



LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLVII No. 10 • MARCH 28, 2025

A Lot at Stake...

The Budget Saga Continues

Just when you thought it was over, the enactment of the baseline FY 2026-2027 General Fund budget has once again diverged from its course.

On March 25, a group of current and former Maine lawmakers submitted an application for a people's veto referendum, challenging the enactment of PL 2025, c. 2, printed as LD 609. This bill, which was described in last week's *Legislative Bulletin*, contains the baseline appropriations and expenditures necessary to close out FY 2025 and enables the state to continue its operations as of July 1 of this year. Among the FY 2026 and FY 2027 appropriations are \$1.5 billion for K-12 education, \$265 million in each year of the biennium for the revenue sharing program, and \$20.3 million in both FY 2026 and FY 2027 to help support county jail operations.

Due to the submission of the application, the implementation of the budget is on hold.

According to Secretary of State Shenna Bellows, the receipt of the application is just the first of many steps in a process laden with deadlines.

The secretary has until April 8 to draft the wording of the ballot question and share it with the applicants before issuing the physical petitions on which signatures will be gathered and recorded. The petitioners will then have until 5 p.m. on June 18 to collect the required number of signatures, which is based on the number of votes cast in the previous gubernatorial election and currently set at 67,682.

If petitioners submit collected signatures by the June deadline and the secretary certifies that a required number of signatures are valid, then implementation of LD 609 will remain on hold until a referendum election is held.

Again... state funding for schools, municipalities and counties will not be distributed.

Until when you might ask?

At best until after the November 4 referendum election results are certified. However, if the referendum question is approved by voters, then the delay will be extended until the Legislature can reconvene to draft and adopt a replacement budget.

For Maine students, property owners and state, school, county and municipal service providers the news does not get better.

According to the attorneys who advise the Secretary of State's Office, there is nothing in Maine's constitution that permits the adoption of a continuing resolution or requires the previous year's budget to stand as a placeholder.

As provided in a June 2013 Attorney General's (AG) opinion, authored by then AG Janet T. Mills, "Contrary to what the Congress has

sometimes done, the Maine Constitution and statutes neither authorize nor envision a continuing resolution or any similar mechanism."

The AG also noted that "Maine law requires a biennial budget. Even if it did not do so, any short term emergency budget, passed with a two-thirds vote, would throw the state into financial uncertainty and would face significant opposition from bondholders, schools, hospitals and thousands of entities to whom the state has continuing and long-term obligations."

In the vein of placing a Captain Obvious inspired finer point on this needle, a lot is at stake.

Move Fast and Break Stuff?

Every public policy initiative encounters some level of resistance if it is disruptive enough. However, sometimes it is worth reflecting on the history of a public policy process before ripping it up. While moving fast and breaking stuff creates both a boom and a bust in the tech world, moving fast in public policy means ignoring the well-honed phrase "if it's predictable, it's preventable," and in ideal worlds, politicians ask "to what end?"

This week, several public hearings were held in the Housing and Economic Development Committee seeking to rip up all the hours residents spent on adopting local zoning districts statewide to prohibit "commercial only" districts under LD 997, *An Act to Allow Residential Use Development in Commercial Districts*, and demand the overriding of deliberate and sensible review to protect the natural environment and expediate housing projects that receive MaineHousing funding under LD 970, *An Act to Prioritize Affordable Housing by Expediting Reviews for Affordable Housing Projects Applying for Funding from the Maine State Housing Authority*. Both bills are sponsored by Rep. Malon (Biddeford).

Under LD 997, testimony from the Mills Administration supported the bill but suggested amending the language to clarify that municipalities be allowed to restrict residential use on the first floor of commercially zoned properties. Evidently, formerly contaminated sites perfectly fit for commercial use, and unfit for residential uses including those directly in flood plains in riverine communities, should still be allowed despite the local knowledge that eliminated them from the option. Additional proponents included the real estate and development industry, the Affordable Housing Coalition and the Sierra Club, all of whom favor the already allowable mixed-use development that can occur where it is sensible and desired in any community without state intervention.

So, what is the issue that can't be solved using the existing local

(continued on page 2)

Move Fast and Break Stuff?.....cont'd

tools that demand a statewide sledgehammer? MMA, the Maine Service Center Coalition, and Maine Association of Planners remain unclear on this point, and all testified in opposition. The public hearing did not illuminate a path that was not already possible but rather seemed to focus on disliking the democratically led and informed voices that designate some zones as unfit for residential uses. In many instances, those local decisions were shaped with the hope to retain the harmony with economic development that incompatible commercial districts provide on otherwise low value land.

