

LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLV No. 7 • MARCH 3, 2023

LD 290 Day Is Here

Well, partially anyway.

The Taxation Committee has scheduled public hearings on four property tax stabilization related bills for **Thursday, March 16 at 1 p.m. in room 127 of the State House**. These initiatives seek a variety of fixes, ranging from repealing the annual application requirement to replacing the entire program with an increased homestead exemption.

The Backstory. The Property Tax Stabilization for Senior Citizens program was enacted at the tail end of the 2022 session without much debate or assessment of impacts and became law without Governor Mills' signature. As enacted, the law enables homeowners who are at least 65 years of age to stabilize – meaning freeze – future tax payments, provided the homeowner applies for the benefit annually and has owned a home in Maine for at least 10 years, not necessarily consecutively. Additionally, the benefit is portable, which enables qualifying homeowners to carry the stabilized amount from municipality-to-municipality.

While the initiative includes 100% reimbursement for lost property tax revenue, which the governor has honored by including the funding in her proposed biennial General Fund budget, it is expected that the price tag will grow exponentially over time.

In just the first and second year of the program, Maine Revenue Services projects that the cost of reimbursing communities for all lost tax revenue will be \$15 million in FY 2024 and increase by 107% in FY 2025 to \$31 million. Local leaders understand full well that any reimbursement over and above the constitutionally required 50% level is not guaranteed in perpetuity. Additionally, although touted as a program that would be easily administered, that prediction has not come to realization, as assessors tirelessly responded to inquiries and conducted the research necessary to verify program eligibility.

A fix is needed.

Possible Fixes. The bills to be heard on March 16, include:

LD 37, An Act to Amend the Laws Governing Property Tax Stabilization for Senior Citizens to Eliminate the Requirement for an Annual Application, sponsored by Sen. Matthew

Pouliot of Kennebec County, eliminates the requirement for annual application and instead provides that a new application is required when an individual establishes a new homestead in the state.

Similarly, LD 529, *An Act to Remove the Annual Filing Requirement in the Property Tax Stabilization Laws*, sponsored by Rep. Jennifer Poirier of Skowhegan, repeals the annual application provision, as well as requires an individual to reapply for the benefit when establishing a new homestead and to notify the municipality of a change of homestead.

(continued on page 2)

All the News That is Fit to Print, But Isn't

Thursday marked a marathon session in the State and Local Government Committee (SLG). While other committees were delayed in starting post House and Senate meetings, the SLG committee met on time and started their work extending well beyond the close of doors in the State House.

Of the bills of municipal interest heard was LD 422, *An Act to Eliminate the Requirement That Municipalities Provide Public Notice in Newspapers*, sponsored by Rep. Daniel Newman of Belgrade. As drafted, the bill would allow alternate ways for a municipality to meet its notice obligation via posting a public notice to the town website, Facebook, or other method more relevant to their residents.

The Maine Municipal Association and Maine Town and City Clerks Association testified in support of the legislation, pointing to pandemic expansion of public engagement with municipal government via remote meeting capabilities, local newspapers that have disappeared, and the exorbitant cost charged by regional media papers, which are not publishing paper copies daily, nor covering any local meeting news in most towns outside the city in which they are headquartered.

To be clear, the death of local media sources, adored where they exist, is a lament of municipal officials. It truly

(continued on page 5)

LD 290 Day Is Here...cont'd

LD 89, *An Act to Clarify Eligibility for Property Tax Stabilization for Individuals 65 Years of Age or Older*, sponsored by Rep. Stephen Moriarty of Cumberland, expands eligibility for the property tax stabilization program to the surviving spouse of an eligible individual provided the couple was married for at least 10 years before the eligible individual's death.

Lastly, LD 130, *An Act to Eliminate Senior Citizen Property Tax Stabilization and Expand the Homestead Property Tax Exemption*, sponsored by Sen. Richard Bennett of Oxford County, repeals the program, and extends a \$75,000 homestead to a permanent resident of Maine who is 65 years of age or older and who has resided in the homestead for at least 10 years.

