

LEGISLATIVE BULLETIN

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Pajamas Only for Prospective Police

Walmart isn't the only place where pajamas are the expected attire. The Maine Criminal Justice Academy (MCJA), Basic Law Enforcement Training Program will remain an overnight residential only opportunity to become a certified police officer for Maine residents, following a vote on Wednesday, in the Criminal Justice and Public Safety Committee. You can still graduate from more than half of the 610 police academies nationally and skip the pajamas with a waiver though.

Following questioning of the MCJA former and acting directors, members of the committee voted unanimously "ought not to pass" on LD 673, *An Act to Direct the Maine Criminal Justice Academy to Develop a Nonresidential Law Enforcement Training Program*. Academy staff state that the current "gold standard" model was under review and likely the residential component would be part of that review, not slated to be released until next year. While the statute is explicit, MCJA advised the committee that they interpret current law to allow them to develop a non-residential model but felt there was no barrier to recruitment posed by the 18-week residential academy.

Despite additional testimony providing evidence contrary to that narrative from currently serving certified part-time officers, who are unable to leave their childcare responsibilities for 18 weeks overnight, and municipal police chiefs with more certified academy trainers on staff than employees at the academy, the committee accepted MCJA's position.

No one is arguing that the training, which is done on a shoe-string budget, with half the financial resources of New Hampshire's academy, and conducted with less staff than 20 years ago isn't stellar. The argument is the constant starvation makes innovation, and additional options to meet recruiting desires unachievable. Without a corps of instructor certified subject matter experts from the municipal ranks volunteering their payroll to the task of its delivery, it couldn't operate. If budget intimations, bills printed to date, and the committee's actions are any indicator, more work with even less resources will continue to be the less than appetizing item on the legislative menu to be consumed by potential recruits electing to remain in their own beds, rather than partake in the offering.

With more than 300 openings statewide, 70 cadets and

two classes a year on standard offer and some agencies with vacancies that could nearly fill one full class in Vassalboro alone, out of state candidates will remain the only viable recruitment option for most.

While many states have multiple academies based on agency, and some, including our closest neighbor, offering the full certification in both full and part-time programs, LD 673 was asking for a choice of two, one residential and one non-residential, at the direction of the same curriculum development authority.

According to the Bureau of Justice Statistics, more than two-fifths of police recruits were trained at academies primarily operated by educational institutions, including two-year colleges (28%), four-year colleges and universities (8%), and technical schools (7%). About half (47%) of these academies offered an academic degree track. In 2013, while Maine requires 18 weeks for certification, the national average was 21 weeks and of the 610 police training agencies, Maine is one of the 27% with dormitory and

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Oh, Magic Eight Ball, will municipalities receive cannabis revenue sharing?

...reply hazy, try again.

The cannabis future is not looking so green for municipalities that have opted to allow adult use cannabis businesses to operate within their borders. On Tuesday afternoon, it was warm outside, but municipalities felt a chill in air during the Taxation Committee's work session on LD 88, *An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales and Excise Tax Revenues*.

The proposed bill would share 12% of the adult use cannabis sales and excise taxes collected, on a proportional basis, with the municipalities who have opted in to allow

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Pajamas Only for Prospective Police..cont'd

residential facilities, with an additional 17% offering a hybrid model. Nearly 98% of all academies offer nighttime and reduced light training scenarios and simulated stressful conditions, regardless of where the recruits slept at night.

Of course, length of program is only one factor in training outcomes. Quality of education and consistent evaluation of learning success are vital, and arguably more important. While for 20 years the Department of Justice has emphasized the need for a shift to problem-based learning, the hybrid stress/non-stress model is predominant and followed

closely by the full stress model in 50% of academies both residential and non-residential. Police recruits who are trained in a manner that is consistent with adult-learning theory are encouraged to develop critical thinking skills, effective communication, and better emotional intelligence.

