

Maine Townsgman

The Magazine
of the Maine Municipal Association

AUGUST-SEPTEMBER 2017



NEW HORIZONS

2017 MMA CONVENTION

SPECIAL LEGISLATIVE ISSUE

2017 Session Wrap Up

Studies, carry over bills

Marijuana: Still developing



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Maine Townsman

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The Magazine of the Maine Municipal Association

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Go Your Own Way



The state Legislature belatedly adjourned, ending a marathon session that changed voter initiatives and boosted school funding. Complete coverage starts on Page 6.

The final part of our two-year municipal series ends with a profile of a Wells Planning Board member. Page 35

On the road again. MMA President Laurie Smith writes about member outreach and employee recruitment challenges. Page 5

ABOUT THE COVER: Videographer Shane Preo used an aerial drone to capture this image of a certain farm in Kennebec County.

The 2017 MMA Convention!

Legalized marijuana, hiring young people and Maine's opioid epidemic are among the topics to be covered at this year's convention, Oct. 4-5 at the Augusta Civic Center. You need to be there. Page 44

Town Meeting Trends

School spending loomed large this spring and summer, as voters in several communities struggled with K-12 cost increases and property taxes. Page 36

2017 Election Roundup

Remember when the print media used to do this – round up local election results from around the state? Well, MMA still does. Here you go. Page 41

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A MESSAGE FROM MMA

BY LAURIE SMITH / MMA PRESIDENT

Talking with members, out 'on the road'

With half of my presidential year under my belt, I can proclaim that our 2017 theme song has been, "On the Road Again." And just like Willie Nelson, I am going down the highway with "the best of friends" – Steve Gove and Theresa Chavarie. The main difference is our mission. While Willie was making music with his friends, we are meeting with local municipal officials to inform them on the variety of services that Maine Municipal Association offers its members, our strategic plan and goals for 2017, and engaging them in feedback on our work.

As we have traversed the state, we have been pleased with the reception that MMA has received from our members. In general, we have found that town and city officials see MMA as a resource and a partner in meeting their everyday challenges. Members have praised the perennial favorites such as legal services, insurance programs, state and federal relations and training. One of the reasons for their strength are the employees who respond to members on the front lines of service. When I hear someone compliment a service, it is usually directly attached to a specific employee's name. This speaks to the relationships our employees develop with members and how fortunate we are to work in a state where we know each other on a personal level.

Municipal employees create those same relationships with their citizens, which is why finding the next generation of public service providers is one of our priority goals for 2017. Glen Mills, Chief Economist for the Maine Department of Labor, presented "Maine Workforce Outlook and Local Government Job Trends" to our Strategic and Finance Committee earlier this year. We have been sharing this same information on our road trips to assist members in understanding the challenges facing Maine employers. Below are some facts from the presentation.

The median age in Maine has increased more sharply than other states in the nation. (From 27 years to nearly 45 years in Maine vs. 37 years nationwide.)

The number of deaths have surpassed the number of births in Maine.

Maine will have a larger gap (due to aging population) in the workforce than other states in the nation.

Since 2008, the population has been nearly unchanged and it is expected to contract.

The number of prime-age workers is expected to continue to decline as more baby boomers become seniors.

Although the labor force is declining, this does not mean fewer job openings. There is growth in some fields and a need to replace those leaving the labor force (15,000 openings per year).

What does all this mean? All Maine employers (public and private sectors) will be in stiff competition for well-qualified employees. A visit to the Maine Department of Labor website (www.maine.gov/labor/cwri/data/oes/hwid.html) lists over 100 high-wage positions that are in high demand. The top half of the list includes bus and truck mechanics, information technology professionals, social workers, teachers, police officers, correctional officers, engineers, finance people, heavy equipment and truck drivers and public safety dispatchers. We know through communication with our members that there are many other jobs we could add to this list. Affiliate groups are focused on training and attracting new blood to their professions. Towns and cities are struggling to find replacements for senior staff.

For these reasons, the MMA Executive Committee is developing partnerships with Maine organizations and institutions addressing workforce development issues, enhancing the knowledge of public service career opportunities and undertaking strategies with educational facilities to develop professional career tracks for public service employment.

If I haven't seen you yet this year, I hope to see you in the next few months as we continue our road trips. If we aren't on your regional meeting agenda, please reach out to Theresa Chavarie, Manager of Member Relations. We would be happy to come visit. ■

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Legislature adjourns, finally

Budget and citizen initiatives were at the epicenter of the 2017 session. While K-12 school funding rose significantly, property-tax initiatives fell flat.

**By Kate Dufour, Director,
State & Federal Relations, MMA**

The first session of the 128th Maine Legislature finally adjourned on Aug. 2, 42 days after the statutorily established June 21 adjournment date.

The session started with a bang, as the first laws of the session were enacted not by the newly seated Legislature, but by a majority of Maine voters participating in the Nov. 8, 2016 election. On Jan. 6, the Legislature was presented with Governor LePage's FY 2018-19 General Fund budget, which, when combined with the voters' referendum directives, caused deep divides among members of the Legislature. These budget rifts persisted throughout the session and ultimately led to a 72-hour state government shutdown. The session finally ended with the Legislature convening during the height of summer to respond to an additional 25 vetoes, bringing the Governor's 2017 session total to 128 vetoes. Although the first regular session has now concluded, it is expected that the Legislature will be reconvened before the year's end, in a special session to adopt the legislation necessary to guide the implementation of the adult use marijuana law.

Citizen initiatives

All eyes were on the Legislature as it studied and contemplated how to address the four citizen-adopted laws. The question on the minds of voters was whether the Legislature would respect the decisions of the electorate and allow the citizen-adopted laws to go into effect without amendment or repeal. Throughout the session it became increasingly evident that the Legislature's response to the citizen-initiated laws would be diverse, spanning the spectrum of possibilities between repeal and overhaul.

ABOUT THIS EDITION

This wrap-up edition of the Maine Townsman includes various articles, charts and sidebars pertaining to the 2017 legislative session. The "New Laws" article provides a description of bills enacted this session that have a direct impact on municipal government. A "Study/Carryover" article highlights bills of municipal interest that were carried over to allow for more study and deliberation. One sidebar article lists members of the Legislature who graciously sponsored MMA legislation and allowed the weekly Legislative Bulletin to be delivered directly to the desks of the members of the House and Senate. A second sidebar provides an overview of the Legislature's efforts to implement the citizen adopted recreational marijuana law.

In summary, the marijuana legalization details are in the process of being reworked, the school funding initiative was repealed, the minimum wage initiative was amended to reinstate the tip credit (a remedy strongly supported by the restaurant industry) and the ranked-choice voting initiative was left in a state of uncertainty.

Marijuana. The Legislature's response to the citizen-adopted initiative legalizing the adult use of marijuana was constructive and appropriate considering the need to create, out of whole cloth, a new regulatory system. As described in greater detail in a sidebar article, the Legislature approached the challenge by authorizing the appointment of a 17-member Joint Select Marijuana Legalization Implementation Committee (MLI) charged with developing the system necessary to properly implement the new law. To achieve that goal, the MLI Committee drafted a comprehensive proposal that provides state agencies the authority to develop the systems, procedures and rules necessary to license, tax and regulate all aspects of the retail marijuana industry (e.g., manufacturing, cultivation, testing, retail establishments and social clubs) and provides municipali-

ties with broad-based authority to regulate those same industries locally.

K-12 School Funding. As adopted by the voters, starting on Jan. 1, 2017 a 3 percent surcharge was to be assessed on the portion of taxable Maine income that exceeds \$200,000 and the revenue generated used to supplement, rather than supplant, the state's share of K-12 public school education. It was estimated that over the FY 2018-19 biennium the surcharge would raise an additional \$320 million in revenue.

The voters' desire for the surcharge approach to K-12 education funding was one of the hot button partisan issues of the year. Generally, Republican members of the Legislature strongly believed that the 3 percent surcharge would adversely impact Maine businesses, discourage economic development and cause many residents subject to the surcharge to leave the state. The Democrats in the Legislature, however, supported the underlying concept of the initiative, which established a new and dedicated source of state funding for K-12 education. That fundamental partisan divide was finally bridged when in order to pass a FY 2018-19 budget that Governor LePage would sign, the citizen initiative was repealed

in favor of a proposal that increased the state share of school expenditures by an additional \$162 million, albeit through the use of existing revenues.

Ranked-choice Voting. At the November 2016 election, Maine voters adopted the “ranked-choice” voting method for the election of Maine’s U.S. senators, U.S. representatives to Congress, governor, state senators and state representatives. The new voting procedures would begin with those elections in 2018, including any primary elections for those offices. The fundamental purpose of ranked-choice voting is to process elections where three or more candidates are running for a single office in a way that results in the winning candidate achieving a level of voter support exceeding 50 percent.

Over the seven months the Legislature was in session, the ranked-choice voting law faced several hurdles.

The first challenge came when a 2017 Maine Supreme Judicial Court advisory opinion found the ranked-choice general or special elections for the offices of governor, state senator and state representative to be unconstitutional. The opinion hinged on a provision of Maine’s Constitution stating that these offices are to be elected by a plurality, rather than by a majority, vote of the electorate. The court interpreted this provision as requiring the winner to be the candidate who achieves a plurality in the first round of tabulation. In contradiction, the citizen adopted ranked-choice process elects the candidate who achieves a majority after multiple rounds of tabulations are conducted.

The second challenge came when two separate bills seeking to address the constitutional conflict – one proposing to repeal the law and the other proposing to amend Maine’s Constitution – failed to be enacted by the Legislature. An 11th hour approach, offered on the Legislature’s final day of session, proposed to stay the elements of the law found to be unconstitutional by the Law Court. As proposed in LD 1646, *An Act to Bring Maine’s Ranked-choice Voting Law into Constitutional Compliance*, the citizen-initiated election process would apply only to the primary elections for the office of U.S. senator, U.S. representative to Congress, governor, state senator and state representative and in the general and special elections for

the office of U.S. senator and U.S. representative to Congress. The bill would not allow ranked-choice voting to be used for the general and special elections for the offices of governor, state senator and state representative unless an amendment to the Constitution of Maine was ratified to allow for the majority election of those offices.

LD 1646 was carried over into the next session for further review. As a result, this citizen initiative is still the law on the books, with both its constitutional and unconstitutional provisions.

State budget

Governor LePage’s FY 2018-19 budget was presented to the Legislature in early January and printed as LD 390. The over 830-page proposal included several policy initiatives the Governor has advanced throughout his six years in office. Many of the measures found in the budget struck a discord with the members of the Legislature, causing a temporary state government shutdown and the unprecedented convention of four special legislative “Committees of Conference,” whose six members were appointed by the presiding officers and were effectively delegated budget negotiation authority. The compromise budget was finally adopted by the Legislature and signed into law by the governor on July 4.

With respect to the adopted budget’s impacts on municipal government, the proposals negotiated out of the budget are just as important as the initiatives included in the two-year funding package. With respect to the issues of greatest concern to municipal officials, the adopted budget does not permanently reduce to 2 percent the amount of state sales and income tax revenue distributed to municipalities through the Municipal Revenue Sharing Program. That law is still on course to restore revenue sharing to 5 percent of state sales and income tax revenue in FY 2020.

The finally adopted budget excludes the governor’s proposed changes to the General Assistance program, which presented the Legislature with the option to either repeal the program altogether or make the assistance provided to certain non-U.S. citizens ineligible for state reimbursement. The budget excludes the governor’s proposal to convert \$2.5 billion of taxable property currently enrolled in the

Business Equipment Reimbursement Program (BETR) to tax-exempt status by transferring its enrollment into the Business Equipment Tax Exemption Program (BETE). Unfortunately, the budget also excludes the governor’s proposal to shift taxing authority over two-way telecommunications property from the state to the municipalities.

Of significant interest to municipal officials, the budget appropriates an additional \$162 million (\$48 million in FY 2018 and \$114 million in FY 2019) for K-12 education over the biennium. With one exception, the budget stipulates that for fiscal years 2018 and 2019, 50 percent of all “unanticipated” K-12 funding must be returned to the contributing school district’s member municipalities for the express purpose of reducing the property tax assessment for public education. The exception to the 50 percent tax relief requirement applies only in FY 18, and only to school budgets that were both approved by the voters prior to the July 4 enactment of the state’s General

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Fund budget and that earmarked unanticipated state funding for increased expenditures for school purposes. In that case, the use of unanticipated state funding is permitted as approved by the school district's voters.

That is where the property tax relief elements of the budget end.

As noted above, the budget repeals the citizen-initiated school funding law and instead uses existing resources to increase the state's contribution to K-12 education by \$162 million over the next two years. The budget also expressly includes in the calculation of the state's percentage share of K-12 education the cost of repaying unfunded actuarial liabilities (UAL) of the Maine Public Employees Retirement System attributable to teachers, roughly \$130 million annually. As a result of this change, the state will reach its 55 percent K-12 education funding obligation more quickly even though the UAL expenditure is unrelated to the cost of educating today's students. Rather, those expenditures are due to the failures of past legislatures to adequately fund the statewide teacher retirement program.

The budget also includes an

amendment to the Homestead Exemption program that retroactively reduces the amount of reimbursement the state provides to municipalities for lost property tax revenue. Prior to the enactment of the budget, as of April 1, 2017, both the value of the Homestead Exemption provided to all qualifying Maine resident homeowners and the amount of state reimbursement for the lost property tax revenue were increased. The value of the exemption increased from \$15,000 to \$20,000 and the state reimbursement from 50 percent to 62.5 percent. However, the newly adopted budget postpones the increase in state reimbursement to April 1, 2018. The value of the Homestead Exemption as of April 1, 2017 nevertheless remains at \$20,000.

Municipal officials cannot help but observe that the Legislature's ability to fund increases in K-12 education within "existing resources," as well as to report a \$111 million state General Fund surplus, is in large part made possible by reductions to important property-tax relief programs. If not for the temporary reduction in revenue sharing from 5 percent to 2 percent of state sales and income tax revenue,

an additional \$96 million in state/municipal revenue sharing would have been distributed to municipalities in FY 2018. Delaying the increase in state reimbursement under the Homestead Exemption is projected to increase property taxpayer liability by \$10.5 million statewide in FY 2018.

In addition to the adopted budget's impacts on property tax relief efforts, the Legislature enacted a new Workers' Compensation mandate.

LD 848 establishes a rebuttable presumption under the laws governing Workers' Compensation which provides that when a law enforcement officer, firefighter or emergency medical services worker is diagnosed by a licensed psychologist or a licensed allopathic or osteopathic physician as having post-traumatic stress disorder (PTSD), the injury is presumed to have arisen out of, and in the course of, the worker's employment, and is therefore compensable. The bill, identified as a mandate, was adopted by a two-thirds majority vote in both the House and Senate, enabling the Legislature to impose these new PTSD presumption related costs onto municipalities without providing state funding for 90 percent



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of those new expenditures. A fiscal impact analysis developed by MMA estimates that this new presumption will increase statewide municipal expenses on the order of \$2.5 million annually. MMA opposed this measure.

Municipal platform

As is the case in the fall of every even-numbered year, MMA's 70-member Legislative Policy Committee (LPC) developed the Association's two-year legislative platform. The LPC's 2018-2019 legislative agenda received a mixed response from the Legislature.

Wins. To the extent that a carried-over bill can be categorized as a win, MMA had three this session. Municipal efforts to address a unique leased hospital property exemption (LD 1212), clarify municipal authority to enforce land use regulations on medical marijuana caregiver facilities (LD 672), and to expand investment in broadband development to underserved and unserved areas of the state (LD 140) were all carried over for further debate in 2018.

Losses. A major platform disappointment of the session was not due to the Legislature's rejection of an MMA initiative, but rather because the

LPC's proposal was never printed. The bill, which was titled by MMA's Policy Committee as *An Act To Amend the Essential Programs and Services School Funding Model To Improve its Integrity and Ensure Equitable Education Opportunities for All Students*, proposed amendments to the law governing the Essential Programs and Services funding model to address year-to-year volatilities in school subsidy distribution. Representative Brian Hubbell of Bar Harbor agreed to advance the proposal on MMA's behalf. However, the bill was not submitted using the normal protocols. Instead, Rep. Hubbell, who serves on the Appropriations Committee, integrated parts of MMA's proposal into a larger education funding reform measure, elements of which were enacted in the compromise FY 2018-19 biennial state budget. As a result of this unconventional approach, MMA's specific legislative proposal was never

given the benefit of a public hearing, work session or full debate of the Legislature.

Three additional MMA initiatives failed to garner majority support from the Legislature. Those bills were:

- LD 133, *An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing*. This bill would have incrementally increased by 1 percent each year the portion of state sales and income tax revenue distributed to municipalities until FY 2020 when revenue sharing would be restored to its historic (first enacted in 1972), and previously required, 5 percent level. Although the bill was supported by a majority of the Taxation Committee, LD 133 was tabled in the Senate without further action, resulting in its death upon final adjournment of the Legislature.

- LD 1121, *An Act Regarding the Exclusive Use of Tax Exempt Property*. This

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MMA's State & Federal Relations Department wishes to acknowledge Advocacy Associate **Laura Ellis** for her dedication to organization and detail, in compiling this legislative wrap-up. **Thank you, Laura.**

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Sponsors and cosponsors of MMA's 2017-2018 legislative platform

House and Senate members listed below are owed thanks for agreeing to sponsor or cosponsor bills included in MMA's Legislative Policy Committee's 2017-2018 Legislative Agenda. The time and effort these legislators dedicated to drafting testimony, participating in public hearings and work sessions and describing the merits of these bills in partisan caucuses and in the House and Senate chambers is greatly appreciated. MMA also thanks Senator Brian Langley of Hancock County and Representative John Madigan, Jr. of Rumford for allowing the weekly Legislative Bulletin to be distributed in the Senate and the House.

LD 133, *An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing*

Lead Sponsors: Sen. Shenna Bellows of Kennebec Cty.
Rep. John Madigan, Jr. of Rumford

Cosponsors: Sen. Roger Katz of Kennebec Cty.
Sen. Joyce Maker of Washington Cty.
Sen. Tom Saviello of Franklin Cty.
Rep. James Gillway of Searsport
Rep. Don Marean of Hollis
Rep. Catherine Nadeau of Winslow
Rep. Roger Sherman of Hodgdon
Rep. Denise Tepler of Topsham

LD 140, *An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund*

Lead Sponsors: Rep. Norman Higgins of Dover-Foxcroft
Sen. Shenna Bellows of Kennebec Cty.

Cosponsors: Rep. Seth Berry of Bowdoinham
Rep. Robert Foley of Wells
Rep. Martin Grohman of Biddeford
Rep. David McCrea of Fort Fairfield
Rep. Trey Stewart of Presque Isle
Sen. Mark Dion of Cumberland Cty.
Sen. Joyce Maker of Washington Cty.
Sen. David Woodsome of York Cty.

LD 146, *An Act To Protect the Confidentiality of Local Government Employees' Private Information*

Lead Sponsors: Rep. Jay McCreight of Harpswell
Sen. Brownie Carson of Cumberland Cty.

Cosponsors: Rep. Christopher Babbidge of Kennebunk
Rep. Kevin Battle of South Portland
Rep. Pinny Beebe-Center of Rockland
Rep. Patrick Corey of Windham
Rep. Kim Monaghan of Cape Elizabeth
Rep. Jeffery Pierce of Dresden
Rep. Abden Simmons of Waldoboro
Sen. Eloise Vitelli of Sagadahoc Cty.

LD 672, *An Act To Clarify a Municipality's Authority To Adopt and Enforce Land Use Regulations for Marijuana Facilities*

Lead Sponsors: Sen. Catherine Breen of Cumberland Cty.
Rep. Ellie Espling of New Gloucester

LD 1121, *An Act Regarding the Exclusive Use of Tax Exempt Property*

Lead Sponsors: Rep. Jonathan Kinney of Limington
Sen. Andre Cushing of Penobscot Cty.

Cosponsors: Rep. Lester Ordway of Standish
Rep. Wayne Parry of Arundel
Rep. Joel Stetkis of Canaan
Rep. Jeffery Timberlake of Turner

LD 1212, *An Act To Amend the Definition of "Eligible Business Equipment" for the Purposes of the Business Equipment Tax Exemption Program*

Lead Sponsors: Sen. Roger Katz of Kennebec Cty.
Rep. John Spear of South Thomaston

Cosponsors: Sen. Geoffrey Gratwick of Penobscot Cty.
Sen. David Miramant of Knox County

LD 1266, *An Act To Transfer Operations and Ownership of County Jail Facilities to the State*

Lead Sponsors: Sen. Bill Diamond of Cumberland Cty.
Rep. John Spear of South Thomaston

Cosponsor: Rep. John Madigan, Jr. of Rumford



Representative John Madigan, Jr. of Rumford



Senator Brian Langley of Hancock County

bill was submitted to address the Law Court's interpretation of the exclusive use doctrine of Maine's tax exempt statutes that allows corporations and institutions that are exempt from paying property taxes to lease, for remuneration, their property for purposes not related to their charitable or educational mission and still retain their tax exempt status. The Taxation Committee voted "ought not to pass" on LD 1121 by a margin of 12 to 1.

• An element of LD 1521, *An Act To Amend the Property Tax Laws*, included a measure providing municipalities with limited authority to adopt ordinances assessing service charges on non-governmental/church tax exempt institutions to recoup the costs of providing public safety services. The Taxation Committee voted "ought not to pass" on LD 1521 by a margin of 10 to 3.

LD 146, *An Act To Protect the Confidentiality of State and Local Government Employees' Private Information*, which proposed to extend to municipal employees the same governmental record confidentiality protections long provided to state and federal government employees, almost made it to the finish line. Under current law, information regarding a state employee's age, gender, race or marital status, for example, are not considered public records open to inspection. However, that same level of confidentiality is not provided to municipal employees. The bill was unanimously supported by the Judiciary Committee, received support from both the House and Senate, but

failed enactment when the Legislature was unable to garner the votes necessary to override the governor's veto. The governor opposed the measure, which sought to protect categories such as because in his view, "There is an important balance between the public's right to know and the privacy interests of public servants. Unfortunately, this bill strikes the wrong balance."

Consolation Prize. Although the Criminal Justice Committee voted unanimously "ought not to pass" on LD 1266, *An Act To Transfer Operations and Ownership of County Jail Facilities to the State*, the concerns of municipal officials were heard. MMA advanced the bill, in part, to draw the Legislature's attention to the fact that property taxpayers are currently funding 80 percent of all county jail operations. The end goal of LD 1266 was to advance

the changes in state law necessary to ensure that future increases in county jail operations costs would be shifted onto the state's broad based taxpayers, rather than onto already overburdened property taxpayers.