The next bill, LD 970, would start a time clock on all site development applications triggering the need for a complex review of large scale development to occur within 30 days or automatically be approved. Projects under site development law require additional reviews from the Department of Environmental Protection, Maine Historic Preservation, and natural lands and habitat protection programs along with local planning board and sometimes federal stormwater permit conditions in overly developed communities.

To his credit, Rep. Malon recognized the deadline may not be appropriate and hoped that conversations around the proposal might help move an acceptable solution forward. The same real estate and development players who supported LD 997 also testified to the need for expedited timeframes by claiming long delays in these unnecessary (yet legislatively created and federally required in the case of stormwater) reviews were adding costs that were keeping affordable housing projects unaffordable.

Federal stormwater permit programs, commercial only districts, and thorough reviews of large scale projects that encompass more than 20 acres of soil disturbance are necessarily laborious for good reasons. Over developed cities are dealing with the sins of the past through the most expensive infrastructure possible because the natural environment that slowed stormwater flow and retained natural habitat for wildlife has been long since removed from Maine's largest cities. The rest of the state's towns and cities have no desire or need to follow suit.

Unlike LD 997, LD 970 did not have state

support from the Department of Environmental Protection. Staying until the bitter end of a long day, Director Wood of the Land Bureau testified that the 30-day deadlines proposed by the bill were not only unachievable in the department's under-resourced reality, but likely could never be achieved in a perfect world due to the involvement of multiple other state departments in the process. The Legislature of long ago valued the cultural, environmental and historic character that such projects often disrupt regardless of what type of development occupies the disturbed lands. Habitat paved will not return to its former state.

While officials are sympathetic to the housing need, they have already changed local rules that are building units across the state while the public hearings removing their tools continue. If it's predictable, it's preventable and ignoring environmental and planning reviews for the sake of saving developer dollars should be suspect to anyone who knows how we got "here" from "there."

Work sessions on these bills have not yet been scheduled.

IN THE HOPPER

(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.)

Criminal Justice & Public Safety

LD 993 *An Act to Require First Responder Training for Mental Health Crisis and Critical Incident Stress Recognition* (Sponsored by Sen. Nangle of Cumberland Cty.)

This bill directs the Department of Public Safety to develop and implement training to be presented every three years to first responders and other similar professions that teaches self-recognition and management of mental health crises and critical incident stress for the participants of the training and for the participants to recognize and manage mental health crises and critical incident stress in others.

Energy, Utilities & Technology

LD 1096 *An Act to Allow Municipalities That Have Financed Fiber-optic Broadband Infrastructure to Use Loans or Grants to Repay Associated Debt* (Sponsored by Rep. Mingo of Calais)

This bill authorizes the use of Municipal Gigabit Broadband Network Access Fund revenue to aid municipal entities in repaying debt that was incurred

for the construction of a municipally owned gigabit fiber-optic broadband network project. The bill also authorizes the Maine Connectivity Authority to provide loans or grants to municipal entities for the repayment of debt incurred and requires the authority to permit the use of funds for the repayment of debt unless prohibited by the source of the grant or award.

Environment & Natural Resources

LD 62 *An Act to Support Municipal and County Actions on Dam Ownership* (Sponsored by Rep. Milliken of Blue Hill)

This bill amends the Department of Environmental Protection's process regarding the release of dam ownership by requiring the owner to provide sufficient information to enable individuals and groups who own property abutting the dam site, commissioners from the Departments of Inland Fisheries & Wildlife and Agriculture, Conservation & Forestry, director of the MEMA, and representatives of tribal government, municipal officers and county commissioners in the area where the dam is located to determine whether to assume ownership of the dam. The bill also amends the laws governing the timing of a municipal public meeting regarding the release of ownership from no later than 60 days to 180 days after receiving notice of such an action.

State & Local Government

LD 1131 *An Act to Reform the Process by Which a Person May Petition an Agency to Adopt or Modify Rules Under the Maine Administrative Procedure Act* (Sponsored by Rep. Soboleski of Phillips)

(continued on page 7)

HEARING SCHEDULE

For the week of March 31, 2025

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

MONDAY, MARCH 31

Criminal Justice & Public Safety
Room 436, State House, 9:30 a.m.
Tel: 287-1122

LD 330 Resolve, to Create an Advisory Council to Oversee the Review and Technical Revision of the Maine Criminal Code and Other Statutes Establishing Criminal Offenses

LD 822 An Act to End the Collection of Certain Probation Fees

LD 1034 An Act to Decriminalize Personal Possession of Therapeutic Amounts of Psilocybin for Adults

1:00 p.m.

