



# LEGISLATIVE BULLETIN



MAINE MUNICIPAL  
ASSOCIATION

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## Police Townhalls Begin on Monday

The first of a statewide series of Municipal Police Virtual Townhalls will occur on Monday, Feb. 22 from 5:00 p.m. to 7:00 p.m.

Municipal officials, members of the Legislature's Criminal Justice and Public Safety Committee and police chiefs from Augusta, Gardiner, Winthrop, Monmouth and Hallowell are holding a listening session with their community members. The goal is to hear directly from residents what they want their police to continue doing, stop doing and start doing.

Hosted by the Maine Municipal Association and facilitated by University of Maine at Augusta's Noel C. March, director of the Maine Community Policing Institute, members of the communities served by these police departments can ask questions in an effort to better understand the role of municipal law enforcement in Maine. It is anticipated the discussion will cover funding, training, police policy and on the ground realities, along with shared approaches to overcoming challenges with limited resources.

Future virtual town halls around the state will be announced shortly.

Any member of the public interested in attending may register at MMA's website through this link: <https://memun.org/Articles/Article-View/ArticleId/14752/Regional-Police-Town-Halls-to-Begin#.YC7Jm-hKiUk> or by visiting memun.org.

## Bill Seeks to Record Officer Impression of Race and Ethnicity on all Traffic Stops

On Thursday, Feb. 11, the Committee on Judiciary held a public hearing on LD 132, *An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine*, sponsored by Rep. Rachel Talbot Ross of Portland.

As drafted, the bill would direct the Department of Public Safety to create a system to collect data from all traffic stops conducted by Maine police to record the officer's perception of the subject's race, gender, ethnicity, age, and whether or not they received a summons. Attorney General (AG) Frey indicated during the hearing that the collected data would be transmitted to the AG's office for review and annual reporting to the Legislature, and could possibly lead to further review of departments and individual officers.

The bill's proponents believe the collection of an officer's impression of the characteristics of individuals at the time of a traffic stop will uncover racial profiling trends among law enforcement officers in Maine. Some proponents suggested broadening the information collected to include known substance use traits and remove anonymity for the officer but not the subject of the stop.

There were no opponents to LD 132.

Several groups testified "neither for nor against" the measure including the Department of Public Safety, Maine Chiefs of Police Association, Maine Sheriff's Association and MMA, welcoming the effort to collect and centralize data often housed in variety of different data systems. However, these interested parties highlighted elements of the legislation that lacked necessary clarity, and pointed to similar efforts in other states as more appropriate models.

Police leadership from municipal, state

and county agencies spoke to the proposed data collection method's operational flaws, the need to clearly define how to code the information consistently, and the lack of empowering legislation to address federal rulings on traffic stops. Additionally, the proposed legislation lacks a clear definition of exactly which vehicle occupants need to be included in the recorded data. Providing one example, law enforcement asked if a passenger's lack of seat belt was the reason for the stop, would the information collected be the officer's impression of the driver or passenger or all occupants of the vehicle.

Some of the interested parties testifying neither for nor against testimony, including MMA, expressed concerns highlighting the inability for anyone to make precise judgments of race and ethnicity, which are often complex, fluid, and preferably self-reported rather than assumed by another.

The proposed bill does not allow an individual to be asked for race, ethnicity or gender identification or notified of how these impressions are recorded by the officer, which will only be provided if a summons is issued as a result of the stop.

Similar efforts in other states to collect pre-and post-stop officer impression data are overseen by profiling advisory boards, provide training to officers on how to record the data and include members of the targeted communities in the program. Additionally, the analysis process includes academics, police commissions, civilian review bodies, and advisory boards. Annual engagement forums are also used to review training, implementation, technology, data analysis, response to public records requests, and protection of officer and subject personal data.