Although the counties retained control over the operations of the 15 county jails, the Legislature stepped up to the plate this session by: (1) increasing state funding for county jail operations; (2) directing the Department of Corrections to review county jail boarding rate assessment practices; and (3) resisting attempts to completely repeal the limit placed on the amount of property taxes that can be assessed for county jail operations. The Legislature did, however, adopt a budget initiative (LD 390) that increased year-to-year allowable growth in county jail-related property tax assessments by 1 percent. ■

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2017 study and carryover bills

Tax liens for seniors, tree growth, broadband and pedestrian safety were among the many matters tabled by the Legislature for further consideration.

By Garrett Corbin, Legislative Advocate,
State & Federal Relations, MMA

During the odd-numbered year of each two-year legislative term, it is common for legislative committees to ask permission from legislative leadership to carry over into that term's second year bills which need more debate, discussion and study. This year's slate of municipally relevant carried over and study bills generally fall into the taxation, transportation, environmental protection, economic development and broadband expansion categories. The fate of these bills will be decided either when the Legislature reconvenes this fall, in an anticipated special session to debate the merits of a bill to implement the legalization of adult use marijuana law, or in 2018 when it convenes for a second session. On that note, the carried-over bills pertaining to the citizen-adopted recreational marijuana law are discussed in a separate sidebar to this article.

What follows are descriptions of some of the more significant bills of municipal interest. All other carryover and study bills are listed at the end of this article, by title only.

Legislative studies

Public Easement Maintenance. The now perennial bill advanced as LD 1588, *An Act To Maintain Mail Routes and Access to Residential Structures*, has been carried over, with a subset of the Legislature's State and Local Government Committee authorized to explore this legislation's various proposals in the fall. LD 1588, in one way or another, proposes to mandate municipal maintenance of public easements which have simultaneously been designated as U.S. Postal Service "mail routes," many of which exist over roads that have been abandoned or formally discontinued to public maintenance.

Tree Growth Tax. As printed, LD 1599, *An Act To Improve the Maine Tree*

Growth Tax Law, proposes to make over a half-dozen substantive changes to Maine's Tree Growth Tax program, including the eligibility standards covering acreage and qualifying uses, as well as enhancing state and municipal compliance review and enforcement. LD 1599 was carried over with the Taxation Committee requesting the director of the University of Maine's School of Forest Resources to chair and convene representatives of the Maine Forest Service, several forestry interest groups, the Maine Farm Bureau, the Nature Conservancy, the State Tax Assessor and MMA to review all aspects of the Maine Tree Growth Tax law. The group is further directed to develop recommendations regarding any changes it believes would be appropriate to improve the law and its administration and to report those findings to the Taxation Committee by Feb. 1, 2018.

Ocean and Coastal Hazards. A majority of the Environment and Natural Resources Committee voted to carry over LD 1095, *An Act To Establish the Maine Coastal Risks and Hazards Commission*. MMA was asked by the committee to facilitate at least one meeting of municipal officials and certain other specified stakeholders prior to the start of the Legislature's second session. The purpose of that meeting is to help determine Maine's coastal resiliency to an increase in coastal hazards as a result of increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff, as well as the need for a permanent commission to address such risks and the need to develop a generally applicable regulatory standard in the state that addresses such risks. The results of the meeting will be presented at the annual MMA Convention on Oct. 4 with a report-back deadline to the

Legislature of Dec. 15.

Conserved Lands. The FY 2018- FY 2019 General Fund budget, LD 390, directs the Legislature's Agriculture, Conservation and Forestry Committee to study how land owned by nonprofit conservation organizations impacts municipalities, the economy and general public. Specifically, the committee is charged with reviewing the: (1) extent to which landowners make property tax payments, including payments in lieu of taxes, to municipalities; (2) economic impacts of land conservation efforts, including impacts on Maine's tourist industry; (3) community benefits associated with conserved property; and (4) any other issues the committee determines are relevant to the study. The committee is directed to hold at three least meetings and to report out its findings no later than Feb. 15, 2018.

Carryover legislation

Tax Lien Procedures for Seniors. LD 1629, *An Act To Protect the Elderly from Tax Lien Foreclosures*, amends the law governing the property tax lien mortgage system as it applies to property owners 65 years of age or older. For property owners, a pre-foreclosure process is established to commence at least 90 days before foreclosure, requiring the municipality to contact the owner of the property and assist the owner in applying for a poverty tax abatement. With respect to any property tax obligation not forgiven through the abatement process, the municipality would be mandated to offer the owner a reasonable repayment schedule and, if the owner does not agree to the repayment schedule, the municipality would have to engage a qualified mediator to negotiate a reasonable payment schedule, with 50 percent of the mediator's fee being added to the value captured by the tax lien. These requirements

would, among a host of other mandates, include the provision of special foreclosure and sale provisions for any property owner 65 years of age or older after a foreclosure occurs which bar the municipality from selling the foreclosed property until the value of the municipal lien exceeds 50 percent of its assessed value. All proceeds from the sale of the property in excess of the tax owed, interest and allowable fees would be required to be refunded to the former tax-delinquent owner.

Tax Deferral Program. LD 1196, *An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes*, as amended by the Taxation Committee, re-establishes the property tax deferral program managed by state government that was originally established in the 1980s, closed off to all new applicants in the early 1990s, and finally closed out as a state expenditure account in 2017. Under this bill, qualifying Maine resident homeowners, effective on or after April 1, 2018, can apply to the state to receive a deferral of the municipal property tax obligation related to their residential property. For as long as those residents qualify, the state will pay

to the appropriate municipality the property taxes not otherwise paid by the homeowners. The state, in turn, will hold a non-foreclosing lien on the subject property until such a time as it is sold or otherwise transferred. The projected costs associated with reinstating this state-level property tax deferral program is \$1.7 million in the first full year of implementation (FY 2019) increasing to \$3.7 million in FY 2021.

Broadband Bond. LD 140, *An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund*, is a bond bill put forward as part of MMA's Legislative Policy Committee's 2018-19 advocacy platform, which asks voters to borrow \$10 million to support the expansion of high-speed internet infrastructure for economic development purposes. These funds would be used to capitalize the existing yet unfunded state Municipal Gigabit Broadband Network Access Fund. The bill also contains some

amendments to the Fund that would allow grant applications from collectives of multiple municipalities, while also aiming to direct more state funds to implementation grants by encouraging local self-funding of preliminary planning efforts.

Underground Broadband. LD 1472, *An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure*, requires the installation of broadband conduit during all roadway-related construction projects that are financed in whole or in part with federal, state or local funding when constructing new or replacing existing water or sewer lines in a public road right of way, or constructing a new highway or road, or constructing or relocating an additional lane or shoulder for an existing highway or public road. The public entity responsible for the construction is authorized by the bill to lease the broadband conduit at a cost-based rate to providers to install fiber-optic or other cables that support broadband and wireless facilities for broadband service. The idea is to spread broadband conduit in a "two birds with one stone" fashion.

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ion, but the mechanism contains mandate implications.

Right to Hunt. LD 11, *Resolution, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish*, would send to the voters a proposed amendment to the state's Constitution to establish an unfringeable right to hunt, fish and harvest game and fish, with such activities subject only to laws enacted by the Legislature and rules adopted by the state agency designated for fish and wildlife management.

Regional Planning. LD 328, *An Act To Encourage Regional Planning and Reorganization*, as amended by the State and Local Government Committee, appropriates from the General Fund \$5 million for each year of the biennium to capitalize the Fund for Efficient Delivery of Local and Regional Services, referred to as the Local Government Efficiency Fund. A chapter of law was enacted in 2005 that governs the management of the fund, establishes a review panel to oversee the distribution of municipal grants, identifies the type of regionally focused municipal service delivery proposals that are eligible for grant awards, etc. Except for one initial year, the Local Government Efficiency Fund has never been capitalized by the Legislature, so the operational statute has been dormant for approximately 13 years.

This bill also transfers from the Department of Administrative and Finance Services to the Department of Economic and Community Development the obligation to administer the Local Government Efficiency Fund program. The bill adds a new category to the list of eligible costs that can be covered by the Fund, which are capital grants, including grants for: (1) facility, infrastructure or utility system acquisition, (2) the repair, rehabilitation or renovation of existing facilities; (3) new construction or expansion of existing facilities, and (4) purchase of major equipment or systems.

Downtown Redevelopment. LD 1343, *An Act To Promote Downtown Revitalization by Creating the Locating Businesses Downtown Loan Program*, establishes the loan program within the Communities for Maine's Future Program to provide forgivable loans for businesses seeking to initially locate or to relocate in a downtown area,

village area or along a main street within the state. Applications for loans under the program are evaluated by the Department of Economic and Community Development in conjunction with a three-member loan review panel. Successful applicants must execute a loan agreement prepared by the department specifying the terms and conditions of the loan, including the length of time that a business must remain in the downtown area, village area or along a main street for the loan to be forgiven.

Transportation Infrastructure Funding. LD 1149, *An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure*, proposes to increase a variety of existing fees and tax resources to cover ever-mounting infrastructure upgrade costs.

Improving Pedestrian Safety. LD 584, *Act To Create the Fund for Municipalities To Improve Pedestrian Safety*, establishes a fund to be administered by the Department of Transportation as a program within the Highway Fund, and used for pedestrian safety improvements, including, but not limited to, lights, paint, signs, speed bumps and reconstruction of intersections. A municipality or group of municipalities could apply for funding for up to two-thirds of the cost of a qualifying project.

Other. Titles of other carryover bills of municipal interest are listed below and organized by legislative committee of jurisdiction.

Agriculture, Conservation and Forestry Committee

LD 174, *An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purposes of Providing Information to the Public*

LD 637, *An Act To Protect Maine's Lands*

LD 858, *An Act To Strengthen the Law Regarding Dangerous Dogs*

LD 939, *An Act to Protect Maine's Agriculture*

Criminal Justice and Public Safety Committee

LD 377, *Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program*

LD 990, *An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Provides and Firefighters*

LD 1048, *An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System*

LD 1168, *Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights*

LD 1429, *An Act Regarding the Epidemic of Opiate Abuse*

LD 1490, *An Act To Stabilize Funding for the County Jails*

Education and Cultural Affairs Committee

LD 51, *An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit*

LD 334, *An Act to Clarify the Uses of the Fund To Advance Public Kindergarten to Grade 12 Education*

LD 1016, *An Act to Provide Funding for Career and Technical Education Based on Projected Enrollment*

LD 1286, *An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements*

LD 1336, *An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit*

LD 1492, *An Act to Attract, Educate and Retain New Mainers To Strengthen the Workforce*

Energy, Utilities and Technology Committee

LD 131, *An Act To Protect the Biomass Industry*

LD 257, *An Act To Enable Municipalities Working with Utilities To Establish Microgrids*

LD 423, *An Act To Extend Internet Availability in Rural Maine*

LD 1372, *An Act To Increase Broadband Access for Rural Communities*

LD 1373, *An Act To Protect and Expand Access to Solar Power in Maine*

LD 1444, *An Act Regarding Large-scale Community Solar Procurement*

LD 1610, *An Act To Protect Privacy of Online Customer Personal Information*

Environment and Natural Resources Committee

LD 399, *An Act To Revise Maine's Environmental Laws*

LD 1298, *An Act To Update Maine's Water Quality Standards*

LD 1534, *An Act To Address Hunger, Support Maine Farms and Reduce Waste*

Health and Human Services Committee

LD 40, *An Act to Strengthen Require-*

ments for Water Testing for Schools

LD 565, *An Act To Address Maine's Opiate Addiction Crisis*

LD 966, *An Act To Create Mental Health Liaison Positions in Each County Jail*

LD 998, *An Act To Adequately Pay for Emergency Medical Services*

LD 1109, *An Act Relating to the Costs of Administering General Assistance*

LD 1135, *An Act To Strengthen the Efficacy of the Medical Marijuana Laws*

LD 1433, *An Act To Protect Maine Children from Lung Cancer by Requiring Radon Testing in Schools*

Inland Fisheries and Wildlife Committee

LD 768, *An Act to Establish 2 Comprehensive Licenses for Hunting and for Hunting and Fishing*

Judiciary Committee

LD 170, *An Act To Allow and Recognize a Legal Name Change upon Marriage*

Labor, Commerce, Research and Economic Development Committee

LD 1006, *An Act Regarding Housing Insecurity of Older Citizens*

LD 1542, *An Act To Support Lead Abatement in Older Residential Properties*

LD 1566, *An Act to Enact the Maine Fair Chance Employment Act*

Marine Resources

LD 1519, *An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances*

State and Local Government Committee

LD 105, *An Act To Create a Centralized Authority To Combat Opiate Addiction in Maine*

LD 780, *An Act Authorizing the Deorganization of Cary Plantation*

LD 823, *An Act To Promote Transparency with Respect to Surveillance Technology*

LD 1068, *An Act To Require That State-funded Buildings Be Constructed with Wood Products*

LD 1484, *An Act Authorizing the Deorganization of the Town of Atkinson*

Taxation Committee

LD 289, *An Act To Extend the Veteran Property Tax Exemption to Veterans Who have Served on Active Duty*

LD 1212, *An Act to Amend the Definition of "Eligible Business Equipment" for the Purpose of the Business Equipment Tax Exemption Program*

LD 1461, *An Act To Encourage the Construction of Affordable Housing*

LD 1479, *An Act To Modernize and Improve Maine's Property Tax System*

LD 1565, *An Act To Ensure the Effectiveness of Tax Increment Financing*

Transportation Committee

LD 209, *An Act To Amend the Laws Governing Temporary Sign Usage*

LD 1248, *An Act To Improve Public Transportation*

LD 1400, *An Act To Create the Bar Harbor Port Authority*

LD 1595, *An Act Regarding Inspection Requirements for Public Safety and*

Municipal Vehicles Owned by Island Communities

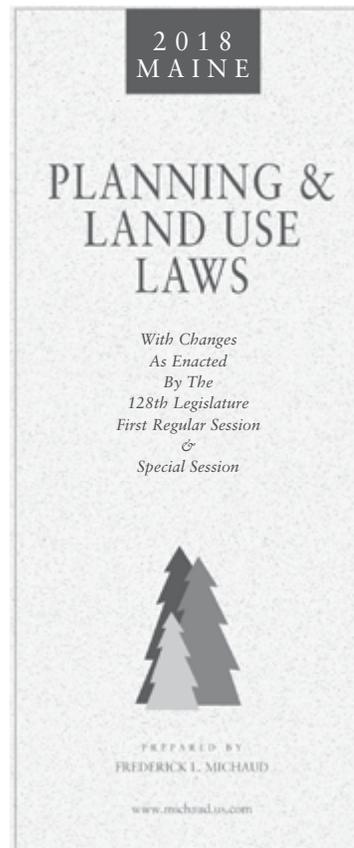
Veterans and Legal Affairs Committee

LD 31, *Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District*

LD 85, *An Act Regarding Public Service Berthing Vessels Licensed for the Sale of Liquor*

LD 1646, *An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance* ■

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Marijuana committee working towards implementation

What follows is a brief overview of Maine's journey from voter approved legalization to the implementation of crucial regulatory details.

**By Garrett Corbin, Legislative Advocate,
State & Federal Relations, MMA**

The December 2016 Legislative Preview edition of this publication recognized bills in the pipeline that would address marijuana growth, testing, sales and consumption. In this first legislative session since the approval by referendum last November of a law to expand Maine's existing legalization of medical marijuana to recreational (also referred to as "adult use") marijuana, no less than 43 marijuana-related bills have been printed. Of these, six were enacted into law (LDs 88, 243, 764, 1418, 1636, and 1641), and 18 were carried over.

Already enacted

The first of the four municipally significant enacted bills, LD 88, delays the full implementation of the retail elements of the citizen initiative that legalized recreational marijuana in Maine to Feb. 1, 2018. The bill also makes several targeted amendments to the elements of the initiative providing for the lawful but non-retail personal use and possession and the right to limited levels of personally cultivated marijuana for persons 21 years of age and older.

LD 243 reorganizes the state licensing, rulemaking and enforcement authorities under the Marijuana Legalization Act, as adopted by the voters last November. Where the act assigned these tasks to the Department of Agriculture, Conservation and Forestry, this bill allocates some responsibilities to the Department of Administrative and Financial Services and its Bureau of Alcoholic Beverages and Lottery Operations as well.

LD 1636, as amended, authorizes a municipality to adopt and enforce an ordinance that establishes a moratorium on the location within 500 feet of the property line of a preexisting

public or private school of new facilities or expansion of existing facilities where registered primary caregivers cultivate medical marijuana plants. This authority is repealed July 1, 2018 on the premise that comprehensive updates to the Marijuana Legalization Act will have addressed this issue by that time.

LD 1641 mandates that any licensed retail marijuana facility, prior to selling or furnishing retail marijuana to a consumer or to another licensee, must submit the marijuana to a licensed testing facility to ensure the product does not contain one or more contaminants, over acceptable levels, that are injurious to health. Under the bill, people holding licenses for marijuana product testing facilities must have zero financial interest in any of the other recreational marijuana retail businesses. In addition, the bill significantly amends the section of the initiated law governing the inspection of books and records, requiring licensees to keep their business transaction records open to inspection by the state licensing authority upon demand and without notice during normal business hours. Similarly, licensees are required to submit to an inspection of premises, including any places of storage, upon demand and without notice during all business hours (and other times of apparent activity) by the state licensing authority, law enforcement agency or authorized officials from the municipality in which the licensed premises are located.

Additional details of each of the above bills are provided in this edition's New Laws article.

Carried over bills

Two of the 18 municipally relevant, carried-over marijuana bills would clar-

ify the scope of municipal regulatory authority in this field. LD 231 provides express municipal authority to adopt ordinances that either limit the cultivation of medical or recreational marijuana to certain geographic locations within the municipality, or prohibit the cultivation of marijuana within the municipality altogether. LD 672, printed at the request of MMA on behalf of its Legislative Policy Committee, which adopted the bill as part of its 2018-19 legislative platform, clarifies that a municipality may adopt and enforce land use regulation that applies to marijuana facilities which grow, process, package, distribute, sell or provide either medical or recreational marijuana in the same regulatory manner as any other activities generating similar land use and compatibility effects.

Also in the carried-over mix are LD 433, which proposes to create a local option tax on marijuana-related sales, LD 1135, which would harmonize existing medical marijuana laws with the new recreational statutes and regulations, LD 625, which prohibits a retail marijuana establishment or social club from being located within 2,000 feet of a house of public worship, and LDs 1491 and 1527, which more broadly address the regulation of the drug. While all of these proposals in some way refine the enacted Marijuana Legalization Act, another bill, LD 667, would move in the opposite direction by proposing a new statewide referendum asking voters if they would like to reconsider this past November's vote and repeal the act altogether.

Work in progress

The issues addressed in these carried over bills are currently being examined by the Special Joint Select

Committee on Marijuana Legalization Implementation (MLI). The 17-member committee is tasked with drafting a comprehensive adult use marijuana proposal for the full Legislature's consideration when convened in a special session in November of this year. The implementation schedule under the initiated law, even as adjusted by LD 88 at the beginning of the session, requires that all the necessary state regulation to govern marijuana production and retailing activities be provisionally adopted as "major substantive rules" by the several designated state agencies no later than January 2018. With less than six months to go, those state agencies are not able to even begin their work without the explicit authority and the detailed direction of the enabling legislation to guide their way.

At the time of this publication's printing, the committee's work on this essential implementation bill was not yet finalized. However, based on discussions and straw votes, it is expected that the MLI Committee bill will include amendments to the citizen adopted law in the municipally significant policy areas of regulation, personal cultivation and taxation.

Municipal regulation

State licensing criteria haven't been hammered out in complete detail, but the concept is that a developer of a recreational marijuana retail business would seek a license first from the state. In the application, the proposed development would be detailed except there would be no need for the specific municipal location. The state-level licensing standards would cover such issues as ownership and management qualifications, financial capacity, corporate organization and ownership, owner and employee criminal background history. The standards may also cover other licensing criteria including

demonstration-of-competency standards whereby the applicant would be required to satisfy the state licensing authority that the proposed development, no matter where located, would not adversely affect the environment, water quality, solid waste management systems, etc. Although the applicant might have a specific host municipality and location in mind at the time of the state license application, that information would not be a necessary part of the state licensing procedure. A developer passing muster on the overarching state standards and receiving a state license would be free to fully effectuate that license by subsequently

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obtaining municipal approval for the development in any municipality the developer wishes, provided the designated host municipality is willing, through its regulatory system, to allow the facility to be developed. The developer with a state license would have one year under that license to obtain final municipal approval.

An element of the committee's policy development that has barely wavered is a full commitment to municipal home rule authority with respect to all five types of retail recreational marijuana facilities. The Marijuana Legalization Act as adopted by the voters gave a generous nod to the concept of home rule, but in the detailed wording of the initiated law there were actual limitations on municipal regulatory authority – limitations that appear to have been entirely unintentional. To remove any ambiguity, the committee appears headed toward embedding the following clarifications in the amended version of the legalization law:

- All retail marijuana business operations within a municipality would be expressly prohibited by statute unless and until approved by the municipality.
- Municipal land use approval authority would be provided pursuant to both home rule authority and/or zoning authority, so municipalities without town wide zoning systems could still regulate marijuana establishments pursuant to their site plan review ordinances or other similar types of commercial development regulation.
- Full municipal licensing authority, in addition to full municipal land use authority, would be provided to the extent the municipality chooses to ap-

ply ongoing operational performance standards to marijuana establishments. Municipalities would be authorized to establish licensing standards governing the types of operational practices and performance requirements that will not likely be part of the state licensing standards.

- Municipal licensing fees would be authorized to cover all costs reasonably associated with administering and enforcing the license, consistent with existing statute (Title 30-A, section 3702).

- The initiated law establishes a clear right for a municipality to prohibit any or all of the five types of retail marijuana establishments and to limit the number of "retail marijuana stores." The initiated law is less clear about the municipal right to limit the number of the other types of retail marijuana establishments, such as cultivation facilities. The committee will likely propose to establish the municipal right to limit the number of any or all of the five types of retail marijuana facilities.

- Plantations would be provided the same authority as municipalities to regulate retail marijuana businesses.

The committee is taking a "to each

its own" approach to the state-local regulatory interface. The state will regulate marijuana establishments according to its primary interests and the local governments will be allowed to regulate those same facilities according to the primary local interests, and neither level of government will impinge upon the other. That does not mean, however, that state and local governments should not communicate their regulatory decisions freely between one another. To that end, the committee is drafting into its omnibus bill a requirement that the state licensing authority notify the appropriate municipality within 14 days of any decision to approve, renew, deny or revoke a license, or approve a relocation or transfer of ownership. Each municipality would be similarly required to notify the state licensing authority within 14 days of making any of those same decisions at the local level.

Personal cultivation

An area of municipal interest is a provision in the act which allows marijuana grown for personal use (limited to six mature plants per person) to be grown on another person's premises. Growth on behalf of others has been

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recognized by law and code enforcement officials statewide as a gray area ripe for abuse under medical marijuana law, and testimony provided to the committee cited it as a source of extensive regulatory issues in the state of Colorado. A proposal put forth by the committee's Senate chair, supported by a majority of the committee, would cap personal growth of marijuana at 12 plants per premise, regardless of how many people reside in the location.

