Cloutier of Lewiston) **PL 2019, c. 447**

This Act establishes and funds the Foreign Credentialing and Skills Recognition Revolving Loan Program to be administered by the Finance Authority of Maine. Under the program, the authority may provide interest-free loans to foreign-educated or foreign-trained, experienced immigrants who need assistance while awaiting federal employment authorization to pay the costs of certain actions and activities that will improve their work-readiness once they receive their federal work permits.

LD 1791 – An Act To Amend Licensure for Professional Engineers. (Sponsored by Rep. Stetkis of Canaan) **PL 2019, c. 375**

This Act amends the laws governing licensure for professional engineers and certification for engineer-interns, in part: (1) clarify language regarding the use of professional engineers in public works projects to explicitly authorize municipalities to require their services for such projects when required by rule or law; (2) repeal the temporary licensing provisions for nonresidents; (3) clarify and update references to the building standards and eliminate references to standards that have been superseded; (4) increase the maximum penalty for violations to \$10,000; and (5) allow the board to maintain its roster of active licensed professional engineers on its publicly accessible website.

JUDICIARY

LD 8 – An Act To Allow and Recognize a Legal Name Change upon Marriage. (Sponsored by Rep. Bailey of Saco) **PL 2019, c. 82**

This Act allows a person who is getting married to change that person's name by indicating the new name on the application for the notice of intent to marry, which becomes effective upon the completion of the marriage license.

LD 475 – An Act Concerning Caller Access to E-9-1-1 Call Recordings. (Sponsored by Sen. Libby of Androscoggin Cty.) **PL 2019, c. 84**

This Act adds to the list of exceptions from the prohibition on disclosing audio recordings of 9-1-1 calls requests from a court presiding over a protection from abuse or harassment ac-

tion if a party in the action made one or more emergency calls. The court presiding over the action may permit the parties or their attorneys, if the parties are represented, to access the recordings and, on a finding of good cause, provide copies to the parties. The party making the request is required to provide the custodian of the audio recording with the names of the parties, the court presiding over the action, and the docket number. The request must be made in writing or e-mail, and allow the custodian a reasonable amount of time to search for, retrieve and send the recording in the format used by both the custodian and the courts.

LD 492 – An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act. (Sponsored by Sen. Libby of Androscoggin Cty.) **PL 2019, c. 214**

This Act extends from 180 days to one year the notice period for filing a claim under the Maine Tort Claims Act and clarifies that the expanded notice period applies prospectively and only to causes of action that accrue on or after Jan. 1, 2020.

LD 506 – An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters. (Sponsored by Rep. Rykerson of Kittery) **PL 2019, c. 49**

This Act provides civil immunity for architects, contractors, environmental professionals, land surveyors, landscape architects, planners and professional engineers who provide voluntary professional services during a natural disaster or catastrophe when the services are provided under the applicable license or certification, are related to the natural disaster or catastrophe and are provided at the request of a federal, state or local public official, law enforcement official, public safety official or building inspection official. The immunity is provided only during the natural disaster or catastrophe, unless the period of emergency is extended by an executive order issued by the president of the United States or the governor under the president's or governor's emergency executive power. No immunity is provided for reckless or intentional misconduct.

LD 627 – An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices. (Reported by Rep. Warren of Hallowell for the Criminal Law Advisory Commission) **PL 2019, c. 489**

This Act adds a subchapter on obtaining search warrants for tracking devices and makes changes to the laws governing access to content and location information pertaining to portable electronic devices, including cell phones. This Act limits the definition of "tracking device" to those devices for which the primary purpose is to track a person or object, and makes consistent the definition of "adverse result" used when requesting that notice not be provided when issuing a warrant, to include "immediate danger of death or serious physical injury to any person" and "seriously jeopardizing an investigation" but not including "other significantly detrimental consequence." Finally, the Right To Know Advisory Committee is directed to review the law concerning the application for and issuance of search warrants authorizing the installation and monitoring of tracking devices and include as part of its annual report a summary of its review and any recommendations.

LD 666 – An Act To Protect Pregnant Workers. (Sponsored by Rep. Carney of Cape Elizabeth) **PL 2019, c. 490**

This Act specifies that it is unlawful employment discrimination for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition, unless the provision of an accommodation imposes an undue hardship on the employer. Reasonable accommodations include, but are not limited to, provision of more frequent or longer breaks; tempo-

rary modification in work schedules, seating or equipment; temporary relief from lifting requirements; and temporary transfer to less strenuous or hazardous work.

LD 800 – An Act To Require Recording of Interviews of Suspects. (Sponsored by Rep. Warren of Hallowell) **PL 2019, c. 466**

This Act amends the mandatory policies for law enforcement agencies, which are set by the Board of Trustees of the Maine Criminal Justice Academy, regarding digital, electronic, audio, video or other recording of law enforcement interviews of suspects to specifically include all suspects of murder and Class A, Class B and Class C crimes, instead of suspects in “serious crimes.”

LD 847 – An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms. (Sponsored by Rep. Riley of Jay) **PL 2019, c. 516**

Beginning on Jan. 1, 2020, this Act requires all new construction of public buildings, including government buildings, to include single-occupancy toilet facilities that meet Maine Human Rights Act standards for public accommodations. The new requirement applies only to new construction for which the maximum occupancy capacity exceeds 100 individuals.

LD 868 – An Act To Require That the Terms of a Settlement to Which a Governmental Entity is a Party Be Made Available to the Public. (Sponsored by Rep. Verow of Brewer) **PL 2019, c. 215**

This Act amends existing law to clarify that a settlement agreement entered into by any governmental entity is a public record, except for any information in the agreement that is confidential by statute or is otherwise deemed not to be a public record under the Freedom of Access Act.

LD 1219 – An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers. (Sponsored by Rep. Evangelos of Friendship) **PL 2019, c. 435**

This Act creates the 15 member Deadly Force Review Panel, within the Office of the Attorney General, to examine deaths or serious injury resulting from the use of deadly force by a law enforcement officer after the attorney general has completed the initial investigation. The purpose of the examination is to identify whether there was compliance with accepted best practices under the particular circumstances and whether the practices were sufficient or require adjustments or improvements. The ex officio members of the panel include the commissioner of the Department of Public Safety, the director of investigations for the Office of the Attorney General, the director of the Maine Criminal Justice Academy and the Chief Medical Examiner as well as nine other individuals appointed by the attorney general, including an attorney representing plaintiffs and one representing defendants, a municipal police chief, county sheriff, mental health professional, a representative of a statewide collective bargaining organization for law enforcement employees, a representative of a statewide civil rights organization whose primary mission is related to racial justice, a criminal prosecutor and three citizens whom have never served as sworn law enforcement officers. The panel is further required to submit a report by Jan. 30, 2021 and annually thereafter summarizing its meetings and incidents of the use of deadly force that were examined by the panel in the preceding year.

LD 1414 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act. (Reported by Rep. Bailey of Saco for the Joint Standing Committee on Judiciary) **PL 2019, c. 247**

Under existing law, if an officer or employee of a state government agency or local government entity willfully commits a violation of the Freedom of Access Act, a fine of not more than \$500 may be adjudged. This Act replaces the current penalty provision with a tiered schedule of fines, which includes and up to \$500 fine for a first violation, up to \$1,000 fine for a second violation committed within four years of the initial violation, and up to \$2,000 fine for a third or subsequent violation committed within four years of the second violation.

LD 1416 – An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials. (Reported by Rep. Bailey of Saco for the Joint Standing Committee on Judiciary) **Mandate Enacted; PL 2019, c. 300**

Public officials who are elected to certain positions are required to complete training on the requirements of the Freedom of Access Act. This Act implements the recommendation of the Right To Know Advisory Committee that officials who are appointed rather than elected to those same positions also be required to complete the training. This includes municipal clerks, treasurers, assessors and budget committee members.

LD 1475 – An Act To Eliminate Profiling in Maine. (Sponsored by Rep. Hickman of Winthrop) **PL 2019, c. 410**

This Act directs the attorney general to implement a procedure for receiving, investing and responding to complaints alleging profiling by law enforcement officers or agencies. In consultation with interested parties, including law enforcement agencies and professional research, civil liberties and civil rights organizations, the attorney general may adopt rules for the operation of the complaint process and an independent audit to ensure that programs and procedures provide an appropriate response to allegations of profiling. The attorney general and interested parties are also directed to explore available techniques for the collection and compilation of profiling data and no later than March 15, 2020 report findings and recommendations to the Judiciary Committee, which is authorized to report out legislation in the Second Regular Session of the 129th Legislature. In addition, policies adopted by law enforcement agencies regarding hate or bias crimes must include a statement that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry, as well as a statement that individuals may be stopped or detained only when legal authority exists to do so. Finally, the Board of Trustees of the Maine Criminal Justice Academy is required to provide training aimed at prohibiting bias-based profiling.

LD 1701 – An Act To Clarify Various Provisions of the Maine Human Rights Act. (Sponsored by Rep. Bailey of Saco) **PL 2019, c. 464**

This Act makes changes to the Maine Human Rights Act. Specifically, it describes the behaviors that may constitute harassment in reference to unlawful discrimination, clarifies the Act’s coverage of claims based on association and based on the perception that an individual belongs to a protected class, and provides a definition of “gender identity.” The Act amends some sections of statute in response to recent court decisions, including confirming that a leave of absence can be a reasonable employment accommodation for a disability. Additional language prohibits public buildings from reserving single-occupancy toilet facilities for members of one sex, and requires that signage reflect this change.

LD 1790 – An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees’ Private Information. (Sponsored by Rep. McCreight of

Harpsswell) **PL 2019, c. 451**

This Act extends the same personal information confidentiality protections that have been provided under the law to state and federal employees for years, to municipal and county employees as well. These protections include age, race, marital status, mental or physical disabilities, personal contact information, employment benefits selections, religion, and social security numbers. Information related to ethnicity, genetics, gender identity and sexual orientation is also deemed confidential employee information for state and local employees. The Act authorizes disclosure of this confidential information in aggregate form, unless there is a reasonable possibility that the aggregated information could be used to identify a specific employee.

LD 1811 – An Act To Enhance Personal and Public Safety by Requiring Evaluations of and Judicial Hearings for Persons in Protective Custody Regarding Risk of Harm and Restricting Access to Dangerous Weapons. (Sponsored by Sen. Keim of Oxford Cty.) **PL 2019, c. 411**

This Act establishes a process for law enforcement officials to remove “dangerous weapons” from individuals believed to be a threat to themselves or others. The language allows a broad scope of mental health professionals to determine that an individual who is taken into protective custody by a law enforcement officer poses a risk of foreseeable harm, and that the individual should be restricted from possessing dangerous weapons. When a medical professional makes this determination by issuing a written order for a threat-based temporary restriction on weapons possession by the individual, law enforcement officers are required to promptly seek endorsement of the medical professional’s written restriction by a judge or justice, with the endorsement in turn requiring law enforcement to, within 24 hours, relay this order to the individual to immediately turn over the dangerous weapons and not acquire or possess such weapons, pending a judicial hearing that must take place within 14 days of the initial order. Failure to turn over the dangerous weapons is a violation of law and forms probable cause for a law enforcement officer to obtain a search warrant to seize the property. The law enforcement agency with jurisdiction may opt to store the weapons, or make arrangements with another agency or licensed firearms dealer to store the weapons for the duration of the threat based restriction, and is required to return weapons to the person once the restriction expires. Law enforcement agencies are authorized to dispose of weapons not claimed within six months consistent with existing law allowing unclaimed, lost or stolen firearms and ammunition to be auctioned, used for training purposes, or destroyed.

LABOR & HOUSING

LD 75 – An Act To Protect Earned Pay. (Sponsored by Sen. Herbig of Waldo Cty.) **PL 2019, c. 419**

Under current law, a person who receives or is scheduled to receive remuneration in the form of vacation pay in excess of four weeks’ wages or holiday pay is disqualified from receiving unemployment benefits for the week that remuneration is due. This Act removes those disqualifications.

LD 369 – An Act Authorizing Earned Employee Leave. (Sponsored by Sen. Millett of Cumberland Cty.) **PL 2019, c. 156**

This Act requires an employer, except a seasonal industry employer, that employs more than 10 employees for more than 120 days in any calendar year to permit each employee to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment, with accrual of leave beginning at the start of employment. Nothing in the law prevents employers from providing a benefit that exceeds the 40 hour minimum. An employee is required to work for 120 days before being permit-

ted to use accrued earned paid leave. An employer must pay an employee taking earned leave at least the same base rate of pay that the employee received immediately prior to taking earned leave and provide the same benefits as those provided under established policies of the employer pertaining to other types of paid leave. An employee, absent an emergency, illness or other sudden necessity for taking earned leave, is required to provide reasonable notice of the intent to use leave. An employee taking earned leave maintains any employee benefits accrued before the date on which the leave commenced and the leave may not affect the employee’s right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees. The Act also preempts the authority of a municipality or other political subdivision to enact any ordinance or other rule regulating earned paid leave. The law specifies that earned paid leave does not apply to employees covered by a collective bargaining agreement during the period between Jan. 1, 2021 and the expiration of the collective bargaining agreement. Finally, the Department of Labor, Bureau of Labor Standards is provided the exclusive authority to enforce the law, directed to adopt routine technical rules to implement the law, and required on Jan. 1, 2022 and annually thereafter to report on the progress of the paid leave law to the Labor and Housing Committee.

LD 756 – An Act To Improve the Maine Workers’ Compensation Act of 1992. (Sponsored by Rep. Sylvester of Portland) **PL 2019, c. 244**

This Act makes several changes to the Maine Workers’ Compensation Act of 1992.

For dates of injury occurring on or after Jan. 1, 2020, the Act: (1) increases the maximum benefit from 100% to 125% of the state average weekly wage (SAWW); (2) in cases where fringe benefits do not continue during the period of disability, includes benefits in the calculation of average weekly wage, provided the amount is not greater than 2/3 of 125% of the SAWW; (3) provides for an annual cost of living adjustment, calculated as the average change in the SAWW for the previous year or 5%, whichever is less, after 260 weeks of qualifying benefits have been paid; (4) provides that an employee is not eligible for partial compensation after having received 624 weeks of benefits; (5) if death results from an injury and the employee did not have dependents, requires death benefits to be paid to the parents, during their lifetime, up to 500 weeks; (6) requires that a notice of injury to an employer is provided within 60 days; and (7) caps attorneys’ fees for lump sum settlements at 10%, replacing the current sliding scale approach.

The Act also provides an exception to the requirement to pay benefits within 14 days of notice or knowledge of an injury, if the first payment cannot be made due to an act of God, mistake of fact or unavoidable circumstance. The penalty for failing to pay the claim within 14 days is \$50 per day for each late day over 30, capped at \$1,500. The Act creates a new 45-day window for the investigation of a claim, starting from the date of notice or knowledge of an injury. An employer may cease payments without prejudice during this period and file a notice of controversy. After 45 days, benefits may only be discontinued or reduced through the use of a so-called 21-day letter.

The Act also directs the Workers’ Compensation Board to: (1) consider adopting rules to establish time frames for the filing of any petition related to a controversy with the board if full agreement is not reached by the parties after conclusion of any mediation; (2) conduct an advocate program pay study and make recommendations for changes to improve the program and representation of injured workers, and no later than Jan. 1, 2020 present findings to the Labor and Housing Committee, which is authorized to report out legislation to the Second Regular Session of the 129th Legislature; and (3) convene a working group of stakeholders to evaluate issues related to work

search and vocational rehabilitation requirements for injured workers and protection for injured workers whose employers have wrongfully not secured workers' compensations payments and report findings no later than Jan. 30, 2020 to the committee, which is authorized to report out legislation to the Second Regular Session of the 129th Legislature.

LD 757 – An Act To Improve Labor Laws for Maine Workers. (Sponsored by Rep. Sylvester of Portland) **PL 2019, c. 135**

This Act amends the labor relations laws governing municipal public employees. When employees in a collective bargaining unit file a request with their public employer to be represented by a certain organization as their collective bargaining agent, current law allows the public employer to request an election from the Maine Labor Relations Board in order to determine whether the organization indeed represents a majority of the members in the collective bargaining unit. This Act amends the law to require an election only in such cases where, after examining the demonstration of majority support, the board finds majority support for the organization to be in question.

LD 886 – An Act To Protect Search and Rescue Volunteers Certified by the Maine Association for Search and Rescue from Adverse Employment Actions. (Sponsored by Rep. Bailey of Saco) **PL 2019, c. 329**

This Act provides the same protections to search and rescue volunteers for absences from work in responding to search and rescue operations requested by a law enforcement agency as volunteer firefighters receive for absences from work in responding to emergencies. Under this Act, a volunteer is a person who has been certified in search and rescue practices and procedures by a nonprofit search and rescue training organization recognized by the Department of Inland Fisheries and Wildlife, Bureau of Warden Service.