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## **Bill Seeks to Record Officer Impression of Race and Ethnicity on all Traffic Stops (cont'd)**

### **Race and Ethnicity**

The federal minimum standards for collecting race data for analysis and compliance reporting include five categories: American Indian or Alaska Native, Asian, Black, or African American, Native Hawaiian or Other Pacific Islander, and White. Ethnicity minimums contain only two categories: "Hispanic or Latino," and "Not Hispanic or Latino." Nothing in the standard minimum prevents government entities from adding or expanding categories. All federal forms requesting this information from individuals also include a privacy notice indicating why the information is requested, its voluntary nature, and a notification that observational data will be used only when not provided.

Human rights advocates have long maintained that the minimum reporting standards lack important categories that create legally invisible groups who also experience discrimination on a significant scale such as immigrants from Middle Eastern and continental African countries and Jewish communities. The lack of accurate data is amplified when data collected

is not self-reported but left to the interpretation of the person recording the data.

With a long history of issues regarding government assigned race and ethnicity categories, the international standard recommended by the United Nations under state obligations through the International Convention to Eliminate All forms of Racial Discrimination (ICERD), ratified by the United States in 1994, recommends that self-reported data is the preferred collection method. The UNHCR also recommends that all groups be consulted at every step, including the way the data is collected, recorded, analyzed, interpreted, and the way resulting programs are implemented to promote participation and not just input.

### **Invest in Return**

With multiple police efforts and experiences across the U.S. and Canada to draw from, there is opportunity to improve the proposed legislation, which should start with the end goal in mind.

As drafted, the bill impacts the budgets of all agencies but does not promote participation or engagement with ethnically diverse

individuals beyond directing input from groups during rulemaking. If the goal is to end identity profiling, collected categories should reflect the real diversity of Maine's communities, not just the federal minimum and offer opportunities for those individuals to be involved with every step of the process.

Without diverse participation in the codification, implementation, and analysis process, or planned police cultural training, the investment in data collection will reflect only how inaccurate police are in determining race and ethnicity. If there is a lack of will to invest in a more appropriate program which creates engagement opportunities for law enforcement and their diverse constituents, then municipal officials believe the preferred standard of using self-reported data is more appropriate. Officials suggest that these questions be asked at the time of driver's license renewal or application for a state ID, with appropriate notice informing the individual that observation data will be used in the absence of information.

A work session on LD 132 has not been scheduled.

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## **"Is The Air Safe To Breathe?"**

The Committee on Environment and Natural Resources met last week to hear briefings regarding emissions and odor from above-ground petroleum storage tanks, and consider recommendations for emissions measurement, as well as odor and emission control requirements.

Maine Department of Environmental Protection (DEP) briefed the committee on a recent air emissions study, the department's air licensing program, and findings on a recent review of bulk petroleum storage facilities. DEP wanted to answer the question, "Is the air safe to breathe?"

After deploying permanent and mobile air sampling stations, the department determined air quality in Maine is safe. Of note, the department monitored two compounds over 12 months that had exceeded cumulative average above ambient air guidelines, acrolein and naphthalene, the latter of which shows higher concentrations near petroleum storage facilities.

Part of the emissions study included a first-of-its-kind partnership with South Portland. The department supplied grab canisters for residents to capture air samples when odors are present. This partnership, as well as the mobile air sampling stations, could be expanded to more municipalities in the state. The air emissions

study concluded with a review of the total cost to-date, \$414,064.

DEP also provided an overview of the two main types of bulk petroleum storage tanks, the differences between working and standing emissions loss, and current and proposed initiatives to control air emissions and associated odors. The need for more site-specific data was called for repeatedly. The effectiveness of mist eliminators, which capture emissions vapors when tanks are filled, unfilled, or sit idle under the sun, are being evaluated as a possible solution to mitigating emissions.

At the request of the committee, Global Partners, an energy supplier and tank operator in Maine, presented its perspective on the issue. According to Global Partners, all petroleum tanks in Maine account for 1% of harmful petroleum emissions statewide, and its tanks are only contributing 3% of that share. Thus, the company does not feel its actions are responsible for the emissions and odor concerns in South Portland.