LD 962 An Act to Establish the Offense of Aggravated Operating Under the Influence Resulting in the Death of a Pet

LD 1024 An Act to Expand the List of Crimes That Do Not Qualify for Immunity Under Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance

LD 1074 An Act to Remove the Limit on the Length of Probation That May Be Served for Aggravated Attempted Murder

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

LD 211 An Act to Make School Safer for Students with Epilepsy and Other Seizure Disorders by Requiring Seizure Action Plans and Training in Schools

Environment & Natural Resources
Room 216, Cross Building, 10:00 a.m.
Tel: 287-4149

LD 62 An Act to Support Municipal and County Actions on Dam Ownership

LD 531 An Act Regarding Dam Ownership

LD 935 Resolve, Directing the Department of Environmental Protection to Report on Air and Soil

Chemical and Metal Levels and on Soil Testing on Solar Panel Farm Sites

LD 1083 Resolve, to Require the Department of Environmental Protection to Assess Existing Water Retention Structures and Water Levels

LD 1207 An Act to Require the Department of Environmental Protection to Monitor Air and Water Temperatures Around Commercial Solar Energy Developments

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

LD 871 An Act to Exempt All Persons, Including Health Care and Emergency Services Personnel, from COVID-19 Vaccine Requirements

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

LD 1164 An Act to Create Economic Opportunity for the Wabanaki Nations Through Internet Gaming

1:00 p.m.

LD 1222 An Act to Limit Sovereign Immunity for Schools and School Superintendents

2:00 p.m.

LD 1335 An Act to Prohibit Life Sentences

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

LD 965 An Act to Require the Automatic Repealing of Agency Rules

1:00 p.m.

LD 1121 An Act to Ensure Equitable Access for All Caregivers to Diaper Changing Stations in State Buildings Open to the Public

LD 1131 An Act to Reform the Process by Which a Person May Petition an Agency to Adopt or Modify Rules Under the Maine Administrative Procedure Act

Veterans & Legal Affairs
Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 1148 An Act to Improve Access to Absentee Ballots for Municipal Elections

for Uniformed Service Voters and Overseas Voters

TUESDAY, APRIL 1

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

LD 86 An Act to Update the Laws Regarding Education

Health Coverage, Insurance & Financial Services
Room 220, Cross Building, 1:00 p.m.
Tel: 287-1314

LD 1058 An Act to Prevent Dental Insurance Companies from Denying Coverage When Other Insurance Is Involved

LD 1195 An Act to Amend the Provisions of the Maine Workers' Compensation Act of 1992 Governing Requirements for Self-insurers

Housing & Economic Development
Room 206, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 1067 An Act to Improve the Process for Mobile Home Owners to Purchase Their Mobile Home Park

LD 1145 An Act to Protect Residents Living in Mobile Home Parks

LD 1183 An Act to Ensure Rent-to-own Protections Apply to Mobile Home Park Tenants

LD 1190 An Act to Increase State Funding for Emergency Shelters

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

LD 598 An Act to Require Minimum Pay for Reporting to Work

Transportation
Room 126, State House, 2:00 p.m.
Tel: 287-4148

LD 154 An Act to Amend the Transportation Laws

LD 1039 An Act Regarding Municipal Authority over Heavy Vehicle Operation

LD 1156 An Act to Allow Military Surplus Vehicles to be Collected and Used in Patriotic Exhibitions and Parades

(continued on page 5)

Municipal Reporting of Opioid Settlement Funds

Over the past two weeks, the Health and Human Services (HHS) Committee has heard several bills related to public health and recovery. All aim to provide support for Maine residents who are recovering from addiction and could benefit from increased state and local support.

It may seem like the administration of syringe service programs and opioid settlement funds would be outside of the municipal purview, but for a select few municipalities those tasks are a reality.

LD 110, *An Act to Require Reporting on the Expenditure of Opioid Settlement Funds by Certain Municipalities and County Governments*, sponsored by Rep. Brennan (Portland) and heard on March 13, would require direct share subdivisions that receive opioid settlement funds to submit an annual report outlining the expenditures of those funds to the Attorney General's (AG) office. Unlike the Maine Service Center Coalition and Maine County Commissioners Association, MMA's Legislative Policy Committee supported the measure, stating that reporting usage of those funds only makes sense and hoping that the state would follow suit and report its own expenditures in a similar manner.

