

LEGISLATIVE BULLETIN

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Presumption vs. Prevention

This week, the Labor and Housing Committee heard testimony on a bill that would extend a rebuttable presumption of workplace injury to law enforcement officers who suffer from a cardiovascular injury or disease, joining firefighters who received this benefit several years ago.

LD 1123, *An Act to Create a Presumption That a Cardiovascular Injury or Disease or Pulmonary Disease Suffered by Certain Law Enforcement Officers Is in the Course of Employment*, sponsored by Sen. Mark Lawrence of York County, seeks to shift from law enforcement officials to public employers the burden of proving that a cardiovascular or pulmonary disease resulted because of the work performed. Ordinarily, the burden of proof for a workplace injury rests with the employee under the Workers' Compensation Act.

During the hearing, the proponents, including the Maine Chiefs of Police and the Maine Association of Police, stressed the need for the remedy proposed in the bill, as it would level the playing field among other public safety employees who have the rebuttal presumption for related injuries. By sharing their personal experiences, members of the law enforcement community also underscored the fact that law enforcement responsibilities place unique and tremendous pressures on an officer's health. Irregular sleep cycles, the stress associated with calls for response, as well as witnessing traumatic events, results in reduced life expectancies, increased risks for heart disease and increased exposure to cortisol, the harm-curbing hormone that is released during fight-or-flight situations, all have impacts on the physical and wellbeing of those called to law enforcement.

On this front, municipal officials wholeheartedly agree. A remedy is needed.

However, municipal officials oppose the approach envisioned in the bill for two reasons.

First, the proposed change will shift additional burdens onto the property taxpayers that currently fund the very programs that help enforce state laws. Additionally, local level efforts result in the generation of fine and fee revenue, with all collected funds deposited into state coffers. While it is only fitting that the state help fund the proposed remedy, LD 1123 does not include reimbursement for the proposed mandate.

Second, and more importantly, municipal leaders believe that preventing injury in the first place is a much better and more humane approach to addressing this problem.

To that end, in its testimony MMA spoke about yet-to-be-printed legislation, *An Act To Create The Public Safety Health and Wellness Fund To Benefit Public Safety Workers and Volunteers*, being advanced on behalf of the

(continued on page 2)

Hearings of The Week: MMA's Housing Bill

On Tuesday, **April 11 at 1:30 p.m. in room 216 of the Cross Office Building**, the members of the newly formed Housing Committee will accept public testimony on LD 665, *An Act to Extend the Date by Which Compliance is Required for Affordable Housing Development, Increased Numbers of Dwelling Units and Accessory Dwelling Units*.

The bill, sponsored by Rep. Allison Hepler of Woolwich on behalf of MMA, delays from July 1, 2023 to July 1, 2025 implementation of the housing bill enacted in 2022, which is commonly referred to as LD 2003.

What is of upmost importance is that LD 665 simply calls on the Legislature to honor the promises made to communities. While the enacted housing law envisions arming municipalities with the rules guiding implementation of the new regulations, and technical and financial assistance necessary to help municipalities comply with the state mandate, those resources have not yet been provided. The delay proposed in the bill would provide the state with the time necessary to secure and deliver promised resources and enable municipalities to adopt the ordinances necessary to implement the state's housing priorities. A win-win proposition.

Municipal officials are encouraged to participate in the public hearing, either in person in Augusta or via Zoom. For more information on how to participate in the hearing, please contact Rebecca Graham at rgraham@memun.org.

Dumpster Fires & Diving

Augusta was filled with trash talk this week as bills before both the Judiciary and Environment and Natural Resources Committees took divergent paths to increasing the recycling of municipal solid waste. While two bills sought to set fires in municipal dumpsters and call it “incentivizing” recycling, another sought to reduce liability for harm to municipal operators for the dumpster diving activities of enthusiastic community re-users.