MMA Bill. Unfortunately, missing from the list of initiatives to be heard, is the bill being advanced by Rep. Maureen Terry of Gorham, on behalf of MMA's Legislative Policy Committee, which has not yet been printed. Similar to Senator Bennett's approach, MMA's bill seeks to replace the stabilization program with an enhanced homestead exemption for residents who are at least 65 years of age, have enrolled in the program and meet established income levels. Senior homesteaders earning below 80% of the region's average median household income would receive an additional \$25,000 exemption for a total of \$50,000. Seniors earning between 80% and 100% of the regional average would be entitled to an additional \$15,000 for a total \$40,000 homestead exemption.

Based on the Taxation Committee's budget discussions this week, there ap-

pears to be interest among members to hold off on conducting work sessions on these bills until all related initiatives have been printed and provided public hearings. Municipal officials wholeheartedly agree with the approach. The ability to explore all the available options, understand the benefits and concerns of each, and work collaboratively with interested parties is the best approach for enacting legislation that delivers much needed property tax relief without placing additional burdens on the state, municipalities, and the remaining property taxpayers.

Municipal officials are urged to either submit written testimony or provide in-person testimony in Augusta or via Zoom. If you need information about the hearing process or how to submit testimony electronically, please contact Kate Dufour at kdufour@memun.org.

Hearings of The Week: Cannabis, Civil Action, & Candidates

Cannabis Revenue Share. The Taxation Committee will conduct a public hearing on LD 88, *An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales and Excise Tax Revenues*. The hearing will take place at **2:00 p.m. on Thursday, March 9** in room 127 of the State House. The bill, sponsored by Rep. Sean Paulhus of Bath, on behalf of MMA's Legislative Policy Committee, allocates 12% of the gross sales and excise tax revenue generated by adult use cannabis establishments to the municipalities where the revenue was generated.

Civil Action Against Law Enforcement. The Judiciary Committee will conduct a public hearing on LD 748, *An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody*. The hearing will take place at **9:00 a.m. on Wednesday, March 8** in room 438 of the State House. The bill, sponsored by Sen. Craig Hickman of Kennebec County, amends the Maine Civil Rights Act to provide that a person who is placed under arrest, in custody, under inter-

rogation 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.

Candidates At the Polls. The Veterans & Legal Affairs Committee will conduct a public hearing on LD 750, *An Act to Eliminate the Limits on Candidates' Speech at the Polls*. The hearing will take place at **11:00 a.m. on Wednesday, March 8** in room 437 of the State House. The bill, sponsored by Sen. James Libby of Cumberland County, repeals existing statutes regulating the polling place activities of candidates for office. Currently, candidates who visit polling places on the day of the election are prohibited from attempting to influence a voter, state the name of the office being sought, or ask for a person's vote.

HEARING SCHEDULE

For the week of March 6, 2023

MONDAY, MARCH 6

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

Tel: 287-1122

LD 104 – An Act to Make It a Crime Not to Report a Death

LD 405 – An Act to Prevent False Reporting Leading to Evacuation, Shutdown or Lockdown

LD 429 – An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System

TUESDAY, MARCH 7

Energy, Utilities & Technology Room 211, Cross Building, 1:00 p.m.

Tel: 287-4143

LD 519 – Resolve, to Conduct a Vehicle-to-grid Pilot Project Using Electric School Buses

LD 640 – An Act to Update the Charter of the Lewiston-Auburn Water Pollution Control Authority

WEDNESDAY, MARCH 8

Energy, Utilities & Technology Room 211, Cross Building, 10:00 a.m.

Tel: 287-4143

LD 266 – An Act to Increase Consumer Choice and Reduce Motor Vehicle Emissions in Maine

LD 486 – An Act to Encourage Economic Development Through the Manufacture and Use of Marine Nuclear Power Modules

LD 689 – An Act to Study the Construction of a Nuclear Power Facility in the State

1:00 p.m.

LD 298 – An Act to Study the Shared Use of the Public Right of Way

LD 442 – An Act Regarding Renewable Energy Projects

LD 524 – An Act Requiring the Installation of Electric Vehicle Charging Stations in New Commercial and Multifamily Parking Lot Construction

Environment & Natural Resources Room 216, Cross Building, 9:00 a.m.

Tel: 287-4149

LD 478 – An Act to Improve Coastal Sand Dune Restoration Projects

Judiciary

Room 438, State House, 9:00 a.m.