The AG's webpage directs all inquiries specific to the local expenditure of opioid funds to the respective city or town office. Some proponents of the bill claimed that requests made to local municipal offices for documentation of already spent opioid funds were answered with website addresses where council minutes could be found or instructions on how to submit a FOIA request. The proponents advocated for transparency in the spending of "blood money" and further stated that ascertaining how municipalities are spending those funds should not be a burden that falls to the general public.

Both the 2022 and 2023 Maine Subdivision Memoranda of Understanding Regarding Opioid Settlement Funds (MOU) outlined specific "approved uses" of those funds in schedules describing remediation and abatement procedures to, "supplement and strengthen...opioid use disorder prevention, harm reduction, treatment and recovery." What the MOU does not prescribe is any sort of reporting method, relying solely on the notion that subdivisions in receipt of

funds will follow the letter of the law, or in this case the settlement agreement, in the administration of the disbursement of funds.

The AG's website provides not only the MOU documents and a listing of municipalities and counties that are receiving funds, but a variety of valuable resources for those entities determining if proposed activities qualify as approved uses. Tools include publications from the Johns Hopkins Bloomberg School of Public Health covering public planning and use of abatement funds, as well as resources for evidence-based spending. In addition, the National Association of County and City Health Officials provides an Opioid Epidemic Toolkit. Several other resources are provided, including one from the National League of Cities, an MMA partner, titled *Aligning City, County and State Resources to Address the Opioid Epidemic*.

It is worth noting that while municipal officials are not currently required to report on the usage of funding, it is not due to a lack of desire to be transparent beyond their existing public notice obligations. Only one of the resources provided on the AG's website even touches upon a public process to determine how and where to spend those funds and makes no mention of an additional method for informing the public of expenditures resulting from the process. Likewise, there seems to be a lack of state transparency, which also places the burden of obtaining state opioid settlement fund expenditures on the general public.

However, for those who might not know where to look, reports from the AG are available for review which speak to the status of the Maine Recovery Fund, overseen by the Maine Recovery Council. The AG is required, through the MOU, to report to the Health and Human Services (HHS) Committee, "...at least annually on or before the 2nd Friday in December" of each year and, "...summarize the activity in any funds or accounts..."

The December 2024 letter indicates that as of October 31, 2024, the Recovery Fund balance was \$36.2 million. In the fall of 2024, through a grant application process, the Recovery Council reviewed nearly 350 letters of interest and applications looking for project funding. Forty-three projects were awarded grants totaling nearly \$14 million. It is important to note that these

funds equal only 50% of the settlement funds, with 20% going directly to the AG's office and the remaining 30% distributed to 39 counties and municipalities.

While the report to HHS includes a graphic of those awards, including the funding amounts and the project descriptions, this information is nowhere to be found on the AG's opioid resource webpage. In fact, none of the statutorily required reports to the HHS committee are available for review outside of the committee's webpage where they are hidden among every report submitted to the committee during the session.

The work session for LD 110 was held on Wednesday, March 26. Although MMA staff testimony suggested the wording of the bill may trigger the constitutional mandate provision, the Office of Fiscal Policy and Review did not flag the bill as a mandate.

A representative of the AG's office was on hand and offered a streamlined solution for municipalities to report their expenditures through a program conducted in partnership with the Catherine Cutler Institute's Substance Use Research and Evaluation (SURE) Resource Center at the Muskie School of Public Service at USM. A July 2, 2024, press release stated, "Municipalities and counties receiving settlement funds will be invited to opt-in to any of the services the Resource Center will offer..." While that statement doesn't mention any technical assistance for reporting, the AG representative described the Maine Opioid Settlement Support (MOSS) program through the institute as already being underway and working with 30 of the 39 subdivisions receiving funds. MOSS is creating a dashboard and survey for reporting, estimated to take 15-20 minutes to complete, annually in December, likely to coincide with the statutorily required report by the AG to HHS.

The bill was amended slightly to fix technical and legal language issues raised by the AG, none of which changed the intent of the bill. In addition, members asked that the AG compile the results of municipal annual reporting for submission to the committee. The AG representative agreed to that task but made no mention of the state utilizing the same service to provide more transparency in their reporting. The bill passed unanimously out of committee as amended.