On Wednesday, the Environment and Natural Resources Committee held hearings on two bills that would nearly quadruple the fees municipalities must pay for the landfilling of waste and increase municipal recycling reporting responsibilities to the Department of Environmental Protection (DEP) to annually, from the recently changed biennial requirement. Both bills, LD 1171, *An Act to Raise Funding to Support Waste Reduction, Reuse, Recycling and Composting in Maine* and LD 1172, *An Act to Reestablish Annual Reporting on Solid Waste in Maine*, were sponsored by Rep. Arthur Bell of Yarmouth.

At the request of ecomaine, LD 1171 would increase the tipping fees on municipalities from \$2.00 to \$7.00

per ton of municipal solid waste and construction and demolition debris. Ecomaine testified they felt the abysmal 33% recycling progress made by towns required punitive assessments for landfilling and advised that such an increase would collect revenue from out of state waste that would be excluded from the competitive grant programs funded by the fees. Ecomaine, a quasi-municipal recycling plant, food waste recovery facility and waste-to-energy plant also has a 33% recycling rate according to their own testimony.

Currently, Maine businesses, organizations and towns may apply for funds from the program funded by the fees to support recycling programs and education. The competitive grant process means communities must pay the state and then ask for money back to develop locally appropriate recycling programs weighed against all the neighboring communities seeking the same. Not only would the fee impacts be disproportionate on communities, but the most disadvantaged would also continue to subsidize grants realistically available only to municipalities in geographic areas closer to recycling markets.

LD 1172 would potentially be an

even greater burden on both DEP and some municipalities. It would change the current biennial reporting of recycling progress to the state from every other year to every year. Ecomaine stood alone in their support for this bill, as well, claiming the informative document created by the state was stale bread unless it was published annually.

In the room, opposition was the overwhelming response to both bills and included several legislators, town managers, waste managers, MMA and DEP. All opposition pointed to LD 1172 as pouring gasoline on the fiscal dumpster fire hurtling towards municipalities created by a continuing stream of PFAS into the solid waste and wastewater management streams. Trucking costs and inflation have stretched these operations beyond the point that is bearable to the property taxpayers.

Aroostook Waste Solutions, the provider of solid waste management services for 74% of The County, testified that LD 1171 would increase their annual operating costs by \$250,000, and disenfranchise the entire county of the local decision-making authority on locally generated and managed waste, giving funds to the state who would then decide what recycling programs would benefit from the revenue.

Increasing fees and reporting on all communities that do not equally benefit from the outcomes and calling it incentivizing smells foul at best.

The department also binned LD 1172 citing a need for additional staff to sort through the data and the length of time necessary to accomplish the task and a preference for improvements to the reporting system envisioned under the burgeoning Extended Producer Responsibility (EPR) Program, which will be fully online in 2027.

The EPR program, enacted last year, is the more appropriate path to increasing recycling by making the producer pay for the materials municipalities must manage based on recyclability. Commu-

Presumption vs. Prevention...cont'd

Association’s members. The proposal establishes a statewide reimbursement fund to offset the cost of providing public safety employees, including volunteer first responders, access to a specially designed health and wellness program that mitigates both the physical and mental health effects that the repeated exposure to traumatic events has on these professionals.

Specifically, the proposal would allow public safety agencies to receive reimbursement for the costs of providing informed mental health, wellness, and specialized cardiac screening for risk factors unique to public safety employees, which would be funded by

dedicating 5% of the gross sales and excise tax revenue generated by adult use cannabis establishments to the program. The result would be access to baseline risk screening and proactive health education for *all* public safety employees, not just those in larger communities with capacity.

Unfortunately, the “out of the box” solution-based approach to informing proposed legislation was not well appreciated, as the committee chair reminded members of the public to keep comments solely to the provisions of the proposed bill. Oh well, so much for open discourse.

A work session on LD 1123 has not yet been scheduled.

