



LEGISLATIVE BULLETIN

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The First, But Not the Last

At almost two months into the legislative session, the first of MMA's twelve legislative platform bills has finally been printed and scheduled for a public hearing. LD 88, *An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales and Excise Tax Revenues*, sponsored by Rep. Sean Paulhus of Bath, was referred to the Taxation Committee, and its public hearing is slated for March 9 at 2:00 p.m. in room 127 of the State House.

The intent of the bill is to share a portion of the state tax revenues generated by the sales of adult use cannabis with the municipalities that have opted to allow the operation of the related businesses within their borders. With adult use cannabis still illegal at the federal level, municipalities appreciate the local control afforded to them through the approval of warrant articles and adoption of ordinances in consultation with their residents. Municipalities believe that this largely unsupported effort to bring additional revenue to state coffers has fostered the industry, and therefore the property taxpayers should benefit from the revenue generated within their communities.

Municipal officials are urged to support LD 88, as well as the Association's other bills, some of which have yet to be printed, by reaching out to members of the Legislature. Through collaboration, offering testimony at hearings and keeping an ear on work sessions, local government voices can be stronger and have more of an impact on the intended outcomes.

The call for action starts now! Remember, a key part to the success of MMA's advocacy efforts is you—our valued members.

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GA: A Morphing Program

The General Assistance (GA) program has certainly morphed throughout the centuries. The program made its debut in Maine in 1820 arriving in the form of English "pauper laws." It was subsequently modernized in the 1970s when for the first time in the program's history the state began reimbursing municipalities for a portion of the aid provided to individuals in need. Since then, the statutes have been amended to clarify program expectations, responsibilities, and outcomes.

Over the decades, reliance upon and the associated costs of the program have been consistent. Between 2013 and 2022, the state's share for GA expenditures was roughly \$11.2 million, annually.

However, as of late, the lingering effects of a global pandemic and the resulting flight to Maine, the rapid conversion of year-round housing to short-term rentals, a sizzling housing market, and the increasing costs of basic necessities are all impacting the GA program. In 2023, state reimbursement under the GA program jumped to \$23 million, increasing the combined state and municipal expenditure to an all-time high of \$32 million.

Based on the GA initiatives advanced in Governor Mills' proposed FY 2024 – FY 2025 general fund budget, LD 258, it may be the case that the program is on the cusp of another evolution.

Found deep in the pages of the proposed budget is a request for a \$10.5 million appropriation for GA reimbursement, bringing the state's projected share of the program to \$21 million in FY 2024. A companion policy initiative found in Part VV of the budget, seeks to limit the use of GA funds to cover the costs of housing in short-term establishments for 30 days and to cap the amount of assistance provided at the federal per diem rate for lodging.

While supportive of the attempt to contain these short-term housing expenditures, the concern among municipal officials is that without a plan to create affordable housing units and implement the wrap around services that families need, the initiative alone may not achieve the intended outcome. Instead, the policy could create a more costly process that is also more heavily reliant on

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short-term rentals to address permanent housing needs. When one family exhausts the benefit, it's highly likely that another will qualify for the assistance. Furthermore, with a federal per diem rate of \$98 per night for 30 days, the \$2,940 limit outpaces the current GA program's maximum level of assistance, which for a household of four in Aroostook County is \$1,185 per month, and in the Portland fair market rent area is \$2,415.

From the municipal perspective, other approaches need to be considered concurrently with the governor's proposals, otherwise the program becomes unsustainable. The options range from implementing initiatives to modernize the GA program to taking the steps necessary to return the program to its historic status as option of last resort. The problems the program is seeking to address are as complex as the needs of those requesting the service. A change of course is necessary.

Hearings of The Week: Holiday Shopping & Public Notice

Holiday Shopping. The Innovation, Development, Economic Advancement and Business Committee will conduct a public hearing on LD 583, *An Act to Provide for Municipalities to Allow Grocery Stores up to 10,000 Square Feet to Open on Easter, Thanksgiving and Christmas*. The hearing will take place at **1:00 p.m. on Tuesday, February 28** in room 206 of the Cross Office Building. Sponsored by Sen. Peter Lyford of Penobscot County, the bill authorizes municipalities to adopt ordinances allowing grocery stores with no more than 10,000 square feet of interior customer selling space to be open on Easter, Thanksgiving and Christmas.