LD 1013 – An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana. (Sponsored by Sen. Cyrway of Kennebec Cty.) **PL 2019, c. 125**

This Act includes marijuana in the current disqualification from unemployment benefits for individuals whose employment is terminated because of intoxication while on duty or when reporting to work or engaging in unauthorized use of alcohol while on duty, except for the use of marijuana permitted under the laws governing the medical use of marijuana.

LD 1017 – Resolve, To Direct the Department of Labor To Develop a Framework for Encouraging Employers To Identify Safer Alternatives to Hazardous Chemicals. (Sponsored by Sen. Carson of Cumberland Cty.) **Resolves 2019, c. 47**

This Resolve requires the Department of Labor to develop a framework for identifying hazardous chemicals used in the workplace and for identifying safer alternatives to those chemicals in collaboration with interested parties and employers and employees in industries that are likely to utilize hazardous chemicals. The Resolve requires the department to submit a report to the Labor and Housing Committee by Dec. 20, 2019 that includes a proposed framework, summarizes the process used to develop the framework, and includes a list of the participants in the process. The committee is further authorized to report out legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 1237 – An Act To Simplify Municipal Collective Bargaining by Removing the 120-Day Notice Required Prior to Certain Negotiations. (Sponsored by Rep. Handy of Lewis-

ton) **PL 2019, c. 240**

This Act repeals the requirement that a bargaining agent for municipal public employees submit a written request for collective bargaining to the public employer of those municipal public employees at least 120 days before the conclusion of the current fiscal operating budget.

LD 1319 – An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency. (Sponsored by Rep. Grohoski of Ellsworth) **PL 2019, c. 218**

Firefighters are currently protected from disciplinary action by their employer for being late to work, if they are late as a result of responding to an emergency. This Act extends that protection to instances when the employee must leave work during regular hours to respond to an emergency. The same protections are extended to emergency medical services personnel as well. Employers will still be able to designate employees as so essential to business operations that they may not leave provided the designation is in writing and signed by the employer and employee. The standard for employees to qualify as essential will now be that their absence would cause significant disruption (the standard in current law is mere disruption).

LD 1395 – An Act To Create Fairness for Dispatchers in the Maine Public Employment Retirement System. (Sponsored by Rep. Sylvester of Portland) **PL 2019, c. 364**

This Act adds dispatchers to the categories of local district employees for which a special retirement plan is available. Participating local districts that elect to cover their dispatchers by a special plan are responsible for the payment of any increased employer costs associated with such an election. Depending upon the plan that is selected, dispatchers may also pay an increased member contribution rate for participation in the more favorable special plan. In participating districts which do not have a specific age requirement, dispatchers will be required to complete at least 25 years of creditable service prior to receiving benefits pursuant to a special plan.

LD 1400 – An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit. (Sponsored by Rep. Harrington of Sanford) **PL 2019, c. 459**

This Act allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership at full actuarial cost if the member has at least 15 years of creditable service at the time of retirement. The Act also requires that the member certify that the service credit to be purchased has not and will not be used to obtain other retirement benefits. The purchase of service credit for time served as a full-time law enforcement officer may be applied to the requirement for creditable service under the 1998 Special Plan.

LD 1412 – An Act To Amend the Laws Governing the Collective Bargaining Rights of Employees of School Management and Leadership Centers. (Sponsored by Rep. Handy of Lewiston) **PL 2019, c. 460**

This Act makes employees of school management and leadership centers eligible for participation in the Maine Public Employees Retirement System, establishing collective bargaining obligations, duties, liabilities and rights pursuant to the laws governing municipal public employers. The Act specifies that benefit costs and administrative operating expenses related to the retirement programs must be paid by the centers.

LD 1451 – An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Work-

ers. (Sponsored by Rep. Pluecker of Warren) **PL 2019, c. 389**

This Act makes changes to the laws governing collective bargaining for municipal, state, judicial employees, as well as employees of the Maine Maritime Academy, and University of Maine and Maine Community College Systems. As enacted, these public employers will now be required to allow bargaining agents to: (1) meet with individual employees during the work day to investigate grievances and work-related complaints and issues; (2) conduct workplace meetings during lunch and other breaks; (3) meet with newly hired employees, during the workday, without charge to the pay or leave of the employee, for a minimum of 30 minutes (or other amount of time if the agent and employee agree) within 10 calendar days of employment; and (4) use the e-mail system of a public employer to communicate with bargaining unit members on official matters. Within 30 days of hire, a public employer is required to provide the bargaining agent information on the new employee, including name, job title, workplace location, home address, work phone number and email address, home email address and home or cellphone numbers (if known), and date of hire. It also provides a collective bargaining agent with the right to use any government building or facility to conduct meetings with its members, as long as that use does not interfere with governmental operations. The government entity may charge the collective bargaining agent for any additional costs that use may incur.

LD 1524 – An Act To Prevent Wage Theft and Promote Employer Accountability. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2019, c. 461**

This Act defines “wage theft” as a violation of statutes including timely and full payment of wages, minimum wage requirements, payments upon cessation of employment, unfair agreement payments, and fringe benefits. In addition to existing penalties for violations of Maine employment practices law, the Act authorizes the commissioner of the Department of Labor or the commissioner’s designee to issue an order to the employer to cease operations.

LD 1564 – An Act To Authorize Project Labor Agreements for Public Works Projects. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2019, c. 278**

This Act authorizes binding project labor agreements to be entered into regarding the construction of a public works project, whenever the public authority constructing the project believes such an agreement is in the public interest. Such agreements would be required to cover binding dispute resolution processes, strike and lockout prohibitions, workforce reliability, apprenticeship goals, openness to all contractors’ bids, and the awarding of bids without regard to labor organization affiliation.

LD 1620 – An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2019, c. 395**

This Act excludes bargained salary, wage increases or job promotion from the wage increase limitations used to calculate the average final compensation under the Maine Public Employees Retirement System.

LD 1654 – An Act To Create Veteran-friendly Workplaces. (Sponsored by Rep. Collings of Portland) **PL 2019, c. 350**

This Act requires that upon notice from their employees who are veterans, all public and private employers must allow veterans to take leave to attend a scheduled appointment at a U.S. Department of Veterans Affairs medical facility. Employers who provide paid leave to their employees must allow the veteran to use available paid leave for such appointments, while employers who do not provide paid leave are only required to

grant unpaid leave.

LD 1658 – An Act To Clarify the Definition of “Public Works.” (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2019, c. 473**

This Act redefines the term “public works” in Title 26, section 1304(8). Previously, the term referred to structures built according to contracts of \$50,000 or more that were executed by the state. Under the terms of this Act, public works are structures whose construction costs that amount, and are funded at least in part by state funds, regardless of which government entity awards the contract.

LD 1664 – An Act To Place Funds for the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program into a Trust. (Sponsored by Sen. Libby of Androscoggin Cty.) **PL 2019, c. 280**

This Act creates a new trust fund within the state’s Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, directing all monies that are not necessary to support the normal and administrative costs of the program into the trust fund for the purpose of retiring the program’s unfunded liability.

LD 1674 – An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. (Sponsored by Sen. Libby of Androscoggin Cty.) **PL 2019, c. 446**

This Act makes a number of changes to the terms of the state’s Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, including: (1) requiring local public employers to notify new local law enforcement officers and firefighters of the program within 60 days of hiring; (2) replacing the requirement that enrollees make 60 months’ worth of payments in order to be eligible with a new requirement that all such employees hired after Oct. 1, 2019 enroll in the program within five years of hiring; (3) increasing the premium subsidy amount from 45% to 55%; (4) allowing enrollees who are retiring from counties or municipalities that do not participate in the majority multiple-employer welfare arrangement and do not provide health insurance coverage for retirees to enroll in the group health plan that is available to state employees; (5) authorizing enrollees to participate in their spouse’s group health insurance plans, if that plan is offered in Maine or in another group health insurance plan that is offered in Maine; (6) establishing as a requirement for continued eligibility that enrollees make contributions to the program for the full period of time that they are not receiving regular wages due to an absence of work for a compensable work-related injury, or due to the receipt of disability retirement benefits, or when taking a leave of absence; (7) renewing upon re-hiring the contribution requirement with respect to enrollees who retire and subsequently return to work as a local law enforcement officer or firefighter; (8) exempting members of the military from having to contribute while deployed; (9) establishing an advisory committee to review the rules proposed for the program; and (10) providing an open enrollment period for the program from Oct. 1, 2019 to Dec. 31, 2021.

MARINE RESOURCES

LD 960 – An Act Regarding Size Requirements for Soft-shell Clams and the Creation of a Spat Collection Permit. (Sponsored by Rep. McCreight of Harpswell) **PL 2019, c. 144**

This Act specifies that a municipality with a municipal shellfish conservation ordinance may establish minimum or maximum size limits on shellfish regulated by the ordinance

as long as the established limits are as strict or stricter than any minimum or maximum size limit set in law or rule, except that the ordinance must establish minimum size limits for soft-shell clams that are at least as strict as state limits. It also clarifies that enforcement of any provision adopted in any ordinance is enforceable only in the municipality in which the harvesting of the shellfish occurs.

LD 1148 – An Act Regarding the Costs Incurred by Municipalities in the Administration of Aquaculture Lease and License Applications. (Sponsored by Rep. McCreight of Harpswell) **PL 2019, c. 112**

This Act specifies that when a municipality provides the Department of Marine Services with the information necessary to complete an aquaculture lease or license application, the municipality may charge a person applying for the lease or license a fee of not more than \$50 to support the municipality's administrative costs for this activity.

LD 1725 – An Act To Create a Minimum Age To Hold a Limited-purpose Aquaculture License. (Sponsored by Sen. Vitelli of Sagadahoc Cty.) **Emergency Enacted; PL 2019, c. 232 (6/07/19)**

This Act establishes that a limited purpose aquaculture license may be issued to an individual who is 12 years of age or older.

LD 1732 – An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay. (Sponsored by Rep. McDonald of Stonington) **PL 2019, c. 230**

This Act eliminates the drag size limitation of eight feet, six inches that is currently in place for Blue Hill Bay.

STATE & LOCAL GOVERNMENT

LD 53 – An Act To Clarify Local Referendum Ballots. (Sponsored by Sen. H. Sanborn of Cumberland Cty.) **PL 2019, c. 58**

This Act allows municipal officers to use sequential capital letters instead of numbers on ballots for municipal initiative and referendum questions in an effort to avoid confusion during campaigns and when voting with state initiatives and referendum questions.

LD 59 – An Act To Permit Plantations To Fill Vacancies of Town Officials. (Sponsored by Rep. Devin of Newcastle) **Emergency Enacted; PL 2019, c. 18 (4/5/19)**

This Act authorizes plantations to fill a vacancy in the office of a town official.

LD 90 – An Act To Amend the Law Governing the Membership of the Town of York Planning Board and the Town of York Appeals Board. (Sponsored by Rep. Blume of York) **Emergency Enacted; P & SL 2019, c. 3 (4/11/19)**

This Act removes the requirement that at least one member of the Town of York Planning Board and the Town of York Appeals Board be a resident of the York Beach geographical area.

LD 170 – An Act To Prohibit Questions Regarding Criminal History on Certain State Employment Applications. (Sponsored by Rep. Sheats of Auburn) **PL 2019, c. 22**

This Act prohibits the state from including questions about criminal history on its employment application forms, except that when due to the nature and requirements of the position, a person who has a criminal history may be disqualified from eligibility (e.g., law enforcement or corrections officer, child or adult protective services caseworker, child development services worker, etc.). The requirement applies to state employment positions in the legislative, executive or judicial branch of state government and positions with quasi-independent state entities

or public instrumentalities of the state. These provisions do not apply to positions in school administrative units, municipalities, counties or other political subdivisions.

LD 301 – An Act To Help Older Adults Age in Place through Comprehensive Planning. (Sponsored by Rep. Babidge of Kennebunk) **PL 2019, c. 38**

Through land use and comprehensive planning, this Act encourages municipalities to develop policies that assist older adults with aging in place, create age-friendly communities and meet the housing needs of older residents, including housing that is rehabilitated, adapted or newly constructed. The Act also defines an "age friendly community" as a community where policies, services, settings and structures support and enable older people to actively age in place, and that recognizes the capabilities, resources and needs of older adults, plans to meet the needs of older adults in flexible ways that support healthy and active aging, promotes the inclusion and contributions of older adults in all areas of community life, respects the self-determination and independence of older adults and protects those older adults who are most vulnerable.

LD 520 – An Act To Resolve Tie Votes by the Washington County Budget Advisory Committee. (Sponsored by Rep. Tuell of East Machias) **Emergency Enacted; PL 2019, c. 23**

This Act provides that the legislative member of the Washington County Budget Advisory Committee is a nonvoting member, which will prevent a tie vote from occurring in the future by leaving an odd number of voting members on the committee.

LD 521 – An Act To Amend the Archives and Records Management Law. (Sponsored by Rep. Jorgensen of Portland) **PL 2019, c. 50**

This Act makes several changes to the archives and records management laws. Of specific municipal interest, the Act repeals the requirement that municipalities respond to a biennial survey asking for a description and statement of adequacy of the fireproof safe or vault where permanent records are retained, as well as the requirement that municipalities respond to a similar survey regarding the digital storage of permanent records. The Act also repeals and replaces the nine member Archives Advisory Board. The members of the reconstructed board include two public members representing the interest of public access to government records, two members from municipal or county government with expertise in local government records, one member representing a state or local historical society, one member with expertise in the legal requirement of records retention and public records law, one member with expertise in the state's fiscal requirements of records retention, one member from the executive branch with expertise in executive branch records, and one member from the Department of Administrative and Financial Services, Office of Information Technology with expertise in electronic records and management systems.

LD 563 – An Act To Help Municipalities Prepare for Sea Level Rise. (Sponsored by Rep. Blume of York) **PL 2019, c. 153**

This Act encourages municipalities or multi-municipal regions that are in the coastal area to address through comprehensive plans, and any plans coordinated otherwise, the impacts of sea level rise on buildings, transportation infrastructure, sewage treatment facilities and other relevant public or privately held infrastructure, property or resources.

LD 585 – An Act To Allow the Adoption of Ordinances Prohibiting the Accumulation of Trash on Private Property in Plantations. (Sponsored by Rep. McCrea of Fort Fairfield) **PL 2019, c. 138**

This Act grants plantations the authority to enact ordinances

addressing the accumulation of garbage, refuse, rubbish or trash, or unwanted or discarded material of any kind on private property.

LD 623 – An Act To Amend the Charter of the City of Brewer High School District. (Sponsored by Rep. Verow of Brewer) **Emergency Enacted; P & SL 2019, c. 6 (4/30/19)**

This Act clarifies that each City of Brewer High School District trustee receives the same amount of compensation as determined by the Brewer City Council and paid for out of the school district's funds.

LD 687 – Resolve, To Create a Flag To Recognize the Bicentennial of the State. (Sponsored by Rep. Cooper of Yarmouth) **Resolves 2019, c. 22**

This Resolve directs the Secretary of State to create, within existing resources, a commemorative flag in recognition and celebration of the bicentennial of Maine, which became the 23rd state on March 15, 1820.

LD 696 – An Act To Require Municipalities and School Districts To Provide Notice of Breaches in Personal Data Security. (Sponsored by Sen. Bellows of Kennebec Cty.) **PL 2019, c. 512**

This Act amends the Notice of Risk to Personal Data Act to add municipalities and school administrative units to the definition of "persons" required to provide notice of a breach of confidential and personal information, and further specifies that notice of a security breach must be provided no later than 30 days after the information broker or person maintaining computerized data that includes personal information becomes aware of a security breach.

LD 744 – Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Interests in Certain Real Property Located in East Millinocket. (Sponsored by Rep. Stanley of Medway) **Resolves 2019, c. 76**

This Resolve authorizes the state to sell approximately 3,385 acres conveyed to the state by Katahdin Paper Company LLC on Sept. 28, 2011 and provide the Town of East Millinocket the right of first refusal to purchase the property at the market value determined by a broker. Proceeds from the sale of the property must be used for state capital improvements. The Resolve is repealed five years from its effective date.

LD 746 – An Act To Allow Municipalities To Determine the Duration of Development Districts Funded by Assessments. (Sponsored by Rep. Jorgensen of Portland) **PL 2019, c. 140**

This Act provides that development districts funded by assessments that are not tax increment financing districts are not limited in duration, unless durational limitations are established by the municipality's or plantation's legislative body. Municipal development districts that are tax increment financing districts continue to be subject to the 30-year duration limitation under current law.

LD 848 – An Act Concerning Disclosure Requirements for Transfers of Properties accessed by Means Other Than a Public Way. (Sponsored by Rep. Martin of Sinclair) **PL 2019, c. 142**

This Act conforms the access disclosure requirements for transfers of nonresidential properties with those required of residential properties that are not accessed by a public way. Specifically, the Act limits seller disclosure requirements regarding who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller.