(continued on page 5)

HEARING SCHEDULE

For the week of April 10, 2023

MONDAY, APRIL 10

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

LD 1227 – An Act to Balance Renewable Energy Development with Natural and Working Lands Conservation

LD 1285 – An Act to Extend Funding for the Land for Maine's Future Program

LD 1441 – An Act to Enhance State Oversight of Water Use and Water Resources

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

LD 1301 – An Act Regarding Transition Coordination, Prisoner Attendance at Funerals, Furloughs, Visitation, Education and Discretionary Accounts at County Jails
1:00 p.m.

LD 1295 – An Act Regarding Penalties for Maintaining Drug-involved Premises

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

LD 1159 – An Act to Establish a Pilot Project Regarding Harm Reduction Health Centers

Judiciary
Room 438, State House, 12:00 p.m.
Tel: 287-1327

LD 1322 – An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation

LD 1397 – An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Records of Disciplinary Actions Against Public Employees

LD 1425 – An Act to Strengthen Freedom of Access Protections by Allowing Remote Meetings to Be Recorded

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

LD 1329 – An Act to Allow Delivery of Maine Craft Beer

TUESDAY, APRIL 11

Joint Select Committee on Housing
Room 216, Cross Building, 1:30 p.m.
Tel: 287-4149

LD 214 – An Act to Amend the Laws Regarding Zoning and Land Use Restrictions to Limit Certain Requirements to Municipalities with a Population of More than 10,000

LD 654 – Resolve, Directing the Finance Authority of Maine to Establish a Pilot Program to Encourage the Development of Accessory Dwelling Units

LD 665 – An Act to Extend the Date by Which Compliance is Required for Affordable Housing Development, Increased Numbers of Dwelling Units and Accessory Dwelling Units

LD 1154 – An Act Regarding Accessory Dwelling Units and Municipal Zoning Ordinances

LD 1358 – An Act to Clarify Density Requirements for Affordable Housing Developments

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

LD 1435 – An Act to Reduce Commercial Sexual Exploitation

Note: As of now, the legislative presiding officers have waived the requirement that bills be advertised for public hearing two weeks in advance; therefore, you should check your newspapers for Legal Notices as there may be changes in the hearing schedule. It is not uncommon at this time of the session to have a bill printed one day and a public hearing within a few days. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

Labor & Housing
Room 202, Cross Building, 1:00 p.m.
Tel: 287-1331

LD 310 – An Act to Increase the Workforce in the State

LD 571 – An Act to Develop Maine's Entry-level Workforce

LD 1376 – An Act to Create a Livable Wage by Increasing the Minimum Hourly Wage

LD 1403 – An Act to Promote Minimum Wage Consistency by Limiting the Authority of Municipalities Regarding Minimum Hourly Pay

LD 1419 – An Act to Inform Fair Minimum Rates of Wages and Benefits in Bids for Public Contracts Using State and Federal Data

LD 999 – An Act to Support Family Caregivers by Expanding Family Medical Leave

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 1118 – An Act to Reduce the Sales Tax on Automobiles

LD 1225 – An Act to Protect Housing by Increasing the Property Tax Fairness Credit

WEDNESDAY, APRIL 12

Education & Cultural Affairs
Room 208, Cross Building, 1:00 p.m.
Tel: 287-3125

LD 154 – An Act Regarding Special Education Funding for So-called Minimum Receiver School Administration Units

LD 385 – Resolve, Directing the Department of Education to Examine Alternative Metrics for Determining the Disadvantaged Student Factor in the School Funding Formula

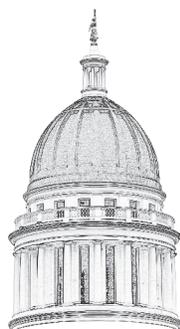
LEGISLATIVE BULLETIN

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HEARING SCHEDULE (cont'd)

For the week of April 10, 2023

LD 951 – An Act to Amend the State Education Funding Formula to Create Equity Between Municipalities by Adding Median Income to the Formula