Taxation

To date, a majority of the committee has voted in favor of the following taxation and revenue distribution proposal:

- Maine would impose an overall effective tax rate on adult use marijuana of 20 percent, broken down into a 10 percent tax on retail sales and a 10 percent wholesale excise tax.

- 5 percent of all adult use marijuana-related tax revenue would be shared with the municipality where the sales were generated. Marijuana testing facilities would be exempt from the sharing calculation on the premise that the community impact of such facilities would be minimal and the excise tax on wholesale marijuana would capture the testing facilities' revenue.

- An additional 6 percent of the total statewide adult use marijuana-related tax revenue would be set aside as dedicated funds for public health and safety awareness campaigns.

- Another additional 6 percent of the total statewide adult use marijuana-related tax revenue would be set aside as dedicated funds for ongoing and enhanced law enforcement training programs for local, county and state police.

- All municipalities, regardless of whether or not they authorize marijuana facilities, would receive an additional to-be-determined share (likely on the order of 1 percent or less of the total adult use marijuana-related tax revenue collected statewide) to assist with unanticipated consequences of legalization that cross municipal boundaries, such as increases in impaired vehicle operation.

Next steps

A public hearing on the omnibus bill is tentatively scheduled to be held the last week of September. After further consideration in response to the

public input, the bill will be presented to the full Legislature during a special legislative session, which appears (at the time of printing) set to occur in October. The fall enactment of legislation amending the existing Marijuana Legalization Act is important to ensure that all the rules, regulations, and safeguards are in place when the majority of the provisions of the voter-adopted Marijuana Legalization Act become effective on Feb. 1, 2018.

MMA's Legislative Policy Committee (LPC) will be asked to take a position on the committee's omnibus bill once it is printed. Municipal officials are encouraged to share their comments, suggestions, or concerns

with representatives on the LPC in the meantime.

Municipal officials looking for LPC members' contact information, or wishing to be added to MMA's "MLI" notification list, may contact Laura Ellis in MMA's State and Federal Relations Department at lellis@memun.org or (207) 623-8428. The MLI Committee's members, staff, schedules and live online audio streaming of meetings are all available through its website at <http://legislature.maine.gov/committee/#Committees/MLI>. Additionally, a link to a compilation of MMA's resources on this topic may be found on the right-hand side of the MMA homepage at www.memun.org. ■

NEW LAWS

128th 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 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 this session will be Nov. 1, 2017.

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 7 – An Act To Allow Conveyance of Land Previously Conveyed by the State to the Town of Bridgton. (Sponsored by Rep. Ginzler of Bridgton.) **PL 2017, c. 18**

This Act amends the terms of a 1971 transfer of real estate in Bridgton from the state to the town to allow the town to convey non waterfront portions of the parcel if the town determines those lots to have no public use and provided the revenue from those sales is held in trust for parks and recreational purposes of the town.

LD 549 – An Act To Recognize Preexisting Land Uses. (Sponsored by Rep. Hanington of Lincoln.) **PL 2017, c. 89**

This Act amends the law governing the Maine Land Use Planning Commission, which serves a planning board function for the unorganized territories. The Act provides that if a person can demonstrate that a land use or structure that does not conform to the applicable land use standards that apply in that district has existed for at least 30 years, there is a rebuttable presumption that the use is a legal, nonconforming use or the structure is a legal, nonconforming structure.

LD 1579 – An Act To Amend and Add Consistency to the Maine Weights and Measures Law. (Sponsored by Rep. Kinney of Knox.) **PL 2017, c. 172**

This Act authorizes the municipal officers of each municipality to appoint or arrange for the election of the municipal “sealer of weights and measures” The appointed or elected municipal sealer must successfully complete certification through the National Conference on Weights and Measures professional certification program, and the state’s “sealer” retains final approval authority over the appointment. If the municipal officers choose to make such an appointment, they are directed to inform the state sealer within 30 days. If the municipal officers choose not to appoint a local sealer or fail to make the appointment or fail to inform the state’s sealer of the municipal appointment within 30 days after the appointment, the state sealer retains the sole authority to enforce Maine’s weights and measures law within that municipality, and may appoint a qualified person to carry out the state sealer’s responsibilities in that municipality.

LD 1635 – Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands. (Sponsored by Rep. Martin of Eagle Lake.) **Resolves 2017, c. 19**

This Resolve authorizes the Director of the Bureau of Parks and Lands to grant an access easement to the Town of Fort Kent across the Fort Kent Historic Site to allow for improvements to the capacity of the earthen flood barrier along the St. John River and protect the Fort Kent Blockhouse, a National Historic Landmark, from flooding.

LD 1640 – Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services. (Sponsored by Sen. Saviello of Franklin Cty.) **Emergency Passed; Resolves 2017, c. 22 (7/04/17)**

This Resolve directs the Department of Agriculture, Conservation and Forestry to allow municipalities to purchase and use burn permit software sold by a private party to issue burn permits online as burn permits may be issued pursuant to state law if all statutory requirements for issuing burn permits are met by the software.

Appropriations & Financial Affairs

LD 390 – 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, 2018 and June 30, 2019. (Sponsored by Rep. Gattine of Westbrook.) **Emergency Enacted; PL 2017, c. 284 (7/4/17)**

This Act establishes the state budget for the FY 2018-2019 biennium. Elements of the budget of municipal interest include:

- **Homestead Exemption Reimbursement (April 1, 2017).** Prior to the adoption of this budget, both the value of the Homestead Exemption provided to all qualifying Maine resident homeowners and the amount of state reimbursement for lost property tax revenue increased on April 1, 2017. The value of the exemption increased from \$15,000 to \$20,000 and state reimbursement from 50% to 62.5%. As enacted in the budget, the amount of state reimbursement provided to municipalities is retroactively decreased from 62.5% to 50% for the \$20,000 exemption provided to Maine homeowners on April 1, 2017. The Homestead Exemption reimbursement rate for April 1, 2018 and subsequent property tax assessment years is still set at 62.5%.

- **3% Surcharge.** As enacted by the voters of Maine at the November 8, 2016 referendum election, as of January 1, 2017 a 3% surcharge has been assessed on the portion of taxable Maine income that exceeds \$200,000, with the generated revenue dedicated to support K-12 classroom expenses. The budget repeals this citizen-initiated school funding law.

- **\$162 million Increase in GPA.** The budget appropriates an additional \$162 million (\$48 million in FY 2018 and \$114 million in FY 2019) for K-12 education over the biennium, increasing the state’s share of Essential Program Services (EPS) expenditures to \$1.040 billion in FY 2017-2018. As a result, the local mill rate expectation is reduced from 8.30 mills in FY 2017 to 8.19 mills in FY 2018. With one exception, the budget also stipulates that for fiscal years 2018 and 2019, 50% of all unanticipated K-12 funding must be returned to the contributing school district’s member municipalities for the express purpose of

reducing the property tax assessment for public education. The exception to the 50% property tax relief requirement applies only in FY 18 and to school budgets that were both approved by the voters prior to the July 4 enactment of the state's General Fund budget and that earmarked unanticipated state funding for increased expenditures for school purposes. In that case, the use of unanticipated state funding is permitted as approved by the school district's voters.

- **55% of K-12 Education.** The budget amends the calculation of the state's share of the total cost of funding K-12 public education to include roughly \$130 million in unfunded actuarial liabilities of the Maine Public Employees Retirement System attributable to teachers.

- **State Funding for School Administration.** The budget amends the formula that previously included funding for 50% of the costs of system administration in the calculation of the state's share of K-12 education. As enacted, between FY 18 and FY 20 the state share of administrative costs will be calculated on a per pupil basis, with an incrementally increasing portion of those state revenues targeted for regionalized administrative services. In FY 21 and subsequent fiscal years, only school administrative units that have established regionalized administrative services or that have been identified as high-performing, efficient school administrative units will be eligible for the system administration allocation.

- **"Minimum Subsidy" Adjustment.** "Minimum receiver" school systems that would otherwise receive no state subsidy through the regular operation of the school funding system have always been granted a "minimum subsidy" adjustment. In FY 2017, that adjustment is 30% of the school's special education costs, as calculated by the EPS model. For the current school year (FY 2018), that adjustment increases to 33%. However, the previously adopted budget (FY 2017) included a scheduled increase in the minimum subsidy adjustment to 35% for the FY 2018 school year.

- **Economically Disadvantaged Students.** Under the current EPS model, a school's operating cost allocation is provided a 15% increase to the standard per-pupil cost for each economically disadvantaged student. The adopted budget provides an extra 5% adjustment to school districts that use the additional funds for qualifying learning programs specifically designed to benefit economically disadvantaged students.

- **Title 1 Subtractions & Student-to-Teacher Ratio.** The budget repeals the current policy that subtracts from a school system's calculated subsidy the amount of Title 1 money the school receives from the federal government for additional teaching staff. As a collateral policy change, and because those federally funded teaching positions were not included in the original establishment of the EPS model's student-to-teacher ratios, those ratios are also changed in the budget. The new ratios are 17:1, 17:1 and 16:1 for the elementary level, middle school level and high school level, respectively. Beginning on July 1, 2018, the student-to-teacher ratio for the kindergarten level is 15:1.

- **Special Education Per-pupil Weights.** Under the current EPS model, a school's special education allocation utilizes a system that provides a 20% increase (1.2) to the standard per-pupil cost for each special education student. The budget increases that weighting to 50% (1.5). In addition, the budget creates a special education budgeting hardship adjustment that can be provided when unexpected special education enrollments cause significant school budget disruptions.

- **Instructional Expenditures Targets.** Beginning with the next school year (FY 2018-2019) an incrementally increasing percentage of total "General Fund" K-12 education expenditures must be used for "direct instruction." As defined in the budget, direct instruction includes expenditures for "regular and special education, career and technical education and summer school and extracurricular instruction." The schedule adopted in the budget requires that 61% of expenditures be

used for direct instruction in the FY 2019 school year, 63% in FY 2020, 65% in FY 2021, 67% in FY 2022 and levels off at 70% of those costs in FY 2023 and thereafter.

- **Property Fiscal Capacity.** In fiscal year 2019 and subsequent fiscal years, the "property fiscal capacity" component of the EPS model will be based on a 2-year rolling average state certified valuation calculation, rather than the current 3-year average.

- **Study of Conserved Lands.** The budget tasks the Legislature's Agriculture, Conservation and Forestry Committee with studying how land owned by nonprofit conservation organizations impacts municipalities, the state economy and the tourism industry. The Committee is further directed to conduct at least three meetings, and to report out its findings no later than February 15, 2018.

- **County Assessment for Jails.** Existing law allows the property tax assessment for county jail operations to increase from one year to the next by either 3% or the county's appropriate "LD 1" growth limitation factor, whichever percentage increase is less. The budget amends the property tax assessment increase limit to the "LD 1" limit or 4%, whichever is less.

- **County Jail Operations.** The adopted budget provides the Department of Corrections with the authority to inspect, review and take custody of county records related to the funding and operations of county jails. The Department is further directed to submit to the Appropriations Committee and the Criminal Justice and Public Safety (CJPS) Committee plans to restructure the funding and operations of county jails and correctional facilities and prisoner population and capacity. The CJPS Committee is authorized to report out legislation in 2018 implementing the Department's recommendations.

- **Local Government Efficiency Fund.** For FY 18 only, the budget includes a \$3 million appropriation for the Fund for the Efficient Delivery of Local and Regional Services.

- **Fund for the Efficient Delivery of Educational Services.** The adopted budget appropriates \$10 million over the biennium for the Fund for the Efficient Delivery of Educational Services.

- **State's "LD 1" Reporting Obligation.** The budget repeals the Office of Policy and Management (OPM) directive to annually track municipal, county and school administrative unit progress with the so-called "LD 1" tax burden reduction goals.

- **Coastal Zone Management Program.** Oversight and management of the state coastal zone management program is transferred from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources.

LD 409 – An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System. (Sponsored by Sen. Hamper of Oxford Cty.) **PL 2017, c. 88**

This Act makes a number of administrative and clarifying amendments to the laws governing the Maine Public Employees Retirement System (MEPERS). Among those amendments, the Act establishes express tax exempt status to all property owned by MEPERS. The Act also allows the board member representing the Participating Local Districts (PLD) to be a person who is either a member or a retired member of the PLD program.

LD 723 – Resolution, Proposing an Amendment to the Constitution of Maine to Reduce Volatility in State Pension Funding Requirements Caused by the Financial Markets. (Sponsored by Sen. Katz of Kennebec Cty.) **Constitutional Resolution 2017, c. 1**

This Resolution sends out to the voters a proposed amendment to the state's Constitution that would extend the pay-back amortization period for an unfunded actuarial liability created by experience losses from 10 years to 20 years.

LD 917 – Resolve, To Require a Review of the State Em-

ployee and Teacher Retirement Plan. (Sponsored by Rep. Winsor of Norway.) **Emergency Passed; Resolves 2017, c. 14 (6/7/17)**

This Resolve directs the Maine Public Employees Retirement System and the Department of Administrative and Financial Services to convene a 10-member working group to evaluate and design retirement plan options for all state employees and teachers. The working group's report and recommendations must be submitted to the Legislature by January 1, 2018.

LD 1552 – An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities and Upgrade Municipal Culverts. (Sponsored by Sen. Collins of York.) **PL 2017, c. 299**

This Act sends out to the voters in November 2017 a proposed \$105 million bond issue for transportation purposes. \$80 million of the bond revenue is dedicated to the construction, reconstruction and rehabilitation of Priority #1, #2 and #3 state highways, the municipal partnership initiative, and to replace and rehabilitate bridges. \$20 million is dedicated to capital improvements to ports, harbors, marine transportation, aviation, freight and passenger railroads, and bicycle and pedestrian trails. \$5 million capitalizes a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossing in order to improve fish and wildlife habitats and increase community safety. The bond proceeds are estimated to leverage \$137 million in federal and other funds.

Criminal Justice & Public Safety

LD 9 – An Act To Prohibit the Creation of a Firearms Owner Registry. (Sponsored by Rep. Corey of Windham.) **PL 2017, c. 175**

This Act prohibits the state or any municipality or other political subdivision of the state from keeping a comprehensive registry of privately owned firearms or the owners of those firearms within its jurisdiction.

LD 138 – An Act To Amend the Laws Governing the Sex Offender Registry. (Sponsored by Sen. Cyrway of Kennebec Cty.) **PL 2017, c. 65**

This Act amends the law governing the sex offender registry to include any person who is a teacher, employee or other official having instructional, supervisory or disciplinary authority in an educational institution who is convicted of the offense of gross sexual assault or unlawful sexual contact when the victim, regardless of age, is a student over whom the employee has control and the crime is committed on or after October 1, 2017.

LD 179 – An Act To Make Creating a Police Standoff a Class E Crime. (Sponsored by Rep. Longstaff of Waterville.) **PL 2017, c. 86**

This Act changes the offense of creating a police standoff from a civil violation to a Class E crime and details the four elements of the crime, which exist when a person: (1) is in fact barricaded as a result of the person's own actions; (2) is or claims to be armed with a dangerous weapon; (3) is instructed by a law enforcement officer or law enforcement agency, either personally, electronically or in writing, to leave the barricaded location; and (4) fails to leave the barricaded location within 30 minutes of receiving the instruction to do so.

LD 332 – An Act Regarding Service of Criminal Process on Electronic Communication Service Providers and Remote Computing Service Providers. (Reported by Rep. Warren of Hallowell for the Criminal Law Advisory Commission.) **Emergency Enacted; PL 2017, c. 144 (6/08/17)**

This Act expressly establishes that a Maine search warrant or grand jury subpoena may compel production of records of a

provider of electronic communication service or remote computing service even if the provider is outside of the state. The Act establishes the procedures for service of that type of legal process with respect to both foreign and domestic electronic communication service providers.

LD 343 – An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp. (Sponsored by Sen. Davis of Piscataquis Cty.) **PL 2017, c. 69**

This Act establishes as a Class E crime the offense of discharging a firearm within 300 feet of a state-owned boat launching ramp, with an exception for law enforcement officers in the performance of their duties.

LD 463 – An Act To Improve the Funding of County Jails. (Sponsored by Rep. Martin of Sinclair.) **PL 2017, c. 281**

This Act makes clarifying changes to the law that governs the degree to which an assessment of property taxes to fund county jail operations can increase from year to year. The Act preserves the current law allowing that assessment to increase from one year to the next by either 4% (as enacted by the budget, see LD 390 under Appropriations & Financial Affairs) or the county's appropriate "LD 1" growth limitation factor, whichever percentage increase is less. For the purposes of clarification, the Act provides that to the extent the assessment is increased from one year to the next within the limits of this growth allowance, the increased assessment level becomes the base for the succeeding year, to which the growth allowance can be applied.

LD 511 – An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail. (Sponsored by Sen. Dill of Penobscot Cty.) **PL 2017, c. 66**

Under current law governing improper contact with a family or household member prior to the setting of preconviction bail, a person who is notified by county jail staff not to contact the family or household member but who nonetheless makes the contact is in violation. This Act provides the same consequences of violation when the person is so-notified by a law enforcement officer.

LD 516 – An Act To Improve the Management of Inmates in County and Regional Jails. (Sponsored by Sen. Dion of Cumberland Cty.) **PL 2017, c. 214**

This Act establishes a number of county jail reporting requirements for the general purpose of assembling more data at the legislative level regarding county jail cost-drivers. Specifically, the Act requires the county jails and regional jails to report the various established inter-jail boarding rates to the Department of Corrections (DOC), which is directed to provide that data to the Legislature. The Act also requires the jails to report their financial audits performed for the jails and further requires the DOC to provide the data derived from those audits to the Legislature. The Act also requires the jails to report twice per month to the Unified Criminal Docket in each jail's region on the pretrial detention population in the jail. The Act also amends the law governing the scheduling of probation revocation hearings when a probationer is committed to jail without bail pending such a hearing. Current law says the revocation hearing must be held within 45 days of the initial appearance unless otherwise ordered by the court. The Act removes the authority of the court to extend that 45-day schedule.

LD 569 – Resolve, Regarding Legislative Review of Chapter 5: Maine Disaster Recovery Fund, a Major Substantive Rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. (Reported by Rep. Warren of Hallowell for the Department of Defense.) **Emergency Passed; Resolves 2017, c. 7 (4/21/17)**

This Resolve provides for final adoption of a “major substantive” rule of the Department of Defense, Veterans and Emergency Management, Chapter 5, Maine Disaster Recovery Fund. The rule governs the process for the expenditure of revenues from the Disaster Recovery Fund, and establishes priorities for expenditure of the Fund among the uses authorized by statute including aid to individuals, families and municipalities and low-interest loans to businesses.

LD 588 – An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances. (Sponsored by Sen. Diamond of Cumberland Cty.) **PL 2017, c. 90**

This Act amends the law governing the authority of law enforcement agencies to engage in limited solicitation of funds from the general public for the tangible benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness. Under current law, that type of solicitation must involve the services of designated public benefit corporation. This Act allows a law enforcement agency to retain a public benefit corporation for this purpose but also allows the law enforcement agency to conduct the limited solicitation without retaining a public benefit corporation. All other existing limitations on the solicitation effort, including the prohibition on door-to-door solicitation, remain in effect.

LD 1427 –An Act To Make Community Paramedicine Services Permanent. (Sponsored by Rep. Gerrish of Lebanon.) **PL 2017, c. 276**

Current law authorizes the Emergency Medical Services Board to establish community paramedicine projects as pilot projects. “Community paramedicine” is defined as the practice by an emergency medical services provider, primarily in an out-of-hospital setting, that provides episodic patient evaluation, advice and treatment directed at preventing or improving a particular medical condition, within the scope of practice of the emergency medical services provider as specifically requested or directed by a physician. The Board is authorized by current law to promulgate rules governing the pilot projects that apply to emergency medical services providers, including ambulance services or non-transporting emergency medical services providers. This Act essentially retains all of that current law except that the concept of pilot projects is removed, making the provision of the paramedicine services systems permanent.

LD 1512 –An Act To Protect the Health and Safety of First Responders. (Sponsored by Rep. Harrington of Sanford.) **PL 2017, c. 292**

This Act authorizes a first responder (law enforcement officer, firefighter or emergency medical services provider) who has been exposed to a person’s bodily fluids in the course of the first responder’s official duties to ask the person who exposed the first responder to the bodily fluids for a blood sample for the purpose of testing for an aggressive blood-borne pathogen. If the request for the blood sample is denied, the Act provides for an expedited process for the first responder to petition the courts to schedule a probable cause hearing in order to obtain the necessary warrant to obtain the blood sample.

Education & Cultural Affairs

LD 1104 – An Act To Exempt School Resource Officers from Department of Education Background Check and Fingerprinting Requirements. (Sponsored by Rep. Haggan of Hampden.) **PL 2017, c. 155**

This Act exempts from the school personnel background check and fingerprinting requirements any active duty law

enforcement officer from a local law enforcement agency who is undertaking the assignment of the “school resource officer.”

LD 1334 – An Act To Authorize the Town of Atkinson To Withdraw from School Administrative District No. 41. (Sponsored by Rep. Higgins of Dover-Foxcroft.) **P & SL 2017, c. 9**

This Act authorizes the Town of Atkinson to withdraw from School Administrative District 41 if it meets the requirements established for the withdrawal of a single municipality from a school district.

Energy, Utilities & Technology

LD 104 – An Act To Change the Time and Location of the Annual Meeting of the Board of Trustees of the Kittery Water District. (Sponsored by Rep. Rykerson of Kittery.) **P & SL 2017, c. 1**

This Act amends the charter of the Kittery Water District.

LD 256 – An Act To Ensure Continued Availability of High-speed Broadband Internet at Maine’s Schools and Libraries. (Sponsored by Rep. Grohman of Biddeford.) **PL 2017, c. 244**

This Act expands the base of financial support for the telecommunications education access fund which is used to ensure high speed internet capacity in all the state’s public schools and libraries. Current law applies a certain surcharge on residential and business traditional telephone exchange lines to capitalize the education access fund. This Act lowers the surcharge rate to \$0.21 per month per line or telephone number, but expands the base to include interconnected voice over internet protocol service as well as mobile telecommunication services. The Act also requires the Department of Education and the Maine State Library to submit a report to the Legislature by January 15, 2018 on an assortment of information about the education access fund, including a list of the schools and libraries benefiting from the fund and for each institution the broadband capacity, the average daily broadband use, and funding provided by both the federal E-rate program and the access fund to provide that broadband access.

LD 258 – An Act To Amend the Charter of the Southwest Harbor Water and Sewer District. (Sponsored by Rep. Kumi-ega of Deer Isle.) **P & SL 2017, c. 4**

This Act amends the charter of the Southwest Harbor Water and Sewer District.