The most interesting aspect of the committee's decision was offered by one member who advised it was "not the committee's nor the legislature's job to tell the academy how to train police." It remains to be seen if the committee will maintain that unusual position when

wrestling with the five bills and two resolves submitted by their colleagues that either, add to the list of training mandates, or require a legislative review of police training at the academy. That said, it doesn't take a skilled tea reader to guess.

At least the next batch of recruits at MCJA can grab some popcorn to mitigate the stress that certainly will come from watching those public hearings replayed in the evening in their pajamas without disturbing sleeping children. Late night fire drills eventually shut off. Legislatures change, only parenting is eternal.

Election Round Up

The Veterans and Legal Affairs committee worked several election related bills on Friday spilling over into this week. On Friday, the fate of postage paid envelopes for the return of absentee ballots was discussed at a work session for LD 26, *An Act to Provide Postage Prepaid Return Envelopes to Voters Who Send Absentee Ballots by Mail*, sponsored by Sen. Anne Carney of Cumberland County. Although the intent of the bill to assure there are no costs associated with voting is noble, the fiscal note attached to the proposal gave committee members more heartburn than a pregnant woman eating pizza with orange juice. The committee made quick work of the bill and ultimately voted unanimously "ought not to pass," with four members absent.

The committee chair next opened the work session on LD 237, *An Act to Require a Registered Voter to Update the Registration*, sponsored by Rep. Abigail Griffin of Levant. The analyst worked with the Secretary of State's (SOS) Office to prepare an amendment to the proposed legislation. That amendment sported a new title and added a new section that the SOS office would be responsible for this task utilizing funds within current limits. The amended proposal also included funding for three

additional positions within the department solely to manage the demands.

Secretary Shenna Bellows stressed to the committee that SOS staff update the voter rolls on a continual basis, particularly in the area of voter deaths, and acknowledged that keeping track of when an individual changes their residence is a bit more challenging. She added that moves are currently captured when a driver's license is updated or renewed and that Maine clerks are diligent about the accuracy of their voter rolls.

Rep. Laura Supica of Bangor admitted that since this work is already being done, this discussion would be better served in a budget discussion when the SOS budget could be worked and adjusted to reflect the extra tasks associated with the effort to increase the accuracy of the voter rolls. Therefore, Rep. Supica moved "ought not to pass" on LD 237, resulting in a party line vote, with four members absent. Given the partisan nature of the committee vote, it can be assumed that any absentee votes cast before the deadline would solidify the motion's passage, with the minority report "ought to pass as amended."

Fully rested from the weekend, committee members met on Monday to first discuss 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. Eric Brakey of Androscoggin County. While the intent of this bill is to increase the security of the voting process, concerns were raised by the Maine Town & City Clerks Association (MTCCA) about the ability to track these ballots in addition to the possibility of some voters in nursing homes or elderly housing facilities being disenfranchised.

After the analyst provided a brief overview of the bill and information shared at the public hearing, Rep. Marc Malon of Biddeford made the motion of "ought not to pass" with the claim that based on testimony heard this was clearly not an issue in Maine and he did not want to spend time debating it. With no further discussion, the committee voted "ought not to pass" by a margin of 6 – 3, with three members absent. The minority report is "ought to pass."

The next bill, 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. Charles Skold of Portland, generated much more discussion as it seeks to require municipalities to be open on one Saturday for eight hours and

HEARING SCHEDULE

For the week of March 27, 2023

MONDAY, MARCH 27

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

LD 1110 – An Act Regarding Calibration Requirements for Certain Testing and Measurement Equipment

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

LD 516 – An Act to Reduce Cancer Among Firefighters by Providing Grants for Safety Equipment

LD 981 – An Act to Require All Emergency Medical Services Persons to Be Trained in the Dispensing of Naloxone Hydrochloride

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

LD 1092 – An Act to Expand Services for Women Who Experience Gender-based Trauma and Violence

Veterans & Legal Affairs
Room 437, State House, 9:00 a.m.
Tel: 287-1310

LD 1109 – RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create Consistent Election Dates for Citizen-initiated Referenda in Even-numbered Election Years

TUESDAY, MARCH 28

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

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

LD 93 – An Act to Ensure Access for All Caregivers to Diaper Changing Stations in Public Restrooms