LD 1160 – Resolve, Directing the Department of Education to Conduct a Study on the Equity of the State Education Subsidy Formula

LD 1402 – An Act to Provide an Additional Allocation in the School Funding Formula to Cover Tax-exempt Property or a Large Economically Disadvantaged Student Population

Energy, Utilities & Technology
Room 211, Cross Building, 2:00 p.m.
Tel: 287-4143

LD 965 – An Act to Subsidize Hydroelectric Power

LD 1111 – An Act Concerning Contracts and Agreement for Large-scale Water Extraction

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

LD 11 – An Act To Strengthen Temporary Protections for Children Living in Dwellings with Identified Lead Hazards

LD 81 – An Act to Address Recovery Residence Participation in the Municipal General Assistance Program

LD 775 – An Act to Require and Standardize Labeling of Water Treatment Equipment

LD 1204 – An Act to Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program for Incarcerated Persons

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 1335 – An Act to Amend the Property Tax Stabilization for Senior Citizens Law

LD 1345 – An Act to Permit Municipalities to Establish by Ordinance a Program for Partial Deferral of Property Taxes for Seniors

LD 1380 – An Act to Fund Municipal Administrative Costs Associated with the Senior Property Tax Stabilization Program

LD 1413 – An Act to Amend the Laws Establishing a Property Tax Stabilization Program for Senior Citizens

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

LD 406 – An Act to Expand Passenger Rail Service

LD 605 – An Act to Enhance Commuter-oriented Rail Service

LD 842 – An Act to Strengthen the Northern New England Passenger Rail Authority by Inviting Participation on the Board of Directors by and Negotiating for Funding from the State of New Hampshire and the Commonwealth of Massachusetts

LD 860 – An Act to Identify the Railroad Lines from Portland to Bangor as a Major Corridor and to Fund a Feasibility Study

LD 861 – An Act to Identify the Canadian Pacific Railway Railroad Lines from Hermon Station Through Brownville and Jackman to Quebec and Montreal as a Major Corridor and to Fund a Feasibility Study

LD 862 – An Act to Move Jurisdiction over Railroad Lines from the Department of Transportation to an Independent Rail Authority

LD 880 – Resolve, Directing the Department of Transportation to Initiate a Service Development Plan for Commuter and Passenger Train Service Between Portland and the Lewiston and Auburn Area

LD 1170 – Resolve, to Promote Passenger Rail for Commuters

Veterans & Legal Affairs
Room 437, State House, 1:15 p.m.
Tel: 287-1310

LD 1416 – RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Percentage of the Population Required to Submit a State Referendum Question

THURSDAY, APRIL 13

Energy, Utilities & Technology
Room 211, Cross Building, 1:00 p.m.
Tel: 287-4143

LD 1408 – An Act to Reduce Maine's Dependence on Fossil Fuels and Carbon Footprint for Energy Production Using Waste Wood Fuel

Labor & Housing
Room 202, Cross Building, 2:00 p.m.
Tel: 287-1331

LD 1302 – An Act to Create a Rebuttable Presumption Under the Workers' Compensation Law for Line Workers Diagnosed with Posttraumatic Stress Disorder

Taxation
Room 127, State House, 1:00 p.m.
Tel: 287-1552

LD 1386 – An Act to Require That a Completed Form for the Homestead Property Tax Exemption Be Provided to a Person Purchasing a Home

FRIDAY, APRIL 14

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

LD 599 – An Act to Provide Support Services for a Transitional Housing Program for Homeless Persons

Joint Select Committee on Housing
Room 216, Cross Building, 9:00 a.m.
Tel: 287-4149

LD 226 – An Act to Address Maine's Affordable Housing Crisis

LD 462 – An Act to Assist Persons Experiencing Homelessness in Areas of High Rent by Seeking a Waiver from the Federal Government