LD 940 – An Act To Increase the Number of Franklin County Commissioners. (Sponsored by Rep. Riley of Jay) **PL**

2019, c. 362

This Act requires that upon the approval by the voters of Franklin County at a referendum held in November 2020, when the redistricting of the county commissioner districts is done in 2021 pursuant to the Constitution of Maine, Franklin County must be divided into five county commissioner districts. The Act requires that the reapportionment for each of the new five districts reflect, as closely as practicable, the special geographical composition of each district.

LD 970 – An Act To Encourage Policies Regarding Accessory Dwelling Units under Local Comprehensive Plans and Zoning Requirements. (Sponsored by Rep. Campbell of Orrington) **PL 2019, c. 145**

This Act expands the definition of "accessory dwelling unit" to include a self-contained dwelling unit located within, attached to, or detached from a single-dwelling unit located on the same parcel of land. It clarifies that municipalities are encouraged to develop policies in the comprehensive planning process that provide for accessory dwelling units, but it does not require municipalities to permit accessory dwelling units.

LD 1011 – An Act To Clarify Filing Requirements for Proposed Rules. (Sponsored by Sen. Millett of Cumberland Cty.) **PL 2019, c. 146**

This Act requires that when an agency provides notice to the Legislature of a proposed rule or the adoption of an emergency rule, it must identify whether the proposed rule or adopted emergency rule is a routine technical or a major substantive rule.

LD 1128 – An Act To Clarify Statutes Related to Establishing a Municipal Charter Commission. (Sponsored by Sen. Claxon of Androscoggin Cty.) **PL 2019, c. 149**

This Act clarifies the language used on petition questions regarding charter commissions to differentiate between petitions to form a charter commission to establish a new municipal charter, and petitions to form a commission to revise an existing municipal charter.

LD 1209 – An Act To Require Legislative Hearings on Citizen-initiated Legislation. (Sponsored by Rep. Bradstreet of Vassalboro) **PL 2019, c. 152**

This Act requires a petition for the direct initiative of legislation, once it has been certified by the Secretary of State, to receive a public hearing before a joint standing committee of the Legislature or a special legislative committee established by the Legislative Council. The requirement may be waived by a vote of two-thirds of the members present in each legislative body.

LD 1300 – Resolve, To Transfer the Guilford Butler School Property to the Town of South Thomaston. (Sponsored by Rep. Matlack of St. George) **Emergency Passed; Resolves 2019, c. 91 (6/20/19)**

This Resolve authorizes the state to transfer ownership of the Guilford Butler School property in South Thomaston to the Town of South Thomaston.

LD 1393 – An Act to Change the Requirements for Recording Plans at the County Registries of Deeds. (Sponsored by Rep. Higgins of Dover-Foxcroft) **PL 2019, c. 439**

This Act makes several changes to the requirements for recording plans at registries of deeds. Among them is a requirement that all plans dated after Jan. 1, 2020 be submitted on white paper with a minimum weight of 20 pounds (under current law, plans filed with the county registry of deeds must be drawn on strong linen cloth or polyester film with an archival photographic image).

LD 1394 – Resolve, To Direct the Department of Adminis-

trative and Financial Services To Conduct a Surplus Property Inventory. (Sponsored by Rep. Morales of South Portland) **Resolves 2019, c. 62**

This Resolve directs the Department of Administrative and Financial Services to conduct an inventory of surplus state-owned land and structures and provide a copy of the inventory to, and consult with, the Maine State Housing Authority to determine if the properties identified in the inventory are suitable for the development of affordable housing. The department is also directed to provide the inventory and recommendations to the State and Local Government Committee, which is authorized to introduce related legislation in the Second Regular Session of the 129th Legislature.

LD 1455 – An Act To Change the Name of Township 17, Range 3 to Van Buren Cove. (Sponsored by Rep. Martin of Sinclair) **Emergency Enacted; P & SL 2019, c. 10 (6/14/19)**

This Act authorizes the Aroostook County Board of Commissioners to seek approval from the residents of Township 17, Range 3, WELS, to rename the township to Van Buren Cove.

LD 1476 – An Act To Clarify Recounts in Municipal Elections. (Sponsored by Rep. Handy of Lewiston) **PL 2019, c. 288**

This Act replaces the law governing recounts of elections for municipal office, removing the mandate that all local recounts follow the same procedure established for statewide elections. The Act instead leaves the state process as an option for municipalities to adopt, and establishes basic procedures for municipal recounts carried out where the state rules are not locally adopted. The basic procedures cover aspects such as recount timing and notice, integrity and security, deposits, counters, disputes regarding voter intent, candidate withdrawal, and tabulation of results. A process to identify the official representative of voters seeking a recount of a local referendum, as well as an official representative of those voters opposed to the recount, is also added to existing law.

LD 1517 – An Act To Facilitate the Deployment of Small Wireless Facilities in Maine. (Sponsored by Rep. Pierce of Falmouth) **PL 2019, c. 223**

This Act defines “small wireless facilities”, also known as “small cell” antenna facilities, to distinguish them from cell towers for permitting purposes. The Act requires that such facilities be a permitted use within the public right-of-way, subject to permitting requirements and any duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses within the municipality and consistent with state and federal law, including, without limitation, any permitting requirements in the statutes regulating the placement of utility facilities in the right of way.

LD 1568 – An Act Authorizing the Deorganization of Magalloway Plantation. (Sponsored by Rep. Head of Bethel) **P & SL 2019, c. 13**

This Act provides for the deorganization of Magalloway Plantation in Oxford County, subject to approval at local referendum and execution of a withdrawal agreement from Regional School Unit No. 78.

LD 1753 – An Act To Amend the Charter of the Boothbay-Boothbay Harbor Community School District. (Sponsored by Rep. Stover of Boothbay) **P & SL 2019, c. 11**

This Act makes the following amendments to the charter of the Boothbay-Boothbay Harbor Community School District: (1) requires that bond issues in the principal amount of \$250,000 or greater go to a referendum vote; (2) adds a competitive bidding requirement for district procurements of \$20,000 or greater; and (3) requires annual allocations to the capital reserve fund

after fiscal year 2020 be the greater of either the previous year’s allocation or that year’s allocation when adjusted for inflation.

LD 1830 – An Act Establishing the Office of Policy Innovation and the Future. (Governor’s Bill) (Sponsored by Rep. Martin of Sinclair) **PL 2019, c. 383**

This Act replaces the Governor’s Office of Policy and Management with the Office of Policy Innovation and the Future. The language of the Act directs the Office to: (1) support the creation of a coherent system of policy planning and coordinated implementation as one function and responsibility of the executive branch of Maine government; (2) serve the governor as a research, advisory, consultative, coordinating, and administrative agency; and (3) advance policies that support a sustainable future for Maine people, communities, natural resources, physical infrastructure, industries, businesses and institutions.

TAXATION

LD 62 – An Act To Enhance the Senior Volunteer Benefit Program. (Sponsored by Rep. Bailey of Saco) **PL 2019, c. 36**

This Act increases the maximum benefit that a municipality may provide under a senior volunteer benefit program from \$750 to the greater of \$1,000 or 100 times the state minimum hourly wage.

LD 811 – An Act To Provide Additional Flexibility in the Municipal Property Tax Assistance Programs for Seniors. (Sponsored by Sen. Hamper of Oxford Cty.) **PL 2019, c. 159**

This Act amends the law regarding municipal property tax assistance programs to provide more flexibility to municipalities that choose to implement a program by allowing the municipality to establish a minimum age for eligibility, as long as that age is at least 62 years and the minimum length of time that the claimant has maintained a homestead in the municipality. The Act also allows a municipality to impose other eligibility standards and procedures, as long as they are established by ordinance.

LD 854 – An Act To Improve Tax Incentives for Broadband Service. (Sponsored by Rep. Ackley of Monmouth) **PL 2019, c. 260**

This Act expands the allowable use of tax increment financing to include development, expansion or improvement of broadband services, including connecting to broadband service outside of the tax increment financing district. The Act clarifies that tax increment financing may be used to fund projects seeking to provide broadband services to residential or other non-business or noncommercial properties located in “unserved” areas within a municipality or plantation. The term “unserved” is defined as a location where broadband service is not offered at any household or other potential subscriber within the geographic area.

LD 873 – An Act To Clarify the Application of the Motor Vehicle Excise Tax to Water Well Drilling Equipment. (Sponsored by Rep. Grignon of Athens) **PL 2019, c. 430**

This Act amends the definition of motor vehicle to exclude water well drilling equipment attached to a self-propelled vehicle and used for business purposes by a licensed well driller, making the vehicle subject to the motor vehicle excise tax and the equipment subject to the personal property tax.

LD 1122 – An Act To Expand Tax Increment Financing. (Sponsored by Sen. Pouliot of Kennebec Cty.) **PL 2019, c. 148**

This Act amends the tax increment finance laws by: (1) adding public safety facilities to the list of tax increment financing eligible projects; (2) including in the definition of a public safety facility those facilities used primarily to ensure the protection of residents, organizations and institutions in the municipality

or plantation, including law enforcement, fire and emergency services; and (3) limiting the use of tax increment financing revenues for public safety facilities located outside of the district to 15% of the development district's captured assessed value.

LD 1430 – An Act To Create Equity among Renewable Energy Investments. (Sponsored by Rep. Tipping of Orono) **PL 2019, c. 440**

This Act provides both personal and real property tax exemptions for solar and wind energy equipment that generates heat or electricity, provided all of the energy is used on the site where the property is located or transmitted through the facilities of a transmission and distribution utility while utility customers receive credit for the energy generated by the equipment. The Act also directs Maine Revenue Services to provide guidance on its publicly accessible website to assist municipalities with the assessment of renewable energy facilities included in these provisions.

LD 1585 – An Act To Allow the City of Augusta To Adjust the Definition of “Original Assessed Value” for the City of Augusta’s Performance Food Group Municipal Tax Increment Financing District and To Validate the Assessment, Commitment and Collection of Property Taxes Dedicated for the District for the Fiscal Years 2018-19 and 2019-20. (Sponsored by Sen. Pouliot of Kennebec Cty.) **Emergency Enacted; P & SL 2019, c. 7 (5/30/19)**

This Act authorizes the City of Augusta to adjust the definition of “original assessed value” for the city’s Performance Food Group municipal tax increment financing district and to validate the assessment, commitment and collection of property taxes dedicated for the Performance Food Group municipal tax increment financing district for the fiscal years 2018-19 and 2019-20.

LD 1643 – An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2019-20. (Reported by Rep. Tipping of Orono for the administrator of the unorganized territory) **Emergency Enacted; PL 2019, c. 212 (6/06/19)**

This Act establishes the “municipal cost components” for state and county services provided to the unorganized territory (UT). The municipal cost components form the basis of the property tax for the UT. After computing all the appropriations, identifying tax increment financing payments, and accounting for the general revenue and educational revenue deductions, the total UT tax assessment for FY 2020 is established at \$27.4 million (not counting overlay or county taxes), representing a nearly 6% increase over the assessment for FY 2019.

LD 1652 – An Act To Make Technical Changes to the Taxation of Marijuana. (Sponsored by Rep. Tipping of Orono) **Emergency Enacted; PL 2019, c. 231 (6/07/19)**

This Act: (1) authorizes the Department of Administrative and Financial Services to deny, suspend or revoke an adult use marijuana establishment license for failure to cooperate with Maine Revenue Services in the payment of a final tax liability; (2) excludes foods containing marijuana and marijuana products from the category of tax-exempt grocery staples; (3) imposes the 10% sales tax rate on adult use marijuana and all related products sold to an individual who is not a qualifying medical marijuana patient; (4) requires that applicants for an adult use marijuana license, except a testing facility license, register with the state tax assessor to collect and remit sales tax as a condition for obtaining the license; (5) requires cultivation facilities to register with the state tax assessor to collect and remit the adult use marijuana excise tax as a condition for receiving a cultivation facility license; imposes penalties on cultivation facilities that sell marijuana without registering with the tax assessor, and

allows for the suspension and revocation of the registration for failure to comply with the adult use marijuana excise tax laws; (6) clarifies that the adult use marijuana excise tax is imposed when a person holding both a cultivation facility license and either a marijuana store license or products manufacturing facility license transfers marijuana from the cultivation facility to either the marijuana store or products manufacturing facility or otherwise undertakes an activity with the marijuana pursuant to the marijuana store license or products manufacturing facility license; and (7) moves the adult use excise tax due date from the last day of the month to the 15th day of the month to coincide with the sales tax due date.

LD 1713 – An Act To Return Funds to Maine Property Tax Payers. (Sponsored by Rep. Gideon of Freeport) **PL 2019, c. 448**

This Act uses the surplus revenue funneled into the Tax Relief Fund for Maine Residents to help offset the property taxes paid by Maine homesteaders. Prior to this change, the fund, which is capitalized by an end of fiscal year transfer of 20% of unappropriated General Fund surplus, was targeted for income tax relief. Under the terms of the Act, by Nov. 15, 2019, and annually thereafter, the Treasurer of State must determine if the revenue in the fund is sufficient to support mailing a property tax relief payment of at least \$100 to each Maine homesteader and if so, to direct the assessor in each municipality to provide the names and addresses of each homesteader within the assessor’s jurisdiction by the following January 1st in the year in which the fund is deemed sufficient. The amount of property tax relief provided is calculated by dividing the amount of revenue in the fund by the number of homestead exemptions granted statewide. The treasurer is further directed to mail the relief payment to each homesteader. The Act also requires that fund revenue be used to cover the costs of program administration borne by the treasurer and municipal assessors.

LD 1798 – An Act To Amend the Maine Tax Laws. (Sponsored by Rep. Tipping of Orono) **PL 2019, c. 401**

This Act makes several changes to the state’s property, sales and income tax laws. Of municipal interest, the Act: (1) simplifies the notice and appeals processes for municipal valuations by repealing the provision that the notice to municipalities be sent by certified mail; (2) creates a process authorizing the state to adjust prior years’ state valuations for purposes of calculating current and ongoing state education payments to a municipality when the state assessor determines that the value was improperly excluded from the calculation of the three most recently certified state valuations and further allows municipalities to appeal the decisions to the State Board of Property Tax Review; (3) requires that the municipal assessor be notified prior to the commitment of taxes of the intention of an owner of a partial interest in property to be assessed on the partial interest only; (4) removes the requirement for benevolent and charitable institutions to be incorporated in Maine in order to qualify for property tax exemption; (5) clarifies when the alternative municipal tax lien foreclosure sales process must be used by excluding from that process the sale of acquired property back to the immediate former owner or owners; (6) removes the provision allowing the \$4,000 exemption for the legally blind to be apportioned among multiple jurisdictions. (Instead, the exemption may be claimed only in the taxpayer’s place of residence); and (7) defines nominal value as less than 20% of the assessed value for determining when the market value for a property should be used for the purposes of calculating the real estate transfer tax.

LD 1817 – An Act To Make Technical Changes to the Maine Tax Laws. (Sponsored by Rep. Tipping of Orono) **PL 2019, c. 379**

This Act makes technical changes to the state’s tax laws. Of

municipal significance the Act eliminates the penalty for the transfer of land from farmland to timberland to match current practice and all other transfers between current use programs.

TRANSPORTATION

LD 7 – Resolve, To Name a Bridge in the Town of Lincoln and the Town of Chester the Master Sergeant Gary Gordon Bridge. (Sponsored by Rep. Hanington of Lincoln) **Resolves 2019, c. 1**

This Resolve designates Bridge 3790, which crosses the Penobscot River between the towns of Lincoln and Chester, the Master Sergeant Gary Gordon Bridge.

LD 17 – Resolve, Designating a Portion of Route 1 in Downeast Maine the Hannah and Rebecca Weston Trail. (Sponsored by Rep. Tuell of East Machias) **Resolves 2019, c. 2**

This Resolve designates Route 1 from its intersection with Route 1A in the Town of Jonesboro to the southern entrance to the Jeremiah O'Brien Memorial Bridges in the Town of Machias the Hannah and Rebecca Weston Trail.

LD 19 – An Act To Require Newly Purchased Public School Busses To Be Equipped with School Buss Crossing Arms. (Sponsored by Rep. McCreight of Harpswell) **Emergency Enacted; PL 2019, c. 413**

The Act requires all 2021 model year or newer school buses to be equipped with a school bus crossing arm and establishes the minimum and maximum length for the safety equipment.

LD 32 – Resolve, Naming a Highway and Renaming a Bridge in the Town of Whiting. (Sponsored by Rep. Tuell of East Machias) **Resolves 2019, c. 3**

This Resolve designates a portion of U.S. Route 1 in the Town of Whiting the Brigadier General John Crane Memorial Highway and renames the New Crane Bridge in the Town of Whiting the Purple Heart Veterans Memorial Bridge.