LD 366 – An Act to Promote Workforce Development

LD 818 – An Act to Establish an Emergency Fuel Reserve

LD 1115 – An Act Regarding Economic Development Funds for Federally Recognized Indian Tribes

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

LD 279 – An Act to Protect Against Discrimination by Public Entities

LD 1056 – An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata

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

LD 86 – An Act to Restore the Former State of Maine Flag

LD 461 – An Act Regarding Private Roads

LD 548 – An Act to Amend the Duties of County Sheriffs

LD 917 – An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Rockland

Taxation
Room 127, State House, 2:00 p.m.
Tel: 287-1552

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

LD 984 – An Act to Expand Access to the Homestead Property Tax Exemption

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

LD 259 – An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund...for the Fiscal Years Ending June 30, 2024 and June 30, 2025

WEDNESDAY, MARCH 29

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

LD 134 – An Act to Increase the Handling Fee for Beverage Containers Reimbursed to Dealers and Redemption Centers

LD 972 – Resolve, Directing the Department of Environmental Protection to Evaluate Strategies for Improving the Returnable Beverage Container Laws

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/>).

Veterans & Legal Affairs
Room 437, State House, 9:00 a.m.
Tel: 287-1310

LD 832 – An Act to Sustain the Medical Use of Cannabis Program

THURSDAY, MARCH 30

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

LD 809 – An Act to Allow Regional School Units with School Choice to Opt Out of School Choice

LD 957 – An Act Requiring Water Bottle Filling Stations in New and Renovated Public Schools

LD 1113 – An Act to Require Transparency Regarding School Construction Spending

Energy, Utilities & Technology
Room 211, Cross Building, 1:00 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, 2:00 p.m.
Tel: 287-1317

LD 465 – An Act to Provide for an Electronic Permit for the Disposition of Human Remains

LD 536 – An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil

LD 584 – An Act to Permit the Conduct of Open Air Cremation at Designated Sites

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HEARING SCHEDULE (cont'd)

For the week of March 20, 2023

LD 762 – An Act to Authorize Burials with Biodegradable Containers, Including Tree Pods

Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

LD 341 – An Act to Amend the Maine Tree Growth Tax Law to Encourage Housing Construction

LD 793 – An Act to Support Municipal Services with Revenue Sharing

LD 1060 – An Act to Support Municipal Public Safety by Increasing State Municipal Revenue Sharing to 7 Percent

Transportation

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

Tel: 287-4148

LD 933 – An Act Requiring Proof of a Motorcycle License Endorsement or Learner's Permit in Order to Register a Motorcycle

LD 1017 – Resolve, to Increase Commercial Driver's License Examiner Capacity

LD 1019 – An Act Regarding Water Testing Related to Salt and Sand Storage Facilities

LD 1025 – An Act to Improve Maine's Economy by Changing the Hours of Operation for Oversize Loads

FRIDAY, MARCH 31

State & Local Government

Room 214, Cross Building, 9:00 a.m.

Tel: 287-1330

LD 670 – An Act to Protect Birds and Wildlife in the Construction and Maintenance of Public Buildings

LD 671 – An Act to Factor Conservative Projections of Sea Level Rise into State Planning on Climate Change

Oh, Magic Eight Ball,..cont'd

their operation. The committee analyst reminded committee members that a change in law was enacted last year allowing each municipality to apply for and receive up to \$20,000 in grant funds to offset cannabis related costs and that an information request was made to bring the total cannabis sales and excise tax figures to the work session.

Not surprisingly, adult use cannabis sales in Maine for 2022 totaled \$159 million, which equals \$17.5 million in sales and nearly \$10 million in excise tax revenue. The basic "share the wealth" premise of this bill was supported by Rep. Joseph Perry of Bangor, under the assumption that municipalities should be recognized for their contributions to the state's coffers.

Other members of the committee questioned the validity of the ask, pointing to the recent change in statutes allowing municipalities to apply for and receive grant funding. However, this grant funding is a one-shot deal, and in no way provides municipalities or their property taxpayers with any sort of ongoing recognition for their continued regulatory role or benefit.