LD 470 – An Act to Support Lead Abatement in Older Residential Properties

LD 1310 – An Act to Establish a State Emergency Rental Assistance Program

LD 1422 – An Act to End Homelessness and Assist Students Who Are Homeless by Establishing a Housing Voucher Program and Providing Site-based Housing Services

nities will receive reimbursements based on their willingness to submit to the reporting requirements, and diversion efforts directly from the generators of the waste material while the generators will be hit with fees proportionate to their recyclable content. Additionally, the program requires producers to collect the material across the state effectively bringing the market to towns, rather than favoring the towns closest to the market.

On Thursday, the Judiciary Committee heard a bill proposal higher up the solid waste hierarchy from recycling, to incentivizing reuse. LD 1251, *An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities*, sponsored by Rep. Tavis Hasenfus of Readfield, would reduce the liability on municipal transfer stations for allowing and developing locally appropriate opportunities for enthusiastic re-users to pick through discarded material where it is dropped off.

Prompted by the closure of a picking pile during the pandemic and its failure to reopen, community members missing the opportunity to rummage working items no longer desired sought to find a way to encourage the local transfer station to allow picking through materials by reducing the possible liability for potential harm to the public for the choice to do so. Some materials are stored in precarious ways and should be avoided, while others provide a benefit by their recyclability like metal to help offset the extensive costs of managing solid waste.

Opposition came from trial attorneys who are concerned the language proposed would potentially remove even negligent behavior from liability. However, everyone agreed to work on appropriate language to make all stakeholders comfortable.

Dumpster diving would still not be allowed under any circumstances.

Materials management professionals would still have the voluntary ability to develop appropriate policies, post signs, and limit the areas allowable for picking. However, unless they actively direct individuals to climb piles, injuries and exposure to substances incurred by the public would be assumed at their own risk while rummaging through disposed items. Ultimately, there would be a reduction of material to transport to its next processing location.

It's clear that the way to incentivize the property taxpayer to better appreciate the work of managing waste is through community-based incentives, local decision-making authority, and equal access to recycling markets; not competitive grants available to the few on the backs of the many. The work sessions for LDs 1171 and 1172 will be held on Wednesday, April 12 at 2 p.m.

IN THE HOPPER

Criminal Justice & Public Safety

LD 1301 – An Act Regarding Transition Coordination, Prisoner Attendance at Funerals, Furloughs, Visitation, Education and Discretionary Accounts at County Jails (Sponsored by Rep. Collings of Portland)

This bill requires county jails to employ a transition coordinator who is responsible for creating a transition plan for each inmate scheduled for release. The bill requires county jails to have a written policy regarding prisoner leave for funerals, to provide all prisoners with a copy of the rules of the jail applicable to furloughs and to have a written policy regarding once-per-week visitation for prisoners and requires a county jail that maintains prisoner accounts containing money to be used within the county jail for optional items and services to create a fund to provide money in accounts for indigent prisoners. The bill requires the State to pay for certain prisoner education programs.

Education & Cultural Affairs

LD 154 – An Act Regarding Special Education Funding for So-called Minimum Receiver School Administration Units (Sponsored by Rep. Mathieson of Kittery)

This bill provides that, beginning in fiscal year 2023, the minimum state share of a school administrative unit's special education costs under the essential programs and services school funding formula must be 55%. The bill also requires the Department of Education to: (1) examine the methodologies used to determine when a school administrative unit is a minimum receiver; and (2) examine the trends in the units identified as minimum receivers and determine the factors

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the Legislative Bulletin to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, www.memun.org.)

that have caused any increases in the number units, the issues created for these units and methods by which those issues may be reduced or resolved. The department is further directed to report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs no later than January 2, 2024, which is authorized to report out legislation for consideration in 2024.