LD 406 – An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure. (Sponsored by Sen. Woodsome of York Cty.) **PL 2017, c. 199**

This Act expands the Public Utilities Commission’s authority to order the joint use of space on utility poles and other communications conduits. It adds providers of unlit fiber-optic cable, telecommunications service providers and information service providers to the list of entities potentially subject to an order. For clarification purposes, the Act also includes unlit fiber providers, telecommunications service providers and information service providers to the list of entities that are expressly required to obtain a written location permit from the applicable licensing authority (e.g., the municipal officers for the local roads) prior to constructing their facilities upon and along highways and public roads.

LD 461 – Resolve, Regarding Legislative Review of Chapter 220: Removal of Provider of Last Resort Service Obligation, a Major Substantive Rule of the Public Utilities Commission. (Reported by Rep. Berry of Bowdoinham for

the PUC) **Emergency Passed, Resolves 2017, c. 4 (4/11/17)**

This Resolve provides for final adoption of a rule promulgated by the Public Utilities Commission, Chapter 220: Removal of Provider of Last Resort Service Obligation.

LD 757 – An Act To Amend the Charter of the Richmond Utilities District. (Sponsored by Rep. Pierce of Dresden.) P & SL 2017, c. 7

This Act amends the charter of the Richmond Utilities District.

LD 759 – An Act To Clarify the Financial Authority of Sewer and Sanitary Districts. (Sponsored by Rep. O'Connor of Berwick.) PL 2017, c. 151

This Act authorizes sewer districts and sanitary districts to invest their funds in the same way and subject to the same restrictions as municipalities are authorized to invest municipal funds.

LD 825 – An Act To Ensure Direct Dialing of 911 from Multiline Telephone Systems. (Sponsored by Sen. Woodsome of York Cty.) PL 2017, c. 48

This Act requires that any public or private entity that installs or operates a multiline telephone system ensures that the system is connected to the public switched telephone network in such a way that an individual dialing 911 is connected to the public safety answering point without being required to first dial any other number or set of numbers.

Environment & Natural Resources

LD 182 – An Act to Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals. (Sponsored by Rep. Kumiega of Deer Isle.) PL 2017, c. 311

This Act was advanced in the interest of protecting firefighters from exposure to certain carcinogenic chemicals when in the act of extinguishing structure fires. The Act provides that with certain exceptions and beginning on January 1, 2019, a person is prohibited from selling or offering for sale new upholstered furniture containing more than 0.1% of a flame retardant chemical or 0.1% of a mixture that includes flame retardant chemicals. The exceptions are: (1) used upholstered furniture; (2) upholstered furniture purchased for public use in public facilities that meets a certain California flammability standard; and (3) new upholstered furniture that was imported into the state or otherwise purchased or acquired by the retailer or wholesaler for sale or distribution prior to January 1, 2019. The Act also directs the Department of Environmental Protection to adopt the "routine technical" rules necessary to implement this Act.

LD 805 – An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances. (Sponsored by Sen. Libby of Androscoggin Cty.) PL 2017, c. 104

Under current law, a municipality is essentially preempted by state law from adopting a definition of "subdivision" that differs from the statutory definition, except a municipality is expressly allowed to expand the definition to include in its definition, and in the subdivision review process, the division of a structure into three or more units for commercial or industrial uses. This Act repeals that municipal authority. The Act also adds a new exemption to the definition, which is the division of a new or existing structure into 3 or more dwelling units however the division is accomplished (by sale, lease, develop-

ment or otherwise) if the project is also subject to municipal site plan review pursuant to the law that delegates to qualifying municipalities the authority to perform state-level Site Location Act review for major development projects. The effective date of the new exemption is July 1, 2018. Also under current law, when a variance is granted with respect to a subdivision application, the variance must be recorded in the registry of deeds within 90 days of the final subdivision approval or the variance is void. This Act retains the requirement that the variance must be recorded to be valid, but expands the 90-day recording window to a two-year recording window before the variance is voided.

Health & Human Services

LD 83 – An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult. (Sponsored by Sen. Miramant of Knox Cty.) PL 2017, c. 5

This Act repeals and replaces the process by which the State Registrar of Vital Statistics may amend the birth certificate of a person when genetic testing identifies a parent who was not known or listed at the time of the adult's birth.

LD 183 – An Act Regarding the Use of the Electronic Death Registration System. (Sponsored by Rep. Vachon of Scarborough.) PL 2017, c. 37

Beginning on July 1, 2018, this Act requires certificates of death to be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics. The requirement does not apply to death certificates filed by family members and domestic partners of the deceased.

LD 221 – An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility. (Sponsored by Sen. Gratwick of Penobscot Cty.) PL 2017, c. 130

This Act repeals a recently enacted provision of General Assistance law that provided when an applicant applies for benefits within 45 days of being released from a correctional facility, the municipality of financial responsibility for a period of 12 months is the municipality of the applicant's residence immediately prior to incarceration.

LD 239 – An Act To Require National Banks To Cooperate in the Administration of the General Assistance Program. (Sponsored by Sen. Brakey of Androscoggin Cty.) PL 2017, c. 28

Current General Assistance law includes a general requirement for banks or similar financial institutions to provide account balance information to the state or to a municipal General Assistance administrator for persons who have applied or are receiving General Assistance. An exemption is provided, however, for national banks, which do not have to provide that information upon request. This Act amends the law governing the municipal authority to obtain information from banks and other financial institutions in order to determine the financial assets of General Assistance applicants. Specifically, this Act: (1) removes the provision in current law that exempts national banks from providing information of a GA applicant's financial assets to a municipal administrator; (2) clarifies that any request for that information from a GA administrator must be accompanied by a written release signed by the depositor; and (3) specifies that in the case where the municipality is inquiring to determine the assets of a deceased individual in order to determine eligibility for burial or cremation services, the financial institution will provide the information upon receipt of a written request for the information from the municipality or its agents along with a notarized affidavit signed by the GA administrator

that the named depositor is deceased.

LD 454 – An Act To Ensure Safe Drinking Water for Families in Maine. (Sponsored by Rep. Vachon of Scarborough.) **PL 2017, c. 230**

This Act directs the Department of Health and Human Services (DHHS) to develop a uniform recommendation for laboratories to test samples from private drinking water wells for such substances or properties as arsenic, bacteria, nitrates, nitrites, chloride, hardness, copper, iron, pH, sodium, lead, uranium, manganese, fluoride and radon. The Act directs the state's Health and Environmental Testing Laboratory to establish a fee not to exceed \$10 per sample to perform those testing services, and creates a Private Well Safe Drinking Water Fund to accept that fee revenue and other donations, grants or appropriations from all sources for the purposes of improving the rate of testing the water in private drinking water wells. The Act requires the Maine Water Well Commission to adopt rules to require the distribution of educational materials to a landowner when a residential private drinking water well is drilled or deepened that inform the landowner about the importance of testing for arsenic and other contaminants or properties.

LD 518 – An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons. (Sponsored by Sen. Brakey of Androscoggin Cty.) **PL 2017, c. 62**

This Act amends General Assistance (GA) law with respect to the responsibility of certain relatives to financially contribute toward the costs of burial or cremation of a deceased person determined potentially eligible for GA. To the current list of responsible relatives, the Act adds the decedent's spouse or registered domestic partner. The Act also strikes the provision of current law that restricts potentially responsible relatives to just those relatives who live or own property in Maine, thereby expanding the potential capacity of relatives to contribute toward the burial or cremation to liable relatives who reside out of state.

LD 1636 – An Act To Allow Municipalities To Establish Ordinances Banning or Restricting Marijuana Caregivers within 500 Feet of a School. (Sponsored by Rep. Berry of Bowdoinham.) **Emergency Enacted; PL 2017, c. 271 (6/23/17)**

This Act authorizes a municipality to adopt and enforce an ordinance that establishes a moratorium on the location - within 500 feet of the property line of a preexisting public or private school - of new facilities or expansion of existing facilities where registered primary caregivers cultivate marijuana plants. The authority created by this Act is repealed July 1, 2018 and the ordinances adopted pursuant to this Act are made void after that date.

Inland Fisheries & Wildlife

LD 98 – An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys. (Sponsored by Sen. Davis of Piscataquis Cty.) **PL 2017, c. 85**

This Act amends the law governing the hunting of wild turkeys to provide greater flexibility to the Commissioner of the Department of Inland Fisheries and Wildlife to manage the hunting seasons and bag limits by rule. The Act eliminates specific reference to spring and fall open seasons on wild turkeys, providing instead that the authorized agents of the Commissioner issue a wild turkey hunting permit rather than a spring and fall combined permit.

LD 191 – An Act To Allow Open Snowmobile and All-terrain Vehicle Weekends and Events. (Sponsored by Rep.

Martin of Sinclair.) **PL 2017, c. 97**

This Act authorizes the Commissioner of the Department of Inland Fisheries and Wildlife to establish one 3-day period annually during which a non-resident may operate in Maine a snowmobile or all-terrain vehicle registered in another state or Canadian province. In creating this authority, the Act repeals the provision of current law that allows a snowmobile registered in another state or contiguous Canadian province to operate in Maine for at least 3 consecutive days without being registered in this state if that other state or province extends that same "reciprocal" opportunity.

LD 275 – An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses. (Sponsored by Rep. Kinney of Limington.) **PL 2017, c. 100**

Current law provides complimentary hunting, trapping and fishing licenses for disabled veterans with a disability evaluated at 50% or more if they are residents of Maine, New Hampshire or Vermont and, in the case of a nonresident, the other state has a reciprocal agreement with Maine. This Act provides the complimentary hunting, trapping and fishing licenses to qualified disabled veterans from any other state that has a reciprocal agreement with Maine.

Judiciary

LD 196 – An Act To Protect Personal Information of Participants in a Community Well-being Check Program. (Sponsored by Rep. Malaby of Hancock.) **PL 2017, c. 118**

This Act creates a public records exemption under the Freedom of Access Act to protect the confidentiality of personal information of participants in "community well-being check" programs, defined as a voluntary program that involves daily or regular contact with a participant and, when contact cannot be established, sends first responders to the participant's residence to check on that person's wellbeing. The Act provides that all of a person's application materials provided to a municipality or other public entity to participate in such a program, as well as other personal information, are confidential and do not constitute a public record, except that the otherwise confidential information may be made available to first responders as necessary to implement the program.

LD 871 – An Act To Require Disclosures Relating to the Sale of Residential Property Accessible by a Public Way and Any Means Other than a Public Way. (Sponsored by Rep. Fay of Raymond.) **PL 2017, c. 181**

This Act amends the law establishing certain disclosures by the seller of real estate to the buyer or the recipient of the transaction to create an additional required disclosure. The additional disclosure is information describing the means of accessing the property whether by a public way or a means other than a public way. To the extent access is obtained by a means other than a public way, the seller must disclose information about who is responsible for maintenance of that means of access, including any responsible road association, if known by the seller.

LD 1139 – An Act To Clarify Certain Right-of-way Limitations. (Sponsored by Rep. Stearns of Guilford.) **PL 2017, c. 194**

This Act provides that an owner of an easement or right-of-way leading to or touching upon a water body does not have the right by implication to construct a dock on the easement or right-of-way or use the easement or right-of-way to facilitate the construction of a dock. This clarification of the absence of any right by implication to install a dock on an easement adjoining a water body applies to any easement or right-of-way originally

established in a written instrument on or after January 1, 2018 that does not expressly authorize the right to construct a dock or facilitate the construction of a dock on the easement or right-of-way.

LD 1432 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Advance Payment of Costs for Public Records Requests. (Presented by Rep. Moonen of Portland for the Joint Standing Committee on Judiciary.) **PL 2017, c. 158**

This Act establishes the authority of a governmental agency or official to require all authorized costs associated with providing requested public records to be paid before the prepared public records are released to the requestor. This law applies to the release of compiled records. Payments in advance, i.e., prior to compiling records, are still authorized in statute but only for requests estimated to cost in excess of \$100, or provided to previously delinquent requesters.

Labor, Commerce, Research & Economic Development

LD 22 – An Act To Repeal the Requirement That Municipalities License Roller-skating Rinks. (Sponsored by Rep. Turner of Burlington.) **PL 2017, c. 12**

In 2014, a number of archaic municipal licensing mandates were repealed in favor of a general statute recognizing the inherent municipal authority to license the various activities as a matter of home rule authority. The mandate to license roller skating rinks was inadvertently left off of the list of to be repealed mandates. This Act repeals the mandate that municipalities license roller skating rinks.

LD 661 – An Act Regarding the Chain of Custody in Crematories. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2017, c. 101**

This Act provides that if cremated remains are buried in a public burying ground, the person in charge of the cemetery or, in that person's absence, another appropriate municipal official must endorse and provide the date the cremated remains were buried on each burial permit and within 7 days of the burial return the permit to the State Registrar of Vital Statistics or to the clerk of the municipality in which the cemetery is located. The Act further provides that the funeral director or other authorized person must also present a copy of the permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where the person died and to the municipal clerk who issued the permit.

LD 848 – An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder. (Sponsored by Rep. Golden of Lewiston.) **Mandate Enacted; PL 2017, c. 294**

This Act, recognized as a state mandate, establishes a rebuttable presumption under the laws governing workers' compensation that when a law enforcement officer, firefighter or emergency medical services worker is diagnosed by a licensed psychologist or a licensed allopathic or osteopathic physician as having post-traumatic stress disorder, the posttraumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment, and is therefore compensable, provided the psychologist or physician can make three findings: (1) the stress was work-related; (2) the stress was extraordinary and unusual compared with the stress experienced by an average employee, and (3) the work stress and not some other source of stress was the predominant cause of the disorder. The employer can rebut the presumption by providing clear and convincing evidence to the contrary. The Act requires the Workers' Compensation Board to submit a report to the Legislature by Janu-

ary 1, 2022 that includes an analysis of the number of claims submitted pursuant to this rebuttable presumption that resulted in a settlement or award of benefits, as well as the financial impacts on the state, counties and municipalities. The reporting provision is repealed on October 1, 2022.

LD 1072 – An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals. (Sponsored by Sen. Saviello of Franklin Cty.) **PL 2017, c. 126**

This Act amends the law governing dealers in secondhand precious metals, including gold (other than coins or bullion), silver and, with this Act, palladium and platinum. Under current law, dealers in secondhand precious metals must obtain a permit from the municipal officers of the town or city where their place of business is located, and the statute provides a standard upon which such permits may be denied. This Act changes that requirement to provide that the secondhand precious metal dealer only has to register with the municipal officers, rather than obtain a permit from them, unless the municipality requires a permitting system.

LD 1340 – An Act To Amend the Laws Governing the Maine State Housing Authority. (Sponsored by Sen. Volk of Cumberland Cty.) **PL 2017, c. 234**

This Act amends the statutes governing the Maine State Housing Authority (MSHA) in numerous ways. The amendments most related to municipal government and municipal housing authorities include: (1) rewriting and clarifying the jurisdictional authority of housing authorities to provide that a municipal housing authority has exclusive jurisdiction within its municipal boundaries to administer regular tenant-based housing choice ("Section 8") vouchers but that jurisdiction does not limit MSHA's authority to administer project-based vouchers or specialty vouchers that are associated with services such as case management, clinical services, child welfare services or other housing stability services; (2) removing archaic language that requires MSHA to meet and discuss with the local legislative body (i.e., the town meeting or town or city council) regarding such matters as permissible and preferred developers, potential project sites, etc. and establishing a replacement requirement that unless the municipality and authority agree otherwise, a municipal housing authority must meet at least annually with the legislative body of the municipality for which it is created; (3) repealing the requirement that MSHA meet with local planning boards and regional planning commissions to discuss MSHA's affirmative housing action plans; (4) clarifying that MSHA's obligation to provide a municipality with an opportunity to review and discuss proposed development projects should be extended to the municipal officers rather than the municipal legislative body; (5) repealing the requirement that each municipality report to the state's Bureau of General Services on any municipally-owned land or building that may be suitable for affordable housing; and (6) eliminating the prohibition against MSHA entering into contracts with the federal government until the municipality in which the project is to be located adopts a resolution approving the contract.

LD 1377 – An Act To Prohibit Posing as a Governmental Entity in Commerce. (Sponsored by Rep. Dunphy of Old Town.) **PL 2017, c. 228**

This Act makes it a violation of the Maine Unfair Trade Practices Act for a person to represent him or herself as a representative of a government or governmental agency or otherwise distribute documentation that is represented as official governmental documentation if those representations are false. The Act also prohibits a person who is not an official, agent or representative of a governmental entity from offering a document that is available free of charge or at a lesser price from a

governmental entity without conspicuously disclosing that availability in a manner that is clearly visible to a consumer.

LD 1478 – An Act To Provide Support for Sustainable Economic Development in Rural Maine. (Sponsored by Rep. Herbig of Belfast.) **Emergency Enacted; PL 2017, c. 174 (6/12/17)**

This Act establishes the Rural Manufacturing and Industrial Site Redevelopment Program within the Maine Rural Development Authority (MRDA). The purpose of the program is to provide technical assistance, planning grants and implementation grants for the rehabilitation, revitalization and marketing of manufacturing and industrial sites in rural communities, with a particular emphasis on communities that have experienced severe economic decline and employment loss due to the nonproductive nature of the site and insufficient technical or planning resources. The grants may be awarded to a municipality or to the owner of the nonproductive industrial or manufacturing site. The Act does not appropriate any state General Fund resources to implement the program. Instead, the MRDA is authorized to use funds from the Commercial Facilities Development Program to implement the Rural Manufacturing and Industrial Site Redevelopment Program.

Marijuana Legalization Implementation

LD 88 – An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act. (Sponsored by Rep. Luchini of Ellsworth.) **Emergency Enacted; PL 2017, c. 1 (1/27/17)**

This Act delays the full implementation of the retail elements of the citizen initiative that legalized recreational marijuana in Maine to February 1, 2018. The Act also makes several targeted amendments to the elements of the initiative providing for the lawful but non-retail personal use and possession and the right to limited levels of personal cultivation. Specifically, the Act: (1) amends the initiative's definition of marijuana and creates a separate definition of "marijuana concentrate"; (2) provides, as does the initiative, that a person 21 years of age or older may possess or transfer to another such person for no remuneration up to 2 and ½ ounces of marijuana or a combination of marijuana and marijuana concentrate which can include no more than 5 grams of concentrate; (3) limits the areas where marijuana can be consumed to a private residence, including curtilage or on other private property, not generally accessible by the public, and the person is explicitly permitted to consume marijuana on that property; (4) prohibits the consumption of marijuana or marijuana concentrate (a) in a motor vehicle in the public way, (b) in a private residence or on private property used as a day care or baby-sitting service during the hours of operation, and (c) in a designated smoking area under the Workplace Smoking Act of 1985; (5) prohibits the possession of edible retail marijuana products until February 1, 2018 unless the edible marijuana is a product purchased for medical use; and (6) reinstates provisions of law repealed in the initiative that establish certain civil violations for any person under the age of 21 possessing marijuana.

LD 243 – An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation. (Sponsored by Rep. Gideon of Freeport.) **Emergency Enacted; PL 2017, c. 278 (6/29/17)**

This Act reorganizes the state licensing, rulemaking and

enforcement authorities under the Marijuana Legalization Act, as adopted by the voters last November. Specifically, the Act: (1) assigns to the Department of Administrative and Financial Services (DAFS) the authority for licensure and rule-making, regulatory and enforcement authority regarding the tracking from seed or clone to sale, distribution and sale of retail marijuana and retail marijuana products and the licensing of retail marijuana social clubs; (2) assigns to the Department of Agriculture, Conservation and Forestry (DACF) rule-making, regulatory and enforcement authority regarding marijuana cultivation, including, but not limited to, all aspects of marijuana seeds, clones, seedlings and plants, use of pesticides, harvesting and storage, and the preparation, manufacturing, production, packaging, labeling and testing of retail marijuana; (3) authorizes DACF to delegate rule-making authority to DAFS, the Department of Labor or the Department of Public Safety if DACF determines the expertise and resources of those other departments would be beneficial to the development and enforcement of rules; (4) appropriates \$1.6 million from the state's General Fund in FY 2018 to capitalize the Retail Marijuana Regulatory Coordination Fund for use by DAFS and other state agencies authorized to conduct rulemaking, to contract with consultants, hire staff and otherwise implement their rulemaking obligations; and (5) directs DAFS to report to the Marijuana Legalization Implementation Committee 60 days after the effective date of the Act and every 60 days thereafter until final adjournment of the Second Regular Session of the 128th Legislature. The report must provide information on the progress of the Department of Administrative and Financial Services and all other state departments involved with implementing the Marijuana Legalization Act.

LD 1641 – An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities. (Reported by Rep. Pierce of Falmouth for the Joint Select Committee on Marijuana Legalization Implementation.) **Emergency Enacted; PL 2017, c. 309 (8/2/17)**

This Act amends the Marijuana Legalization Act as adopted by the voters last November with respect to the state regulation of marijuana testing facilities. Specifically, the Act mandates that any licensed retail marijuana facility, prior to selling or furnishing retail marijuana to a consumer or to another licensee, must have representative samples of the marijuana tested by a licensed testing facility to ensure the product does not contain one or more contaminants, over acceptable levels, that are injurious to health. The testing facility must also ensure that the labeling information on the product is accurate.

Details about the specific contaminants and contaminant threshold levels are given over by the Act to rulemaking by the Department of Agriculture, Conservation and Forestry (DACF). At a minimum, however, the Act requires testing for residual solvents, poisons and toxins, harmful chemicals, dangerous molds and mildew, harmful microbes such as e-coli and salmonella, pesticides, fungicides and insecticides. The testing must also compare the potency of the product in terms of THC levels to the potency level claimed on the label. The marijuana product's overall homogeneity and its "cannabinoid profile" must also be verified.

For these mandatory testing requirements, the testing facility rather than the retail establishment licensee must control the sampling of the facility's product to be tested. The Act prohibits a testing facility license to be issued to persons with financial interests in any other form of retail marijuana establishment (i.e., cultivation facilities, manufacturing or processing facilities, retail stores or social clubs).

For marijuana products that are created for the purpose of research and development and that will not be made available for sale to consumers, the Act authorizes the testing facilities

to provide “non-mandatory” testing services. The primary difference between the mandatory and non-mandatory testing services is that if problems are identified with the product undergoing mandatory testing, the testing facility must quarantine the product and notify the DACF.

Testing facilities are also authorized under the Act to conduct non-mandatory testing of marijuana products on behalf of producers or consumers of marijuana grown for personal use or medical marijuana.

The Act gives a range of rulemaking direction to DACF governing all aspects of providing a state license for these facilities to operate. The Act expressly provides that a testing facility may not commence or continue operation unless the facility is approved or licensed by the municipality in which the facility is located and notice of that approval has been provided by the municipality to the state licensing authority.