Newspaper Notice. The State & Local Government Committee will conduct a public hearing on LD 422, *An Act to Eliminate the Requirement That Municipalities Provide Public Notice in Newspapers*. The hearing will take place at **1:00 p.m. on Thursday, March 1** in room 214 of the Cross Office Building. Sponsored by Rep. Daniel Newman of Belgrade, the bill provides that municipalities may meet the requirement to place a notice in a newspaper by posting the required notice on its publicly accessible website.

IN THE HOPPER

Criminal Justice & Public Safety

LD 405 – *An Act to Prevent False Reporting Leading to Evacuation, Shutdown or Lockdown* (Sponsored by Sen. Carney of Cumberland Cty.)

This bill amends the crime of false public alarm by including making a false public alarm or report to the enhanced 9-1-1 services and by making the offense a Class C crime if the violation causes the evacuation, shutdown or lockdown of a building, school, public square or park, place of assembly or public transportation facility or generates an emergency response from a law enforcement officer or agency, a firefighter or firefighting agency or any other emergency services personnel.

LD 429 – *An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System* (Sponsored by Rep. Pluecker of Warren)

This bill clarifies that the unlawful reproduction of license plates is a Class D crime, for which a term of imprisonment may not be imposed. The bill also reduces certain crimes to traffic infractions, including violation of laws related to: (1) motor vehicle registration certificates and plates and drivers' licenses; (2) removal of a vehicle without the consent of the owner; (3) unlawful ownership or display of a revoked, fictitious or fraudulently altered driver's license or identification card; (4) unlawful use of a driver's license or an identification card; (5) improper use of registration plates; and (6) operating a motor vehicle with a suspended or revoked registration or license. The bill explicitly provides that evidence obtained pursuant to an unlawful search and seizure is not admissible in any civil violation proceeding

(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.)

and permits a law enforcement officer who has probable cause to believe that a violation of the law has taken place or is taking place to make application for a search warrant. Finally, all provisions of the bill take effect on January 1, 2024.

Energy, Utilities & Technology

LD 298 – *An Act to Study the Shared Use of the Public Right of Way* (Sponsored by Rep. Williams of Bar Harbor)

This concept draft bill would establish a working group to study the shared use of the public right of way by competing utilities, new modes of transportation, solar generation and new and developing modes of electricity distribution. The working group would be required to consider expanding the uses of the public right of way as valuable real estate, improving the appearance of transmission poles and lines and how to maximize revenues from leased usage of the right of way.

LD 486 – *An Act to Encourage Economic Development Through the Manufacture and Use of Marine Nuclear Power Modules* (Sponsored by Rep. Campbell of Orrington) This concept draft bill would extend to

HEARING SCHEDULE

For the week of February 27, 2023

MONDAY, FEBRUARY 27

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

LD 644 – An Act to Include Cats in the Laws Governing Animal Trespass

**Appropriations & Financial Affairs
Room 228, State House, 10:00 a.m.
Tel: 287-1635**

LD 258 – Governor’s Biennial Budget:
In conjunction with the Joint Standing
Committee on Inland Fisheries & Wildlife

1:00 p.m. With the Joint Standing
Committee on Judiciary

TUESDAY, FEBRUARY 28

**Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1635**

LD 258 – Governor’s Biennial Budget:
In conjunction with the Joint Standing
Committee on Agriculture, Conservation &
Forestry

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

LD 399 – An Act to Amend the Portfolio
Requirements for Class II Resources

LD 437 – An Act to Eliminate the Repeal
Provision on Waste-to-energy Renewable
Energy Credits An Act to Eliminate the
Repeal Provision on Waste-to-energy
Renewable Energy Credits

**Innovation, Development, Economic
Advancement & Business
Room 202, Cross Building, 1:00 p.m.
Tel: 287-4880**

LD 583 – An Act to Provide for
Municipalities to Allow Grocery Stores up
to 10,000 Square Feet to Open on Easter,
Thanksgiving and Christmas

LD 648 – An Act to Address Staffing
Shortages in Critical Public Safety Jobs
Through Economic Incentives

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

LD 517 – An Act to Allow Maine Families
to Deduct Vehicle Excise Taxes on State
Income Tax Returns

WEDNESDAY, MARCH 1

**Appropriations & Financial Affairs
Room 228, State House, 10:00 a.m.
Tel: 287-1635**

LD 258 – Governor’s Biennial Budget:
In conjunction with the Joint Standing
Committee on Veterans & Legal Affairs

1:00 p.m. With the Joint Standing
Committee on Energy, Utilities &
Technology

2:30 p.m. With the Joint Standing
Committee on Health Coverage, Insurance
& Financial Services

**Environment & Natural Resources
Room 216, Cross Building, 9:30 a.m.
Tel: 287-4149**

LD 425 – An Act to Lower the
Environmental Impact of Consumers,
Increase Food Safety and Strengthen
Consumer Choice by Ending the Ban on
Single-use Plastic Shopping Bags

LD 572 – An Act to Remove the 5 Cent Fee
for Bags in Retail Stores

10:00 a.m.