LD 951 – An Act to Amend the State Education Funding Formula to Create Equity Between Municipalities by Adding Median Income to the Formula (Sponsored by Rep. Geiger of Rockland)

This bill amends the calculation of the property fiscal capacity used in determining a municipality's contribution to the total cost of funding public education from kindergarten to grade 12 so that the land valuation and median income of a municipality are given equal weight.

LD 1402 – An Act to Provide an Additional Allocation in the School Funding Formula to Cover Tax-exempt Property or a Large Economically Disadvantaged Student Population (Emergency) (Sponsored by Rep. Brennan of Portland)

This bill provides for an additional allocation of school funding

Packin' Heat at the Polls

The Veterans & Legal Affairs room was full on Wednesday afternoon as the committee prepared to conduct several public hearings that extended beyond the normal “quitting time.” One such public hearing on LD 1255, *An Act to Improve the Security of Voting Places*, garnered significant attention from the public, legislators, and stakeholders.

This bill, sponsored by Rep. Poppy Arford of Brunswick, would ban dangerous weapons at voting places and provide an exception for law enforcement officers and for dangerous weapons that are locked in a vehicle. Dangerous weapons, as defined by statute, include firearms or other weapons, devices, instruments, materials, or substances capable of producing death or serious bodily injury.

While the bill was aimed at keeping the polling places safe for both election workers and voters to cast their ballots, the bill sponsor ended up in the hot seat when asked which constitutional right, the right to vote or the right to bear arms,

was deemed more important. The passion was evident as the committee chair had to remind members at several points throughout the public hearing to ask clarifying questions and not to debate the merits of the bill.

Several legislators rose to testify in support of the measure and were met with similar questions as the sponsor from committee members who were clearly opposed. Also supportive of the bill was the Secretary of State, MMA, and multiple members of the public, whose testimony ironically included that polling places should follow the lead of the Legislature—since dangerous weapons are not allowed in the state house.

Again, #awkward.

Opposition for the bill came from the Sportsman Alliance of Maine, the National Rifle Association, the Gun Owners of Maine, and members of the public who staunchly believe that this measure would infringe on the constitutional right of self-protection. Several opponents argued that a sign would not

prevent someone from shooting up a place but would instead create a soft target for violence. The opposition further argued that if the ability to protect ourselves was taken away, the need for protection would still exist and as such, security at the polls would be required.

The challenge surrounding concealed carry came up from all people testifying and the definition of the word “brandishing” when referring to a weapon was questioned several times.

While no security has been required in the polling stations located where dangerous weapons are currently prohibited, like schools and civic centers, town offices are exceptionally risky spaces under that logic.

As the public hearing was wrapping up, the tension could be cut with a knife—if knives were allowed in the state house that is. It’s obvious there are strong opinions and passionate voices on both sides of this issue and with a work session yet to be scheduled, the date will be anxiously awaited.

IN THE HOPPER (cont'd)

for a school administrative unit in which at least 15% of the school administrative unit has tax-exempt property that cannot be levied to support public education in the school administrative unit or for a school administrative unit in which at least 50% of students are eligible for free or reduced-price meals. The adjustment is funded through any unencumbered balances that otherwise would be carried forward into the next fiscal year in the Department of Education, General Purpose Aid for Local Schools program, General Fund account. To qualify for an adjustment, the school administrative unit is required to submit a plan for how the funds will be used to increase academic and social success of economically disadvantaged students. The amount of the adjustment must be based on a per-pupil rate calculated using the number of economically disadvantaged students and limited by the amount of funds available.

Health & Human Services

LD 81 – An Act to Address Recovery Residence Participation in the Municipal General Assistance Program. (Sponsored by Rep. Meyer of Eliot)

This bill requires a municipality to issue a general assistance housing assistance payment to the operator of a certified recovery residence upon request by an eligible person rather than to a landlord, including a property owner.