LD 39 – Resolve, To Designate a Bridge in Waterville as the Specialist Wade A. Slack Memorial Bridge. (Sponsored by Rep. Madigan of Waterville) **Resolves 2019, c. 5**

This Resolve designates Bridge 1457 on Interstate 95, which crosses Main Street in the City of Waterville, the Specialist Wade A. Slack Memorial Bridge.

LD 165 – An Act To Prohibit the Use of Handheld Phones and Devices While Driving. (Sponsored by Sen. Diamond of Cumberland Cty.) **PL 2019, c. 486**

This Act: (1) prohibits the use of handheld electronic devices while operating a motor vehicle on a public way and makes an exception for the use of handheld electronic devices and mobile telephones used in hands-free mode for licensed drivers over 18 years of age who are not operating with an intermediate license; (2) creates a fund within the Department of Transportation for the fine revenue collected in the enforcement of the prohibition and limits the use of those revenues for transportation-related projects and services; (3) clarifies that there is no exception for using a handheld electronic device or mobile telephone while a motor vehicle is stopped in traffic, but does permit use when a car is pulled over in a safe location; (4) incorporates exceptions for multi-use radios, medical devices, ignition interlock devices, which are part of the operating equipment of the motor vehicle, and electronic logging devices and other equipment permitted under Federal Motor Carrier Safety Administration regulations; (5) creates an exception to the use of handheld electronic devices for contacting emergency services personnel in emergency situations; and (6) provides that a violation of the law is a traffic infraction for which a fine of not less than \$50 for the first offense and not less than \$250 for a second

or subsequent offense may be adjudged.

LD 166 – An Act To Protect Schoolchildren by Providing Additional Enforcement and Prevention Option for Unlawful Passing of a School Bus. (Sponsored by Sen. Woodsome of York Cty.) **PL 2019, c. 318**

This Act allows the state or a municipality to use a traffic surveillance camera mounted on a school bus to prove, enforce or open an investigation into a violation of illegally passing a school bus. The law provides that recorded information is confidential and may be used only to prove, enforce, or open an investigation into a violation, and may not be retained for more than 30 days unless it is used to open an investigation. Finally, the law also allows school buses to be equipped with extended stop arms that, when activated, extend three to six feet outward from the left side of a school bus.

LD 180 – An Act To Allow for the Regulation of Transportation Network Companies at Airports by Certain Municipalities. (Sponsored by Rep. Farnsworth of Portland) **Emergency Enacted; PL 2019, c. 78 (5/8/19)**

This Act specifies that a municipality or other political subdivision operating a public airport that receives scheduled passenger aircraft service and that had more than 20,000 passenger boardings in the previous year may, in a manner consistent with the airport's regulation of other prearranged for-hire transportation services, charge a reasonable fee for each trip to pick up a rider at the airport made by a driver for a transportation network company and regulate the parking and traffic flow of transportation network company drivers at the airport.

LD 200 – Resolve, To Name the Bridge on Main Street in the Town of Orono the Brandon M. Silk Memorial Bridge. (Sponsored by Rep. Tipping of Orono) **Resolves 2019, c. 4**

This Resolve renames the Ferry Hill Bridge in the Town of Orono the Brandon M. Silk Memorial Bridge.

LD 207 – Resolve, To Rename the Stillwater Bridges in Old Town the Llewellyn Estes Bridge. (Sponsored by Rep. Dunphy of Old Town) **Resolves 2019, c. 10**

This Resolve renames Stillwater Bridge #1 and Stillwater Bridge #2 in the City of Old Town the Llewellyn Estes Bridge.

LD 244 – Resolve, To Rename the Stinson Bridge the Woodsome Bridge. (Sponsored by Sen. Woodsome of York Cty.) **Resolves 2019, c. 7**

This Resolve renames the Stinson Bridge in the towns of Waterboro and Limerick the Woodsome Bridge.

LD 350 – An Act To Exempt School Buses from Snow Tire Restrictions. (Sponsored by Rep. Stewart of Presque Isle) **PL 2019, c. 31**

This Act exempts all school buses from the date restrictions on the use of studded snow tires.

LD 458 – An Act To Require Motorists To Yield to Transit Buses. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2019, c. 194**

This Act requires the operator of a vehicle on a public way that has a speed limit of 35 miles per hour or less to yield the right-of-way to a transit bus that has an illuminated yield sign on the left side of the rear of the bus, and when the bus driver has activated a turn signal to reenter the traffic flow from a bus stop or shoulder on the roadway. The Act clarifies the definition of a "transit bus" to include a "bus operated or contracted by the state, a municipality or other political subdivision for the purpose of transporting members of the public from one destination to another, but does not include a school bus."

LD 546 – An Act To Enhance Highway Safety by Strength-

ening the So-called Move Over Law. (Sponsored by Sen. Diamond of Cumberland Cty.) **PL 2019, c. 254**

This Act increases from \$250 to \$275 the minimum fine for passing a stationary authorized emergency vehicle using an emergency light or a stationary public service vehicle using its authorized lights and failing to pass in a lane that is not adjacent to the stationary vehicle or, if passing in a nonadjacent lane would be impossible or unsafe, failing to pass at a careful and prudent speed.

LD 823 – An Act To Exempt Vehicles That Are 20 Years Old or Older from Titling Requirements When the Vehicles Are Recycled, Salvaged or Scrapped. (Sponsored by Rep. Bryant of Windham) **PL 2019, c. 141**

This Act allows a vehicle that is at least 20 years old according to its model year to be recycled, salvaged or scrapped without a certificate of title.

LD 917 – An Act Increasing Municipal Agent Fees for Motor Vehicle Registrations. (Sponsored by Sen. Gratwick of Penobscot Cty.) **PL 2019, c. 255**

This Act allows, but does not require, municipal agents to charge a service fee for the registration of a motor vehicle of up to \$5 for a renewal and up to \$6 for a new registration.

LD 945 – An Act To Establish a Blue Ribbon Commission To Study and Recommend Funding Solutions for the State’s Transportation Systems. (Sponsored by Rep. Martin of Greene) **Emergency Passed; Resolves 2019, c. 97 (6/26/19)**

This Resolve establishes the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State’s Transportation Systems. The 15 member commission includes: (1) four members appointed by the Senate president, including three senators and one member representing an organization of municipal or public works officials; (2) five members appointed by the House speaker, including four representatives and one member representing freight or passenger rail interests; (3) four members appointed by the governor with members representing organizations advocating for: (a) the proper maintenance and funding of the state’s transportation networks; (b) the interest of commercial companies moving bulk goods on the state’s road networks; (c) public transportation services; and (d) the needs of bicyclists or pedestrians; (4) the commissioner of the Department of Transportation; and (5) the executive director of the Maine Turnpike Authority. The committee is directed to: (1) study how to reform and adequately supplement funding for the state’s transportation infrastructure to promote equity, sustainability and predictability so that the state can responsibly provide safe and reliable transportation systems; and (2) develop findings or recommendations on the need and potential funding solutions for multimodal transportation infrastructure.

Study topics include, but are not limited to: (1) a review of the funding level necessary to achieve the state’s capital improvement goals; (2) development of mechanisms to: (a) increase the predictability of bonding levels for capital planning at the department for the next 10 years; (b) address the erosion of Highway Fund receipts; (c) respond to the rising inequities between drivers caused by higher automobile fuel efficiency vehicles; and (d) more equitably share the costs of the highway system between residents and nonresidents; (3) implementation of a voluntary vehicle miles traveled pilot program for passenger vehicles; (4) consideration of: (a) new highway tolling opportunities; (b) dedication of a portion of sales tax receipts from transportation-related sales; and (c) an increase in funding from the automobile rental sales tax. The commission must meet six times over the course of 2019 and hold public hearings in at least three areas of the state. The commission is required to submit its findings, recommendations and suggested legisla-

tion by Dec. 4, 2019 to the Transportation Committee, which is authorized to submit legislation to the Second Regular Session of the 129th Legislature.

LD 1002 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021. (Governor’s Bill) (Sponsored by Rep. McLean of Gorham) **Emergency Enacted; PL 2019, c. 415 (6/20/19)**

This Act is the two year Highway Fund budget. Of greatest municipal significance, the FY 2020 – FY 2021 Highway Fund budget:

Multimodal Transportation Loans (Part D). Allows the commissioner of the Department of Transportation (DOT) to use revenue in the Multimodal Transportation Fund to make loans to counties, municipalities, state agencies and quasi-state government agencies advancing qualifying multimodal projects.

Local Road Assistance Program (Part J). Includes Marine Highways funding in the calculation of state aid provided under the Local Road Assistance Program (LRAP). Under existing law, nine percent of the Highway Fund revenues allocated to the DOT, excluding Marine Highway funding, is distributed to municipalities. The change in the budget increases LRAP funding by \$410,000 over the next two years, resulting in roughly \$21 million in local road assistance funding in both FY 2020 and FY 2021

LD 1222 – An Act Regarding Electric Bicycles. (Sponsored by Rep. Rykerson of Kittery) **PL 2019, c. 349**

This Act defines and regulates the use of electric bicycles, which are bicycles with a motor that falls into one of three classes: Class 1 - motor provides assistance only when the operator is pedaling and ceases when speed reaches 20 miles per hour; Class 2 - motor is capable of being used exclusively to propel the bicycle, but not capable of reaching speeds that exceed 20 miles per hour; and Class 3 - motor provides assistance only when the operator is pedaling and ceases when speed reaches 28 miles per hour. The Act provides that an operator of an electric bicycle has generally the same rights and obligations as the operator of a bicycle, except that the use of an electric bicycle on bicycle paths and bikeways may be restricted by the entity having jurisdiction over the bicycle path or bikeway. The Act also requires, as with bicycles, any person under 16 years of age who is operating or riding as a passenger on an electric bicycle to wear a helmet and prohibits a person under age 16 from operating a Class 2 or Class 3 electric bicycle.

LD 1223 – Resolve, Directing the Department of Transportation To Incorporate Transportation Demand Management Strategies in Its Rules Pertaining to Traffic Movement Patterns. (Sponsored by Rep. Morales of South Portland) **Resolves 2019, c. 89**

This Resolve requires the commissioner of the Department of Transportation to form a stakeholder group to review the department’s rules pertaining to the traffic movement permit process, generally, and more specifically to develop recommendations for addressing reasonable transportation demand management strategies for analyzing roadway widening needs and requiring applicants for traffic movement permits to analyze all modes of transportation reasonably related to the project, the impacts on those modes of transportation and means for mitigating impacts. Based on the findings and recommendations of the stakeholder group, the commissioner is directed to submit major substantive rules amending the traffic movement permit process, no later than Feb. 1, 2020 and authorized to introduce

related legislation during the Second Regular Session of the 129th Legislature.

LD 1266 – An Act To Create Transportation Corridor Districts for the Purpose of Funding Transportation and Transit Services. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2019, c. 242**

This Act allows for the creation of transportation corridor districts, which is a specified area of contiguous transportation routes that can be established by a municipality, groups of municipalities or public transportation facilities formed by voter approval. The Act establishes the corridor district's powers, as well as requirements for public notice and hearings, referendum for formation, the rights and responsibilities for incorporation, and provides the Public Utilities Commission oversight authority for the district. The law also provides parameters for adding or modifying membership of a district and expanding the borders of the transportation corridor. Finally, the Act establishes the procedures necessary to authorize the transportation corridor districts to borrow money and issue negotiable notes to accomplish the district's goals.

LD 1471 – Resolve, To Name the Route 7 Bridge in Corinna in Honor of PFC Paul Earl Sudsbury. (Sponsored by Sen. Davis of Piscataquis Cty.) **Resolves 2019, c. 38**

This Resolve renames the Corinna Bridge in the Town of Corinna the PFC Paul Earl Sudsbury Bridge.

LD 1487 – An Act To Exempt Holders of Gold Star Family Registration Plates from Vehicle Registration Fees. (Sponsored by Rep. Fecteau of Augusta) **PL 2019, c. 390**

This Act exempts a person possessing or applying for a registration certificate and a set of gold star family registration plates from the annual motor vehicle registration fee.

LD 1513 – An Act To Amend the Date by Which an Applicant for Funds under the Local Road Assistance Program Must Provide Certification to the Department of Transportation. (Sponsored by Rep. McLean of Gorham) **PL 2019, c. 173**

This Act changes from August 1 to November 1 the annual date by which an applicant for funds under the Local Road Assistance Program must provide certification to the Department of Transportation.

LD 1528 – An Act To Amend the Laws Regarding Motor Vehicle Fees. (Sponsored by Sen. Diamond of Cumberland Cty.) **PL 2019, c. 352**

This Act increases the fees to reserve the same registration number plate for succeeding registration years from \$15 to \$25, and the ability to retain that same number in the event the individual does not have a vehicle to register for up to two years for regular plates and four years for antique plates. The Act also increases the fees for issuing numbers out of rotation from \$15 to \$25.

LD 1555 – An Act To Improve Highway Maintenance Safety. (Sponsored by Sen. Diamond of Cumberland Cty.) **PL 2019, c. 327**

This Act adds white and green to the color of lights that can be used on municipal public works trucks, or any vehicle operating under the direction of the Maine Turnpike Authority or Department of Transportation. The law establishes the locations on the vehicle where the lights may be mounted for maximum visibility and the ability for the lights to flash, oscillate, strobe, or blink.

LD 1627 – An Act To Authorize the Use of Autocycles. (Sponsored by Rep. Bryant of Windham) **PL 2019, c. 345**

This Act establishes inspection standards for "autocycles,"

and authorizes a person with a Class A, B, or C license to operate an autocycle on public ways.

LD 1682 – An Act To Amend the Laws Governing the Removal of Unlawful Signs. (Sponsored by Rep. McLean of Gorham) **PL 2019, c. 228**

This Act adds a definition of "urban compact municipality" to the Maine Traveler Information Services statute, updates the list of prohibited locations for the placement of signs in a public way, and broadens and clarifies the authority for municipalities to remove signs that fail to conform to the new guidelines. Specifically, after being notified by the entity having maintenance responsibility over a public way, the law provides the owner of an improperly located sign 14 days to remove the nonconforming material. The state or municipality is authorized to remove the nonconforming sign at the expiration of the 14 day limit, as well as to remove a sign, without notice, for public safety reasons.

LD 1783 – An Act To Amend the Motor Vehicle Laws. (Sponsored by Rep. Bryant of Windham) **PL 2019, c. 397**

This Act makes several changes to the motor vehicle laws pertaining to scrap vehicles, semi-truck trailer registrations, transit plates, record keeping, commercial learner's permits, and restricts the promotion of violent acts through the use of vanity plates. Additional changes are applied to life support transport vehicles rules and operation of those vehicles on the Maine State Ferry Service. Of municipal interest, the law removes the necessity for the official collecting fees during the registration process to collect, retain and submit the \$1.25 use tax to the state and instead directs the state tax assessor to reimburse the Secretary of State for this fee.

LD 1827 – Resolve, To Designate a Bridge in Indian Purchase Township the Detective Benjamin Campbell Bridge. (Sponsored by Sen. Dill of Penobscot Cty.) **Resolves 2019, c. 86**

This Resolve renames Bridge 3666 on Route 11 in T3 Indian Purchase Township, currently known as the West Branch Bridge, as the Detective Benjamin Campbell Bridge.

VETERANS & LEGAL AFFAIRS

LD 158 – An Act To Amend the Laws Governing Beano. (Sponsored by Sen. Farrin of Somerset Cty.) **PL 2019, c. 56**

This Act repeals the requirement in current law that beano or bingo games conducted by an organization such as a volunteer fire department, agricultural fair association or nonprofit association be conducted entirely by members of the organization. The law now requires these events to be conducted under the exclusive control of at least one member of the organization who is at least 18 years of age, has been a member of good standing in the organization for at least two years, and has final decision-making authority to determine the winner of the game and to address any challenges to the operation of the game. The person with exclusive control over the event may be assisted by other individuals. The law defines "member" to mean an individual duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing the organization.

LD 217 – An Act To Aid in Certain Veterans' Organizations. (Sponsored by Rep. Sylvester of Portland) **PL 2019, c. 44**

By agreement with the Bureau of Alcoholic Beverages and Lottery Operations, and further subject to time-of-day and seasonal limitations defined by the bureau at the time of license approval, this Act allows licensed veterans' organizations located on ferry-serviced islands off the coast of the state to sell liquor to the general public. The Act also prohibits smoking on the premises during the time the general public is invited or allowed to be present.