Discussion ensued around increasing the fees that municipalities charge these establishments and questions arose, one focused on whether the fees are assessed annually or as a one-time occurrence. Gabi Pierce, policy director for the Office of Cannabis Policy, was invited to speak and relayed that the statute doesn't dictate if the fee is an annual or singular fee but that the fees do need to be rationally related to costs expended.

Ultimately, Rep. Shelley Rudnicki of Fairfield moved "ought not to pass" on LD88. The vote resulted in a four-to-four party line tie, with five members absent from the room. With another cannabis revenue sharing bill on the horizon, MMA will have another opportunity to convince legislators to express appreciation for the contributions from their municipal partners.

Hearings of The Week: Revenue Sharing

The Taxation Committee will conduct public hearings on two bills seeking amendments to the way in which state/municipal revenue sharing funds are distributed to municipalities. LD 793 and LD 1060, described below, will be heard on **Thursday, March 30 at 1:00 p.m.** in room 127 of the State House.

LD 793, *An Act to Support Municipal Services with Revenue Sharing*, sponsored by Sen. Eric Brakey of Androscoggin County, provides municipalities the option to either receive state-municipal revenue sharing in an amount equal to 10% of the sales or use tax collected within the municipality or the amount distributed under the current model.

LD 1060, *An Act to Support Municipal Public Safety by Increasing State Municipal Revenue Sharing to 7 Percent*, sponsored by President Troy Jackson of Aroostook County, increases from 5% to 7% the amount of state sales and income tax revenue distributed to municipalities under the revenue sharing program and requires the revenues generated by the 2% increase to be used for the employment and training of public safety employees, and provision of emergency fire, medical and law enforcement services.

Fast-tracking Work Eligibility

On Tuesday, members of the Labor and Housing Committee made quick work of a bill directing the Department of Labor to seek a waiver from the federal government enabling asylum seekers to work during the six-month period immediately after applying for asylum, and while waiting for the renewal of a work permit. Currently, under federal regulations asylees must wait five months before applying for a work permit.

The bill, LD 1050, *Resolve, Directing the Department of Labor to Request a Federal Waiver to Allow Presumption Work Eligibility for Asylum Seekers*, is sponsored by Sen. Eric Brakey of Androscoggin County, who conceded during the public hearing that the federal government may elect not to grant the requested waiver. However, he believes the action is warranted because it pres-

ents a pathway and shines light on the necessity to more quickly get people to work. Sen. Brakey further elaborated that the approach enables each U.S. state to determine what is best for their residents by making the work eligibility waiver process an option, and not a requirement.

Municipal leaders support the bill.

Over the last year, Maine's largest communities have experienced significant increases in the number of asylees seeking assistance, primarily through the General Assistance program. Increasing food, fuel, and housing costs, coupled with delays in the processing of federal work permit paperwork, have shifted burdens onto property taxpayers without recourse or additional reimbursement. Additionally, municipalities struggle to find housing for new families, English

as a Second Language programs are at capacity, social services programs are overwhelmed, and municipal staff are facing burnout, which is fueling workforce retention challenges.

The initiative is a much-needed step in the right direction.

Immediately upon completion of the public hearing, the committee held a work session and unanimously voted to support an amended version of LD 1050. As amended, the bill includes an emergency preamble, making the directive to the department effective immediately upon receipt of the governor's signature, if enacted by the Legislature.

IN THE HOPPER

Education & Cultural Affairs

LD 809 – An Act to Allow Regional School Units with School Choice to Opt Out of School Choice (Sponsored by Rep. Dill of Old Town)

This bill allows a regional school unit whose reorganization plan includes school choice for grade levels that had school choice in the prior school administrative units to hold a community referendum to amend the reorganization plan to opt out of the school choice provisions. The amended plan must include a transition period for students who are exercising the school choice option at the time of the referendum.