HEARING SCHEDULE (cont'd)

For the week of March 31, 2025

LD 1209 Resolve, to Create a Working Group to Study the Safety and Use of Small Lightweight Vehicles on Maine's Roads and Highways, the Systems and Laws Governing Antique Vehicles and the General Improvement of Road Safety

WEDNESDAY, APRIL 2

Criminal Justice & Public Safety
Room 436, State House, 9:30 a.m.
Tel: 287-1122

LD 841 Resolve, to Study the Delivery of Emergency Medical Services to and Ferry Service Effects on Island Communities in the State

LD 993 An Act to Require First Responder Training for Mental Health Crisis and Critical Incident Stress Recognition

Energy, Utilities & Technology
Room 211, Cross Building, 10:00 a.m.
Tel: 287-4143

LD 1080 An Act Prohibiting Public Utilities from Requiring Deposits Based Solely on a Residential Customer's Income

LD 1127 An Act to Establish Immunity for a Receiver Appointed by the Public Utilities Commission to Oversee the Operations of a Consumer-owned Water Utility

3:15 p.m.

LD 1096 An Act to Allow Municipalities That Have Financed Fiber-optic Broadband Infrastructure to Use Loans or Grants to Repay Associated Debt

LD 1130 An Act to Advance Long-duration Energy Storage Within the State

Taxation
Room 127, State House, 10:00 a.m.
Tel: 287-1552

LD 1112 RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Not Less Than 90 Percent State Reimbursement for Residential Real Estate Property Tax Exemptions and to Establish a Minimum Homestead Exemption

LD 1144 An Act to Reinstate the Property Tax Stabilization Program

LD 1168 An Act to Amend the Law Regarding the Current Use Valuation of

Certain Working Waterfront Land with Respect to Commercial Boat Yards

LD 1206 An Act to Control Property Taxes by Increasing the Percentage of the Business Equipment Tax Exemption That Municipalities May Recover

1:00 p.m.

LD 1044 An Act to Clarify the Qualifying Use of Tax Increment Financing for Extension of a Development District

THURSDAY, APRIL 3

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

LD 692 An Act to Increase Support for Statewide Emergency Broadcast Messaging

LD 783 An Act to Continue Support for the Maine Multicultural Center

LD 1123 An Act to Provide Funding for MaineCare-related Services for Public Schools

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

LD 263 Resolve, to Provide Rural Nonmedical Transportation Services to the Elderly and Adults with Disabilities Receiving Home and Community Benefits Under MaineCare

LD 938 An Act to Implement Certain Local Spending and Sourcing Requirements Regarding the Statewide Supplemental Nutrition Assistance Program

LD 943 An Act to Require the ASPIRE-TANF Program to Be Administered by State Employees

LD 1235 An Act to Establish Transparency in Opioid Settlement Funds Allocated to Municipalities or Counties

Housing & Economic Development
Room 206, Cross Building, 1:00 p.m.
Tel: 287-4880

LD 1170 An Act to Make the Maine Redevelopment Land Bank Authority Responsible for the Transfer and Development of State-owned Surplus Land

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

LD 1082 An Act to Invest in Maine's Families and Workforce by Amending the Real Estate Transfer Tax

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

LD 290 An Act to Remit 15 Percent of the Fine for a Violation of the Motor Vehicle Laws to the Municipality in Which the Violation Occurred

LD 611 An Act to Allow the Secretary of State to Collect Excise Taxes on Motor Vehicles Owned by Residents Who Are Unhoused

LD 807 An Act to Limit the Number of Free Motor Vehicle Registrations That May Be Provided to a Disabled Veteran and Reimburse Municipalities for the Loss of Excise Taxes

LD 1020 An Act to Repeal the Laws Providing for the Construction of a Connector to Gorham and to Resell Land Taken Under Those Laws to Previous Property Owners

FRIDAY, APRIL 4

Judiciary
Room 438, State House, 9:30 a.m.
Tel: 287-1327

LD 1189 An Act to Prohibit Arrest and Detention for Civil Violations and Require an Attorney for the State to Determine Whether to Charge a Class E Offense as a Civil Violation

1:00 p.m.