LD 499 – An Act To Collect Data Regarding How Payment Is Made for Collection of Signatures for Petitions for Direct Initiatives and People’s Veto Referendums. (Sponsored by Sen. Guerin of Penobscot Cty.) **PL 2019, c. 456**

This Act requires a circulator of direct initiative or people’s veto referendum petition to submit an affidavit that includes: (1) the circulator’s name, address and date the affidavit was signed; (2) acknowledgment that the circulator has read the information provided by the Secretary of State and understands the laws governing the circulation of petitions in Maine; (3) the circulator was a resident and registered voter of Maine at the time the petition was circulated; and (4) acknowledgment that the circulator can be prosecuted for violating the laws governing the circulation of petitions, including a truthfully executed affidavit. The Act also requires petition organizations and others to indicate the method by which they compensate individuals hired to assist in circulating petitions.

LD 514 – An Act To Amend the Laws Governing Political Party Representation of Election Clerks. (Sponsored by Rep. Schneck of Bangor) **PL 2019, c. 64**

This Act amends the process for the selection of election clerks and clarifies other provisions regarding election clerks. Specifically, the Act retains the provision in current law allowing parties to nominate election clerks but also allows the municipal clerk or any registered voter to make nominations. The minimum requirement is that two election clerks be appointed to serve at each voting place, one each from the two major parties. The Act requires that at least 50% of the election clerks working at any election are affiliated with the major parties, and the rest of the election clerks may be affiliated with a minor party or be unenrolled. The Act also provides that if the municipal officers do not appoint a sufficient number of election clerks representing the major parties or an insufficient number of appointees are available to serve from the list provided by municipal officers, the municipal clerk may appoint additional election clerks without regard to party enrollment status.

LD 534 – An Act To Make Ballot Questions Easier To Read and Understand for Maine Voters. (Sponsored by Rep. Andrews of Paris) **Emergency Enacted; PL 2019, c. 414 (6/20/19)**

This Act requires that the Secretary of State draft the ballot question for a people’s veto or a direct initiative in a clear, concise and direct manner that describes the subject matter as simply as is possible. It eliminates the requirement that questions for a people’s veto referendum be phrased so that an affirmative vote is in favor of the people’s veto. Instead, the Act requires that an explanation of the effect of a “yes” vote and the effect of a “no” vote be printed on the ballot immediately below each referendum question, including each people’s veto, direct initiative, bond issue, constitutional amendment, and other legislatively proposed referendum question.

LD 719 – An Act Regarding Adult Use Marijuana. (Sponsored by Rep. Pierce of Falmouth) **PL 2019, c. 491**

This Act makes over fifty technical amendments to the Marijuana Legalization Act and authorizes final adoption of the rules that the Department of Administrative and Financial Services’ Office of Marijuana Policy will use to regulate non-medical adult use businesses within the state. Among other changes, the Act: (1) requires that the “seed-to-sale” tracking system include each municipality where the tracked marijuana was grown, tested, manufactured, and sold in; (2) creates an avenue for the department to issue an “administrative hold” whenever there are reasonable grounds to believe the licensee is violating the terms of their license or the law, in addition to the existing monetary penalties, suspensions, and revocations that were provided under the Act; (3) exempts the department from

responsibility or liability under federal law for the actions of marijuana businesses pursuant to state law; (4) clarifies that entry of persons under 21 years of age into the licensed premises of a marijuana establishment is prohibited; (5) defines “premises” to mean the designated area within a structure or structures and land specified in a license application that is owned, leased or otherwise held under the control of the applicant or licensee where conduct related to the cultivation, manufacture, testing or sale of adult use marijuana and adult use marijuana products occurs; and (6) requires applicants for licenses to submit their criminal conviction history for offenses involving marijuana or dishonesty, deception, misappropriation or fraud, as well as tax compliance history, without automatically disqualifying applicants based on such records.

LD 780 – An Act to Change Municipal Campaign Contribution Limits. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2019, c. 51**

Effective on Jan. 1, 2020, this Act reduces from \$750 to \$500 the maximum allowable contribution for candidates for municipal office.

LD 1026 – Resolve, Directing the Secretary of State To Examine Best Practices in Elections. (Sponsored by Rep. Hubbell of Bar Harbor) **Resolves 2019, c. 48**

This Resolve directs the Secretary of State to conduct a study of the best practices in post-election ballot audits and recounts. In conducting the study, the secretary may consult with state and municipal election officials, election security advocates, and other experts in the field of election audits and recounts. By Dec. 6, 2023, the secretary is directed to submit a report based upon the study to the committee of the Legislature having jurisdiction over election matters, which may report out a bill based on the report in the Second Regular Session of the 131st Legislature.

LD 1078 – An Act Regarding the Number of Agency Liquor Store Licenses Permitted in a Municipality. (Sponsored by Rep. Hickman of Winthrop) **PL 2019, c. 74**

This Act adjusts the benchmarks for the tiers that determine the number of state agency liquor store licenses available in each municipality according to that municipality’s population. When this new law takes effect, a maximum of 11 agency stores will be allowed in municipalities with populations over 60,000, 10 stores will be allowed in municipalities with populations between 45,001 and 60,000, nine stores in municipalities with populations between 30,001 and 45,000, eight stores in municipalities with populations between 20,001 and 30,000, seven stores in municipalities with populations between 15,001 and 20,000, six stores in municipalities with populations between 10,001 and 15,000, four stores in municipalities with populations between 5,001 and 10,000, three stores in municipalities with populations between 2,001 and 5,000, and one store in any municipality with a population of 2,000 or less. The law also authorizes the state Bureau of Alcoholic Beverages and Lottery Operations to issue one additional agency liquor store license in any municipality with a population below 10,000 if the Bureau determines seasonal population growth or similar circumstances warrant the extra license.

LD 1437 – RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities. (Sponsored by Rep. White of Waterville) **Constitutional Resolution, c. 1**

This Resolution proposes to amend the Constitution of Maine to allow alternative signatures for persons with disabilities signing a petition for a people’s veto and for a direct initiative as authorized by proper enactment by the Legislature.

LD 1463 – An Act To Create an Automatic Voter Registration System. (Sponsored by Rep. Gideon of Freeport) **PL**

2019, c. 409

This Act establishes, beginning Jan. 1, 2022, a method of automatically registering eligible individuals to vote, commonly known as automatic voter registration or “AVR,” which operates as follows. The Act defines a new term, “source agency” as the Maine Bureau of Motor Vehicles or, when designated by the Maine Secretary of State, another state agency or department or other entity designated by Section 7 of the National Voter Registration Act of 1993 such as a municipality. When an individual doing business with a source agency provides information to that agency which may constitute proof of the individual’s eligibility to vote, the Act requires the individual to be notified that their information will be used to register them to vote unless they decline to be registered. If the individual does not decline, the source agency must create a pending voter registration record and transmit that record to the applicable registrar of voters, who must then determine whether the individual is eligible to vote. If the individual is eligible to vote, the registrar must enter the individual’s information in the central voter registration system or, if the individual is already registered to vote, the registrar must update the central voter registration system with any change to the individual’s name or address of record in the system. The Act also includes a provision, effective Jan. 1, 2020, allowing the conditional registration of persons who are at least 16 years of age and otherwise qualified to vote, with the conditional registration automatically becoming active on the person’s 18th birthday. The secretary is authorized to adopt routine technical rules to implement this AVR law, and is directed to submit, by Jan. 1, 2020, a report to the Veterans and Legal Affairs Committee on the progress made toward implementing automatic voter registration and the estimated time required to complete all activities necessary for implementation. The committee is authorized to submit legislation in the Second Regular Session of the 129th Legislature based on the findings of the report.

LD 1619 – An Act Regarding Licenses for the Sale of Liquor for On-premises Consumption. (Sponsored by Sen. Luchini of Hancock Cty.) **Emergency Enacted; PL 2019, c. 167 (5/30/19)**

This Act clarifies that a municipality may impose a condition limiting the types of liquor that may be sold for consumption on the premises of a particular Class X licensee when the municipality considers an application for a new or a renewed Class X license.

LD 1626 – An Act To Implement a Presidential Primary System in Maine. (Sponsored by Sen. Luchini of Hancock Cty.) **PL 2019, c. 445**

This Act imposes a new primary election for the office of President of the United States, to be held the first Tuesday after the first Monday in March of the presidential election year. This election will be used in place of the previous party caucus primary selection process. Under the new primary election process, the state committee of a party which is qualified to participate in a primary or general election pursuant to Maine law will certify by November 1 of the year preceding the presidential election to the Secretary of State whether there is a contest among candidates for nomination as that party’s presidential candidate. Upon receiving at least one such certification, the secretary is directed to announce that there will be a presidential primary election, and to prepare ballots. The Act authorizes the parties to determine whether unenrolled voters are eligible to vote in that party’s presidential primary election, requiring parties to notify the secretary as to their determination by December 1 of the year preceding the presidential election.

LD 1663 – An Act To Clarify Ranked-choice Voting Laws. (Sponsored by Sen. Luchini of Hancock Cty.) **PL 2019, c. 320**

This Act makes a number of technical changes to Maine’s ranked choice voting law. Among the changes are: (1) a clarification that municipalities count and report only the first choice votes cast for elections determined by the ranked-choice method of voting; and that ranked-choice elections only occur when there are three or more candidates for an office; (2) an allowance for the Secretary of State to create a separate voter instruction poster for ranked-choice voting; (3) a lowering of the permissible restriction on the number of rankings allowed on the ballot in a ranked-choice voting contest from six to five; and (4) a limitation that only candidates receiving the top three rankings in the penultimate round of ranked-choice counting can request a recount of the process. The Act also requires election officials to post a paper copy of the results of the first choice votes cast in elections determined by ranked-choice voting, if a secure place is available at the voting place or municipal office where the public may view the election results.

LD 1680 – An Act To Authorize Common Consumption Area Licenses for the Consumption of Alcoholic Beverages within Designated Entertainment Districts. (Sponsored by Sen. H. Sanborn of Cumberland Cty.) **PL 2019, c. 281**

This Act establishes a process for the issuance of licenses for the consumption of alcoholic beverages in entertainment districts that are established by municipal legislative bodies. The process requires applicable ordinances to specify the maximum number of licensees that may operate in a single “common consumption area” as well as the maximum size of any such area in the district(s), and to describe the district boundaries and hours of operation. Consumption beyond the boundaries of the common consumption area is prohibited, and signage and barriers are required to reinforce this prohibition.

LD 1730 – An Act To Amend the Laws Governing Elections. (Sponsored by Rep. Schneck of Bangor) **PL 2019, c. 371**

This Act is the Secretary of State’s annual election “house-keeping” legislation, making roughly two dozen technical changes to the laws governing the administration of Maine’s elections. Among the most municipally relevant, these changes: (1) shorten the time municipalities have to submit their official return of votes to the Secretary of State from three business days to two business days after the election; (2) authorize municipalities to process absentee ballots beginning on the fourth day before election day, including Sundays, provided that notice is given; (3) clarify that ballots are not public records; (4) reduce the required retention period for certified copies of the incoming voting list from one year to six months; (5) provide an applicant 30 days to an appeal the decision of a registrar to reject a voter registration application; (6) clarify that the municipal treasurer’s statement that must accompany a question for ratification of a municipal bond issue may either be printed on the ballot or printed as a separate document that is made available to voters; and (7) clarify that the pre-existing prohibition regarding improper influence or advertising for or against a candidate on election day within 250 feet of the voting place only applies to improper influence or advertising regarding candidates for an office on the ballot in that election. ■

History makes Thomaston special, so the town moved to protect it

It costs a lot to preserve Main Street sea captain estates, yet their architectural features make them irreplaceable. A community historic group addresses the challenge.

By Susan Cover

When Thomaston's Comprehensive Plan Committee asked residents what made their town special on a 2017 survey, one answer clearly stood out from the rest.

Those living in the U.S. 1 town once known for its shipbuilders considered the town's "small town atmosphere and historic architecture" its greatest asset. Daryl Hahn, head of the comprehensive plan committee, said she wasn't surprised by the results, which then led to another meeting where 70 residents weighed in on various strategies designed to protect what residents value most.

Many of the homes that stand out for their distinctive features were built by the men who made money as sea captains and boat builders. In fact, in the 1840s, the town along the banks of the St. George River boasted some of the wealthiest people in America.

"The industry was so profitable during this period that three of the seven millionaires reported in the 1840 United States Census were Thomaston residents," notes a historic plaque on land just west of the downtown that was once home to another notable former Thomaston landmark: the Maine State Prison.

Now, more than 170 years after the shipbuilding industry was in its heyday, and 17 years after the prison closed and was torn down, a group of residents have formed a committee to help shape the future without destroying the past. The Thomaston Select Board voted unanimously in August 2018 to create the Thomaston

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Thomaston Select Board member Bill Hahn and his wife Daryl Hahn. (Submitted photo)

Historic Research Group to help educate residents about the significance of the architecture that surrounds them. The idea is to help raise money so homeowners who can't afford to keep their homes in good repair can get some help.

"A lot of people inherited these houses and they can't afford them," said Peggy McCrea, who proposed the group's creation and is currently serving as its chairwoman.

Main Street history

With that goal in mind, the group launched a program called "Habitat on Main," a pilot project with Midcoast Habitat for Humanity. Tia Anderson, executive director with the Habitat office that serves Knox County, said the program is part of the national A Brush with Kindness effort that seeks to help homeowners make repairs to the exterior of their homes.

ABOUT THIS SERIES

Through December, Maine Town & City writer Susan Cover will take us on a Maine journey along U.S. Route 1, a series that started last March. We will highlight communities and municipally related issues situated along Route 1 each month, ending with an article from York County. The series is intended to show the "connectedness" of municipal government in Maine, how current events and examples of public service often transcend precise locations. We hope you enjoy the project.

Eric Conrad, Editor

"Our programming matched this desire to revitalize Main Street and the architecture," she said. "All our programming is around preserving and creating affordable housing. Obviously having it be historic preservation is key."

The Thomaston group also got a helping hand from Maine Preservation, which sent an expert to help lead a community discussion about various options for the program, said Greg Paxton, executive director of Maine Preservation. Just last year, Maine Preservation offered to help with 150 different projects across the state, including government buildings, barns owned by individuals and groups like the one in Thomaston that want to help preserve what makes their city or town special, he said.

"Thomaston has so many historic homes on Main Street," he said.

In the last two to three years, a

dozen communities across the state have enlisted help from Maine Preservation while upgrading or establishing historic review programs, he said.

There is no separate stream of money to fund the program, so it will be up to the Thomaston committee to raise the money needed to provide from \$500 to \$5,000, per structure, for repairs, Anderson said. At this point, the program will focus on repairs to the roadside facades of the homes in the historic district along Route 1. The money can be used for things such as painting, landscaping, porch repairs and safety issues, she said.

Anderson said while many people think of new, affordable homes when they think of Habitat, the nonprofit has expanded its reach in recent years to include helping low-income people who live in existing homes and older housing stock.

In July, McCrea said the group had received two applications for help through the program. More than 60 volunteers have signed up to do the work, she said.

Bill Hahn, a select board member who's married to Daryl Hahn, the head of the comprehensive plan committee, said volunteers are "critically important" to getting things done in town. He said the town meeting style of government is often referred to as the closest thing to a pure democracy.

"What that means is it takes more responsibility for everybody because there's less paid officials in place," he said. "We critically need people to step up."

When Jon Eaton and his wife came to a Fourth of July parade in Thomaston in the 1980s, they were struck by the charm of the older homes. They soon moved from Waldoboro, first renting then buying a ship captain's house.

'Village charm'

Years later, as a volunteer who serves on the town's Comprehensive Planning Committee, Eaton said he's interested in working to make Thomaston appeal to a diverse set of commercial and business development.

"What is the Thomaston identity that we would build on to attract somebody?" he said. "The answer is our New England village charm. What we've done right is not to destroy the bones of the town that were here."



An historic home undergoing repairs. (Submitted photo)

There is reason to be vigilant, McCrea said, with the town losing a dozen historic structures over the last 10 years, and with "a few more in various states of decline." For example, the home of shipbuilder Rufus C. Counce, which was built before 1820, was demolished in 2016 and is now an empty lot, McCrea said. Other homes already torn down dated to 1842 and 1836.

Aside from mills and shipbuilding, Thomaston was also home to the state

prison from 1824-2002. Just four years after becoming a state, Maine needed to find a place to house convicts who would be shipped up the St. George River from Massachusetts, McCrea said.

When the prison closed in 2002, former Town Manager Val Blastow said he and others made sure the Legislature allocated the funds needed to tear down the site so it wouldn't become an eyesore on the outskirts of town.



Today, the former prison site on Route 1 is a greenspace, with the back parcels reserved for town recreation activities and a gazebo. The land nearest Route 1 is available for development.

One challenge of preserving the historic New England charm of Thomaston is traffic on U.S. 1, which goes straight through the downtown, Blastow said, in an interview before his June resignation. Large trucks frequently travel through town on the way to and from large retailers east of town and in Rockland.