In addition, the Act significantly amends the section of the initiated law governing the inspection of books and records. As re-written by the Committee, all retail marijuana licensees are required to maintain and retain their business transaction records, which must be open to inspection by the state licensing authority upon demand and without notice during normal business hours. The state licensing authority may require any licensee to submit to an audit.

The Act also requires each licensee to submit to an inspection of its licensed premises, including any places of storage, upon demand and without notice during all business hours (and other times of apparent activity) by the state licensing authority, law enforcement agency or authorized officials from the municipality in which the licensed premises are located. Locked areas within the licensed premises must be unlocked to facilitate such inspections.

Marine Resources

LD 622 – An Act To Ensure Appropriate Training for Harbor Masters. (Sponsored by Rep. Battle of South Portland.) **PL 2017, c. 54**

This Act establishes that the training courses that municipal harbor masters and deputy harbor masters are required to complete for certification purposes must be offered by a statewide harbor masters association that represents Maine harbor masters.

LD 1438 – An Act To Improve the Aquaculture Leasing and Licensing Laws. (Sponsored by Rep. Devin of Newcastle.) **PL 2017, c. 159**

This Act makes several amendments to the laws governing aquaculture leasing and licensing laws. Among the various amendments, the Act provides a process by which the holder of a standard lease can seek an expansion of the lease area by up to 25% once during the duration of the lease, with any expansion limited so as not to exceed four acres. The process includes submitting an application to the commissioner of the Department of Marine Resources (DMR). When DMR determines the application is complete, the state agency must provide notice to the municipal officers of the municipality or municipalities adjacent to the lease expansion, publish a summary of the lease expansion application in a newspaper of general circulation, and provide for a comment period for at least 30 days following the date of publication. According to the Act, after DMR has considered all the comments submitted, and determined that the application meets certain statutory requirements, the commissioner may approve the expansion.

State & Local Government

LD 3 – An Act To Grant Plantations the Power To Con-

trol Consumer Fireworks. (Sponsored by Rep. Devin of Newcastle.) **Emergency Enacted; PL 2017, c. 3 (3/24/17)**

This Act authorizes plantations to adopt ordinances that control the sale and use of fireworks in the same manner municipalities may control consumer fireworks.

LD 150 – An Act Regarding the Funding of Volunteer Fire Departments. (Sponsored by Rep. Theriault of China.) **PL 2017, c. 33**

This Act amends the law authorizing municipal appropriations to support an incorporated volunteer fire department to require that all such appropriations are itemized.

LD 329 – An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository of Legal Notices. (Sponsored by Rep. Martin of Sinclair.) **PL 2017, c. 19**

Current law requires newspapers to provide a publicly accessible website containing the legal notices that are submitted to the newspaper for publication that may be accessed for free by the general public. That law also requires a statewide association of newspapers to provide a statewide repository of those notices as well as an email notification service when there are additions made to the repository. All of these requirements, however, are scheduled to be repealed on January 1, 2018. This Act removes that “sunset clause,” thereby retaining the newspapers’ obligations to maintain these legal notices websites.

LD 432 – An Act To Designate a Maine Community Litter Cleanup Day. (Sponsored by Rep. Wadsworth of Hiram.) **PL 2017, c. 41**

This Act establishes the first Saturday in May as Maine Community Litter Cleanup Day.

LD 725 – An Act To Recognize Local Control Regarding Food Systems. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2017, c. 215**

This Act defines the term “local food system” to mean a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents. The Act also cites municipal home rule authority to expressly authorize a municipal government to regulate local food systems by ordinance. The Act provides that such an ordinance adopted by a municipality must apply only to food or food products that are grown, produced or processed by individuals within that municipality who sell directly to consumers, and that any food or food products grown, produced or processed in the municipality intended for wholesale or retail distribution outside of the municipality must be grown, produced or processed in compliance with all applicable state and federal laws, rules and regulations.

LD 973 – An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members. (Sponsored by Rep. Gillway of Searsport.) **Emergency Enacted; PL 2017, c. 78 (5/21/17)**

This Act amends the statute governing the Waldo County Budget Committee to deal with the circumstances of a Committee vacancy.

LD 992 – An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation. (Sponsored by Sen. Maker of Washington Cty.) **P & SL 2017, c. 6**

This Act relocates all portions of Park Road and the Baileyville Commercial Park, currently in Baring Plantation, into the Town of Baileyville.

LD 1142 – An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and to Transfer Authority to Cumberland County. (Sponsored by Rep. Chace of Durham.) **PL 2017, c. 195**

This Act establishes in statute the 9-member Board of Trustees of the Cross Insurance Arena in Portland and clarifies that current members of the Board of Trustees of the Cumberland County Recreation Center serve as initial members of the Board of Trustees of the Cross Insurance Arena for the balance of their terms. The Act charges the Board of Trustees to develop, review and make recommendations to the Cumberland County Commissioners on financial, contractual and policy issues regarding the Cross Insurance Arena.

LD 1269 – An Act To Adjust the Procedure for Recounts in Certain Municipal Elections. (Sponsored by Rep. Parry of Arundel.) **PL 2017, c. 191**

This Act makes two changes to the laws governing how recounts of municipal elections and referenda may be triggered. For a recount of the results of an election for municipal office, the law is amended to require that a written request for a recount must be filed with the municipal clerk within 7 business days after the election. For a recount of the results of a referendum, a petition signed by 10% or 100 of the registered voters in the municipality, whichever is less, must be presented. Current law requires a recount petition to be signed by 10% or 100, whichever is less, of the persons whose names were checked on the voting list during the referendum.

LD 1381 – An Act To Clarify Appeals of Municipal Land Use Decisions. (Sponsored by Rep. Monaghan of Cape Elizabeth.) **PL 2017, c. 241**

This Act amends several statutes governing the municipal land use regulatory decision making process for the purpose of determining when a municipal land use decision regarding a development proposal is ripe for Superior Court review at appeal. Among the statutory changes, the Act clarifies that: (1) unless otherwise established by municipal charter or ordinance, an appeal before the municipal Board of Appeals (BOA) is a “de novo” appeal whereby the parties may present new evidence to the BOA to support their position and are not limited by the existing record; (2) if the municipal charter or ordinance provides an appellate review process for the BOA, the BOA must limit its review on appeal to the established record; (3) the decision of the BOA is a final decision when the project for which approval of the BOA is requested has received all required municipal administrative approvals by the BOA, planning board or municipal review authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance; (4) any denial of the request for approval by the BOA is considered a final decision even if other municipal administrative approvals are pending; (5) such a denial must be appealed within 45 days of the BOA’s vote to deny or within 15 days of any final action by the board on a reconsideration that results in a denial of the request. Because a somewhat separate appeal process to Superior Court has been established in municipal land use statutes for “significant municipal land use decisions,” which essentially are development projects large enough to fall under the state’s Site Location of Development Act, the Act replicates the same “final municipal decision” standards in that section of law, as well.

LD 1459 – An Act To Protect the Public from Dangerous Buildings. (Sponsored by Sen. Libby of Androscoggin Cty.) **PL 2017, c. 136**

This Act modernizes the dangerous building statute without significant substantive change except that the Act allows the order issued by the municipal officers prescribing the required

disposal of the dangerous building to allow for delay of disposal if the owner or party in interest has demonstrated the ability and willingness to satisfactorily rehabilitate the building.

LD 1498 – An Act To Clarify the Applicability of the Records Preservation Surcharge within County Registries of Deeds. (Sponsored by Rep. Fecteau of Biddeford.) **PL 2017, c. 116**

This Act amends the law governing a \$3 surcharge that a register of deeds may collect for the records that are recorded in the registry. Under current law, that surcharge cannot be imposed on agencies of the state government and municipalities. This Act expands the definition of agencies of state government to include quasi-independent state entities, defined in statute as an organization established by the Legislature as an independent board, commission or agency to fulfill governmental purposes and that receives revenues that are derived, in whole or part, from federal or state taxes or fees.

LD 1622 – An Act To Allow the Androscoggin County Commissioners To Establish Reasonable Office Hours for County Offices. (Sponsored by Sen. Libby of Androscoggin Cty.) **PL 2017, c. 212**

Current law specifies that except for holidays and weekends the Androscoggin County office hours are from 9 a.m. to 5 p.m. This Act repeals that provision and instead allows the Androscoggin County commissioners to establish reasonable office hours in the same manner as all other county commissioners.

Taxation

LD 117 – An Act To Strengthen the Farm and Open Space Tax Law. (Sponsored by Rep. Alley of Beals.) **PL 2017, c. 183**

This Act amends the law governing the “current use” Farmland and Open Space tax program to provide that a parcel of land that is located on an island may not be considered contiguous to another parcel of land that is not located on the same island if the parcels of land are separated by water at the normal high water mark or high tide. With respect to a parcel of land that was included within a Farmland enrollment before April 1, 2017 that is excluded as a result of the Act’s clarification of the definition of “contiguous,” the excluded parcel must be treated as an Open Space parcel unless the owner chooses to withdraw the parcel from current use taxation.

LD 1078 – An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2017-18. (Reported by Rep. Tipping of Orono for the administrator of the unorganized territory.) **Emergency Enacted; PL 2017, c. 121 (6/02/17)**

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 subtracting the general revenue and educational revenue deductions, the total UT tax assessment for FY 2018 is established at \$25,186,968 (not counting overlay), representing a 12.5% increase over the assessment for FY 2017.

LD 1180 – An Act To Provide a Definition of “Primary Residence” for Purposes of Property Tax Abatements Based on Hardship or Poverty. (Sponsored by Sen. Saviello of Franklin Cty.) **PL 2017, c. 273**

This Act defines the term “primary residence” for the purpose of considering an application for a poverty abatement as the applicant’s home, appurtenant structures necessary to sup-

port the home and acreage sufficient to satisfy the minimum lot size as required by the municipality's land use or building permit ordinances or regulations or, in the absence of any municipal minimum lot requirement, the generic statewide minimum lot requirement of 20,000 square feet.

LD 1289 – An Act To Allow Voluntary Payments in Lieu of Taxes in the Unorganized Territory. (Sponsored by Sen. Dill of Penobscot Cty.) **PL 2017, c. 193**

This Act authorizes tax exempt entities with property located in the unorganized territories to make voluntary "payments in lieu of taxes" (PILOTs) to the State Tax Assessor. Any such payments must be deposited by the State Tax Assessor into the appropriate county's unorganized territory fund.

LD 1405 – An Act To Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine. (Sponsored by Sen. Collins of York Cty.) **PL 2017, c. 245**

This Act requires "remote sellers" that sell for delivery into Maine either personal property, a product delivered electronically or a taxable service, when the annual sales from those transactions are greater than \$100,000 a year or when the seller has processed at least 200 separate transactions in Maine in the previous year, to collect and remit to the state the appropriate sales tax associated with such a purchase.

LD 1551 – An Act To Amend the Maine Tax Laws. (Sponsored by Rep. Bickford of Auburn.) **PL 2017, c. 211**

This is an omnibus tax Act submitted by Maine Revenue Services (MRS) that makes dozens of amendments running throughout the state's tax code. Of municipal interest, the Act: (1) establishes a lien on behalf of the state government on the property of persons who have tax liabilities with respect to state taxes, although the lien is expressly junior to municipal tax lien; and (2) establishes an avenue for a municipality to appeal a decision by MRS to withhold an amount of reimbursement under the Business Equipment Tax Exemption program if an MRS audit finds the exemption improperly granted.

LD 1570 – An Act To Make Technical Changes to Maine's Tax Laws. (Sponsored by Rep. Hilliard of Belgrade.) **PL 2017, c. 170**

This Act makes a number of technical changes to the state's tax laws, generally of a non-substantive nature. The amendments to the property tax elements of the state's tax code in this Act include: (1) removing the requirement that Maine Revenue Services (MRS) publish a list of certified assessors and requires MRS, instead, to provide the list to municipalities upon request; (2) pushing out the due date for the annual distribution to municipalities for revenue lost under the Maine Tree Growth Tax Law, from August 1st to October 15th; and (3) clarifying that property of institutions and organizations exempt from property taxes under Section 652 of the tax code (e.g., as "charitable and benevolent" corporations, etc.) is not eligible under the Business Equipment Tax Exemption program (BETE).

Transportation

LD 28 – An Act To Allow Alternate Flashing Headlights on a School Bus. (Sponsored by Rep. Luchini of Ellsworth.) **PL 2017, c. 26**

This Act allows a school bus to be equipped with a device that provides for alternate flashing of the school bus's headlights.

LD 118 – An Act To Require All Moped Riders under 18 Years of Age and Newly Licensed Moped Operators To Wear a Helmet. (Sponsored by Rep. Grohman of Biddeford.) **PL 2017, c. 51**

This Act requires a person under 18 years of age who is either operating a moped or a passenger on a moped to wear protective headgear. The Act also requires that an operator of a moped operating under a learner's permit or within one year of successfully completing a driving test must wear protective headgear and may not allow a passenger on the moped under 18 years of age unless the passenger is wearing protective headgear.

LD 172 – An Act To Improve Officer Safety at Roadside Incidents. (Sponsored by Rep. Harrington of Sanford.) **PL 2017, c. 21**

Current law allows a police vehicle to utilize blue emergency lights or a combination of blue and white emergency lights. This Act authorizes the additional use of red emergency lights on police vehicles.

LD 207 – Resolve, To Designate a Bridge in East Machias as the Norman E. Bagley Memorial Bridge. (Sponsored by Rep. Tuell of East Machias.) **Resolves 2017, c. 1**

This Resolve designates a bridge on Route 191 in East Machias the Norman E. Bagley Memorial Bridge.

LD 208 – An Act To Allow Vehicles Hauling Animal Bedding to Travel over County or Town Ways without a Permit. (Sponsored by Rep. Kinney of Knox.) **PL 2017, c. 25**

This Act allows any truck delivering organic animal bedding material, and operating according to a permit issued by the Department of Transportation pursuant to the state law governing operating overweight vehicles on posted roads, to travel over any county or municipal posted road without a specific municipal or county permit. The law allows a municipality to impose additional restrictions for such trucks as long as those restrictions do not involve a permitting process.

LD 236 – An Act To Update Accessibility Requirements on Highways. (Sponsored by Sen. Collins of York Cty.) **PL 2017, c. 9**

This Act amends the section of law governing the location and construction of highway curb cuts in order to repeal outdated language and conform with the federal Americans with Disabilities Act of 1990.

LD 294 – Resolve, To Name the Bridge over the Penobscot River in the Towns of Enfield and Howland King's Bridge. (Sponsored by Rep. Hanington of Lincoln.) **Emergency Passed; Resolves 2017, c. 3 (4/10/17)**

This Resolve names the bridge that spans the Penobscot River in the towns of Enfield and Howland the King's Bridge.

LD 393 – An Act To Clarify That the Department of Transportation Is Exempt from Property Assessment Liabilities When Acquiring Property by Condemnation. (Sponsored by Rep. Gillway of Searsport.) **PL 2017, c. 40**

This Act amends the law to more clearly provide that the Department of Transportation is not required to pay any taxes on property it acquires for transportation purposes.

LD 712 – Resolve, To Designate a Portion of Route 43 in Corinth, Exeter and Corinna the Donald Strout, Sr. Memorial Highway. (Sponsored by Rep. Duchesne of Hudson.) **Resolves 2017, c. 5**

This Resolve directs the Department of Transportation to designate Route 43 from its intersection with Route 15 in the Town of Corinth to its intersection with Route 7 in the Town of Corinna the Donald Strout, Sr. Memorial Highway.

LD 785 – An Act To Improve Safety and Traffic Efficiency near School Grounds. (Sponsored by Rep. Tipping of Oro-



Donnie Strout served the Town of Corinth in several capacities starting in the 1970s. He was hired as Town Manager in 1979 and served in that capacity until his retirement in 2010. He also served as a State Representative from 1973-1996.

no.) **PL 2017, c. 132**

This Act establishes the necessary qualifications for a school crossing guard to be empowered to control traffic with hand signals or a handheld traffic control device so that the violation of that crossing guard's direction is a traffic offense. To meet that level of qualification, the school crossing guard must: (1) be 18 years of age or older; (2) be under the control of a local law enforcement agency; (3) have completed applicable training approved by the Bureau of Labor Standards; (4) be wearing an appropriate uniform as specified by the supervising law enforcement agency; (5) be directing traffic in an intersection with a marked crosswalk on a public way; and (6) not contradict or override a lighted traffic control device or pedestrian control device. The Act does not prohibit a school crossing guard who does not meet those specifications from assisting a pedestrian to cross a public way as long as the school crossing guard does not attempt to do so by

directing traffic.

LD 827 – An Act To Repeal the Laws Governing Truck Camper Registration. (Sponsored by Rep. Thibodeau of Waldo Cty.) **PL 2017, c. 67**

Under current law, motor vehicles, mobile homes, camp trailers and truck campers, which are the slide-in campers designed to be mounted on a truck body to provide temporary living quarters for recreational, camping and travel uses, need to be registered and, prior to being registered, proof needs to be shown that the sales taxes on those vehicles, trailers and slide-on campers have been paid. This Act repeals that requirement for truck campers.

LD 905 – An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham. (Sponsored by Rep. McLean of Gorham.) **PL 2017, c. 68**

This Act authorizes the construction of a connector in Cumberland County from Route 114 in South Gorham to an interchange on the Maine Turnpike provided an evaluation of reasonable alternatives, as required by the Sensible Transportation Policy Act, determines there is no reasonable alternative. The Act also authorizes the Maine Turnpike Authority to issue special obligation bonds or other evidences of indebtedness up to \$150 million to pay for the planning, design and construction of the connector.

LD 1059 – An Act Concerning Bridges on Discontinued Town Ways. (Sponsored by Rep. Parry of Arundel.) **PL 2017, c. 154**

This Act provides that when a municipality or a county is proposing to discontinue a town way or a public easement and the segment of roadway being proposed for discontinuation includes a bridge that is owned and maintained by the Department of Transportation (DOT), the municipality or county must consult with, negotiate and enter into an agreement with DOT so that the bridge will either be removed or its ownership will be transferred to the municipality, county, or another state agency. The Act also requires that a discontinuation order in such a circumstance, developed for the town meeting or legislative body to vote on, must include the location of any state-owned bridge

on the town way or public easement and the status of the negotiations with the DOT.

LD 1249 – An Act To Create the Emergency Medical Services Registration Plate. (Sponsored by Rep. Head of Bethel.) **PL 2017, c. 302**

This Act provides for the issuance of emergency medical services motor vehicle registration plates for emergency medical services persons who are licensed by the Emergency Medical Services' Board and certified by the Director of Maine Emergency Medical Services within the Department of Public Safety. The EMS license plates may be used on only one motor vehicle with a registered gross weight not exceeding 10,000 lbs. A one-time fee of \$5 is charged for the EMS plates, in addition to the normal license registration fee. When the person receiving the EMS license plate is no longer licensed as qualifying EMS personnel, the Maine Emergency Medical Services must report that fact to the Secretary of State who must, in turn recall the motor vehicle license plates. The Act requires the Secretary of State to issue the EMS registration plates on or after January 1, 2018.

LD 1395 – Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the PFC Buddy Wendall McLain Memorial Bridge. (Sponsored by Rep. Pickett of Dixfield.) **Resolves 2017, c. 9**

This Resolve designates a bridge that spans the Androscoggin River between the towns of Peru and Mexico as the PFC Buddy Wendall McLain Bridge.

LD 1440 – 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, 2018 and June 30, 2019. (Sponsored by Rep. McLean of Gorham.) **Emergency Enacted; PL 2017, c. 283 (7/1/17)**

This Act is the biennial Highway Fund budget for FY 2018-2019. Funding for the Local Road Assistance Program (LRAP) is included within this budget. As a matter of statute, the LRAP allocation is 9% of the Highway Fund allocation to the Department of Transportation. According to the Act, the LRAP allocation for FY 2018 will be \$21.26 million.

LD 1577 – An Act To Amend the Motor Vehicle Laws. (Sponsored by Rep. McLean of Gorham.) **PL 2017, c. 229**

This Act makes a number of changes to the state's motor vehicle laws of a technical, clarifying, and minor substantive nature. Of municipal interest, the Act: (1) amends and clarifies the law governing the authority of the Secretary of State (SOS) to appoint municipal clerks and other agents to accept applications for drivers' licenses and license renewals to provide that the SOS may authorize municipal clerks and other agents to receive and process applications, through the municipality, for non-commercial driver's license renewals and duplicates as well as non-driver identification card renewals and duplicates; and (2) allows a person to have and present to law enforcement a driver's license in electronic form if one is made available, with the express condition that such a presentation does not constitute consent for the law enforcement officer to access other contents of the person's portable electronic device.

Veterans & Legal Affairs

LD 30 – An Act To Amend the Law Governing Special Amusement Permits for Liquor Licensees. (Sponsored by Rep. Turner of Burlington.) **PL 2017, c. 13**

Current law requires any place licensed for the on-premise consumption of alcohol that also provides entertainment (be-

yond playing music from a radio or other mechanical devise) to first obtain a special amusement permit from the municipal officers. This Act amends the “special amusement permit” law that mandates municipalities to adopt ordinances and otherwise implement and operate a “special amusement permit” process for establishments that serve alcohol for on premise consumption and also provide live music or dancing entertainment. Under the terms of the Act, the mandate becomes an option to be implemented pursuant to municipal home rule authority. The Act further specifies that the failure of an owner of such a business to obtain or comply with a permit required by such an ordinance can be considered by the municipal officers as a reason for the denial of a liquor license within the annual relicensing process.

LD 299 – An Act To Increase Voter Knowledge on Bond Issues. (Sponsored by Rep. Sutton of Warren.) **PL 2017, c. 45**

With respect to proposed bond issues put before the voters on a statewide ballot, current law provides that the printed informational summaries of the State Treasurer regarding the total amount of bonded indebtedness and the amount of authorized but not yet issued bonds, etc., must either be printed directly on the ballot or printed separately from the ballot and posted at the polling place outside the guardrail. This Act requires that the State Treasurer’s statement be posted in each voting booth at a statewide election to approve a proposed bond issue

LD 795 –An Act To Improve Voter Access to Information Regarding Referendum Questions on the Ballot. (Sponsored by Rep. Timberlake of Turner.) **PL 2017, c. 246**

This Act requires the municipal election clerk to post outside the guardrail during every state-level election, where other required notices are posted, a printed notification indicating that the citizens’ guide to the election, as prepared by the Secretary of State’s Office, is available at the polling place for voters to read and that the guide provides helpful information regarding referendum questions on the ballot.

LD 852 – An Act To Make Changes to the Maine Liquor Liability Act. (Sponsored by Rep. Monaghan of Cape Elizabeth.) **PL 2017, c. 77**

Under the Maine Liquor Liability Act, a plaintiff seeking damages must give written notice to all defendants within 180 days of the date of the server’s conduct creating the alleged liability under the Act, unless good cause can be shown why notice could not have reasonably been filed. This Act establishes “good cause” as including the inability of the plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency.