LD 958 An Act to Prohibit Eminent Domain on Tribal Lands

Transportation
Room 126, State House, 10:00 a.m.
Tel: 287-4148

LD 676 An Act to Fund the Recommendations of the Mountain Division Rail Use Advisory Council

LD 956 Resolve, Directing the Department of Transportation to Implement the Recommendation of the Calais Branch Rail Use Advisory Council to Create a Multi-use Trail

Utility Poles vs. A Can of Worms

Municipal authority over utility pole permits was a topic of discussion on Tuesday, March 18 for the Energy, Utility and Technology Committee as they heard testimony from interested parties for the aptly titled LD 873, *An Act to Expand Municipal Authority over Utility Pole Permits*, sponsored by Rep. Abdi (Lewiston), who brought this bill forward on behalf of a member of the Lewiston City Council.

The bill would simply reduce the population threshold by which a municipality could revoke the location of a utility pole when it is required for public welfare and safety reasons and is in response to a particular issue that occurred in Lewiston. When questioned about the specific discussions that occurred between the City of Lewiston and the pole owner, the bill sponsor promised to bring the conversation details back to the work session.

The Maine Municipal Association (MMA) was the only proponent for LD 873, based on a preliminary poll of its members with a promise to update testimony should the position change at their upcoming meeting. There was general support for the bill among Legislative Policy Committee (LPC) members, who noted the bill would only include two additional municipalities and questioned why there was a population limit tied to the statute at all. The LPC suggested the committee consider eliminating the threshold altogether since municipalities are best positioned to determine when poles within their borders need to be relocated.

Committee members were also befuddled as to the reasoning behind the original population limit in statute and further requested that MMA come back to the work session with the LPC's position on specific language

choices in statute, and concerns regarding the attachments, besides electricity, to the poles including E-911 infrastructure.

Opposition to the measure came from Consolidated Communications, Inc. (CCI) who testified that the logistics for the whole process for over 400 towns and cities would be overwhelming. Furthermore, the current statute has worked well for Portland and is not currently ever utilized, therefore they don't feel that meddling with the statute is necessary.

Fast forward to March 25 when the committee gathered around the horseshoe to conduct work sessions on several bills including LD 873. The analyst provided her summary that included the responses from MMA regarding their information requests, whose position of support did not change.

The committee asked the representative of CCI if it was their position that lowering the threshold would increase the usage of the statute and if there was harm in reducing the population limit. Although it would not necessarily be harmful, in their opinion, it

raises the question of what it looks like to lower the threshold—more out of a fear of the unknown in a sense.

The committee discussed the situation in Lewiston in depth and debated how long it is appropriate to wait for a response from the utility when a request for a pole relocation is made. Specifically, the committee asked the small business, Dirigo Electric Cooperative, if they had concerns with pole relocations. They reported that any requests for service have been responsive and have not experienced the issues described by others.

Rep. Kessler (South Portland) stated for the record that he supports the bill including the suggested changes by MMA to eliminate the threshold. Shortly after, committee members went behind closed doors to discuss.

Upon return, Rep. Webb (Durham) stated that he would only vote for the bill if it did not include MMA's suggested changes since he feels it opens a can of worms. With that, Rep. Kessler moved "ought to pass" on LD 873 and it left the committee with a divided report.

Local Control, Up In Smoke

On March 19, the Veterans and Legal Affairs Committee met to hear testimony on proposed legislation, one of which was LD 948, *An Act to Reduce Administrative Burdens and Expand Access in the Laws Governing Cannabis*, sponsored by Rep. Pluecker (Warren). The bill aims to extend the registration and licensing periods, for both medical and adult use, from one year to two years, and increases the number of cannabis plants or canopy that a caregiver can cultivate.

According to the bill sponsor, LD 948 would help caregivers by expanding the allowable cultivation amount which aligns with recreation cultivation laws and would improve supply and choice available to patients. Further, expanding the registration and licensing periods would alleviate the administrative burdens placed on these small businesses.

These sentiments were supported by testimony from several industry representatives who shared their personal struggles around the registration renewal process particularly when dealing with the Office of Cannabis Policy (OCP), and how the increased cultivation amounts would allow them to compete with larger businesses.

What seems to be forgotten is that caregivers were intended to be small businesses that helped qualifying patients acquire their medicine at a time when retail dispensaries were not as abundant as they are today. Caregivers are not subject to municipal approval and municipalities are further limited in their ability to regulate such operations. As the industry has bloomed, it makes sense that under the current model caregivers would see a decline.

From the municipal perspective and provided in the Maine Municipal Association's (MMA) testimony in opposition to LD 948, if a caregiver would like to increase their cultivation amounts, there is currently a method in place—they can apply for the appropriate license, pay the applicable fees, and make the change.