Joint Select Committee on Housing

LD 462 – An Act to Assist Persons Experiencing Homelessness in Areas of High Rent by Seeking a Waiver from the Federal Government (Sponsored by Rep. Madigan of Waterville)

This bill provides that if the fair market rent for existing housing is greater than the fair market rent calculated by the United States Department of Housing and Urban Development (HUD), the Maine Housing is required to seek a temporary waiver of the requirements of the so-called Section 8 housing program or other federal housing assistance program to permit additional funds to cover the cost of the actual fair market rent for a person who is homeless. The temporary waiver is terminated when the HUD calculated fair market rent is equal to or greater than the actual fair market rent for existing housing in the area.

LD 1154 – An Act Regarding Accessory Dwelling Units and Municipal Zoning Ordinances (Sponsored by Rep. Woodsome of Waterboro)

This bill provides that municipal zoning ordinances may provide for at least one accessory dwelling unit on a lot where a single-family unit is the principal structure, and clarifies that the lot is ineligible for any additional density increases, except as provided by municipal ordinance.

LD 1358 – An Act to Clarify Density Requirements for Affordable Housing Developments (Sponsored by Rep. Kuhn of Falmouth)

This bill changes the definition of “affordable housing development” in the laws governing affordable housing density to provide that an

Right To Know

A public hearing was held on Monday for LD 1203, *An Act to Clarify Deadlines in the Freedom of Access Act and Disclosure Provisions in the Intelligence and Investigative Record Information Act*, sponsored by Rep. David Boyer of Poland, before the Judiciary Committee.

The intent of this bill is to provide clarification on the definition of a reasonable timeframe in which an agency must respond to a Freedom of Information Act (FOIA) request with a good faith cost estimate on providing the information requested and allow for the prioritization of such requests. This bill also seeks to amend the Intelligence and Investigative Record Information Act (IIRIA) to allow the disclosure of records that could constitute an invasion of privacy unless consent is given by the individual, or by a family member if the individual is deceased, incapacitated or a minor.

With no one but the sponsor coming forward testify in support of the bill, attention turned to the opposition that in-

cluded the Department of Public Safety, MMA and the Maine Press Association. All three agreed that the section of the bill that amends the IIRIA needed more work or should be eliminated altogether.

Much like support for the bill, the sound of crickets could be heard when the chair asked for testimony neither for nor against.

Staying in the Right to Know vein, the committee later conducted a public hearing on LD 1208, *An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Time Estimates for Responding to Public Records Requests*, sponsored by Rep. Matthew Moonen of Portland. This bill would clarify language to better describe the scope of the fee for responding to an FOIA request, require an agency to specify an estimated timeframe for fulfilling the request, and increase the cost threshold for when an agency must furnish the requestor with such estimates.

MMA and the Maine Principals' As-

sociation spoke in favor of the measure as the language clarification and increase to the cost threshold make sense given the previous increase to the cost per hour charge from \$15 to \$25.

The Maine Chiefs of Police Association (MCPA) is opposed to the legislation, particularly the section of the bill that clarifies language to better describe the scope of the fees charged. They argued that this would prevent them from recouping the costs for things other than time, such as flash drives for transmittal of FOIA requests. The number of requests MCPA receives is staggering and responding to them takes time and resources to complete.

The Department of Public Safety testified neither for nor against but ultimately shares the same concern as MCPA on the section that would clarify language.

Work sessions for both bills are scheduled for Thursday, April 13 at 1:00 p.m. in room 438 of the state house.

IN THE HOPPER (cont'd)

affordable housing development is a development in which a household whose income does not exceed certain levels can afford a majority of the units in the development without spending more than 30% of the household's monthly income on housing costs.

Judiciary

LD 1322 – An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation (Reported by Rep. Moonen of Portland)

This bill implements the Right To Know Advisory Committee's remote meeting law recommendations, which seek to: (1) reinforce the authority of a public body to allow both members of the public body and public to participate in a proceedings via remote methods; and (2) clarify that the county commissioners, municipal officers or the officers of a regional or other political subdivision may adopt one remote participation policy that applies to all public bodies within their respective jurisdictions, or authorize an individual public body within that county, municipality or regional or other political subdivision to adopt its own policy.