LD 1384 – An Act to Amend the Election Laws. (Submitted by the Secretary of State.) (Sponsored by Sen. Mason of Androscoggin Cty.) **PL 2017, c. 248**

This Act makes several amendments to the laws governing the conduct of elections. Of most direct municipal interest, the Act: (1) moves the filing deadline for municipal nomination petitions from the 45th day to the 60th day prior to the election, which will, in turn, require that the nomination papers be made available to aspiring candidates for circulation 100 days before the election; (2) establishes that when a voter files an application with the registrar of voters to either change party enrollment or withdraw enrollment with a political party on the day of a primary election, that application shall be deemed to be received on the following business day; (3) authorizes a municipality to charge a rental fee or janitorial fee when providing meeting space in a municipal building for the purpose of holding the biennial partisan caucus; and (4) clarifies the nature of the licensed residential care facilities (as Level IV) and assisted

housing facilities (as licensed with more than 6 beds) in which municipal clerks are obliged to conduct absentee voting opportunities during the 30-day period prior to an election.

LD 1536 – An Act To Allow Maine Manufacturers To Sell Spirits at Farmers’ Markets and To Allow Taste Testings at Farmers’ Markets. (Sponsored by Rep. Hickman of Winthrop.) **PL 2017, c. 168**

This Act allows the sale of wine, spirits and malt liquor manufactured in Maine for off-premises consumption at taste-testing events and the sale of spirits manufactured in Maine at farmers’ markets. Under current law, the sale of wine and malt liquor at farmers’ markets is allowed. The Act also allows taste testings to be conducted at farmers’ markets. Taste testing at farmers markets would not be allowed in any municipality where on-premises and off-premises sales of alcoholic beverages are not allowed.

LD 1543 –An Act To Simplify the Licensing Process for Off-site Catering. (Sponsored by Sen. Thibodeau of Waldo Cty.) **PL 2017, c. 260**

This Act amends the statute governing the municipal approval process governing requests for an “off-premises” catering license for any Class A restaurant, Class A lounge, Class A restaurant/lounge, club licensed to sell liquor, hotel, or bed and breakfast that wishes to cater an event which includes the serving of alcohol in a place other than the facility’s official location or in a municipality other than where they are licensed. Specifically, the Act provides that the Bureau of Alcoholic Beverages and Lottery Operations must accept documentation of the approval of the request by the municipal officers in electronic form submitted either by the applicant or directly by the municipal officers.

LD 1571 –An Act to Amend the Election Laws Relating to Party Qualifications. (Sponsored by Rep. Luchini of Ellsworth.) **PL 2017, c. 254**

In response to legal issues raised by the Libertarian Party of Maine in a lawsuit filed in 2016, *Libertarian Party of Maine v. Dunlap*, and addressed by the United States District Court, this Act makes certain amendments to the way a new political party can be established. The Act extends the date by which a party may qualify as a party by submitting an application to the Secretary of State (SOS) with the required number of voters enrolled in the proposed party. Current law provides for one general election cycle to enroll the required 10,000 voters. The Act provides that the aspiring political party has two general election cycles to enroll the required number of voters to maintain party status. The Act also establishes an appeal process if the SOS denies an application for party qualification. The challenge under that appeal process may include a request for copies of voter registration and enrollment or change of enrollment applications that were rejected by municipal registrars from up to 15 named municipalities. Within five days of receiving a properly filed challenge, the SOS must notify the listed municipalities and direct the municipal officials of those municipalities to submit copies of the rejected voter registrations and enrollment or change of enrollment applications to the SOS within five business days, and the appeal process continues from there. The amendments to the process of political party qualifications in this Act apply retroactively to November 1, 2016. ■

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The Board consists of seven elected voting members and one appointed non-voting liaison member representing the Maine DEP. Together, they direct the policies and actions of the Association. MRRA's Board of Directors meet once a month in Augusta or Bangor. Committee meetings, except those of the Education Committee, are typically conference calls.

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Deadline for Nominations: October 13, 2017

Nominations will be compiled by committee and put before membership for vote at the
Fall Workshop & Annual Meeting on Monday, October 23, 2017



Striking the right balance key to planning board success

Wells is a growth community with plenty of summer and fall tourists. A fulfilling part of the Wells' planning role is approving a project and seeing families move in.

By Liz Mockler

The most important duty of a planning board member is to get residents' feedback and opinions before approving proposals that follow all town ordinances and standards, while still preserving the community's aesthetic beauty, layout and long-term comprehensive plan, said Wells Planning Board Vice Chairman George Raftopoulos.



George Raftopoulos

Finding a balance between what the public wants and what developers seek, while moving the community from the past into the 21st Century, is a crucial aspect of being a planning board member, Raftopoulos said recently.

Also critical to the planners' work is to be "sensitive to the safety issues that are common to any town, as well as a town that has been experiencing a massive tourist population growth in the peak seasons," said Raftopoulos, a 1987 graduate of Tufts University who moved to Wells with his wife in 2010.

Thus, the most challenging work of a planning board is "striking a balance between the way life has been and the way life is becoming," said Raftopoulos.

"While we cannot deny any project application that adheres to all ordinances, standards and codes set by the state, voted on by residents or presented to the selectmen, our duty is to

assure projects are sensitive to and consider comments by residents and abutters all while giving applicants and developers an opportunity to conduct their business in the town," he said.

Raftopoulos said some longtime residents of Wells "believe the rapid growth of the town has been experiencing is altering the town in uncomfortable ways," he said. But not all change is

bad, he added.

"With growth comes increased demand for various consumer goods, which leads to an increase in competition, which leads to better services and more variety, as well as new jobs," he said.

Nonetheless, the town faces many challenges that growth brings, especially traffic problems, Raftopoulos said. Traffic snarls can be problems not only during the peak tourism season, but also a year-round issue for full-time residents as the town experiences an increase in population.

Moreover, "high and rapid development" causes less open public spaces and higher utilization of the areas that many people who visit or live in Wells cherish.

"Our challenge is to strike a balance that makes sense in the fairest way to residents and tourists alike," said Raftopoulos, who earned a master's degree from Bentley University in Waltham, Mass., as well as various other professional designations in his

field.

Raftopoulos moved to Maine from Massachusetts after having witnessed the completion of a three-season project on Post Road, whose architectural design many considered controversial, he said.

He was appointed to the planning board as an alternate in February 2012. He was then named to the board as a full-time member and elected vice chairman. His term expires in December 2019.

The most important goal while interacting with the public and development applicants is putting personal feelings aside and listening to the needs and/or concerns that each side presents, Raftopoulos said.

He said a "fulfilling" aspect of the planning board's job is when members can help facilitate a fair and balanced resolution that both residents and applicants agree upon. "Another is seeing an approved project come to completion and a beautiful new neighborhood starts having families move in."

Raftopoulos is a merger and acquisitions adviser and business consultant and president of a company he founded after selling another business in Massachusetts. ■

ABOUT THIS SERIES

Elected and appointed officials provide essential services to communities across our state. Maine Municipal Association began this series of profile articles in 2016, our 80th Anniversary year, to highlight the invaluable work that our members do. This is the final installment of our series.

Liz Mockler is a freelance writer from Randolph and regular contributor to the *Maine Townsman*.
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School budgets, costs dominate 2017 town meeting season

Leaders in Augusta did not help matters, reaching state budget agreement later than usual. However, school funding received a boost by session's end.

By Liz Mockler

Education, major projects and marijuana highlighted Maine's spring town meetings

Education spending continues to bedevil municipalities and schools. Select board members and councilors often get the blowback from increased budgets and their effects on property taxpayers.

In May and June town meetings, a number of communities rejected school budgets outright or municipal leaders sent the budget proposals back to school boards to be pared before voters weighed in.

The Town of Scarborough "is the poster child, as far as the state shifting funding to the locals," said Town Manager Thomas Hall, whose voters have rejected school budgets nearly every year since 2008.

That was the year when the state, under a new law, mandated school budgets to be approved by voters, rather than selectmen or the town council, as in the case of Scarborough.

On July 25, Scarborough voters rejected the school budget for the second time, leaving officials to work off last year's budget and go back again to consider further spending cuts.

"We are one town with one (combined) budget," Hall said. "We have shared the pain with them. But we have no more to give (on the municipal side) unless we cut services."

Hall, a 25-year veteran in municipal government, the last nine in Scarborough, said he supposes there are sev-



Thomas Hall

eral motivations for people to deny school requests. He said the town has an active group called Smart Taxes that uses social media and other means to be vocal and influence voting.

"Make no mistake," Hall said. "They play a role in this for sure."

School budgets have been rejected routinely since 2013. In 2015, as in this year, the town will go

back to voters for a third time. Hall said the next vote won't be taken until late August and the town is already in the second month of the new fiscal year.

But Hall is encouraged. Voter turnout has been high, relative to many communities, at about 25 percent, and the "no" votes exceeded the "yes" votes by 83 on July 25 instead of 600 in June 13 voting. (South Portland voters, for example, passed a \$49 million school budget with 6 percent turnout.)

More than \$1 million was cut from Scarborough municipal and school budget proposals the first time around, Hall said. Another \$307,000 was cut before the second vote.

The wider the division over the budget, the more it "tears our town apart," Hall said. "It really hurts us."

Pro forces sometimes think voters who reject the budget are anti-education and the manager said that is simply not the case.

Many Scarborough residents struggle to pay their bills – never mind their property taxes. Although Scarborough is thought of as an "affluent town," many residents live on fixed incomes or from paycheck to paycheck, Hall said.

He said town councilors know that reality and keep those people uppermost in their minds as they craft the annual budget.

Scarborough is one of just a few Maine municipalities that fund property tax relief of up to \$600 for seniors from local funds. The municipal budget proposal reflects a 1.8 percent increase over last year.

Halls said declining state education funding, a drop in Homestead Exemption money and increasing education costs is "a perfect storm brewing." He's not sure when it will end.

Just saying 'no'

Although Maine voters have grouched about school spending for decades, the number of communities where school budgets are flat-out rejected seems to be growing.

This year, voters in Brunswick, Vinalhaven, Winthrop, Farmington and Peru were among the communities joining Scarborough in struggling to get school budgets passed.

At the same time, in many other communities, voters not only OK'd the school budget, but agreed to finance new schools and facilities.

Laurie Smith, Kennebunkport town manager, said she hears that some communities are having a difficult time getting school budgets passed. She said it's not a surprise nor a new problem.

Like Hall, Smith pointed to a shift in resources from the state for both municipal and school spending as local government's biggest handicap.

"Schools are driven by human resource issues" that make school budgets hard to reduce without cutting teachers and services, said Smith, president of the Maine Municipal As-

Liz Mockler is a freelance writer from Randolph and regular contributor to the *Maine Townsman*, lizmockler@hotmail.com

sociation.

Smith said municipal officials recognize schools' challenges, such as feeding children who come to school hungry.

She said in some cases, school boards and districts don't remember the direct impact of their spending on property taxpayers. School officials are once removed from the taxpayers they serve, while municipal leaders confront the heartache and hard times their residents experience in trying to pay their bills – and taxes, too.

"We are the one government entity" that deals directly with upset taxpayers, since it is the city or town that assesses property value, executes foreclosures on property and sends out the tax bills, Smith said.

One of the busiest days a manager will have all year is the day people get their tax bills, Smith said.

"They express their frustration... about all issues," she said. Local and school budgets are so complex now that most voters don't understand why costs are high. Unfunded mandates and loss of federal and state funding are the worst culprits, but local residents don't complain to their state or



Laurie Smith



Thomas Ward

federal legislators. They go to town office or city hall.

According to Scarborough Manager Hall: "What's playing out on the national level also has an impact on what's happening here on the local level" – the general sense that government is out of touch and creating angst across the country.

Will three be the charm?

In Regional School Unit 9 (RSU), headquartered in Farmington but also serving nine surrounding towns, voters in only three communities approved the budget in June: Farmington, Vienna and Starks.

Voters in Chesterville, Industry New Sharon, New Vineyard, Temple, Weld and Wilton all rejected the

\$34 million RSU 9 spending package. The budget failed by a vote of 1,457 to 1,641.

Although the first proposal failed, voters were casting ballots "blind" because the governor and Legislature were in a stand-off over education spending until the issue forced a brief state government shutdown.

Superintendent Thomas Ward said

he appreciated that so many residents voted to approve the budget even without knowing the amount of state funding the school unit would ultimately receive. The saving grace for the RSU could be an infusion of new state education funding.

Ward, who holds a doctorate degree in education leadership, said, "I think (residents) are very appreciative of the work the (school) board has done to get it there."

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The Franklin County school unit received an additional \$739,000 in state funding since the first vote, resulting in a 0 percent increase in assessments to the 10 towns, Ward said. Of that, \$400,000 will cover administrative costs; the school unit will receive \$339,000 more in General Purpose Aid to Education (GPA).

The second school budget vote was set for Aug. 3. When asked whether he was relieved over the new funding and budget, he responded, "I'll be more relieved after the (second) vote."

He said he hopes it will pass. Meanwhile, as in Scarborough, RSU 9 must spend according to the last fiscal year's levels until a new budget is passed.

However, in balloting on Aug. 3, RSU 9 voters again rejected the \$34 million budget by a vote of 1,290 to 1,429, reflecting a smaller turnout and the same result.

Ward, who will face a third budget vote, said he expects next year's budget also will show flat assessments

to towns, as well as the following year. But as the second vote indicated, even a 0 percent increase in local funding doesn't satisfy the majority of voters.

The state budget debate was resolved on July 3 when lawmakers agreed not to impose a surcharge on high-income Mainers to help pay for education and thus reduce the burden on the property tax. (<http://www.msmaweb.com/news/legislature-passes-state-budget-with-increased-funding-for-schools/>)

The surcharge was approved by a statewide referendum last November.

Under the final deal between the governor and Legislature, an additional \$162 million was allocated for GPA, with at least 50 percent to be used for property tax relief. The state education budget for the new fiscal year totals \$7.1 billion.

Major projects

Despite some setbacks, the news was good for the vast majority of schools and municipal budgets in spring meetings. A few more were held in July.

While education has become con-

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troversial in some cities and towns, many voters approved major school projects – some without state financial aid.

In Portland, for example, voters will decide between two bond questions in the fall: Borrow \$64 million to renovate four elementary schools, or \$31.6 million for new construction at two schools.

In Rockport and Camden, voters endorsed a \$25.2 million bond request to raze and rebuild an elementary school for the coastal towns. Brunswick voters approved a \$28 million bond to build an elementary school. And voters in Ogunquit and Wells endorsed a \$27 million high school construction project.

Among the other major spending items approved by voters included:

- \$14.25 million for a new Wells public safety complex, along with a \$1 million donor-funded library expansion.

- \$4 million for road repairs in Yarmouth.

- \$1 million to build a new fire station in Farmingdale.

- \$2.7 million for the Kennebunk town garage and the solid waste and recycling facility, along with \$1.38 million for three road paving projects and \$480,000 for paving and drainage repairs on four other roads.

- And, \$348,000 for a new pumper fire truck in Woolwich.

Among capital projects rejected by voters were a request for \$189,000 to buy a new wheeler truck for the Livermore highway department; \$1.75 million for the Wiscasset School Department's proposed energy project; and Raymond voters rejecting a proposal to even just explore building a new town office.

This and that

A number of special issues were decided in several communities.

Deer Isle residents voted 153 to 86 to change the town's form of government to a town manager/selectmen form rather than an assistant administrator to selectmen.

In Dayton, voters decided to allow agency liquor stores in the town of nearly 2,000 in York County.

Kennebunkport voters agreed to an ordinance requiring renovated buildings to install "key lock boxes" to aid fire and emergency medical per-

sonnel to gain entrance.

Voters in New Sweden narrowly approved closing the town's consolidated school. The school is owned by the town and a decision will be made about future options, such as leasing it to a private party, transferring ownership to a different entity, selling it or tearing it down.

Norway voters approved expanding a town ordinance to ban commercial and large-scale home businesses, or industrial and manufacturing operations, for the town's four rural villages.

Voters in Waterboro voted 365 to 256 to abolish the town meeting form of government and vote for the annual budgets by secret referendum balloting.

Bar Harbor voters approved a town council plan to make zoning changes to allow development of an abandoned ferry terminal and pier outside of the downtown to accommodate cruise ships. The vote was 945 to 658. A competing citizen referendum to

limit the size of the ships and to give voters authority to limit the number of daily passengers was defeated by a vote of 925 to 679.

Oxford voters agreed to make the town's \$1.27 million payment for a sewer plant construction bond, but only after a long debate and a caution by the select board that if the payment is not made, the town's credit rating would be destroyed and the bond holder could take whatever property in the town of 4,000 it wanted to repay the debt. Selectmen also reminded voters the money is not a burden on the property tax. The bond is being repaid with user fees and funds from a TIF district that includes the Oxford Casino.

New Gloucester voters agreed by a vote of 66 to 44 to impose term limits on select board members, despite concerns that the limits could discourage people from running for election at a time when volunteers are already hard to find. Under the new ordinance, select board members will be limited

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to three straight three-year terms, and must wait at least three years before running again.

Marijuana decisions

Municipal voters in many communities continued to decide the fate of retail marijuana stores and related operations following the legalization of recreational pot in Maine. Prior to last November's statewide vote, Maine law allowed only medicinal marijuana.

Among the towns that voted to ban all operations: China, Cumberland, Fayette, Greenwood, New Gloucester, Norway, Randolph, Skowhegan, Waterboro and York.

In Sanford, the city council is considering a ban and, in Wells, the select board agreed to allow growing operations in only one district in town.

Voters in Camden, Houlton and Manchester passed ordinances to regulate retail activity.

In Belgrade, Bridgton and Sebago, voters elected to impose moratoriums.

Saco has opted for a temporary ban, while Buckfield and Brunswick voted to extend existing moratoriums.

Finally, municipal leaders in Bar Harbor, Boothbay, Damariscotta and

Edgecomb are either considering action or seeking public opinion before making decisions.

Meanwhile, a state legislative panel is considering imposing a 20 percent tax on recreational marijuana; 10 per-

cent on retail sales and 10 percent on wholesale operations.

Under the preliminary plan, 5 percent of the revenue would be divided among those communities that allow grow operations or retail sales. ■



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Another summer, another tally of Town Meeting election results

By Liz Mockler

Following are among the municipal election results from balloting in May and June, based on published reports and interviews with city and town clerks. Unopposed incumbents are not included, while former elected officials are named whether or not they won. The results are listed in alphabetical order by municipality.

Former Councilor **Adam Lee** ran unopposed to fill a vacant seat on the Auburn City Council. Lee received 139 votes to replace **Ernestine "Tina" Gilbert**, who stepped down when she moved out of her ward last December. Lee is an attorney and not Adam Lee, co-owner and chairman of the board of Lee Auto Malls.

Former Augusta school board member **Jennifer Day** was elected to the city council with 490 votes, outpacing former Councilor **Stanley Koski**, who received 215 votes and a third contender, who collected 313 votes. Day replaces **Jeffery Bilodeau**, who resigned from the council in February.

Bridgton voters returned **Robert Murphy** to the Board of Selectmen, while choosing **G. Fred Packard** to replace outgoing Selectman **Bernard King Jr.**, who served two terms. Packard collected 236 votes, while Murphy garnered 233. A third candidate won 182 votes.

Buckfield voters elected former Selectman **Cheryl Coffman** with 90 votes to fill the unexpired term of **Michael Iveson**. Coffman held off a challenge by former Selectman **Martha Catevenis**, who collected 73 votes. **Del Dunn**, meanwhile, received 105 votes to hold off a challenger to replace selectmen Chairman **Warren Wright**, who did not seek re-election.

Camden voters elected newcomers **Alison McKellar** and **Robert Falciani**

to serve three-year terms as selectmen and **Jenna Lookner** was elected to serve the remaining year of her father's term after his death earlier this year. McKellar received 1,179 votes, followed by Falciani with 663. Incumbent **Donald White Jr.** was outpolled, collecting 650 votes. Selectman **James Heard** did not seek re-election. Lookner, who replaces her father, **Leonard Lookner**, defeated a challenger by a vote of 1,069 to 566.

Herb Maine received 106 votes to outpace one challenger, replacing Chebeague Island Selectman **Nelson Stevens**, who did not seek re-election.

Damariscotta voters re-elected **George Parker** as selectman with 82 votes, while **Amy Leshure** was the top write-in candidate with eight votes to replace Selectman **James Cosgrove**, who did not seek re-election.

Incumbent Dixfield Selectman **Norman Mitchell** won re-election with 217 votes. He defeated one opponent, who collected 134 write-in votes.

Dresden incumbent Selectman **Alan Moeller Sr.** defeated a challenger by a vote of 137 to 91.

Falmouth voters elected **Andy Jones** with 753 votes to replace **Charles McBrady**, who did not seek re-election. Jones was unopposed.

Gray voters elected two newcomers to the town council. **Sandy Carder** received 493 votes, followed by **Dan Maguire** with 384. They replace **Peter Gellerson** and **Lewis Mancini**, who did not seek re-election. A third candidate collected 269 votes. Meanwhile, **Bruce Foshey** received 580 votes to win the single one-year term. Foshey was appointed to the council to replace **Matthew Sturgis**, who resigned in January to take the Cape Elizabeth town manager's position. Sturgis, who served 10 years on the council, also worked as the town's tax assessor.

Harrison Selectman **Matthew Frank** earned 155 votes to win re-election,

while former Selectman **Richard Sykes** won 149 votes to edge out another former selectman, **Henry Hudson Jr.**, who received 143 votes. Two other candidates placed far behind in balloting. Sykes replaces **Richard St. John**, who did not seek re-election.

Kingfield Selectman **John Dill** won another term by collecting 68 votes to his opponent's four votes.

Kennebunk Selectman **Christopher Cluff** defeated a challenger by a vote of 1,115 to 999 to win another term.

The former drummer for the rock band Phish, **Jonathan Fishman**, was elected a Lincolnville selectman with 356 votes. **Joshua Gerritsen**, a filmmaker and son of prolific fiction author Tess Gerritsen, won the second open seat with 370 votes. They replace **Rosey Gerry** and **Arthur Durity**, who did not seek re-election. A third candidate received 227 votes.

Gary Parker received 230 votes, outpacing his opponent, who collected 118 votes, to win a seat on the Litchfield Board of Selectmen. Parker replaces **George Thomson**, who did not seek re-election.

Livermore Falls voters elected **Rodney Heikkinen** with 90 votes to defeat incumbent Selectman **Ron Chadwick**, who earned with 83 votes, and a third candidate, who received 69 votes, for a three-year term. Meanwhile, uncontested candidates **Heather Bronish** and **Nixon Ortiz** were elected to one-year terms. Bronish replaces Selectman **Jeffrey Bryant**, while Ortiz will serve the final year of **Louise Chabot's** term. Chabot served nearly 10 years before stepping down earlier this year.