However, depending on a municipality's ordinances, the expanded activity may not currently be allowed in their community, which is where the issue lies. For this reason, MMA suggested that the bill be amended to require municipal approval if a caregiver wants to increase the amount of cannabis cultivated over the current amount.

(continued on page 7)

LEGISLATIVE BULLETIN

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

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to:

Legislative Bulletin

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
207-623-8428 Website: www.memun.org

Editorial Staff: Kate Dufour, Rebecca Graham, Rebecca Lambert, Amanda Campbell and Laura Ellis of Advocacy & Communications.

Layout: Sue Bourdon, Advocacy & Communications

Local Control, Up In Smoke.....cont'd

Information requests from the committee included a request that the Attorney General or a representative of the office attend the work session and provide more information on the licenses that allow an unlimited cultivation canopy, and violations of such.

Rolling up to the work session on Wednesday, March 26, the analyst provided a summary of the information shared at the public hearing. Following the summary, the committee asked OCP Director John Hudak to provide information around the differences between dispensaries and caregivers. His answer confirmed that caregivers are intended to be smaller operations that can transition into a larger business. However, the larger operation also comes with higher registration fees that reflect the larger scale of operation.

Rep. Malon (Biddeford) asked if there

was a threshold in place to determine at what point a caregiver is no longer a caregiver. A valid question, and one that has crossed the minds of municipal leaders, which pointed to the allowable cultivation limits. Registered dispensaries can grow an unlimited amount of cannabis and have local authorization requirements that do not pertain to caregivers.

Discussions moved on to the issues heard at the public hearing relating to online registration and renewal processes and lingered for some time. With so many questions that arose with registration, licensing and other reported regulation issues, multiple individuals from OCP were available to help clarify processes. A detailed description of the renewal process was given by an OCP representative along with an offer to provide a walk-through demonstration of how the online process works,

which was declined.

It was at this point that a member of the committee left the room chanting “blah, blah, blah.”

Unfazed, Rep. Boyer (Poland) expressed his displeasure that OCP is taking money for registration fees when the approval has not been granted. In his view, the payment should change hands after the approval has taken place. Rep. Malon moved to table LD 948, which passed with all but Rep. Boyer in favor.

Time will tell if municipalities will be granted the authority to approve an increase to a caregiver’s allowable cultivation amounts. Hopefully, committee members can see through the haze to keep local control alive and allow residents to decide the fate of increased production for caregivers.

IN THE HOPPER (cont'd)

This bill changes the number of voter signatures on a petition to require a state agency to adopt or modify an agency rule from 150 to 1% of the total number of votes cast for the governor at the last gubernatorial election.

Taxation

LD 1044 *An Act to Clarify the Qualifying Use of Tax Increment Financing for Extension of a Development District* (Sponsored by Rep. Kuhn of Falmouth)

This bill clarifies that to be eligible for a 20-year extension, a tax increment financing district may use TIF revenue for one or both of the permitted uses of affordable housing and transit-oriented development. The bill also amends the definition of “transit-oriented development” to provide that such a development does not have to be located in a transit-oriented development district, area or corridor or a transit-served node.

LD 1112 *RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Not Less Than 90 Percent State Reimbursement for Residential Real Estate Property Tax Exemptions and to Establish a Minimum Homestead Exemption* (Sponsored by Rep. Matlack of St. George)

This resolution proposes to amend the Constitution of Maine to require the Legislature to: (1) reimburse municipalities for not less than 90% of the lost property tax revenue associated with residential real estate exemptions extended to veterans of the U.S. Armed Forces, persons who are legally blind and for qualifying homesteads of residents; (2) establish the minimum homestead exemption at \$50,000, which must be adjusted annually by the percentage change in the consumer price index, or similar inflationary index; and (3) require that at a minimum, no less than 5% of state sales and income tax revenues be shared with municipalities and to protect future increases in the percentage of state sales and income tax revenues distributed to municipalities.

LD 1144 *An Act to Reinstate the Property Tax Stabilization Program* (Sponsored by Sen. Libby of Cumberland Cty.)

This bill reinstates the property tax stabilization program and as of April

1, 2026, allows residents who are 65 years of age or older and who have owned a home in Maine for at least 10 years to apply for the benefit. The bill amends the original program by: (1) limiting the stabilization to \$900,000 of the home’s assessed value; (2) clarifying that the homeowner can only have the property tax stabilized on one homestead in a property tax year; and (3) allowing municipalities to file for state reimbursement for administrative expenses. The bill retains the provision requiring 100% state reimbursement for lost property tax revenue.