Energy, Utilities & Technology

LD 1111 – An Act Concerning Contracts and Agreement for Large-scale Water Extraction (Sponsored by Rep. O'Neil of Saco)

This bill requires contracts for the extraction and transportation of water to be approved by a vote of the legislative body of each municipality and township located within the watershed from which water is to be extracted and limits the term of these contracts to no more than three years.

Health & Human Services

LD 536 – An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil (Sponsored by Rep. Doudera of Camden)

This bill provides for the treatment of human remains by natural organic reduction as an alternative to burial in a casket or cremation.

LD 584 – An Act to Permit the Conduct of Open Air Cremation at

(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.)

Designated Sites (Sponsored by Sen. Vitelli of Sagadahoc Cty.)

This bill allows a nonprofit corporation to conduct open air cremations, provided certain conditions are met, including receiving approval from the municipality where the cremations will take place, as well as providing fire truck access to the pyre.

LD 762 – An Act to Authorize Burials with Biodegradable Containers, Including Tree Pods (Sponsored by Sen. Brakey of Androscoggin Cty.)

This bill authorizes the burial of biodegradable containers, such as a casket or an urn, containing human remains or cremated remains, including tree pods, which are containers buried directly underneath the roots of a tree.

Innovation, Development, Economic Advancement & Business

LD 93 – An Act to Ensure Access for All Caregivers to Diaper Changing Stations in Public Restrooms. (Sponsored by Rep. Collamore of Pittsfield)

Election Round Up...cont'd

one Sunday for eight hours, at least 18 days before the election. Furthermore, this bill would direct the SOS office to develop and manage a grant program to assist municipalities with the costs of expanding their hours and change the deadline for a member of the public to submit a notice of intent to inspect absentee ballots.

An amendment was offered that would reduce the number of hours the municipality would have to be open on a weekend day within 18 days prior to the election, and alter the time for notice of absentee ballot inspection from 5:00 p.m. the day before absentee ballot processing is set to begin, to 4:00 p.m.

Committee members quickly concluded that municipalities could already extend weekend and evening hours to their residents, and switched over to discussing how absentee ballots are inspected and why this change was so important. Waterville city clerk, Patty Dubois, representing MTCCA, was invited to address the committee with the Association's opinion on advance notice for absentee ballot inspection. She stressed the importance of this part of the bill since a late notice of intent to inspect absentee ballots can delay the processing. Dubois shared that in the City of Waterville absentee ballot processing is completed in one day, and staff are required to allow the inspection of absentee ballots. Hence, not having an appropriate deadline can delay an already lengthy process.

Secretary Bellows addressed the committee to point out that if the portion of the bill that changes the deadline for the notice of intent to inspect absentee ballots is passed, it would create a conflict within current law. If this measure passes, the language found in a different section of the election statute is worded in such a way that the notice to advise the public of their right to inspect absentee ballots would be posted after the processing has begun. As such, proper notice would not have been provided to the public therefore requiring an adjustment to the current language.

If you didn't follow that, don't worry, committee members were also confused and asked several clarifying questions to be sure they had it straight in their heads. Ultimately, the committee recognized the arduous work that clerks and elections workers manage relating to absentee ballot processing, but discussion circled the horseshoe over and over.

Annoyance began to show, and then the question was posed... is this really that important?

MTCCA was quick to say that logistically, this is an extremely important part of the bill for clerks and election workers, and particularly, as previously noted, Waterville processes their absentee ballots all in one day and any delay is a significant interruption to their process.

Feeling the pressure to wrap up this work session, another bill was suggested as a vehicle lawmakers could use to address the changes suggested

for LD 812, referencing the deadline of the notice to the public of their intent to inspect absentee ballots. In light of an alternative vehicle to move the important aspects of the proposed bill in front of the committee, Rep. Laura Supica moved "ought not to pass" on the measure, which ultimately passed unanimously by those committee members present (two were absent).

After a brief hiatus, committee members returned to their room on Wednesday, shifting gears to conduct public hearings on more proposed election bills. For municipalities, the first bill of interest was LD 1038, *An Act to Reinstate Plurality Voting by Repealing the Ranked-choice Voting (RCV) Laws*, sponsored by Rep. Edward Polewarczyk of Wiscasset.