Newcomer **Scott Richmond** received 217 votes to easily defeat a challenger for a three-year term as Livermore selectman. Richmond replaces outgoing Selectman **Timothy Kachnovich**. Meanwhile, former Se-

Liz Mockler is a freelance writer from Randolph and regular contributor to the Maine Townsman, lizmockler@hotmail.com

lectman **William Gould** ran unopposed for a two-year term.

Madison Selectman **John "Jack" Ducharme** was re-elected to a third term with 186 votes, while newcomer **George Elias** won the second seat with 181 votes. The two remaining candidates included incumbent **Michael Edgerly**, who garnered 169 votes.

Mexico voters elected **Clifford Stewart** to a three-year term as selectman after he served six months to complete the term of **Albert Aniel**. He received 138 votes. **Thomas "TJ" Williams** received 119 votes to replace outgoing Selectman **Andrew Dupuis**. Former Selectman **Marc Dupuis** also ran and collected 91 votes.

Newcomer **Joseph Davis** defeated a write-in candidate to replace New Gloucester Selectman **Laura Jane Sturgis**. Davis garnered 311 votes.

Jennifer Speirs received 391 votes and **Steve Morrison** collected 368 to replace two outgoing North Yarmouth selectmen. **Paul Napolitano**, who filled a vacant seat, and **Alex Carr**, who finished one term, did not seek re-election.

Newcomer **Ernest "Ed" Knightly** defeated two other candidates to win a seat on the Oxford Board of Selectmen. Knightly received 194 votes to replace outgoing veteran Selectman **Roger Jackson**. Knightly defeated one challenger by just five votes; his victory was confirmed by a recount. The third candidate garnered 87 votes.

Newcomer **Alan Nash-Pelletier** and former Selectman **Brenda Theriault** were elected to the Madawaska Board of Selectmen. Pelletier garnered 306 votes and Theriault collected 284 in the four-way race to fill a vacant seat and to replace **Chad Carter**, who did not seek re-election. Former Selectman **Michael Williams** received 114 votes.

Former Monmouth Selectman **Harold Jones III** collected 193 votes to finish the final two years of former Selectman **Darlene Sanborn's** term. Jones defeated a challenger, who received 165 votes.

Naples incumbent **Kevin Rogers** collected 308 votes to win re-election, while **James Grattelo** defeated incumbent **Dana Watson**. Grattelo received the most votes with 353; Watson received 245 votes. Meanwhile, newcomer **James Turpin** held off two

other challengers to finish the term of **Christine Powers**, who resigned in April. Turpin received 272 votes, easily beating his opponents.

Former Norway Selectman **Michael Twitchell** was unopposed to replace **William Damon**, who has served many terms since 1987 and who did not seek re-election. Twitchell received 417 votes.

Dennis Price ran unopposed to replace Readfield Selectman **Thomas Dunham**, who did not seek re-election. Price received 327 votes.

Richmond incumbent Selectman **Robert Bodge** won 182 votes to win another term, while newcomer **Andrew Alexander** received 129 votes to edge out longtime incumbent **David Thompson**, who collected 121 votes and former Selectman **Mark Pearson**, who received 72 votes.

Rockland voters elected **Amelia Magjik** to replace **Larry Pritchett**, who served six years on the town council before resigning last February. Magjik defeated a challenger by a 2-to-1 margin with 425 votes.

Rockport voters replaced two incumbent selectmen for three-year terms and elected a newcomer to fill a vacant seat. **Mark Kelley** received the most votes in the six-way race for the three-year terms with 562 votes. **Douglas Cole** garnered 435 votes to win the second seat. They replace incumbents **William Chapman**, who received 203 votes and **Geoffrey Parker**, who collected 201 votes. The remaining two candidates received 406 and 55 votes. Meanwhile, **Tom Gray** was unopposed to fill the unexpired term of **Brendan Riordan**. Gray, who will serve for a year, received 772 votes.

In a five-way race for two seats, Rumford incumbent Selectman **Mark Belanger** received the most votes with 637 to win re-election, while former Mexico Police Chief **James Theriault** received 556 votes to replace **Jeffrey Sterling**, who did not seek reelection. The remaining contenders received 461 votes and two others tied with 375 votes.

Sebago voters returned incumbent selectmen **Timothy Mayberry** and **Ann Farley** to new terms. They held off challenges by two other candidates. Mayberry was the top vote-getter at 93, followed by Farley with 86. Their opponents collected 60 and 43 votes.

Longtime Skowhegan community volunteer **Gene Rouse** defeated three opponents to replace select board Chairman **Donald Skillings**, who did not seek re-election. Rouse garnered 191 votes; his closest challenger collected 153 votes.

Vassalboro incumbent Selectman **Lauchlin Titus** won re-election against one challenger by a vote of 191 to 56. Titus served on the school board and on the budget committee before running for selectmen nine years ago.

Donald Poole was re-elected by Vinalhaven voters with 253 votes and newcomer **Jacob Thompson** received 213 votes to win the second open seat. Thompson replaces Selectman **Emily Lane**, who served a three-year term in the 1980s and several more years over the past 20 years.

Waterboro voters re-elected **Dwayne Woodsome** with 451 votes and elected newcomer **Ted Doyle** with 243 votes to win three-year terms. Selectman **Jon Gale** did not seek re-election after serving 12 years.

Wells voters re-elected Selectman **Timothy Roche**, who defeated a challenger by a vote of 1,034 to 695.

Keith Swett and **David Leavitt** received 86 votes and 76 votes, respectively, to replace Wilton selectmen **Jeffrey Rowe** and **John Black**, who did not seek re-election. Rowe had completed an unexpired term, while Black served one three-year term.

The race for two Wiscasset select board seats attracted five candidates, with two former selectmen, **Robert Blagden** and **Katherine Martin-Savage**, winning with 372 and 358 votes, respectively. Among the remaining candidates, incumbent **David Cherry** collected 141 votes. Selectman **Lawrence Gordon**, who was elected to fill the seat vacated by **Judy Flanagan** last November, did not seek re-election.

Yarmouth voters seated three new councilors from a field of six, with **Timothy Shannon** receiving the most votes with 1,145, followed by **Richard Plourde** with 1,025 and **April Humphrey** with 1,021. The three remaining candidates collected far fewer votes. The new councilors will replace Chairman **Andrew Kittredge** and **Randall Bates**, who could not run again because of term limits, and **Tamson Bickford Hamrock**, who did not seek re-election. ■



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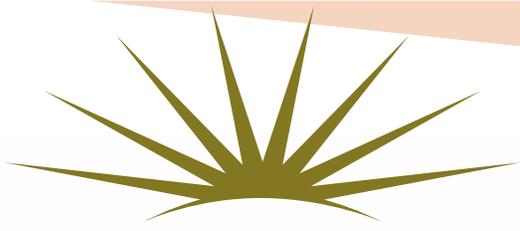
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Keynote – Jessica Kriegel **The Next Generation: Understanding > Stereotyping**

Wednesday, October 4 – 9:00-10:15 a.m.

Our special guest is **Jessica Kriegel**, who literally wrote the book on understanding younger adults, a pressing priority in Maine as the state tries to recruit and retain young elected officials and municipal professionals. Jessica and her ground-breaking book, "Unfairly Labeled: How Your Workplace Can Benefit from Ditching Generational Stereotypes," have been featured in Forbes magazine, on CNN and in many other media outlets.

Jessica, a workplace development executive for software giant Oracle Corp., is *the* nationally recognized expert on understanding the diversity of the "under 35" generation. As she says, "You have to understand us, if you want to hire us and keep us."



Making Great Hires

FEATURED SPEAKERS

Ray Inglesi & Sharon Dorsett – Wednesday, October 4– 10:30-11:45 a.m.

Now that you've learned more about young professionals, let's focus on the tools and skills you need to make excellent choices in your hiring decisions. Two of Maine's top experts on this subject will lead you through the "dos and don'ts" of recruiting and selecting productive employees who will serve your city or town for years to come.



Mission Impossible? **Making Sense of Today's Political Landscape**

Dr. Scott Paine – Thursday, October 5 – 9:00-10:15 a.m. – FEATURED SPEAKER

Come, listen and learn, as one of America's top political analysts offers his insight into what is happening across the U.S. during historically turbulent political times. Using graphs, numbers and real-life anecdotes, Dr. Paine, a former Tampa, Fla. City Councilor and college professor who now works for the Florida League of Cities, will help you better understand – if not necessarily navigate – America's state of political affairs.



www.memun.org

The 2017 MMA Convention – 81st Anniversary Year Preliminary Lineup

Wednesday, October 4, 2017

7:30 a.m. Registration Begins

7:30 – 10:30 a.m. Buffet Breakfast

9:00 – 10:15 a.m. WELCOME AND KEYNOTE SPEAKER

Jessica Kriegel – The Next Generation: Understanding > Stereotyping

Our special guest is **Jessica Kriegel**, who literally wrote the book on understanding younger adults, a pressing priority in Maine as the state tries to recruit and retain young elected officials and municipal professionals. Jessica and her ground-breaking book, “Unfairly Labeled: How Your Workplace Can Benefit from Ditching Generational Stereotypes,” have been featured in Forbes magazine, on CNN and in many other media outlets.

Jessica, a workplace development executive for software giant Oracle Corp., is the nationally recognized expert on understanding the diversity of the “under 35” generation. As she says, “You have to understand us, if you want to hire us and keep us.”

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

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

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

Making Great Hires

Now that you’ve learned more about young professionals, let’s focus on the tools and skills you need to make excellent choices in your hiring decisions. Two of Maine’s top experts on this subject will lead you through the “dos and don’ts” of recruiting and selecting productive employees who will serve your city or town for years to come.

Presenters: Ray Inglesi and Sharon Dorsett, Drake Inglesi Milardo, Inc. Human Resource Consultants, Portland

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

Roads, Bridges and Culverts: The Real Stuff

Ask any municipal official and you will hear that road projects are the ones that get the most attention from citizens. This session is a general update on best practices, experiences and cost trends on the key infrastructure work that all towns and cities do.

Presenters: Pete Coughlan, Maine DOT Local Roads Center; Theresa Haskell, Manager, Town of Windsor; Allan Moeller, Director of Public Works, Town of Richmond and Selectman, Town of Dresden

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Finance/Budget.

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

Noon – 1:30 p.m. Awards Luncheon

1:30 – 2:30 p.m. Concurrent Sessions

MMA Annual Business Meeting

Please join us as President Laurie Smith, Vice President Linda Cohen and Executive Director Stephen Gove shed light on MMA’s upcoming priorities and issues that arose in 2017, including the introduction of several new MMA initiatives and offerings.

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

Budgets & Taxes: Addressing Change & Challenges

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

If your town has seen financial challenges, despite a fairly robust national economy, how do you budget? How do you plan for a strong future? How do you set tax rates that both protect property taxpayers, yet keep essential services intact? And, perhaps more devilish, how do you deal with school costs, which are outside of municipal government’s direct control?

Presenters: Jack Clukey, Manager, Town of Dover-Foxcroft; Tim Curtis, Manager, Town of Madison; Rhonda Irish, Manager, Town of Wilton

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

Maps, Climate Change and Flood Plains

At the request of the Legislature, MMA is helping ascertain the resiliency of coastal communities to an increase in weather-related hazards. The results of MMA’s survey to these communities and a follow-up stakeholder meeting of municipal officials and scientific, emergency, and planning experts will be shared in this panel’s review of existing preparedness and potential next steps.

Moderator: Garrett Corbin, Staff Advocate, State & Federal Relations Department, Maine Municipal Association

Panelists: Elizabeth Hertz, Blue Sky Planning Solutions; Peter Slovinsky, Maine Geological Survey; others TBA

Certification: Valid for 1.00 MTCMA Certification credits in the following category: Finance/Budget.

2:30 – 2:45 p.m. Break/Visit with Exhibitors

2:45 – 4:00 p.m. Concurrent Sessions

Budgets & Taxes: Growth Communities

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

So your community is on easy street, eh? Development is happening, the economy is solid, the tax base is growing. But dealing with change – whether it’s starting new municipal programs or deciding how much development is too much – presents major challenges of its own.

Presenters: Rick Bates, Manager, Town of Rockport; Tom Hall, Manager, Town of Scarborough

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget. Valid for 5 MMTCTA points toward certification as tax collector or treasurer.

Confronting the Opioid Epidemic

Maine is in the grips of a drug crisis that threatens an entire generation

Wednesday, October 4, 2017

of young residents. The prevalence of opioid and related drug abuse burdens prisons, first responders and policy makers alike. What is the current situation? What are the next best steps, both on the street level and at the Statehouse?

Moderator: Kate Dufour, Director, State & Federal Relations, MMA

Panelists: Lt. John Kilbride, Town of Falmouth Police Department; Deputy Chief Terry Walsh, City of Portland Fire Department

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

Are Your Sign Regulations Legal?

Many municipalities have rules and restrictions about signs, especially ones posted along public roads and ways. But the legal landscape has shifted dramatically on this topic in recent months. Your sign rules may, in fact, not conform to recent court rulings and the First Amendment.

Presenters: Jonathan Pottle and Patrick Lyons, Attorneys, Eaton Peabody, Bangor

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

4:00 – 5:30 p.m. Member Appreciation Reception & Aerial Drone Demonstration!

5:00 – 6:30 p.m. Bus Tour of Augusta Area

The City of Augusta will host a bus tour showing highlights in and around the Capital City. A limited number of seats are available on a first-reserved, first-served basis. To reserve your seat, and to enjoy this fun experience, please contact MMA via email now at Convention@memun.org.

Thursday, October 5, 2017

7:30 a.m. Registration

7:30 – 9:00 a.m. Buffet Breakfast

9:00 – 10:15 a.m. FEATURED SPEAKER

Dr. Scott Paine – Mission Impossible? Making Sense of Today's Political Landscape

Come, listen and learn, as one of America's top political analysts offers his insight into what is happening across the U.S. during historically turbulent political times.

Using graphs, numbers and real-life anecdotes, Dr. Paine, a former Tampa, Fla. City Councilor and college professor who now works for the Florida League of Cities, will help you better understand – if not necessarily navigate – America's state of political affairs.

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

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

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

Portland's Experience with Ranked Choice Voting

It's been a newsworthy year for "ranked-choice" voting in Maine. First, voters said they wanted it. Then, a court challenge occurred and the Maine Supreme Judicial Court found that ranked-choice voting statewide, as adopted, was unconstitutional. But Maine's largest city uses this process. What has its experience been?

Presenter: Katherine Jones, Clerk, City of Portland

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

Changing Zoning Rules – the Open Way

The Town of Scarborough had a neighborhood that was changing right before its eyes, and it was clear that the 1970s-era zoning rules it had in place were not working. So Scarborough began a highly inclusive and transparent process of rezoning the area. Learn more about this process, including what worked and what town officials would do differently the next time.

Presenters: William Donovan, Councilor, Town of Scarborough; Brian Longstaff, Zoning Administrator, Town of Scarborough; Dan Bacon, Planning

Project Manager, Gorrill Palmer Consulting Engineers, South Portland

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

Why Are Prescription Drugs So Expensive?

Anne Wright, Director of Health Trust Services, will be joined by a panel of experts on this topic. The panel will discuss the ever-increasing costs of prescription drugs, the factors that are driving those costs, and how the Health Trust is working to contain costs. There will also be a brief review of upcoming changes to the Health Trust health plans, effective January 1, 2018.

Presenters: Anne Wright, Director, Maine Municipal Employees Health Trust
Certification: Valid for 1.25 MTCMA Certification credits in the following category: Finance/Budget.

11:45 a.m. – 12:50 p.m. Networking Luncheon, Video of Drone Demonstration and Grand Prize Drawing!

1:00 – 2:00 p.m. Concurrent Sessions

SPECIAL SESSION: Legal Marijuana, Part 1

The hottest topic in state, municipal and legal circles this year has been, without a doubt, legal marijuana use and how it will change the State of Maine. Please join two of the state's top attorneys in the field, for this two-hour afternoon workshop, as they share their knowledge and update attendees on various legal facets of this voter-approved change.

Presenters: Edward "Ted" Kelleher and Amy Tchao, attorneys for Drummond Woodsum, Portland

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

Navigating Employment Practices Liability

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

Please join MMA Risk Management Services for a presentation on the various complex issues relating to Employment Practices Liability. The presentation will provide insights and tools to help you protect yourself and your entity from employment liability claims. MMA Risk Management Services will also be demonstrating a new [free](#) interactive service designed to provide guidance to members of the Property & Casualty Pool as they navigate the ever changing landscape of employment laws, regulation and liability.

Presenter: Melinda "Mindy" J. Caterine, attorney and shareholder, Littler

Thursday, October 5, 2017

Employment & Labor Law Solutions, Portland and Boston

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

2:00 – 2:30 p.m. Break/Visit with Exhibitors

2:30 – 3:30 p.m. Concurrent Sessions

SPECIAL SESSION: Legal Marijuana, Part 2

Presenters: Edward "Ted" Kelleher and Amy T'chao, attorneys for Drummond Woodsum, Portland

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

Calling Young Leaders

We know it's not the money. So, what makes young leaders – elected officials, managers and department heads – heed the call to serve municipal government? This panel will discuss their careers in local government, past and present, and offer ideas about recruiting future leaders.

Presenters: Sarah Fuller, Council Chair, Town of Winthrop; Nick Isgro, Mayor, City of Waterville; Christine Landes, Manager, Town of Bethel

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

3:40 – 4:40 p.m. Concurrent Sessions

The Law Court's Frustration with Municipal Land Use Ordinances – Where do we go from here?

The Maine Supreme Court has expressed increased frustration with municipal land use ordinances in some of its recent decisions—ambiguous ordinance language; confusing administration and appeal procedures; cumbersome, duplicative, and time-consuming application review requirements. This session will use a combination of formal presentations and roundtable discussion to explore the court's concerns and discuss the extent of legal and planning latitude available to municipalities in deciding whether and how to change their ordinances. What are the pros and cons of change? Where do we go from here? (The Maine Association of Planners will seek AICP CM credits for this session.)

Moderator: Lee Jay Feldman, Director of Planning, Southern Maine Planning and Development Commission

Presenters: Phil Saucier, Esq., Bernstein Shur; Beth Della Valle, Director of Planning and Development, City of Sanford

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

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.

4:40p.m. Adjourn

Overnight Accommodations

A discounted room block is available at the BEST WESTERN PLUS Augusta Civic Center Inn, Augusta, ME under Maine Municipal Association for Tuesday, October 3rd and Wednesday, October 4th:

ADDRESS: 110 Community Drive, Augusta, ME 04330
PHONE: (207) 622-4751 / FAX (207) 622-3108 (Call for Reservations)

EMAIL: info@augustaciviccenterinn.com

Rate: \$83.00/night (All prices are subject to Maine State Occupancy Tax – current rate is 9%)

Check-in time is 3 p.m. Check-out time is 12 noon.

All the reservations must be received at least two (2) weeks prior to your arrival date in order to insure availability. Registrations made after Tuesday, September 19, 2017 will be made on a space available basis.

If requesting tax exemption, you will be asked to provide your tax exemption certificate and municipal payment (municipal credit card or check) at the time of check-in.

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 attendees.

Maine Association of Assessing Officers (MAAO) Co-Sponsored by Maine Chapter of IAAO

Wednesday, October 4

10:30 – 11:45 a.m. Has the Tree Growth Plan Been Followed?

Presenters: TBD

Certification: This session is approved for 1.25 CMA/CAT re-certification credits through Maine Revenue Services

1:30 – 2:30 p.m. How to Value Solar

Presenter: Bill Van Tuinen, Tax Assessment Services

Certification: This session is approved for 1 CMA/CAT re-certification credit through Maine Revenue Services

2:45 – 4:00 p.m. Paper Streets – What Now?

Presenters: TBD

Certification: This session is approved for 1.25 CMA/CAT re-certification credits through Maine Revenue Services

Maine Association of Planners (MAP)

Thursday, October 5

9:00 a.m. – 10:15 a.m. MAP Roundtable Discussion

MAP Board Members will facilitate discussion.

Maine Building Officials & Inspectors Association (MBOIA)

Wednesday, October 4

10:30 – 11:45 a.m.; 1:30 – 2:30 p.m. PV Safety – An Operations-Oriented Approach to PV Systems & Responder Safety

Generating electricity from the use of rooftop solar modules is gaining the attention of many including the fire service, and with good reason. With up to 1000 vdc involved in these systems, it is vital that builders, inspectors, code officials, and firefighters understand what is above them, what can hurt you, and how to stay safe. In this workshop, students will walk away with a solid understanding of the principals of solar electricity generation, and confidence in how to safely operate around PV equipped structures, especially under emergency and fire conditions.

Presenters: Matt Paiss, San Jose Fire Department, Energy Response Solutions

Maine Chapter of American Public Works Association (MCAPWA)

Thursday, October 5

8:00 – 8:30 a.m. MCAPWA Business Meeting

8:30 -9:30 a.m. Ticks: Identification, Prevention and Statistics for Public Works

Ann Schneider has been working in Loss Control at MMA for 18 years, currently as the Loss Control Supervisor. Prior to being employed at MMA, she worked in Health Care as a Respiratory Therapist and Safety Officer. She has been interested in ticks, what they are, how to address their infestation, controls you can take to prevent tick –borne diseases, and what the statistics are in Maine. Maine is currently #2 in ticks and related diseases in the country. This is not a good statistic! Information will be presented on these topics, along with information on Maine statistics, specifically for Public Works employees.

Presenter: Ann Schneider, Loss Control Supervisor, Risk Management Services, MMA

9:30 – 10:30 a.m. Session TBD

10:30 – 11:30 a.m. State Transportation Projects

Presenter: David B. Bernhardt, Commissioner, MaineDOT

11:30 a.m. – 1:15 p.m. MCAPWA Luncheon at Augusta Elks Club (pre-registration required)

Maine Chiefs of Police Association

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

Thursday, October 5

10:30 – 11:45 a.m. Law Enforcement Accreditation

Presenters: Chief Phil Crowell, City of Auburn; Chief Ed Tolan, Town of Falmouth; Bob Schwartz, Executive Director, MCOPA

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

Maine Community Development Association (MCDA)

Thursday, October 5

10:30 – 11:45 a.m. Federal Budget and Funding Forum

Representatives from the Maine Congressional Delegation will provide updates on the 2018 Proposed Budget known as America First: A Budget Blueprint to Make America Great Again. The proposed budget calls for significant changes to discretionary funding programs, which may have an impact on your community.