Even though Global Partners does not believe its actions are a noticeable portion of the emissions and odor issue in South Portland, it has undertaken many local actions to mitigate public concern. Such local actions include installing

enhanced odor controls, running internal tests which are reported to DEP, reducing the amount of product shipped through its Maine facilities, contributing funding to support DEPair monitoring, and hiring a full-time community liaison.

Mayor Misha Pride from South Portland, who represents the community most vocal about the issue, presented his briefing last. Pride relayed resident complaints about odors, health maladies, nausea, and breathing difficulty all supposedly associated with petroleum storage tank emissions. While he applauded DEP for the grab canister partnership, he felt it was only a first step.

Mayor Pride offered five recommendations to the committee: (1) collect more data; (2) measure the amount of cutter stock used in tanks; (3) ask DEP to run independent testing and calculations; (4) consider the cumulative impact of pollutants instead of as separate impacts; and (5) put more emphasis on the health impacts of these pollutants.

Testimony and presentations from the briefings can be found on the Committee website: <https://legislature.maine.gov/enr-committee-briefing-materials-130th-legislature>

# HEARING SCHEDULE

*For the week of February 22*

## MONDAY, FEBRUARY 22

### Appropriations & Financial Affairs

**Room 228, State House, 10:00 a.m.**

**Tel: 287-1635**

LD 221 – Governor's Biennial Budget, in conjunction with the Joint Standing Committee on Education & Cultural Affairs.

### Criminal Justice & Public Safety

**Room 436, State House, 10:00 a.m.**

**Tel: 287-1122**

LD 242 – An Act To Support the Maine Fire Protection Services Commission.

LD 346 – An Act Requiring the Use of Propane and Natural Gas Detectors.

### Environment & Natural Resources

**Room 216, Cross Building, 10:00 a.m.**

**Tel: 287-4149**

LD 39 – An Act To Remove the Plastic Bag Ban.

LD 108 – An Act To Improve Public Safety by Repealing the Single-use Plastic Carry-out Bag Ban.

LD 244 – An Act To Repeal Maine's Single-use Plastic Bag Law.

### Inland Fisheries & Wildlife

**Room 206, Cross Building, 10:00 a.m.**

**Tel: 287-1338**

LD 349 – An Act To Prohibit the Use of Personal Watercraft on Keyes Pond in the Town of Sweden.

### Labor & Housing

**Room 202, Cross Building, 10:00 a.m.**

**Tel: 287-1331**

LD 137 – An Act Regarding Absence from Work for Emergency Response.

LD 305 – An Act To Include Forest Rangers and Forest Fire Prevention Specialists in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters.

### State & Local Government

**Room 214, Cross Building, 10:00 a.m.**

**Tel: 287-1330**

LD 153 – Resolution, Proposing an Amendment to the Constitution of Maine To Change the Number of Legislators To Approve a Constitutional Amendment.

### Veterans & Legal Affairs

**Room 437, State House, 10:00 a.m.**

**Tel: 287-1310**

LD 378 – An Act To Temporarily Waive Renewal Fees for On-premises Retail Liquor Licenses.

## TUESDAY, FEBRUARY 23

### Agriculture, Conservation & Forestry

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

**Tel: 287-1312**

LD 95 – Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food.

### Appropriations & Financial Affairs

**Room 228, State House, 1:00 p.m.**

**Tel: 287-1635**

LD 221 – Governor's Biennial Budget, in conjunction with the Joint Standing Committee on Education & Cultural Affairs.

### Marine Resources

**Room 206, Cross Building, 9:30 a.m.**

**Tel: 287-1337**

LD 263 – An Act To Make Technical Changes to Maine's Marine Resources Laws.

### Taxation

**Room 127, State House, 9:30 a.m.**

**Tel: 287-1552**

LD 179 – An Act To Exclude Energy Efficiency Improvements from Property Tax.

LD 188 – An Act Regarding the Transportation of Products in the Forest Products Industry.