LD 1397 – An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Records of Disciplinary Actions Against Public Employees. (Reported by Rep. Moonen of Portland for the Joint Standing Committee on Judiciary)

This bill provides that, notwithstanding any collective bargaining

agreement or other employment contract entered into on or after January 1, 2024, to the contrary, local government records may not be disposed of except in accordance with record retention schedules established by the State Archivist. The bill amends the statutes governing state, municipal and county employee personnel records to require that, in response to Freedom of Access Act requests for final written decisions, the responding public body provide the records in its possession or custody regardless of the specific file location in which the final written decision is located. The bill directs the State Archivist to revise the record retention schedules applicable to state and local government personnel records to require that final written decisions relating to disciplinary action be maintained for a period of 20 years or a lesser period depending on the severity of the conduct or disciplinary action. The State Archivist may increase the retention period beyond 20 years for final written decisions relating to law enforcement employee disciplinary actions that could be used to impeach the credibility of the law enforcement officer if the law enforcement officer is a witness in a criminal case.

LD 1425 – An Act to Strengthen Freedom of Access Protections by Allowing Remote Meetings to Be Recorded (Sponsored by Rep. Perkins of Dover-Foxcroft)

This bill provides that a public body must allow for remote recording of a public meeting by members of the public on the same platform that is used to conduct the meeting as long as additional costs are not incurred by the public body.



IN THE HOPPER (*cont'd*)

Labor & Housing

LD 1403 – An Act to Promote Minimum Wage Consistency by Limiting the Authority of Municipalities Regarding Minimum Hourly Pay (Sponsored by Rep. Morris of Turner)

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

Taxation

LD 1335 – An Act to Amend the Property Tax Stabilization for Senior Citizens Law (Sponsored by Rep. Boyer of Poland)

This bill proposed to amend the Property Tax Stabilization law by providing that: (1) eligible individuals who are married to each other may not receive property tax stabilization for more than one homestead; (2) homesteads held in trust qualify for stabilization; and (3) each application after the initial application must contain information indicating any additions or improvements that have been made to the eligible homestead since the previous application.

LD 1345 – An Act to Permit Municipalities to Establish by Ordinance a Program for Partial Deferral of Property Taxes for Seniors (Sponsored by Rep. Moriarty of Cumberland)

This bill permits municipalities to establish a program by ordinance for seniors that provides for partial stabilization of property taxes accompanied by deferral of the amount of taxes due in excess of

the stabilized amount. Residents of a municipality that adopts such a program may not participate in the State's property tax deferral or stabilization programs.

LD 1380 – An Act to Fund Municipal Administrative Costs Associated with the Senior Property Tax Stabilization Program (Sponsored by Sen. Baldacci of Penobscot Cty.)

This bill requires the State to compensate municipalities for 100% of the cost of administering the senior property tax stabilization program.

LD 1386 – An Act to Require That a Completed Form for the Homestead Property Tax Exemption Be Provided to a Person Purchasing a Home (Sponsored by Sen. Pouliot)

This bill requires the settlement agent for the conveyance of residential real property to provide the buyer with a completed application for the Maine resident homestead property tax exemption. If the buyer signs the application, the settlement agent is required to submit it to the municipal assessor for the residential real property being conveyed.

LD 1413 – An Act to Amend the Laws Establishing a Property Tax Stabilization Program for Senior Citizens (Sponsored by Rep. Russell of Verona Island)

This bill establishes an income eligibility requirement for the senior property tax stabilization program and provides for annual indexing of the income thresholds. The bill also requires certification of eligibility by the State Tax Assessor and repeals the provision in current law that eligibility for the program may be transferred to a different municipality if an eligible individual changes homesteads.