LD 392 – Resolve, Regarding Legislative
Review of Portions of Chapter 305:
Natural Resources Protection Act – Permit
by Rule, a Major Substantive Rule of the
Department of Environmental Protection

10:30 a.m.

LD 400 – Resolve, Directing the
Department of Environmental Protection
to Examine Setback Requirements for
Outdoor Wood Boilers

LD 627 – An Act to Promote Clean and
Affordable Maine-sourced Bioenergy by
Amending the Law Regarding Outdoor
Wood Boilers and Outdoor Pellet Boilers

THURSDAY, MARCH 2

**Appropriations & Financial Affairs
Room 228, State House, 1:00 p.m.
Tel: 287-1635**

LD 258 – Governor’s Biennial Budget:
In conjunction with the Joint Standing
Committee on Transportation

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/>. There is also the option testify via Zoom if you register 30 minutes in advance. Persons wishing to testify over Zoom can submit their testimony by uploading it through the registration portal (<https://www.mainelegislature.org/testimony/>).

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

LD 443 – An Act to Prohibit Marriage of Any
Person Under 18 Years of Age

LD 530 – An Act to Facilitate the
Installation of Safe Haven Baby Boxes at
Hospitals, Law Enforcement Facilities and
Fire Departments

**State & Local Government
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1330**

LD 422 – An Act to Eliminate the
Requirement That Municipalities Provide
Public Notice in Newspapers

LD 514 – Resolve, Directing the Office of
the State Auditor to Report on Taxpayer
Money Funding Maine Nonprofits

LD 577 – An Act to Increase Availability of
Election Information on Local Government
Websites

FRIDAY, MARCH 3

**Veterans & Legal Affairs
Room 437, State House, 11:00 a.m.
Tel: 287-1310**

LD 365 – An Act to Support Compliance
and Establish Graduated Sanctions Under
the Maine Medical Use of Cannabis Act

LD 555 – An Act to Increase the Number
of Mature Plants Allowed for the Home
Cultivation of Cannabis

**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

60 Community Drive
Augusta, ME 04330

IN THE HOPPER (cont'd)

manufacturers of nuclear power modules, also known as small modular reactors, the subsidies provided to solar and wind energy developers.

Judiciary

LD 748 – *An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody* (Sponsored by Sen. Hickman of Kennebec Cty.)

This bill amends the Maine Civil Rights Act to provide that a person who is placed under arrest, in custody, under interrogation or temporarily detained by a law enforcement officer and who is not warned by the law enforcement officer of the person's privilege against self-incrimination and the person's right to the assistance of legal counsel may institute and prosecute in the person's name and on the person's behalf a civil action for legal or equitable relief against the law enforcement officer for failure to provide such warnings.

Marine Resources

LD 581 – *An Act to Assist Municipal Shellfish Conservation Programs* (Sponsored by Sen. Daughtry of Cumberland Cty.)

This bill provides that a municipal shellfish management committee may not be assessed an application fee for a limited-purpose aquaculture license.

Taxation

LD 88 – *An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales and Excise Tax Revenues*. (Sponsored by Rep. Paulhus of Bath)

This bill allocates 12% of the gross sales and excise tax revenue generated by adult use cannabis establishments in Maine to the municipalities where the revenue was generated.

LD 629 – *An Act to Improve, Protect and Defend the Individual Civil Right to Bear Arms Through Exemption of Firearms and Ammunition from Taxation* (Sponsored by Rep. Ardell of Monticello)

In part, this bill prohibits a municipality or a county officer from assessing a tax or fee on any firearms or ammunition sold or possessed in Maine.

Veterans & Legal Affairs

LD 750 – *An Act to Eliminate the Limits on Candidates' Speech at the Polls* (Sponsored by Sen. Libby of Cumberland Cty.)

Under current law, candidates for office are allowed at polling places to communicate with voters, provided the candidate does not attempt to influence a voter, state the name of the office being sought, or ask for a person's vote. This bill removes those limitations.