Although MMA's Legislative Policy Committee members felt it prudent to stay out of a controversial issue like RCV, the decision was made to provide testimony "neither for nor against" the measure. The data that would help to inform folks about the long-term effects of the RCV system are simply not available at this time and continual study of this topic is needed to produce the information required to determine the usefulness of RCV.

Support for the proposed bill came from several Maine citizens who were concerned that RCV disenfranchises older voters and that many individuals have lost confidence in elections as they are currently administered. As one person in support referenced in their testimony, they aren't sure where the idea for RCV came from. This struck a chord with Rep. John Andrews of Paris who requested that information relating to the origin of RCV be brought to the work session on Wednesday, March 29 at 10 a.m.

The SOS office and Women League of Voters testified in opposition to LD 1138 and were peppered with questions on current RCV law, membership polling

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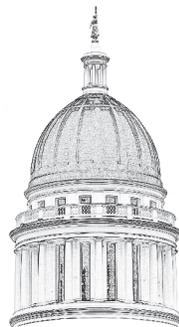
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Editorial Staff: Kate Dufour, Rebecca Graham, Rebecca Lambert and Laura Ellis of Advocacy & Communications. **Layout:** Sue Bourdon, Advocacy & Communications



Election Round Up...cont'd

and conflicting standards that were met with an air of hostility.

Committee members requested the polls and surveys data that various individuals spoke to in their testimony, with one member requesting the real numbers and not percentages.

Rep. Supica commented that a significant portion of testimony heard at this public hearing contained anecdotal data that there is confusion with RCV. She requested that data be brought to the work session that would focus on whether RCV is the cause for an increase of voters not engaging in the election process.

All controversy aside two things are for certain, Maine clerks and election workers stand ready to conduct elections in whatever manner is set before them and local officials support Maine voters exercising their constitutional right.

Later Wednesday afternoon, bill sponsor Sen. Eric Brakey of Androscoggin County rose to present LD 1055, *An Act to Prohibit the Use of Ballot Drop Boxes*. The intent of the bill is to prohibit the use of ballot drop boxes as a collection method for absentee ballots.

As Sen. Brakey alluded to in his testimony, ballot drop boxes began being used as an emergency measure, but here they are, still hanging around like a bad house guest, surviving on “Zuckerbucks,” a term coined for donations made to local government by Meta’s CEO, Mark Zuckerberg, during the 2020 election.

Committee members had questions. They asked how many drop boxes have 24-hour surveillance, who paid for the drop boxes—and a further request was made for a deeper dive into how much funding was received for these, and where the drop boxes are located.

Sen. Craig Hickman of Kennebec County spoke up to remind committee members that if they read the statute many of their questions would be answered. He went on to note there was value in a voter feeling safer to cast their

ballot using a drop box, and that last year the Legislature codified in statute that drop boxes were an acceptable form of ballot return, given their use follows certain guidelines, and directly asked Sen. Brakey if he was insinuating that all the work done last session should be repealed.

#Awkward.

You could hear a pin drop when the committee chair asked for those testifying in support of the bill and the SOS office was the first to rise in opposition, followed by the MMA, MTCCA, ACLU, League of Women Voters, and Mainers for Modern Elections.

All offering testimony sharing the same sentiment, voters are in favor of having a convenient 24 hour accessible place to cast an absentee ballot. The comments provided by the SOS noted that 28% of the votes cast in the last election were submitted using this method and the clerks’ association testified that there have been no known issues with security.

Sen. Hickman requested information on how many municipalities have drop boxes under video surveillance for the work session and then closed the public hearing. The work session has been scheduled for Friday, March 31 at 9:00 a.m.

The committee then returned to work session mode to discuss the merits of LD 750, *An Act to Eliminate the Limits on Candidates’ Speech at the Polls*, sponsored by Sen. James Libby of Cumberland County, with committee members asking clarifying questions around language definitions. Considering LD 750 is very similar to LD 879, *An Act to Place Restrictions on Candidate Speech and Clothing, Buttons and Other Items at Voting Places*, it was determined that there could be two possible amendments considered; 1) to designate a specific area for conversations that can be avoided if voters wish, or 2) prohibit candidates a from polling places altogether.