For years, Blastow and others hoped to find a way to re-direct the truck traffic – and other vehicles with no interest in visiting downtown shops – around the downtown, much like the way traffic is re-routed in Belfast and other coastal towns. Thomaston gets 14,000 vehicles a day traveling through town, according to the Maine Department of Transportation, which is fewer than Wiscasset but slightly more than Camden.

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Another effort to help the downtown will happen when the town office moves out of a historic building in the downtown to a former nearby elementary school. Community activists hope that will draw small retailers to Watts Hall, the historic building that's currently home to town hall and a renovated second story auditorium. It will also mean residents will no longer have to park on busy Main Street when they conduct business at town hall.

Bill Hahn said construction began in early July to renovate the former school so it can become home to the town office, possibly by the end of the year.

Efforts to educate

One of the major goals of the Thomaston Historic Research Group is to encourage residents to learn about what makes their town special.

With a mix of Greek Revival, Queen Anne, Italianate and Federal styles, the town features homes that continue to honor traditional architecture from the late 1770s forward. The town is considering creating a guidebook for people who own historic properties. But McCrea said that she and others are sensitive about making it clear that it's OK to use modern updates like vinyl siding as long as the historic intent is preserved.

Bill Hahn said there need to be

ongoing conversations in town about creating the right balance for residents.

"We're a town that's got a large number of stately old homes that are expensive to take care of," he said.

Paxton, of Maine Preservation, said in many communities, historic buildings are valuable assets that if improved, will help the tax base in the city or town. And with 37 million visitors coming to the state, and retirees looking for a place to call home, it's important to preserve what Paxton called a "special community feel."

"Some associate historic preservation with establishing museums, but the field is about private sector buildings and improving them for the community," he said.

Paxton and many of the volunteers in Thomaston believe historic preservation can be an economic driver for revitalization. In addition to providing advice on where to find funding and other technical support, Maine Preservation is also working to ensure that buildings that are rehabilitated are energy efficient.

"What we're seeking to do is to make historic buildings energy sustainable in a way that continues to preserve historic features," he said. "You can do it well and have a very energy efficient building in a way that works with the historic fabric that is there." ■

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How I became a town manager, and am glad that it happened

Victoria Forkus, recently hired in Jackman, writes about her roots in rural Maine, what drew her back home and how she wound up in municipal government.

**By Victoria Forkus, Manager,
Town of Jackman**

I was asked recently to talk about my experience as a municipal intern, and the path I took to become the Town Manager in Jackman – in other words, “How did I earn the right to speak today?” You could say it all started with my decision to get a Master’s degree in Public Policy, a degree which required an eight-week policy internship.

To give a little background, and some lead up to that decision, here are a few facts about me. As many other Mainers can say, I grew up in a small, rural community. I went to a similarly sized high school, and from there chose to go on to a small liberal arts college in western Pennsylvania. In retrospect, had I decided to stay in Maine to get my degree, I don’t think I would have grown to appreciate my home state as much as I did during those four years away. As much as I can laugh about it now, I truly became a self-appointed Maine ambassador during my time at Washington & Jefferson College. I loved revealing Maine facts to my classmates, like: “Did you know Maine has more coastline than California?” Or: “Did you know the City of Portland and the Moose Population in Maine is estimated to be about the same (66,000)?” I enjoyed being an anomaly. I was one of three students from Maine at my college during my time in Pennsylvania.

After four years at W&J, while also spending my summers as a camp counselor at Camp Susan Curtis in Stoneham, I did two years of AmeriCorps, serving low-income communities in need. During this time, I applied for and received a global scholarship to the University College of Dublin (Ireland) for a degree in

Public Policy. As previously mentioned, my degree required an eight-week internship, and I’d made the decision early on that I would return to Maine to complete this requirement.

I applied to several internship programs and was most intrigued by my offer to intern with the Town of Rumford – mostly because it was delightfully unexpected. At the beginning of my search for an internship, I sought out state and federal agencies, and despite of myself overlooked the possibilities of the municipal world. Prior to accepting my internship with the Town of Rumford, through the Margaret Chase Smith Policy Center, I think I could count on one hand the amount of times I’d used the word “municipality.” It wouldn’t be long until municipal, municipality, and all other derivatives thereof, would become an everyday part of my language.

The employees with the Town of Rumford invited me in and made me one of their own. I was able to spend time with each department, learn their roles and responsibilities, and was offered daily advice and assistance in my then ongoing job search. On any given day, I could be in the field with the assessor, accompanying code enforcement on a septic site evaluation, inputting A&P in the finance office, or assisting the town manager



Victoria Forkus

with things related to the Downtown Revitalization Project.

My role as an intern was intentionally versatile, I was encouraged to experience different aspects of municipal government and was often forced out of my comfort zone, when asked to speak at the podium during board meetings. Luckily, in the Town of Jackman, where I work as the manager now, our board meetings are typically more

family-style. Most nights, we sit around a large table without an audience, which of course has its pros and cons.

In terms of how I ended up in Jackman, a small rural community like where I started, it’s simple: The friends I made in Rumford gave me the confidence and support to take a chance and apply. It really is that simple. I went to my interview with nothing to lose, a newfound passion for municipal government, and a handpicked outfit that expressed professionalism. I’ve been in Jackman, as the town manager, for about nine months. I can’t begin to describe all of the things I’ve learned during that time in this brief presentation, but I’ll summarize the highlights.

Respect really is earned, and I learned it’s earned through kindness and appreciating the good work of your employees.

The board acts as the policymakers and I the policy implementer. If the

board doesn't agree with my recommendation, I don't take it personally.

Stepping out of my office to help at the front desk, or to just have a conversation with a resident, is worth the extra time.

Doing the things that scare you pay off. I've learned to love the quote, "Growth begins at the end of your comfort zone"

I learn something each day, and I in no way pretend to know it all. Am I the perfect town manager? Probably not, but with a growth mindset I get a little closer each day with the small

ABOUT THIS ARTICLE

Victoria Forkus spoke at MMA's Annual HR-Management Conference at Thomas College in Waterville on June 27. Recruiting young people to work in municipal government has been a challenge in Maine, especially for certain positions. MMA members are encouraged to use the tools available at our recruitment-oriented Hometown Careers website: <https://www.mainehometowncareers.org/>

goals first and then the big ones. I reach out when I need help to other managers and to those that have supported me along this path. Maine Municipal Association has also been an extremely useful resource when I

feel stuck.

This is truly the "Cliffs Notes" version of how I was introduced to municipal government. I appreciate this opportunity to share a little bit of my story with you. ■



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2019 MMA Convention



Featured Speaker – Joe Minicozzi

Let's Talk Progress: Tools that Help Communities Grow

Thursday, October 3 – 11:45 a.m.-1:30 p.m.

Is your city or town built on a smart economic foundation – well-planned and designed, approaching development in a forward-thinking way? Or are you busy running from challenge to challenge – fixing roads and water mains here, offer tax breaks there? Joe Minicozzi, a sought-after, national expert on municipal economics and urban design, will offer insight and humor as he challenges conventional thinking and entrenched biases about development. If you hope to create a strong community, one that is built to last, our 2019 featured speaker is a “can’t miss.”

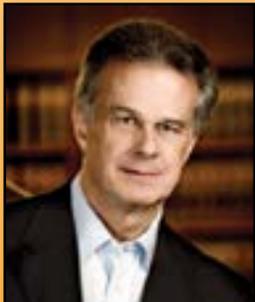


Trouble in the Presidentials: What a Mountaineering Accident Shows Us About Leadership, Teamwork and Managing Risk

FEATURED SPEAKER – Ty Gagne, CEO Primex3

Thursday, October 3 – 9:00-10:15 a.m.

Although strikingly beautiful, Mount Washington and the surrounding Presidential Range hold the dubious distinction of having “the world’s worst weather.” The Presidential Range is also renowned for the challenging terrain it provides for alpinists. As such, it has been the scene of hundreds of mountaineering accidents over the years. Ty will provide in-depth analysis of a recent tragedy on the range and extend those lessons, and others learned above tree line, into your roles as leaders, managers, staff and team members.



Killer Show: Lessons from the Station Nightclub Fire

FEATURED SPEAKER – John Barylick, Attorney with Wistow, Barylick, Sheehan and Lovely

Wednesday, October 2 – 3:00 p.m.-4:30 p.m.

Sixteen years ago, the world was stunned by the news of a tragic fire at The Station nightclub in West Warwick, R.I., which claimed 100 lives and affected far more. This presentation analyzes the causes of that fire, conditions that contributed to its severity, and a discussion of what can be done to prevent similar catastrophes.



Welcome

Bangor Council Chair - Sarah Nichols

Wednesday, October 2 – 9:00 a.m.

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The 2019 MMA Convention – 83rd Anniversary Year Preliminary Lineup

Wednesday, October 2, 2019

7:30 a.m. Registration Begins

7:30 – 10:30 a.m. Continental Breakfast

9:00 – 10:00 a.m. WELCOME AND FEATURED SPEAKER

Leadership Lessons from the Podium

Lucas Richman draws on years of experience leading orchestras around the world. The Bangor-based, Grammy Award-winning conductor shares lessons in life and leadership in an interactive discussion on what it means to be a performer who doesn't make a sound, but leads an organization to create a unified artistic interpretation among 70 individual performers. He will share what he learned from working with great artists, from Leonard Bernstein to Martin Short to Midori. Lucas will offer inspiration for leaders responsible for guiding diverse organizations and multiple audiences.

Presenter: Lucas Richman, Music Director & Conductor for the Bangor Symphony Orchestra

Certification: Valid for 1 MTCMA Certification credit in the following categories: Leadership.

10:00 – 10:30 a.m. Break/Visit with Exhibitors

10:30 – 11:45 a.m. Concurrent Sessions

Marijuana: Comprehensive Update

As details about legal recreational and medical marijuana come into view, municipal officials in Maine have decisions to make. This panel discussion offers important, distinct points of view – a statewide perspective, legislative analysis and legal counsel. If legalized marijuana is something that your community is looking at, this workshop is for you.

Presenters: Garrett Corbin, Legislative Advocate, Maine Municipal Association; Rebecca McMahon, Staff Attorney, Maine Municipal Association; Representative from the Maine Office of Marijuana Policy

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Legal.

Maine Bicentennial Celebration

Maine will soon celebrate its 200th birthday! Join representatives from the Bicentennial Commission to learn about the Commission's plans for the bicentennial and how municipalities can get involved. Towns and cities will be encouraged to come up with programming that highlights local history or ties into their specific communities.

Presenters: Bradley Sawyer, Business Manager and Dave Cheever, Vice Chairman, Maine Bicentennial Commission

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

Banking Due Diligence for Municipalities

Doug Berge of Veribanc will explain the need for depository due diligence (not readily available 40 years ago), the benefits of monitoring the safety and soundness of banking institutions where towns and cities have deposits, as well as how to mitigate banking risk as well as one's professional liability exposure.

Presenter: Doug Berge, Veribanc, Inc.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Ethics and Finance/Budget.

Maine Municipal Employees Health Trust Annual Meeting

(for MMEHT Members only)

11:45 a.m. – Noon Break/Visit with Exhibitors

Noon – 1:30 p.m. Awards Luncheon

1:30 – 1:45 p.m. Break/Visit with Exhibitors

1:45 – 2:45 p.m. Concurrent Sessions

MMA Annual Business Meeting

Please join us as President Mary Sabins, Vice President Christine Landes and Executive Director Stephen Gove shed light on MMA's upcoming priorities and topics that arose in 2019.

Certification: Valid for 1.00 MTCMA Certification credit in the following category: Leadership.

Posted Roads: State Statutes, Local Restrictions

Let's face it: For many communities, local roads – including roads vulnerable to heavy trucks during certain seasons – are what municipal decision making is all about. This detailed presentation will walk attendees through what state statutes actually say, whether local ordinances are good options and how to time road postings.

Presenters: Pete Coughlan, Maine DOT Local Roads Center; Michael Stultz, Staff Attorney, Maine Municipal Association; John Rouleau, Director of Public Works, City of Old Town

Certification: Valid for 1.00 MTCMA Certification credit in the following categories: Legal and Finance/Budget.

Tax Increment Financing in Maine Towns

(Co-sponsored by Maine Municipal Tax Collectors' and Treasurers' Association)

Municipal tax increment financing is a tool available to all municipalities and unorganized territories. There are around 500 tax increment financing districts in Maine. Learn about the program from a TIF attorney who represents municipalities across the state and from a municipal official who can speak about the implementation of a TIF district in a particular community. Be prepared to hear advantages and disadvantages of the program, as well as feedback about the program's applicability to both smaller communities and larger cities.

Presenters: Shana Cook Mueller, Bernstein Shur; Curtis Lunt, Manager, Town of Monmouth

Certification: Valid for 1.00 MTCMA Certification credit in the following categories: Finance/Budget and Legal. Valid for 5 MMTCTA points toward certification as tax collector or treasurer.

2:45 – 3:00 p.m. Break/Visit with Exhibitors

3:00 – 4:30 p.m. FEATURED SPEAKER

Killer Show: Lessons from the Station Nightclub Fire

Sixteen years ago, the world was stunned by the news of a tragic fire at The Station nightclub in West Warwick, R.I., which claimed 100 lives and affected far more. This presentation analyzes the causes of that fire, conditions that contributed to its severity, and a discussion of what can be done to prevent similar catastrophes.

Presenter: John Barylick, Attorney with Wistow, Barylick, Sheehan and Lovely in Providence, R.I.; Author of "Killer Show: The Station Nightclub Fire."

Certification: Valid for 1.50 MTCMA Certification credits in the following categories: Leadership and Legal.

4:30 – 6:00 p.m. Member Appreciation Reception

Thursday, October 3, 2019

7:30 a.m. Registration

7:30 – 9:00 a.m. Buffet Breakfast

9:00 – 10:15 a.m. FEATURED SPEAKER

Trouble in the Presidentials: What a Mountaineering Accident Shows Us about Leadership, Teamwork and Managing Risk

Although strikingly beautiful, Mount Washington and the surrounding Presidential Range hold the dubious distinction of having “the world’s worst weather.” The Presidential Range is also renowned for the challenging terrain it provides for alpinists. As such, it has been the scene of hundreds of mountaineering accidents over the years. Ty will provide in-depth analysis of a recent tragedy on the range and extend those lessons, and others learned above tree line, into your roles as leaders, managers, staff and team members.

Presenter: Ty Gagne, CEO Primex3

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

10:15 – 10:30 a.m. Break/Visit with Exhibitors

10:30 – 11:45 a.m. Concurrent Sessions

ABCs of Economic Development

(Co-sponsored by Maine Community Development Association)

Every rural community wants economic development, but how to start? This panel discussion will walk attendees through the basics of planning for economic development, from identifying your town’s areas of potential, to approaching businesses and organizations, from financing projects to seeing concrete progress.

Presenters: Christopher Winstead, Executive Director, Piscataquis County Economic Development Council; Margaret Daigle, Chair Select Board, Town of East Millinocket; Danielle Ahearn, SVP Community Development Officer, Bangor Savings Bank

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.

Customer Service Excellence: Dealing with Difficult People

Customer service is a tricky business, especially in the public sector. How do you deliver first-rate service when handling irate and sometimes irrational citizens? This panel of experts will examine this growing problem and provide tips and tricks learned from their many years of experience on the “front lines.”

Presenters: Suzanne Farnham, Home Agent Job Coach, L.L. Bean; Michael Roy, Manager, City of Waterville; Kathy Montejo, Clerk, City of Lewiston

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership.

How Do You Value Your Town, City or County Manager

(Co-sponsored by Maine Town, City and County Management Association)

In this world of ever-changing rules and regulations, how do you provide your manager with the tools needed to keep up with day to day and future challenges that need to be addressed? How can being involved with the Maine Town, City and County Management Association help your Manager acquire the tools needed to manage change in your municipality? Civility and respect between elected officials and their appointed Managers are crucial to the health of community relations. This session will attempt to explain the importance of training, engagement, respect, and civility for both elected and appointed officials.

Presenters: Perry Ellsworth, Manager, Town of South Berwick & President, Maine Town, City and County Management Association; Bert Kendall, Interim Manager, Town of Denmark & MTCMA Senior Advisor

Certification: Valid for 1.25 MTCMA Certification credit in the following categories: Leadership and Elected Relations.

11:45 a.m. – 1:30 p.m. LUNCHEON & FEATURED SPEAKER

Let’s Talk Progress: Tools that Help Communities Grow

Is your city or town built on a smart economic foundation – well-planned and designed, approaching development in a forward-thinking way? Or are you busy running from challenge to challenge – fixing roads and water mains here, offer tax breaks there? Joe Minicozzi, a sought-after, national expert on municipal economics and urban design, will offer insight and humor as he challenges conventional thinking and entrenched biases about development. If you hope to create a strong community, one that is built to last, our 2019 featured speaker is a “can’t miss.”