Tel: 287-1327

LD 748 – An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody

Veterans & Legal Affairs

Room 437, State House, 11:00 a.m.

Tel: 287-1310

LD 750 – An Act to Eliminate the Limits on Candidates' Speech at the Polls

THURSDAY, MARCH 9

Marine Resources Room 206, Cross Building, 1:00 p.m.

Tel: 287-1337

LD 581 – An Act to Assist Municipal Shellfish Conservation Programs

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 to 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>).

Taxation

Room 127, State House, 2:00 p.m.

Tel: 287-1552

LD 88 – An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales and Excise Tax Revenues

LD 629 – An Act to Improve, Protect and Defend the Individual Civil Right to Bear Arms Through Exemption of Firearms and Ammunition from Taxation

Transportation

Room 126, State House, 1:00 p.m.

Tel: 287-4148

LD 556 – An Act Concerning Bureau of Motor Vehicles Fees, Fines and Driver's License Reinstatement

LD 729 – Resolve, Regarding Traffic Lights in Turner

LD 754 – Resolve, Directing the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission to Examine Restoring Passenger Rail from Boston to Montreal

FRIDAY, MARCH 10

Innovation, Development, Economic Advancement & Business

Room 202, Cross Building, 9:30 a.m.

Tel: 287-4880

LD 103 – An Act to Provide Incentives to Employers to Provide On-site Child Care

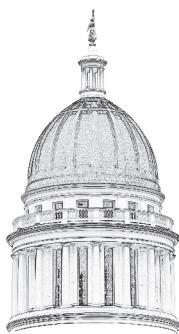
LEGISLATIVE BULLETIN

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 and Laura Ellis of Advocacy & Communications. **Layout:** Sue Bourdon, Advocacy & Communications



Elections Websites for All

It was a long afternoon in the State & Local Government committee room on Thursday, as the members held confirmation hearings for appointments to the State Civil Service Board of Appeals and public hearings on the several bills before the committee. One of those bills was LD 577, *An Act to Increase Availability of Election Information on Local Government Websites*, sponsored by Sen. Anne Beebe-Center of Knox County and presented by Sen. Matthea Daughtry of Cumberland County.

The intent of the bill is to provide Maine voters with relevant and official election information by creating a web page with state and local election information within the Secretary of State's (SOS) website, and further linking to each municipality's publicly available website. An amendment was offered to provide the SOS office with additional staffing resources to assist municipalities with the resources and technical knowledge to set up a website.

Secretary of State Shenna Bellows testified in support of the bill, noting that the suggested amendment her office provided was almost identical to the one that was submitted to the committee during the hearing. The additional staff provided to the SOS office would cover three positions; a

web manager and two digital navigator positions. The vision for the new staff would be to develop and maintain the web page containing the election information in addition to assisting the municipalities who do not currently have a website.

Secretary Bellows also indicated that the new central voter registration system could be utilized in a way where the clerks could enter the election information into the database to be extracted by the SOS office.

Rep. Walter Riseman of Harrison requested that Secretary Bellows provide an estimated cost for implementing the program for the work session and further asked that the estimate include the cost of getting the municipalities that do not have websites on board. He is concerned this could turn into an unfunded mandate that the state would be responsible for funding.

No one testified in opposition to the bill. Patti Dubois, speaking on behalf of the Maine Town & City Clerks Association, spoke neither for nor against, recognizing that the SOS office would need additional resources to complete this task.

It remains to be seen if these good intentions will come to fruition, as notice of the work session has not yet been published on the Legislature's website or in a local newspaper.

IN THE HOPPER

Criminal Justice & Public Safety

LD 673 – An Act to Direct the Maine Criminal Justice Academy to Develop a Nonresidential Law Enforcement Training Program (Sponsored by Rep. Lajoie of Lewiston)

This bill requires the Board of Trustees of the Maine Criminal Justice Academy to develop and implement a nonresidential law enforcement training program.

LD 799 – An Act to Fund Patrol Positions for the Penobscot County Sheriff's Office (Sponsored by Rep. Perry of Bangor)

The bill provides ongoing General Fund appropriations of \$1.2 million beginning in fiscal year 2024 to the Department of Public Safety for the Penobscot County Sheriff's Office to hire six new patrol positions.