LD 1168 *An Act to Amend the Law Regarding the Current Use Valuation of Certain Working Waterfront Land with Respect to Commercial Boat Yards* (Sponsored by Rep. Faulkingham of Winter Harbor)

This bill amends the tax laws relating to the current use valuation of certain working waterfront land to clarify that working waterfront land includes commercial boat yards, which are defined as commercial facilities that lease storage, docking or mooring space to watercraft and are used primarily or predominantly by persons engaged in commercial fishing activities.

LD 1206 *An Act to Control Property Taxes by Increasing the Percentage of the Business Equipment Tax Exemption That Municipalities May Recover* (Sponsored by Sen. Tepler of Sagadahoc Cty.)

This bill amends provisions governing the business equipment tax exemption by increasing from 50% to 60% the amount of lost property tax revenues a municipality may recover from the state for the property tax year beginning on April 1, 2026. The bill also gradually increases the reimbursement rate until it is at 80% for property tax years beginning on or after April 1, 2030.

Transportation

LD 154 *An Act to Amend the Transportation Laws* (Sponsored by Rep. Crafts of Newcastle)

This bill allows revenues distributed to municipalities under the Local Road Assistance Program (LRAP) to be used not only for capital improvements, as the program currently provides, but also for the maintenance of roadway infrastructure, bridges and structures. The bill also amends the provision

(continued on page 8)



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

60 Community Drive
Augusta, ME 04330

Presorted
First-Class Mail
US Postage
PAID
Snowman Group

IN THE HOPPER (*cont'd*)

of law governing the distribution of urban compact assistance funds to allow distribution of funds for all other public roads maintained by a municipality located inside an urban compact area. Funds are distributed at a rate of \$600 per year per lane mile except that funds for seasonal public roads are distributed at a rate of \$300 per year per lane mile.

LD 290 *An Act to Remit 15 Percent of the Fine for a Violation of the Motor Vehicle Laws to the Municipality in Which the Violation Occurred* (Sponsored by Rep. Blier of Buxton)

This bill requires that 15% of a fine collected for a violation of a motor vehicle law must be remitted to the municipality in which the violation occurred if the fine resulted from a summons issued by a municipal law enforcement agency.

LD 611 *An Act to Allow the Secretary of State to Collect Excise Taxes on Motor Vehicles Owned by Residents Who Are Unhoused* (Sponsored by Rep. Sayre of Kennebunk)

This bill allows an individual resident of the State who has no residing place to pay excise tax on a motor vehicle directly to the Secretary of State.

LD 1039 *An Act Regarding Municipal Authority over Heavy Vehicle Operation (Emergency)* (Sponsored by Rep. Walker of Naples)

This emergency bill creates a Class M license that may be issued to a local unit of government for the operation of a single motor vehicle or combination of vehicles that meet the definition of a Class A or Class B license for the purpose of removing snow or ice from a roadway by plowing or sanding within the boundaries of that local unit of government. A Class M license must be held by that local unit of government and must be

assigned to only one individual employed by that local unit of government.

LD 1156 *An Act to Allow Military Surplus Vehicles to Be Collected and Used in Patriotic Exhibitions and Parades* (Sponsored by Rep. Perkins of Dover-Foxcroft)

This bill allows military surplus vehicles that are lawfully purchased for civilian use to be registered and operated for participation in parades and other events, club activities and other activities; for transportation to and from these events and activities; and for maintenance, repair, sale and occasional pleasure driving.

Veterans & Legal Affairs

LD 1148 *An Act to Improve Access to Absentee Ballots for Municipal Elections for Uniformed Service Voters and Overseas Voters* (Sponsored by Rep. Shagoury of Hallowell)

This bill directs municipalities to provide a copy of their local ballots to the Secretary of State for all municipal elections held on the same date as a statewide election and provides that an application or request for an absentee ballot by a uniformed service or an overseas voter for any municipal election that is to be held on the same date as a statewide election for which the uniformed service voter or overseas voter is eligible, is valid for 18 months, as is currently provided for all federal and state elections. The bill also authorizes the Secretary of State to receive local ballots from municipalities holding such elections, to issue those ballots to uniformed service and overseas voters who are eligible to receive them, and to receive and deliver cast local ballots to municipalities by the close of the polls on election day.