Presenter: Joe Minicozzi, Principal, Urban3, Asheville, N.C.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.

1:30 – 2:30 p.m. Dessert Social & Musical Entertainment!

Head to the exhibit hall for desserts, one last chance to visit with exhibitors and music provided by Riff Johnson.

2:30 – 3:30 p.m. Concurrent Sessions

Connecting Communities via the East Coast Greenway

The East Coast Greenway is a walking and biking route stretching 3,000 miles from Maine to Florida and is designed to transform the 15 states and 450 communities it connects through active and healthy lifestyles, sustainable transportation, community engagement, climate resilience, tourism, and more. Kristine Keeney, the Alliance’s New England Coordinator, will provide an overview of the vision and genesis of this project, its current route in Maine, the benefits to local communities, and highlight some of the efforts to complete the route in the state right now.

Presenter: Kristine Keeney, New England Coordinator, East Coast Greenway Alliance

Certification: Valid for 1.00 MTCMA Certification credit in the following category: Leadership.

How to Combat Phishing in Town Offices

Saco’s IT Director will provide a toolkit to prepare a customized strategic security plan for your municipality and identify your organization’s security leverage points. This session will cover: how to develop cybersecurity awareness training; the need for implementing auditing and monitoring systems; and, the importance of preparing for a security breach. Do you have an operations plan in place? Have you created policies? Do you have backups? Do you know how to report breaches? How many items can you check off on our cybersecurity preparedness checklist?

Presenter: Ryan Pinheiro, Information Technology Director, City of Saco

Certification: Valid for 1.00 MTCMA Certification credit in the following categories: Leadership and Finance/Budget.

Regional Planning and Development Issues

Development and redevelopment challenges vary greatly between rural areas and densely populated ones. How densely populated communities approach the issue may differ from rural communities, though each will share common challenges and opportunities. This workshop suggests that regional planning – neighbors working with neighbors – is an approach worth considering, and it will uncover barriers to cohesive development and offer support and help.

Presenters: Rebecca Graham, Legislative Advocate, Maine Municipal Association; John Davis, Town of Millinocket; Judy East, Washington County Council of Governments; Rod Melanson, Town of Topsham; Jim Shattuck, Town of Topsham; Samantha Horn, Land Use Planning Commission; Nancy Smith, Grow Smart Maine

Thursday, October 3, 2019

Certification: Valid for 1.00 MTCMA Certification credits in the following categories: Finance/Budget and Leadership.

Right to Know

Attorneys from MMA's Legal Services Department offer Right to Know training that is required for both elected officials and municipally appointed Public Access Officers. Attendees will get certificates that they completed the course.

Presenters: Richard Flewelling, Assistant Director, Legal Services, MMA; Susanne Pilgrim, Director, Legal Services, MMA

Certification: Valid for 1.00 MTCMA Certification credit in the following category: Legal.

3:30 p.m. Adjourn

Overnight Accommodations

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(877) 779-7771 or (207) 974-3502

Tuesday, October 1, 2019 and Wednesday, October 2, 2019

Rate: \$94 per night + 9% occupancy tax + \$10 amenity fee

Cutoff date is September 10, 2019

Under: Maine Municipal Association

Bangor Residence Inn by Marriott

22 Bass Park Blvd., Bangor, ME 04401 • (855) 440-4244

Tuesday, October 1, 2019 and Wednesday, October 2, 2019

Rate: \$159 per night + 9% occupancy tax (King Studio Suites; rate includes full breakfast buffet)

Cutoff date is September 1, 2019

Under: Maine Municipal Association

Affiliate Association Programs

Please see full Convention program for additional offerings, highlights, special events and CEU/Certification credits/points. The following sessions have been prepared by and are sponsored by individual affiliate associations. All sessions are open to all Convention attendees.

Community Television Association of Maine (CTAM) & Central Maine Media Alliance (CMTA)

Thursday, October 3

10:30 – 11:45 a.m. Access \$1 Million Value for Your Town

Municipalities across Maine are missing out on huge amounts of funding, technology and services available to them. This session will explore the economic development and community engagement benefits of community television and PEG Media, and will provide turn-key solutions and practical applications that towns of all sizes and budgets can utilize.

Presenter: "Twinkle" Marie Manning, Director of Development, Central Maine Media Alliance

Maine Association of Local Emergency Managers (MALEM)

Wednesday, October 2

10:30 – 11:45 a.m. Public Safety Broadband Network Update

FirstNetME and AT&T FirstNet representatives will brief session attendees on the status of the public safety broadband network build-out in Maine, including its capabilities regarding municipal emergency management communications.

Presenters: David Maxwell, Program Director, FirstNetME; Bruce Fitzgerald, Principal Consultant, AT&T FirstNet

Maine Association of Planners (MAP)

Thursday, October 3

1:30 – 2:30 p.m. Planning & Land Use Ordinances

This "roundtable" session is an opportunity to hear about and share experiences municipalities have in managing, revising, or developing new land use ordinances. We will discuss the challenges of juggling local, state and federal regulations in preparing for and participating in Planning and Appeals Boards meetings, and touch upon legal implications of juggling so many volumes of regulations. Hear about (and share) examples of municipalities who have

worked to streamline local ordinances, resources for updating or creating new ordinances, approaches to training and updating members of Planning and Appeals Boards, and discuss ideas for improving resources and support for land use ordinance development. This session is for planners, code enforcement officers, planning board or appeals board members, town managers, or anyone interested in discussing issues of land use ordinances in Maine.

Maine Chapter of American Public Works Association (MCAPWA)

Thursday, October 3

8:00 – 8:15 a.m. MCAPWA Business Meeting

Opening Remarks, Election of Officers & General Meeting Business.

8:15 – 9:30 a.m. Talking Trash: Addressing Global Markets Locally

Panelists: Craig Stuart-Paul, President, Fiberight; Ben Breadmore, Town Manager, Town of Holden; Bev Uhlenhake, Mayor, City of Brewer

9:30 – 9:45 a.m. Maine Road Scholar Presentations

Presenter: Pete Coughlan, MaineDOT Local Roads Center

9:45 – 10:00 a.m. Break

10:00 – 10:45 a.m. TBD

10:45 – 11:00 a.m. Break

11:00 a.m. – 12:00 p.m. What's Happening at MaineDOT?

Presenter: Bruce Van Note, Commissioner, MaineDOT

MCAPWA Luncheon will follow at the Hollywood Casino Hotel (pre-registration required)

Maine Community Development Association (MCDA)

Wednesday, October 2

10:30 – 11:45 a.m. Meeting the Challenges of Housing Older Adults

The Community Aging in Place Grant is a low-cost, high impact home modification program that helps low and moderate income older Mainers stay in their homes safely.

Presenter: Clyde Barr, Maine Housing

Affiliate Association Programs

Maine Fire Chiefs' Association (MFCA)

Wednesday, October 2

10:30 a.m. – 12:30 p.m. Annual Meeting and Maine Fire Chief of the Year Award and Luncheon at Hollywood Casino Hotel

1:30 p.m. – 3:00 p.m. TBD

Maine Government Finance Officers Association (MEGFOA)

Co-Sponsored by Maine Municipal Tax Collectors' and Treasurers' Association (MMTCTA)

Thursday, October 3

1:30 – 3:30 p.m. Continuity of Fiscal Operations

A storm hits your community, leaving your town hall stranded for days, and your finance staff cannot get to their offices. Or, a strain of flu settles on your community and half of the town's employees are out sick, so the town hall closes because there are not enough employees to keep it open. How would you be able to pay employees, purchase supplies for 24/7 operations and emergency response, collect revenue, manage cash flow, and handle treasury functions? A section of your town is devastated during a storm, wiping out roads, homes, and utilities. How do you fund significant costs of recovery and rebuilding while waiting for federal reimbursement? In disaster and recovery planning, fiscal functions are often overlooked as being emergent in nature. In fact, some of these functions are needed to keep the emergency response going, or to maintain financial stability while taking on large recovery expenses. This session will explore some of the connections between administrative financial operations and direct services that should be considered during disaster and recovery planning.

Presenters: Naomi Petley, Public Assistance Officer, MEMA; Alina Wright, Individual Assistance and Voluntary Agency Liaison, MEMA

Certification: Valid for 5 MMTCTA points toward certification as tax collector or treasurer.

Maine Resource Recovery Association (MRRA)

Wednesday, October 2

1:45 – 2:45 p.m. Discussion on Behavior Change, Reaching the Future Workforce, and Empowering your Staff/Employees

Presenters: Skyler Horton and Hannah Nadeau, University of Maine Students; Eric Strout and Daniel Tremble, Hannaford

Maine Town & City Clerks' Association (MTCCA)

Wednesday, October 2

10:15 a.m. – 2:45 p.m. State Agency Updates

10:15-10:45 a.m. Vital Records Updates: Theresa Roberts, Deputy State Registrar

10:45-11:45 a.m. Elections & Notary Public Updates: Julie Flynn, Deputy Secretary of State

1:45-2:15 p.m. Animal Welfare Updates: Liam Hughes, Director of Animal Welfare

2:15-2:45 p.m. Inland Fisheries & Wildlife Updates

Certification: Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

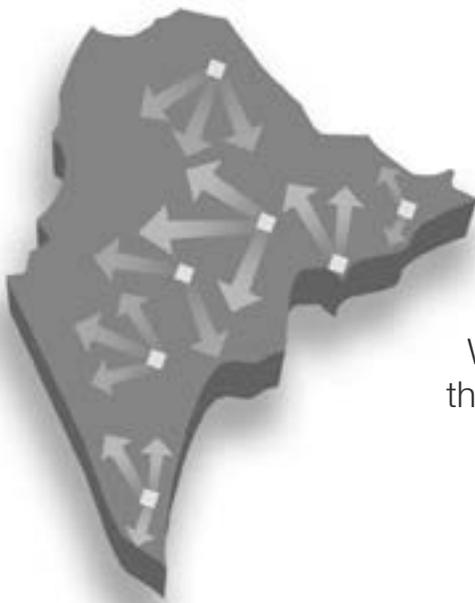
Maine Welfare Directors' Association (MWDA)

Thursday, October 3

10:30 – 11:45 a.m. General Assistance Overview

This session will provide a basic overview of administering a General Assistance program. It is appropriate for any municipal representatives involved with or interested in their GA program. Topics covered will include eligibility requirements, the application process, and emergency assistance.

Presenter: Rindy Fogler, Community Services Manager, City of Bangor



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Attendee Registration Form

MMA Convention – Cross Insurance Center, Bangor – October 2 & 3, 2019

One registrant per form (please photocopy for additional registrations)

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Full Name: _____	First Name: _____
Employer: _____	Last Name: _____
Billing Address: _____	Primary Title: _____ <i>(Please list one)</i>
City, State, Zip: _____	Employer: _____
Phone: _____	
Email: _____	

CONVENTION REGISTRATION FEES (For one or both days):			Cost
<input type="checkbox"/> MMA Members	Registration Fee	\$ 90.00	
<input type="checkbox"/> Non-members	Registration Fee	\$ 180.00	

MEALS:			Cost
WEDNESDAY LUNCHEON (OCT 2):			
<input type="checkbox"/> Awards Luncheon (Buffet) – Cross Insurance Center (Ballroom)		\$ 28.00	
THURSDAY LUNCHEONS (OCT 3):			
<input type="checkbox"/> Luncheon (Buffet) with Featured Speaker – Cross Insurance Center (Ballroom)		\$ 28.00	
<input type="checkbox"/> Maine Chapter of American Public Works Association (MCAPWA) <i>(Hollywood Casino)</i>		\$ 18.00	
TOTAL (Registration Fee & Meals) \$			

I plan to attend (choose ONE): Wed 10/2 Thur 10/3 Both Days *(Fee is the same for one or both days)*

SPECIAL EVENTS

For planning purposes, please select if you are attending these complimentary activities:

Member Appreciation Reception (Wed 10/2) Dessert Social & Musical Entertainment (Thur 10/3)

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____

*(**Please send a copy of this registration form with payment)*

→ Credit card payments accepted with online registration only. ←

Fax registration form to: (207) 626-5947 Mail form to: Convention Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

Signature: _____ Date: _____

Please make check payable to: Maine Municipal Association

Questions/Cancellations: Cancellation notification must be given in writing at least 3 business days before the start of Convention. Any cancellation received within that 3 day window will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Registrations may be transferred to another official or employee. Please go to: <http://www.memun.org/TrainingResources/WorkshopsTraining/Cancellations.aspx> to cancel or email: wsreg@memun.org. If you have any questions please contact Louise Ridley at (800) 452-8786 or (207) 623-8428. Please inform us of any special dietary needs or special requirements you may have due to a disability.

Please keep a copy of this form for your records.

PEOPLE

Brooks voters, in a special town meeting last month, elected **Linda Lord** to finish the unexpired term of **Arthur Butler**, who died June 20 at the age of 76. While serving as selectman, Butler also worked as Emergency Management Director, 911 addressing officer and sexton for the town cemeteries. He was an EMT for 35 years for Brooks Ambulance. There were three candidates to replace Butler, with Lord collecting 58 votes to her opponents' 36 and 13 votes.

Former Lewiston city councilor, school board member, Maine Municipal Association Executive Committee member and, finally, Androscoggin county commissioner, **John Butler Jr.**, died July 22 at the age of 61. According to his obituary, his family said among his greatest passions was serving the City of Lewiston, where he was born and raised. He graduated from Lewiston High School in 1977 and earned a bachelor's degree in political science from St. Michael's College in Vermont in 1981. Butler, who succumbed to cancer, also served as a member of the Lewiston Planning Board and several other advisory and ad-hoc committees over 25 years. Among others, he is survived by his wife, Ann, and their two daughters and one son and their families. Butler's mother died earlier this year. He is also survived by his father, John Butler Sr. He worked for 35 years for his father at Butler Bros., specializing in outside sales.



Frank Clark

The City of Portland hired **Lt. Frank Clark** from South Portland to serve as police chief of Maine's largest municipality. The search for a replacement for **Michael Sauschuck** started late last year, after Sauschuck retired as chief, was hired as an assistant city manager and then tapped to be public safety commissioner in the Mills administration. Clark has worked for South Portland since 1988, serving in various capacities over the years. He served as acting police chief in 2014.

Three of nine Augusta city councilors have resigned within a month, all of them because they are moving out of

the capital city. Ward 3 **Harold Elliott** announced his resignation on June 28, effective immediately. Elliott said he was retiring and moving out of Augusta. At-large Councilor **Corey Wilson** resigned on July 17 and plans to move closer to his wife's family in Readfield. Wilson hopes to return to Augusta to open an ATV sales and repair shop. **Jennifer Day** resigned on July 23, effective on Aug. 23, to move south and cut her husband's commute time. The terms of both Elliott and Wilson expire at year's end, so their replacements will be elected during the regular election on Nov. 5. Day's term does not expire until the end of 2020, so the council will hold a special election on Nov. 5 to fill her seat until then. There is no city charter provision that allows temporary appointments to the council. There are eight voting councilors; the mayor votes only to break a tie.



Michelle Farnham

Boothbay Harbor Town Clerk **Michelle Farnham** recently completed her final year of studies at the New England Municipal Clerks' Institute at Plymouth State University in New Hampshire. The three-year program focuses on parliamentary procedure, personal development, computers, public relations and public speaking and professionalism. Farnham has worked for the town since 2002, the last nine as clerk. Previously, she worked as assistant tax collector, secretary to the select board, and then deputy town clerk. The New Hampshire clerks' program is one-of-a-kind in the nation. Now that Farnham has completed the program, she qualifies to apply for certification by the International Institute of Municipal Clerks'.

Sanford public safety dispatcher **Joleen Maynard** was recognized in July for 20 years of service to the Sanford Regional Communications Center. She received cards and gifts from colleagues throughout the day and, in the evening, the Sanford City Council read a proclamation to mark her two decades of service.

Rockland solid waste Director **David St. Laurent** announced his retirement last month after working as solid waste director since 2007. A graduate of the University of Maine at Machias, where he earned a bachelor's degree in environmental studies, he worked from 1998 to 2003 as solid waste and recycling program manager for shipbuilding Bath Iron Works. After joining the city, St. Laurent served for several months as assistant director of the Rockland wastewater treatment plant before being named director of the merged public service and solid waste departments in August 2015. St. Laurent has agreed to work at the transfer station during the transition to a new director. Upon his retirement, he said proudly that 18 roads had been paved this year alone.