Environment & Natural Resources

LD 826 – An Act to Prohibit the Disposal of Certain Solar Panels in the State and to Require Bonds to Cover Disposal Costs (Sponsored by Rep. Lemelin of Chelsea)

This bill amends the laws regulating the decommissioning of solar energy developments to include the recycling or disposal of the solar panels and a requires individuals responsible for decommissioning to demonstrate financial assurance in the form of a performance or surety bond. The bill also prohibits the disposal of heavy metal-containing commercial solar panels in the State by burial, incineration, deposit or dumping.

(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.)

Health & Human Services

LD 35 – An Act to Establish Adult Protective Services Training Requirements for Professionals Mandated to Report Suspected Abuse, Neglect or Exploitation to Enhance Protection of Incapacitated and Dependent Adults. (Sponsored by Sen. Moore of Washington Cty.)

This bill requires mandatory reporters of abuse or exploitation of incapacitated and dependent adults, including law enforcement officers and emergency medical service providers, to complete related training once every four years.

Marine Resources

LD 487 – An Act to Establish Coastal Waters and Submerged Lands Regional Planning Commissions (Sponsored by Rep. Williams of Bar Harbor)

This bill establishes a coastal waters and submerged lands regional

All the News That is Fit to Print, But Isn't...cont'd

is wonderful when a local newspaper, such as the Lincoln County News, shows up to record, take pictures of municipal meetings, and ask questions of municipal officials. The state's legacy newspaper have never covered those meetings, nor written about their mundane importance without some element of controversy. Evidently, the vital work that happens at the municipal level every day is neither important nor tantalizing, yet it exists. Should the communities of Lincoln County lose that local publication, those entities, who don't print daily now, will be the only option for posting local notice.

And it won't be less expensive.

Municipal and state required public notices provide the revenues that are keeping print journalism conglomerates afloat. Elliot, in York County, is more likely to have their news and events reported by New Hampshire newspapers, like the Seacoast Online and the Portsmouth Herald than the Portland

Press Herald, which charges over \$6,000 for the service. However, these are not outlets they can use solely to meet that purpose in statute. Towns that have lost their local weekly newspapers could mail notices of events to every household cheaper than the going rate charged by the media outlets.

Instead, to meet the letter of the law, property taxes are used to publish notices in newspapers of general circulation and then to actually get the notice out, posted to municipal websites or social media platforms.

Unsurprisingly, the major newspaper industry turned out in force to oppose to LD 422, joining the Broadband Coalition of Maine. Citing a ubiquitous lack of access to the internet, and an older population that can't navigate the internet even when they have it, and an implied readership that still doesn't seem to keep them afloat, the major media publishers see the loss of that municipal revenue as the death of democracy.

I guess they didn't read the nuance in the bill that makes the notice in a paper optional, resulting in the need to prove their own reach and relevance in their delivery of that public good.

The smaller local papers like the Lincoln County News, only had Rep. Holly Stover of Boothbay as their well-deserved champion. They likely couldn't attend because they were too busy covering those other boring acutely local municipal meetings, high school games, and historical society chats that the bigger players don't seem to value. Perhaps where such small papers that cover local issues don't exist, the balance is reasonable and proportional fees, and dedicated coverage of local matters that might put readers of our heralded "daily" newspapers to sleep.

The work session for LD 422 has been scheduled for Thursday, March 9 at 1:30 p.m. For more information see the Legislature's website.

IN THE HOPPER (cont'd)

planning commission directed to: (1) develop and update a long-term water use plan for areas surrounding large bays or other coastal regions; (2) develop planning ordinances describing the allowable uses of bays or coastal regions, including resource protection, residential, maritime activities, fisheries, and small and medium industrial commercial developments; (3) support necessary research; and (4) monitor and enforce the provisions of the planning ordinance. The bill directs the Department of Environmental Protection to adopt applicable rules by July 1, 2024, and no later than one year after the adoption of the rules requires each municipality in areas surrounding large bays and other coastal regions to collaborate with similarly impacted communities to form a coastal waters and submerged lands regional commission. The bill also directs the department to adopt the required planning ordinance for use in that region if a regional commission fails to do so.