Sen. Hickman moved “ought not to pass” citing MTCCA’s testimony in

which they shared that the Association has fought hard in the past to get the 250-foot barrier in place at the polls. When asked what his reasoning was, Sen. Hickman explained that in his view, campaigns are campaigns and voting is voting, the two should not mingle.

After a two-minute corner caucus the motion of “ought not to pass” was voted out of committee with three in favor, six opposed, and four absent. Two alternative reports were recorded, one stating that candidates would be allowed to state their name, party, or the office they are running for at the polls, and the second prohibiting candidates from being 250 feet from the polling place, except to vote.

Keeping the discussion in the same vein, the committee moved right into LD 879. The analyst provided clarity on sections of the bill noting that section one deals with the candidate addressing voters at the polls and section two focuses on the voter’s apparel.

Again, Sen. Hickman supported the MTCCA view with an “ought to pass as amended” motion. The amendment would leave section one of the bill unchanged and would completely strike section two that defines what a voter can and cannot wear to the polls. By doing this it eliminates our clerks and election workers from having to become the fashion police.

To drive his point home, he invited a representative from the MTCCA to speak about the challenges with the portion of the bill that determines what a voter can and cannot wear. The question was moved and voted out of committee with eight in favor, three opposed, and two absent. The minority report was “ought to pass as amended,” with the amendment being no restrictions at all on what a voter wears to the polls and to include the provision in an alternative report for LD 750 where candidates could state their name, party, and what office they are running for to voters as they arrive at the polls.



IN THE HOPPER (*cont'd*)

With some exceptions, this bill requires all public restrooms to be equipped with a safe, sanitary and appropriate diaper changing station that is accessible to individuals with disabilities. Exemptions include public restrooms that: (1) have conspicuous signage providing directions to another restroom on the same floor with a changing station; or (2) would require construction to install the station and at a cost that is not feasible. The Department of Health and Human Services is directed to adopt the routine technical rules necessary to implement the mandate.

State & Local Government

LD 461 – An Act Regarding Private Roads (Sponsored by Sen. Vitelli of Sagadahoc Cty.)

This bill requires municipalities to establish minimum standards for the construction of private roads, which includes an inspection of the road base by the municipality prior to construction. The ordinance must be adopted by November 1, 2025 and developed with guidance from a Maine Department of Transportation model ordinance that is based on provisions found in the Woolwich Subdivision Ordinance. The bill also requires each municipality to develop or update inventories of all known town ways, private ways and private roads within its borders and to share those inventories with the department by November 1, 2023. County commissioners, landowners, road associations, surveyors, and other interested parties are authorized to share relevant information with municipalities. No later than January 1, 2024, the department is directed to provide the Joint Standing Committee on State and Local

Government with an update on the status of municipal road inventories. The bill also: (1) amends the definition of “private way” to mean a way with a public easement; and (2) defines a “private road” as a privately owned and maintained road over which passage may be restricted.

LD 548 – An Act to Amend the Duties of County Sheriffs (Sponsored by Rep. Costain of Plymouth)

This bill describes the law enforcement, corrections and court related responsibilities of county sheriffs.

Taxation

LD 341 – An Act to Amend the Maine Tree Growth Tax Law to Encourage Housing Construction (Sponsored by Rep. Ducharme of Madison)

This bill reduces the penalty for withdrawal of land from classification under the Maine Tree Growth Tax Law if the land is used for the construction of single-family residential housing and the conditions required for building construction are met within two years of withdrawal.

LD 984 – An Act to Expand Access to the Homestead Property Tax Exemption (Sponsored by Sen. Chipman of Cumberland Cty.)

This bill provides that property is eligible for the homestead property tax exemption if the property is owned by a limited liability company and occupied as a permanent residence by a member of the limited liability company.