Presenters: TBD

Maine Fire Chiefs' Association (MFCA)

Wednesday, October 4

9:00 a.m. – 1:00 p.m. Annual Meeting and Maine Fire Chief of the Year Award and Luncheon at Maine Municipal Association – (pre-registration required)

Maine Local Government Human Resources Association (MLGHRA)

Wednesday, October 4

1:30 – 2:30 p.m. Maine Municipal Employees Health Trust Services News & Updates for Benefits Open Enrollment

Presenters: Kristy Gould, Assistant Director, Maine Municipal Employees Health Trust

Maine Municipal Tax Collectors' and Treasurers' Association (MMTCTA)

Thursday, October 5

9:00 a.m. – 11:45 a.m. Best Practices – Policies or Not

Presenters: TBD

Certification: Valid for 10 points towards certification as tax collector or treasurer.

Maine Town & City Clerks' Association (MTCCA)

Wednesday, October 4

10:30 a.m. – 4:00 p.m. State Agency Updates

10:30-11:00 a.m. Vital Records Updates, Theresa Roberts, Deputy State Registrar & Vital Records Supervisor

11:00-11:30 a.m. Inland Fisheries & Wildlife Updates, Chet Chessman, Moses Supervisor and Management Analyst

1:30-2:30 p.m. Elections Updates, Julie Flynn, Deputy Secretary of State

3:00-3:30 p.m. Disposition Schedules, Felicia Kennedy, Records Analyst, Maine State Archives

3:30-4:00 p.m. Animal Welfare Updates, Liam Hughes, Director of Animal Welfare

Certification: Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

New this year! Pay by credit card when you register online here: <https://memun.org/Convention/Registration>

Attendee Registration Form

MMA Convention – Augusta Civic Center – October 4 & 5, 2017

One registrant per form (please photocopy for additional registrations)

BILLING INFORMATION:	NAME BADGE INFORMATION:	<i>*Name badge will read as indicated here.</i>
Full Name: _____	First Name: _____	
Employer: _____	Last Name: _____	
Billing Address: _____	Primary Title: _____	<i>(Please list one)</i>
City, State, Zip: _____	Employer: _____	
Phone: _____		
Email: _____		

I am a current member of MMA's Legislative Policy Committee.

I plan to attend (choose ONE): Wed 10/4 Thur 10/5 Both Days

CONVENTION REGISTRATION FEES (For one or both days)			Cost
<input type="checkbox"/> MMA Members	Registration Fee	\$ 80.00	
<input type="checkbox"/> Non-members	Registration Fee	\$ 160.00	

MEALS		Cost
WEDNESDAY LUNCHEONS (OCT 4):		
<input type="checkbox"/> Awards Luncheon (Buffet) – Augusta Civic Center (North Wing)	\$ 18.00	
<input type="checkbox"/> Maine Fire Chiefs' Association (MFCA) – MMA	\$ 18.00	
THURSDAY LUNCHEONS (OCT 5):		
<input type="checkbox"/> Networking Luncheon (Buffet) – Augusta Civic Center (North Wing)	\$ 18.00	
<input type="checkbox"/> Maine Chapter of American Public Works Association (MCAPWA) – Augusta Elks	\$ 18.00	
Civic Center Luncheons: Due to ticket demand, there are two luncheon rooms - assigned on a first-served, first-served basis. There will be a live video feed of the presentations in the 2nd luncheon room.		
TOTAL (Registration Fee & Meals) \$		

SPECIAL EVENT - for Wednesday, October 4

For planning purposes, please select if you are attending this complimentary activity.

Member Appreciation Reception

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____

(*You will be invoiced after Convention – **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: Please call Louise Ridley at MMA, 1-800-452-8786. Notification must be given three business days in advance of the start of Convention to obtain a refund. All cancellations are subject to a \$10 processing fee. Registrations may be transferred to another official or employee. 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

Standish Town Manager **Gordon "Gordy" Billington** was recognized in June by three legislators, the town council and the public for his long service the town. The legislators presented Billington with a flag that had flown over the State House. Billington has announced his retirement, effective as soon as his replacement is hired after a nationwide search. Billington has managed Standish for 16 years. "He has been a driving force in positioning Standish into a viable economic community, a wonderful and affordable place to live and raise a family," Councilor **Greg Sirpis** said, according to published reports.



Michele Bukoveckas

Sebago Town Clerk **Michele Bukoveckas** was promoted to town manager, effective July 1, following the retirement of Manager **James Smith III**. Bukoveckas had worked as the town's clerk and tax collector for 19 years.

She was instrumental in developing the annual municipal budget and town report for many years. Selectmen said they have trust and full confidence in Bukoveckas. A graduate of the University of New England, Bukoveckas worked nine years as welfare director for the City of Saco before taking the Sebago clerk's job.

Kristal Flagg resigned as Livermore Falls town manager, effective Aug. 15. Flagg worked for the town for 28 years, many as elected town clerk and treasurer. She was named town manager in 2011. Flagg, who said she wants to pursue another opportunity, was praised for her strong and steady leadership and support of the town staff.

Harpwell leaders hired **Art Howe** as the town's first fire administrator after hearing that the peninsula community's three volunteer departments often did not have enough volunteers available to respond to weekday fires. Howe is the former director of the Portland Housing Safety Office and started his new job on July 10. The town has lost many firefighters as they retired and were not replaced. Harpswell selectmen, with town meeting approval last year, also have decided to

hire two paid firefighters, to be housed at the Orr's and Bailey islands' fire houses. Howe will work for now from the town office. Howe, 63, was selected from a pool of 20 applicants.



Tom Luttrell

Tom Luttrell was named Rockland city manager on July 19, effective immediately. Luttrell was first hired by the town in 2007 as finance director. He resigned in August 2015 after twice serving as interim manager. He was rehired last December, again as finance director. Luttrell replaces longtime interim manager **Audra Caler-Bell**, who was hired as Camden town manager in early June. Caler-Bell had been hired by Rockland in January 2015 as planning and community development director, a position she had held for the Midcoast Council of Governments. She was named Rockland assistant manager in October 2015 and then worked as interim manager for a year after former manager, **Patricia Finnigan**, resigned. Meanwhile, Caler-Bell hired **Jodi Richards Hanson** as Camden finance director, effective July 7. Hanson has worked for the town of Lincolnville for 20 years. She will begin her new job just as Caler-Bell begins a month-long maternity leave. Under town policy, Police Chief **Randy Gagne** will serve as interim town manager.



Normand Melancon

Biddeford residents and staff honored Fire Capt. **Normand Melancon** with a farewell barbeque and ceremony to mark his retirement in July after more than 42 years of service to the city. Melancon was feted and presented a plaque for his service, which began in 1975. He said he would miss being a firefighter, but took the opportunity to announce he and his wife were celebrating their 40th anniversary. He thanked his family for supporting him all the time he was away from home fighting fires, recognizing their support and sacrifices.

Stacey Parra was hired as Union town clerk, effective Aug. 3. She had worked for nearly two decades for the Town of Rockport, most recently as executive assistant to the town manager. Parra was first hired in the Rockport town clerk's office. In March 2001, she was promoted to the assistant manager's position. Her experience also includes serving three terms as selectman in her hometown of Lincolnville.

Brian Stockdale was named Lewiston fire chief, effective July 27. Stockdale was hired away from Topsham, where he served as fire and rescue chief for the past seven years. A Boston native, he began his career in Hope Mills, N.C., where he earned the rank of captain. He moved to Maine to work for the Brunswick department before taking the Topsham job. He is a paramedic and registered nurse who bested 31 other candidates, after a nationwide search, to win the Lewiston chief's position. Stockdale, a U.S. Army veteran, holds a master's degree in organizational leadership. He replaces **Paul LeClair**, who retired in February and served on the city's search committee. LeClair now works as director of the Lewiston-Auburn 911 Communications Center.

Damariscotta acting Police Chief **Jason Warlick** was named permanent chief after leading the department for five months. He replaces **Ron Young**, who resigned in March. Warlick has worked as an officer and sergeant for the town. Officials said Warlick had demonstrated excellence in all positions and expect a long-term relationship with him. ■

If your municipality submits a news item for the **Townsmen**, consider sending a corresponding photo to:

Eric Conrad or Jaime Clark
(econrad@memun.org or jclark@memun.org)

STATEWIDE

Maine Municipal Association's Legal Services Department in July filed a "friend of the court" brief with Maine's Supreme Judicial Court in Town of Eddington, et al. v. Emera Maine, a property tax abatement case that should be of interest to all municipalities. The appeal involves high voltage transmission lines in the Towns of Bradley and Eddington that were assessed to Emera Maine as a result of a reporting error by Emera staff. The State Board of Property Tax Review granted Emera an abatement on the theory that the error created an "illegality" appealable within three years of the date the tax was committed. On appeal, the towns and MMA argue that under established law the error was instead an "overvaluation" issue, for which an abatement may only be sought within 185 days of tax commitment. MMA argued, on behalf of municipalities, that the state board's interpretation of the law was incorrect and Emera is not entitled to an abatement. MMA also discussed the administrative burdens and fiscal impact on municipal budgets if the state board's decision is upheld. A decision is not expected for several months.

CRANBERRY ISLES

Residents of the chain of five islands are hopeful that high-speed internet service will soon be available to its 150 year-round inhabitants. Voters this spring approved a \$1.2 million bond to upgrade existing broadband from one megabit per second to as much as 100 mbps. Service now is almost like the old telephone party lines; some people have to get off the internet to allow others better access and faster speeds. Of the five islands, only Big and Little Cranberry islands have year-round residents. Islanders believe upgrading broadband not only will improve access and speed, but also save telecommuting jobs, assist businesses and protect the islands as a year-round town. The islands are located about four miles from the mainland and Mount Desert Island. The Machias-based internet company Axiom Technologies plans to get new internet service for Islesford, the village on Little Cranberry, before winter, with service to Big Cranberry upgraded next year.

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the Maine Townsman.

Friend of the Court Brief. MMA's Legal Services Department filed a "friend of the court" brief with Maine's Supreme Judicial Court siding with the towns of Bradley and Eddington in an important tax abatement case that involves high-voltage transmission lines.

Building and Retaining Talent. The Maine Development Foundation, Maine Philanthropy Center and Maine Workforce & Education Coalition will hold a conference on employee recruitment and retention on Sept. 28 at the Cross Insurance Center in Bangor.

Marijuana Resource Area. Maine Municipal Association has launched an information resource area on our website (www.memun.org, bottom right) to help member communities with decisions to make about regulating legalized marijuana. We encourage members to check it out and give us feedback.

MILLINOCKET

Visitors to Maine's new Katahdin Woods and Waters National Monument will be able to get help even if they can't get a good cellphone signal. Monument officials said in late July they will carry cellphone boosters or radios to provide communication, if needed. Area first responders said they can effectively respond to accidents, crimes or lost visitors and LifeFlight also will be able to respond to emergencies. This is the first summer for visitors to the national monument, proclaimed by former President Barack Obama last August after years of debate and discussion. The monument encompasses nearly 88,000 acres and abuts the eastern border of Baxter State Park.

PORTLAND

According to a new study from a national lobbying firm for nonprofits, arts, education and cultural activity generated \$75.6 million in economic development in the state's largest city, in 2015. In Bangor, the arts were credited for creating \$10 million in economic activity. Arts and cultural events and programs created hundreds of jobs in each community. Statewide, nonprofits generated \$150 million in economic activity in 2015, according to the study.

RUMFORD

Catalyst Paper, owner of the paper mill that sits between Rumford and Mexico in western Maine, secured \$12.7 million in state tax credits to leverage another

\$31 million to expand the tissue paper mill and add 62 jobs. The owners also are seeking a \$25 million loan for the expansion. The project comes after five Maine paper mills have been shuttered over the past three years as demand ebbed while competition increased. The new jobs will bring the Rumford mill workforce to 658, with an annual payroll of \$79 million.

WINDHAM

Leaders of the Highland Lake Association, addressing 70 people during a July forum, said over-development and runoff from properties are the likely causes of a large bloom that has clouded the lake for three straight summers. The blue-green algae, caused by too many nutrients, is starting to develop in the lake this summer too, and residents and association members are concerned the lake might be at a "tipping point." The lake is located in both Windham and Falmouth. Maine university students and professors are testing and assessing the lake.

WISCASSET

Lincoln County commissioners got a demonstration in July of how drones could help in search and rescue efforts, courtesy of the county's Emergency Management Agency. No final decision has been made, but the agency director recommended contracting for the service from a Gardiner-based company at an hourly rate rather than spend \$9,000 on a heat-seeking drone. ■

MUNICIPAL BULLETIN BOARD

SPECIAL SESSION!

AUG. 30

Keeping Your Data Secure: Augusta

Data breaches and cyber security are major problems these days, and we know that municipal government is a particularly enticing target. This seminar features presentations from state emergency-management and law-enforcement leaders, as well as a Thomas College expert, for a comprehensive look at the threat and suggestions on steps to reduce your community's risk.

The afternoon session begins with registration at 1 p.m. and concludes at 4:30 p.m. Cost is \$45 for MMA members and \$90 for non-members. The event will be held at the MMA Conference Center in Augusta.

SEPT. 6-8

MAAO Fall Conference, Sebasco Estates

The Maine Association of Assessing Officers will hold its Fall Conference Sept. 6-8 at the Sebasco Harbor Resort. Many topics will be covered, including: Treating Taxpayers like Family; Constitutional Equity; the International Building Code; and, Assessor Ethics.

Costs for the conference vary depending on how many days one will attend and lodging preferences. There will be a golf tournament on the conclusion of the first day, Wednesday, Sept. 6. Other scheduled events include a spaghetti dinner and candlepin bowling.

SEPT. 6

Voter Registration: Caribou

The Maine Town & City Clerks' Association will hold a day-long session on voter registration on Sept. 6 at the Caribou Inn and Convention Center. Patti Dubois, City Clerk in Waterville, and Maine Deputy Secretary of State Julie Flynn will conduct the workshop. It will include a review of duties for registrars of voters

and outline their tasks before, during and after Election Day.

The workshops start with registration at 8:30 a.m. and end at 4 p.m. The cost is \$60 for MTCCA members and \$80 for non-members.

SEPT. 7

Title 21-A: Caribou

Patti Dubois, City Clerk in Waterville, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A at the Caribou Inn and Convention Center on Sept. 7. The workshops will cover all aspects of administering state and federal elections at the municipal level.

Sponsored by the Maine Town & City Clerks' Association, the workshops will begin with registration at 8:30 a.m. and end at 4 p.m. Cost is \$60 for MTCCA members and \$80 for non-members. Member attendees are encouraged to wear their name badges. Clerks who have never overseen an election before are strongly encouraged to attend.

SEPT. 14

MBOIA Membership Meeting: Gray

The Maine Building Officials and Inspectors Association will hold a membership meeting at Spring Meadows Country Club in Gray on Sept. 14. The meeting begins with a continental breakfast at 9 a.m. and continues with a workshop on How the 2009 IECC Prevents Building Issues, from 10 a.m. to noon. There will be an MBOIA Business Meeting at 1 p.m. Cost to attend depends on when attendees register and whether they are MBOIA members.

SEPT. 14

GA Basics: Augusta

The Maine Welfare Directors Association will host a session on General Assistance Basics on Sept. 14 at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta.

This workshop provides a fundamental and sometimes intermediate overview of General Assistance principles and compliance. Cost for the session, which begins with registration at 8:15 a.m. and concludes at 3 p.m., is \$45 for MWDA members and \$65 for non-members.

SEPT. 14

Elected Officials Workshop: Portland

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Sept. 14 at the Embassy Suites by Hilton in Portland. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

The workshop is designed for newly elected officials, but veteran councilors and select board members may 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.

OCT. 27

Verbal Judo! in Bangor

A special MMA session – Verbal Judo: Tactical Communications for the Contact Professional – will be offered on Oct. 27 at the Bangor Hilton Garden Inn. If you work with the public and you ever find yourself in conflict situations, this workshop is for you. The featured speaker is Joel Francis of the Verbal Judo Institute.

The workshop, which includes five distinct "modules" addressing conflict resolution, begins with registration at 8 a.m. and concludes at 4:30 p.m. A reserved seat, workshop materials and light lunch will be provided. Cost for the workshop is \$95 for MMA members and \$190 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

New Sample Marijuana Moratorium Available

MMA's Legal Services staff has prepared a new and improved version of our sample Moratorium Ordinance Regarding Retail Recreational Marijuana.

Like the original, the new version temporarily (for 180 days) prohibits the licensing, location and operation of retail marijuana establishments, including retail stores, cultivation, manufacturing and testing facilities, and retail marijuana social clubs. But the new version also applies to any "retail recreational marijuana activity," which is meant to cover schemes that may not strictly meet the statutory definition of retail marijuana establishments or social clubs.

The new version also clarifies that it takes effect immediately upon adoption by the municipal legislative body (town meeting or town or city council), may be extended by the municipal officers (selectmen or councilors) for additional 180-day periods, and applies to all applications for local licenses and permits, whether or not pending or in process at the time of adoption.

Finally, the new version uses less legalese and is only half as long as the original.

We recommend our new and improved marijuana moratorium because the new version is much clearer and more comprehensive. Even municipalities that have adopted the old version may want to adopt the new one rather than extending the original (in which case, a new vote by the legislative body will be required). For a copy, go to www.memun.org and click on the Recreational Marijuana Resources graphic. (By R.P.F.)

'Paper Streets' Deadline for Extending Vacation: 9/29/17

"Paper streets" are roads or streets depicted on a recorded subdivision plan as proposed public ways but which have never been built or accepted as public ways.

Paper streets, especially those on older subdivision plans, can become a "cloud" on private land titles, adversely affecting marketability. So the Legislature in the 1980s enacted a law automatically vacating or extinguishing those shown on subdivision plans recorded

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 4 — (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 7 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.

prior to September 29, 1987 unless they were built and accepted as public ways by September 29, 1997, or unless the municipal officers (selectmen or councilors) voted to extend the 1997 deadline by 20 years, to September 29, 2017 (see 23 M.R.S. A. § 3032).

This law authorizes the municipal officers to extend the deadline for vacating paper streets for one additional 20-year period, to September 29, 2037, but notice of the vote must be recorded in the registry of deeds *before* the current ex-

tension expires on September 29, 2017. The vote itself may take place at any properly noticed public meeting of the board or council held prior to this date.

A sample recordable notice to extend the deadline is included in Appendix F to MMA's *Municipal Roads Manual*. The manual is available free online to members at www.memun.org.

Also, for a good overview of this subject, see the feature article "2017 Key Year for Maine's 'Paper Streets,'" *Maine Townsman*, November 2013. (By R.P.F.)

LEGAL NOTES

New Local Nomination Paper Filing Deadline

The Legislature has changed the filing deadline for municipal nomination papers from 45 days to 60 days prior to election day (see PL 2017, c. 248, § 9, amending 30-A M.R.S.A. § 2528(4)(C)). The change was made to give municipal clerks more time for printing absentee ballots, which must be available at least 30 days prior to election day (see 21-A M.R.S.A. § 752). The new 60-day filing deadline will also apply to referendum questions, whether submitted by the municipal officers (selectmen or councilors) or by voter petition (see 30-A M.R.S.A. § 2528(5)).

The new law was not enacted as an emergency, so it will not become effective until 90 days after the current legislative session adjourns. Since the Legislature adjourned on Aug. 2, 2017, the new law will not take effect until Nov. 1, 2017.

Also, the new law contains no special transition provisions, so clerks will be governed by the current 45-day filing deadline until the new law takes effect. This means that for any election scheduled for November 2017, clerks should make nomination papers available 85 days prior to election day, with a 45-day filing deadline. Referendum questions for a November 2017 ballot will also be subject to the current 45-day filing deadline.

Note that the new law changes only the *statutory* filing deadline for nomination papers and referendum questions. For municipalities governed by charter, this change may or may not apply, depending on the specific wording of the charter. (By R.P.F.)

IRS W-2 & 1099 Forms – Are They Confidential?

Question: We've received a public records request for our municipal employees' W-2 forms and our independent contractors' 1099 forms. Are these public or confidential records?

Answer: Both forms contain IRS (Internal Revenue Service) "return information," which is confidential under federal law (see 26 U.S.C. § 6103). This means return information is an exception to the definition of "public record" under Maine's Freedom of Access Act or FOAA

(see 1 M.R.S.A. § 402(3)(A)). The unauthorized disclosure of return information is a federal felony offense (see 26 U.S.C. § 7213), and anyone who discloses return information illegally may also be subject to civil damages (see U.S.C. § 7431).

To be clear, some of the information on a W-2 and a 1099 is public (principally, the taxpayer's name and the gross wages paid or payments made), and the forms could be heavily redacted to obscure everything else. But given the hefty criminal and civil penalties imposed by federal law, we do not recommend that the forms themselves, even as redacted, be released – the risk of an inadvertent illegal disclosure is just too great.

Instead, we suggest that gross wages paid to municipal employees and payments made to independent contractors be disclosed, if requested, by other means – for example, a treasurer's disbursement warrant, or a statement specially prepared in reply to a FOAA request and citing only the payee and the amount paid.

Incidentally, state tax return information is confidential under State law (see 36 M.R.S.A. § 191), so we offer the same advice as above with respect to requests for State copies of W-2 and 1099 forms.

For a detailed summary of what else is confidential in municipal personnel records, see "Personnel Records – What's Confidential?" *Maine Townsman*, Legal Notes, June 2006. (By R.P.F.)

No Liability for No Action on Dangerous Buildings

For some reason we've received several inquiries lately about whether a municipality can be held liable for failing to take action on a dangerous building. (Maine's "Dangerous Buildings" law authorizes, but does not require, a municipality to take steps to secure or demolish buildings that it deems a public health or safety hazard, see 17 M.R.S.A. §§ 2851-2859.)

We don't know precisely why, in each instance, the question was asked. Per-

haps an abutter has threatened suit if the town fails to act and they are injured or their property is damaged as a result. But we are confident of one thing: Neither a municipality nor its officials can be held liable for a decision not to intervene in a matter involving an allegedly dangerous building.

The reason for this is fairly straightforward. The Maine Tort Claims Act (MTCA) grants to municipalities and their officials absolute immunity from liability for "performing or failing to perform any discretionary function" (14 M.R.S.A. §§ 8104-B(3), 8111(1)(C)). Whether or not a municipality invokes the Dangerous Buildings law in a particular case is a purely discretionary decision based on the judgment of the municipal officers (selectmen or councilors) – they have absolutely no legal duty to act. A decision not to intervene therefore falls squarely within what the courts call "discretionary function immunity" as conferred by the MTCA.

For the record, the Maine Supreme Court reached the same conclusion with respect to municipal code enforcement functions, which the Court held were discretionary functions (see "City, Inspector Not Liable for Failure to Reinspect," *Maine Townsman*, Legal Notes, March 2002).

For full details on the Dangerous Buildings law, see our "Information Packet" by that title, available free to members at www.memun.org. (By R.P.F.) ■

PROFESSIONAL DIRECTORY

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207-873-5164

The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine. **MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.** For more information visit the MMA website: www.memun.org

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