State & Local Government

LD 620 – An Act to Promote Free Trade by Preventing Municipalities from Prohibiting the Sale of Legal Goods (Sponsored by Rep. Perkins of Dover-Foxcroft)

This bill prevents a municipality from prohibiting a business, entity or individual from selling any product or offering any service that is otherwise permitted under state law and also prohibits a municipality from restricting the operation or licensure of a business or entity within that municipality based on the type of products or services

that the business or entity plans to provide unless municipalities are provided with the authority to restrict that type of business or entity under state law.

LD 662 – An Act to Prohibit Municipal Flavored Tobacco Product Bans on State-licensed Tobacco Retailers (Sponsored by Rep. Perry of Bangor)

This bill prohibits a municipality from adopting or enforcing an ordinance prohibiting a tobacco retailer from selling flavored tobacco products.

LD 735 – An Act to Require the State to Hold a Public Hearing in a Municipality Before the State Constructs a Solar Project in That Municipality (Sponsored by Sen. Pouliot of Kennebec Cty.)

This bill requires the State to hold a public hearing in a municipality where a solar energy project on property owned by the State is planned to be located prior to commencing construction on the project.

LD 894 – An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor (Sponsored by Sen. Harrington of York Cty.)

This bill prohibits municipalities from barring an individual or entity from installing a heating or energy system or engaging the services of an energy distributor of choice unless the prohibition is otherwise authorized by statute.

**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

60 Community Drive
Augusta, ME 04330

IN THE HOPPER (cont'd)

Veterans & Legal Affairs

LD 770 – An Act to Prohibit Ballot Harvesting by Preventing a 3rd Person from Returning More than 2 Absentee Ballots per Day (Sponsored by Sen. Brakey of Androscoggin Cty.)

This bill prohibits a third person from returning to a municipal clerk's office more than two absentee ballots per day.

LD 812 – An Act to Assist Clerks in Facilitating Elections and to Improve Access to In-person Absentee Voting for Working People by Increasing Time for Absentee Ballot Processing and In-person Voting (Sponsored by Rep. Skold of Portland)

This bill requires municipalities with population greater than 7,000 to provide for in-person absentee voting for eight hours on a Saturday and Sunday 18 days before the election. The bill also directs the Secretary of State to develop the rules necessary to provide grants to fund the expansion of hours of up to \$50,000. Municipalities with populations under the population threshold may provide for Saturday and Sunday in-person voting and qualify for grants of up to \$40,000. The bill also requires members of the public to make a written request to inspect absentee ballots prior to processing no later than 5 p.m. the day before the processing is scheduled to begin. Under current statutes, notice must be provided by 9 a.m. on the day of the processing.

LD 839 – An Act to Allow On-premises Consumption of Adult Use Cannabis and Adult Use Cannabis Products on the Premises of Cannabis Store Licensees (Sponsored by Rep. Williams of Bar Harbor)

This bill authorizes the on-premises consumption of adult use cannabis

and products in a separate area within the retail sales building, provided that: (1) the municipality and the state both approve the on-premises consumption; (2) products meet applicable packaging, labeling and health and safety requirements; and (3) age restrictions and security requirements are met.

LD 879 – An Act to Place Restrictions on Candidate Speech and Clothing, Buttons and Other Items at Voting Places (Sponsored by Sen. Rotundo of Androscoggin Cty.)

This bill clarifies that a candidate or a candidate's representative may greet voters at the polling place, provided neither states the name of the office being sought or wears a button or apparel or carries a sign displaying the candidate's name and office. The bill further clarifies that persons at the polling place for the sole purpose of voting may wear clothing that displays the name of a candidate or campaign message, provided the apparel does not directly advocate for passage or defeat of a candidate or ballot initiative.

LD 886 – An Act to Allow Clerks to Issue Absentee Ballots After the 3rd Business Day Before Election Day to Voters Who Have a Nonphysical Disability and Voters Who Support a Person with a Disability (Sponsored by Rep. Osher of Orono)

This bill expands the list of persons who may receive an absentee ballot after the third business day before election day to include persons with any disability, rather than persons with a physical disability as current law provides, and to include persons providing volunteer or uncompensated care to a person with a disability.