Tracey Steuber

Tracey Steuber is the new planning and economic development director for the City of Gardiner, effective Aug. 5. Steuber resigned her position in Lisbon after six years, during which time she secured more than \$1 million in grants for infrastructure and Brownfield cleanup, as well helping to revitalize Lisbon downtown, where every storefront is now full. Prior to working in Lisbon, Steuber worked five years for the City of Auburn's economic and community development office. ■

CORRECTIONS

Inaccurate information was provided in the July Maine Town & City regarding election results for the Town of Hollis. Incumbent Selectman **John Rogala** was originally elected during a special town meeting last November to complete the term of **Michael Seely Sr.** Rogala was unopposed for a full three-year term at 2019 annual town meeting voting on June 11.

Also, the first name of Castine's new town manager, Shawn Blodgett, was misspelled.

CUMBERLAND

The town will spend up to \$170,000 for concrete barriers to keep motorists from circumventing the crossing gates and at any of the town's four railroad crossings. After a heavily attended public hearing last month, the town council also agreed to impose "quiet zones" at each crossing, given rail traffic has picked up and rattles homes and people. One man brought a recording of a train horn as it approached the crossing. He said the noise makes Cumberland a less attractive place to live. The council is erecting the concrete barriers so that train conductors do not have to blow their horns as they approach the crossings, although the conductors will be allowed to use the horn for safety reasons. One of the four crossings is privately owned, but residents were told they could petition the council to create a quiet zone in that area.

DEER ISLE/STONINGTON

A community assessment completed by a national economic development consulting firm concluded that up to 85 year-round rental units are needed for people who have been priced off the peninsula and now commute; and those who still reside on either of the two islands who move from place to place throughout the year due to lack of affordable rental housing. The report notes that people who work in the towns, but live elsewhere, do not have children in school and do not buy groceries or procure other services from local businesses. They also don't volunteer for fire units, nor otherwise engage in the communities. Members of the Island Workforce Housing nonprofit cautioned that if the towns do not reverse the trend and ensure more affordable housing in the towns, the long-term future of the island towns will be in peril. As in other high-priced coastal towns, Deer Isle and Stonington officials fear the day when the towns are little more than summer-only vacation destinations. Contributing to the problem on the Hancock County peninsula is short-term rentals, where property owners make profits but also take their rental properties off the market for year-round use.

MADAWASKA

The state Forestry Bureau released thousands of small, non-stinging wasps

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the Maine Town & City.

Don't Feed the Ducks. The City of South Portland is sharing a funny and informative video about why people should not feed ducks, gulls and other waterfowl at public parks.

Stream Crossings. The state Department of Environmental Protection will host four workshops across the state, starting this month, for applicants gearing up for Round 2 of its Stream Crossing Upgrade Grants.

Dealing with Mosquitoes. A report designed to help municipalities with how to prevent, monitor and respond to mosquito-borne illnesses was released by the Maine Department of Health & Human Services and Center for Disease Control.

Marijuana Update. MMA's State & Federal Relations Department issued a thorough update on proposed state rules, legislation and a list of "opt-in" municipalities regarding adult use marijuana businesses.

in northern Maine in an effort to kill the invasive Emerald Ash Borer, which responsible for killing countless ash trees in North America. State experts are also looking for sites in southernmost Maine where the wasps can be released. Three species of wasps were released in Aroostook County. One species lays its eggs on the outside of the Borer's larvae; another lays its eggs on the inside; the third takes care of eggs on the surface of the bark.

PORTLAND

The victims of the state's most deadly fire in more than 20 years will be remembered now that the city has erected a granite stone in Longfellow Park near Noyes Street, where a fierce fire killed six renters in 2014. The memorial includes a bronze plaque that speaks of the tragedy and names the victims. The memorial also included rededicating the park benches in each victim's name. All the victims – three women and three men – were aged 25 to 29 years. Although the fire was started by poorly discarded smoking materials, the building owner was charged with code violations as well as manslaughter. He was acquitted of the worst charge but served three months in jail for housing violations, which included a lack of smoke detectors. The fire also led to new city policies for landlords, including registration and fire safety inspections.

OLON

Police say someone will face charges after animal welfare staff and Somerset County police rounded up 100 animals

from a residence whose location they would not identify last month. Neither would officials say where the animals were taken for care once rescued. While in state care, the animals will receive health and behavioral evaluations in addition to any needed physical care. Some needed "urgent care," officials said. Dogs, cats, horses and chickens were taken from the residence. Using a court warrant, the state and a dozen agencies and nonprofit organizations teamed up to assist in the case, including the animal shelters in both Kennebec and Franklin counties. Police said there will be an investigation and that charges are expected.

WOOLWICH

The state Department of Environmental Protection sought input last month from the town's Solid Waste and Recycling Committee regarding how to best draft language for legislation in 2020 to extend producer packaging responsibility. The committee opposed any new system that would only pass along the cost to consumers. It also did not like the idea of expanding DEP to oversee or enforce new regulations for businesses. The aim of any new regulation is to shift the cost of non-recyclable packaging to businesses and not property owners through local taxation. The Woolwich panel suggested creating incentive programs to reward Maine businesses that are effective at reducing their non-recyclable waste. Non-recyclable items are most often created during the mailing process of companies. ■

MUNICIPAL BULLETIN BOARD

Aug. 28

Elected Officials Workshop: Jay

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Aug. 28 at LaFleur's Restaurant on Main Street in Jay. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

Sept. 5

Payroll Law: Waterville

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on payroll law at the Waterville Elks Banquet and Conference Center, starting with registration at 8:30 a.m. Presenters will be Ann Freeman and Steven Gerlach, attorneys with Bernstein Shur.

The workshop will cover: FICA and Medicare questions, continuing employment exemption, tax treatment of emergency firefighters, fringe benefits, employees vs. independent contractors – and more. Cost is \$55 for MMTCTA members and \$85 for non-members.

Sept. 10

Clerks' Networking Day: Waterville

The Maine Town & City Clerks' Association will hold its 24th Annual Networking Day & Business Meeting on Sept. 10 at the Waterville Elks Banquet & Conference Center in Waterville.

Topics to be covered during the day will include: best tips for professionals; presentation of MTCCA awards; updates

on notary publics, political signs and legislative activity. Cost is \$60 for MTCCA members and \$80 for non-members.

Sept. 11-13

Maine Water Environment Association: Northport

Technical sessions will abound at the Maine Water Environment Association's 2019 Fall Convention, to be held Sept. 11-13 at the Point Lookout Resort & Conference Center in Northport.

Among many other topics, attendees will learn more about PFAS, a man-made, water soluble substance. Speakers on this topic will include national experts and an expert from the U.S. Environmental Protection Agency. The MeWEA program on Thursday and Friday includes four concurrent tracks, so there is plenty of topical material for everyone. Costs vary depending on MeWEA membership status, food requests and other factors.

Sept. 12

Planning Boards/BOA: Orono

An attorney from MMA's Legal Services Department and Kristin Collins, attorney with Preti Flaherty in Augusta, will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on Sept. 12 at the Black Bear Inn and Conference Center in Orono.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

Sept. 17

Labor & Employment Law: Portland

If you manage municipal personnel – as a manager, department supervisor or elected official – this workshop is a must for up-to-date information about legal and practical approaches to personnel situations. Attorneys Linda McGill, Ann

Freeman, Glenn Israel and Matt Tarasevich, from the law firm Bernstein Shur, and MMA's David Barrett, head of Personnel Services & Labor Relations, will lead the workshop.

It will be held at the Clarion Hotel in Portland, starting with registration at 8:30 a.m. It will conclude at 2:30 p.m. Cost for the session is \$75 for MMA members and \$150 for non-members.

Sept. 18-20

MAAO 2019 Fall Conference: Sebasco Estates

Tim Boncoskey, president of the International Association of Assessing Officers and chief deputy assessor in Maricopa County, Arizona, will be a featured speaker as the Maine Association of Assessing Officers holds its Annual Fall Conference at the Sebasco Harbor Resort near Phippsburg.

The three-day program will look at: the captured value of TIFs; how to prepare an appeals packet; assessor ethics; use of unmanned aerial drones; and much more. The conference starts on Sept. 18 and will conclude at noon on Friday, Sept. 20. Costs vary based on the number of days in attendance, early registration and other factors.

Oct. 15

Roles of Elected Officials & Managers: Bridgton

This workshop is geared for councilors, select board members, managers and administrators who work with the manager/administrator form of government and want to learn more about roles and responsibilities. It is led by: Don Gerrish, former veteran municipal manager and consultant with Eaton Peabody; Pam Plumb, former Mayor of Portland and co-founder of Great Meetings! Inc.; and, David Barrett, director of Personnel Services and Labor Relations at MMA.

The evening workshop, to be held at Bridgton Town Hall, begins with registration at 4 p.m. It runs through 8:30 p.m. Cost is \$55 for MMA members and \$110 for non-members. ■

All of the upcoming workshops can be found on the MMA website.

Use the following link:

<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

LEGAL NOTES

Maine Bans Polystyrene Food & Drink Containers

Maine has become the first state in the nation to prohibit disposable polystyrene or “Styrofoam” (a trade name) food and beverage containers in nearly all food venues. “Covered establishments” include restaurants, grocery and convenience stores, coffee shops, food trucks, farm stands, farmers’ markets, agricultural fairs, food pantries, and residential institutions. The law reflects the fact that polystyrene is not recyclable in Maine and is not biodegradable. As a result, much of it winds up as litter – on land and in the water – or in a landfill.

The ban is comprehensive and applies to any container, bowl, plate, tray, carton, cup, lid, sleeve, stirrer, or other item designed to be used to contain, transport, serve, or consume food or beverages. Hospitals, seafood shippers, and retail sales of prepackaged food that is purchased at wholesale are exempt.

Like Maine’s new ban on single-use carry-out plastic shopping bags (see “Maine’s New Plastic Bag Ban,” *Maine Town & City*, Legal Notes, July 2019), the State’s ban on polystyrene food and beverage containers was pioneered by a number of Maine towns and cities that have adopted local polystyrene container bans. We wrote about this development last year (see “Foam Container Ordinances,” *Maine Town & City*, Legal Notes, August 2018). At last count, there were at least 20 municipal ordinances in Maine.

Unlike Maine’s new plastic shopping bag ban, the State’s new ban on polystyrene food and beverage containers does not expressly preempt municipal ordinances on the subject. Given the comprehensive scope of the new polystyrene container law, however, there is probably little reason for municipalities to adopt or enforce their own ordinances.

The new law (PL 2019, c. 62) can be found at 38 M.R.S. §§ 1571-1573. It takes effect on Jan. 1, 2021. (By R.P.F.)

Right to Know Training Requirement Expanded

The statutory Right to Know training requirement for certain local elected officials has been expanded by the Legislature to include certain appointed officials as well (see PL 2019, c. 300, eff.

MUNICIPAL CALENDAR

ON OR BEFORE SEPTEMBER 1 — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished by him for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. There is a penalty for failure to make such return (30-A MRSA §7005).

SEPTEMBER 2 — (first Monday in September) — Labor Day — a legal holiday (4 MRSA §1051).

ON OR BEFORE SEPTEMBER 15 — Monthly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333 [22 MRSA §4311].

BETWEEN MAY 1 and OCTOBER 1 — Municipal officers may initiate process to close certain roads to winter maintenance [23 MRSA §2953]. For further information see MMA’s Municipal Roads Manual.

BY OCTOBER 1 — Assessors should receive the municipality’s proposed current state valuation from the State Tax Assessor. [36 MRSA §208].

ON OR BEFORE OCTOBER 15 — Monthly expenditure or quarterly statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 [22 MRSA §4311].

OCTOBER — Registrars of voters shall accept registration prior to the November 5 election according to the time schedule for their population group [21-A MRSA §122(6)].

■ The Registrar shall publish his/her time and hourly schedules in a newspaper having general circulation in the municipality at least 7 days before it becomes effective. In municipalities of 2,500 or less population, this publication is discretionary rather than compulsory [21-A MRSA §125].

■ The hourly schedule for voter registration established by 21-A MRSA §122 may be changed by the municipal officers according to the needs of the municipality [21-A MRSA §122(8)].

ON OR BEFORE OCTOBER 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA § 5253).

BY NOVEMBER 1 — Any governmental subdivision holding tangible or intangible property presumed abandoned under 33 MRSA §1953 must make report to the Administrator of Abandoned Property of the State Treasury Department, pursuant to 33 MRSA §1958.

Sept. 19, 2019).

As amended, 1 M.R.S. § 412 now requires the following municipal officials to complete training in Maine’s “Right to Know” law (aka Freedom of Access Act or FOAA): selectmen, councilors, school board members, and *appointed* as well as elected clerks, treasurers, assessors, and budget committee members. Designated local public access officers are also required to get training.

Training must be completed within 120 days of taking the oath of office for each new term of office.

This requirement can be met by thoroughly reviewing the information on the State’s FOAA website (<http://maine.gov/foaa/>) under Frequently Asked Questions or by attending any training program (including MMA’s) that includes the information on the State’s website.

Officials must make a written or electronic record certifying that they have completed the training and identifying the training completed and the date of completion. This record must be kept by the official or filed with the municipality.

LEGAL NOTES

We recommend filing it with the municipal clerk. (By R.P.F.)

Hemp & CBD Revisited

Maine's law on hemp and hemp derivatives like cannabidiol (aka CBD) has changed.

Earlier this year we advised that although the hemp plant itself is regulated by Maine's hemp licensing program (see 7 M.R.S. § 2231), not Maine's marijuana laws, hemp derivatives such as CBD were still defined as marijuana under Maine's adult use and medical marijuana statutes (see "The Law on Hemp & CBD," *Maine Town & City*, Legal Notes, February 2019). This meant production and sale of hemp-derived CBD were subject to local opt-in requirements and local regulation under those laws. After recent amendments to both the hemp and marijuana statutes, however, this is no longer the case.

On March 27, 2019 the Legislature enacted LD 630 as emergency legislation (effective immediately) redefining "hemp" in the hemp statute to include all derivatives, including CBD. Another bill, LD 1749, was enacted as non-emergency legislation and amends the definitions of "marijuana," "marijuana concentrate," and "marijuana product" in both of Maine's marijuana laws to exclude hemp and its derivatives. (LD 1749 also restructures Maine's hemp licensing program.)

Once LD 1749 takes effect on Sept. 19, 2019, these two laws combined will effectively remove hemp-derived CBD from regulation under Maine's marijuana laws and will allow its production and sale in Maine with only a state hemp license. CBD will no longer be subject to local opt-in requirements or local regulation under Maine's marijuana laws.

It is important to note that state law now authorizes the production and sale of hemp and hemp-derived CBD only in *intrastate* commerce (within the state). Under federal law the sale of CBD in *interstate* commerce (between states) is still restricted. If CBD is being produced or sold without a state hemp license or in interstate commerce, law enforcement authorities should be contacted. (By R.E.M.)

Posting Meeting Notice Online

As we noted here last month, Maine's Freedom of Access Act (FOAA) requires only notice to the media if a board must

convene an emergency meeting (see "Emergency Meeting Notice," *Maine Town & City*, Legal Notes, July 2019). But we also suggested that, if possible, notice of emergency meetings be posted on the municipality's website. Since then we've been asked if posting meeting notices online is legally sufficient all by itself, in all cases.

For public notice of *non-emergency* meetings (which should be the general rule), we do *not* recommend using websites as the exclusive method of giving notice – for the simple reason that not everyone has reliable access to the internet. While websites and social media may be a good way of notifying some people, in our view they should be used in combination with other, more conventional means such as physically posted or published notice.

For the record, FOAA requires notice of "public proceedings" or board meetings to be given in "ample time" and in a "reasonable manner" (see 1 M.R.S. § 406). What is ample and reasonable will depend in large measure on the circumstances and the custom or practice in the municipality. FOAA's generic or default notice requirement will not always suffice, however. There are numerous instances where other laws require more rigid or demanding public notice (see "Special Notice Requirements," *Maine Townsman*, Legal Notes, August 2016).

For more on FOAA or the "Right to Know" law, see our detailed "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

FOAA Fine Increased

The fine for a willful or intentional violation of Maine's Freedom of Access

Act (FOAA) or "Right to Know" law has been increased by the Legislature (see PL 2019, c. 247, eff. Sept. 19, 2019).

As amended, 1 M.R.S. § 410 imposes a fine of \$500 (as before) but now raises the fine to \$1,000 for a second violation within four years and \$2,000 for a third violation within four years.

The fine is a civil, not criminal, penalty and is payable by the state government agency or local government entity whose officer or employee committed the violation. Only the Maine Attorney General or the AG's representative can seek this court-ordered fine; it is not a remedy available to private plaintiffs.

We don't know why the Legislature took this action, but neither do we know of any case in which a Maine court has ever assessed a fine for a FOAA violation. This is not to suggest that the law can or should be taken lightly – to the contrary, compliance with the Right to Know law is critically important to open, honest government. But on the whole, frankly, we think municipal officials have a pretty good track record when it comes to compliance with FOAA. (By R.P.F.) ■

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