LD 198 – An Act To Improve Maine's Tax Laws by Providing a Property Tax Exemption for Central Labor Councils.

LD 351 – An Act Regarding Municipal Valuation and State-owned Property.

## WEDNESDAY, FEBRUARY 24

### Appropriations & Financial Affairs

**Room 228, State House, 10:00 a.m.**

**Tel: 287-1635**

LD 221 – Governor's Biennial Budget, in conjunction with the Joint Standing Committee on Energy, Utilities & Technology.

**1:00 p.m.** In conjunction with the Joint Standing Committee on Innovation, Development, Economic Advancement & Business.

### Criminal Justice & Public Safety

**Room 436, State House, 10:00 a.m.**

**Tel: 287-1122**

LD 369 – An Act To Criminalize Recording an Incident in Progress but Failing To Report the Incident Immediately to the Appropriate Authority.

LD 417 – An Act To Protect Maine's Drivers from Pretextual Traffic Stops.

### Judiciary

**Room 438, State House, 1:00 p.m.**

**Tel: 287-1327**

LD 331 – An Act To Protect Student Privacy.

### Labor & Housing

**Room 202, Cross Building, 10:00 a.m.**

**Tel: 287-1331**

LD 189 – An Act To Permit All Public Employers To Implement Payroll Deductions for Disability and Life Insurance Policies.

**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>.

Due to COVID-19 related restrictions (and until further notice), all public hearings and work sessions will be conducted remotely. Municipal officials interested in providing live remote testimony will need to email [lio@legislature.maine.gov](mailto:lio@legislature.maine.gov) or call (207) 287-1692 no later than 5 p.m. the day before the hearing for information on how to participate. Comments on bills can be submitted in advance of a public hearing using the Legislature's testimony submission form ([Online Testimony Submission](http://legislature.maine.gov/testimony) ([mainelegislature.org](http://mainelegislature.org)) and interested parties can view committee proceedings, both live and recorded, on the Legislature's YouTube channel ([News | Maine State Legislature](#).)

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## Participating in Remote Hearings Now Easier

The following information was excerpted, in part, from the Legislative Information Office's Notice.

To the relief of committee clerks stationed in Augusta, this week the Legislature implemented a process for allowing members of the public to sign-up to provide in-person remote testimony at public hearings using the online registration portal: <https://www.mainelegislature.org/testimony/>.

As described by the Legislative Information Office, the portal provides interested parties three options.

**Written Testimony, Only** - To submit written testimony, interested parties are asked to use the portal to upload the document, or type comments in the provided space. Participants must complete all required fields, which includes providing a name and email address, but leave the "I would like to present my testimony live" box **unchecked**. A successful submission will generate an email letting participants know that the submitted testimony was received.

**In-person Remote Testimony, Only** - To register to provide in-person remote testimony, participants are asked to complete all required

fields and to check the "I would like to present my testimony live" box. A successful effort will result in the receipt of an email that includes a Zoom link for the public hearing.

### In-person Remote & Written Testimony

- Members of the public seeking to submit testimony and register to testify before a committee can do so by simply submitting remarks and checking the "I would like to present my testimony live" box.

Here are some tried and true tips for ensuring a successful experience:

- **Pro Tip:** Written comments do not need to be prepared prior to registering to provide in-person testimony. Participants can register to testify and when written remarks are ready use the portal a second time to submit comments.
- **Beware:** Avoid typing in the comment box things like "I will submit my remarks later." The portal will assume what you typed was testimony and will be posted online automatically.
- **Be Prepared:** Before you can register to testify or submit written comments, you

will be asked several questions. It's not a test per se, but you will need to know the: (1) name of the committee holding the hearing; (2) date of the hearing; and (3) the bill's LD number. If you are registering to provide in-person remote testimony, you will also be asked whether you are: (1) for; (2) against; or (3) neither for nor against the proposed legislation.

- **Rinse & Repeat:** You will need to complete a separate form for each bill you are interested in either submitting written or signing up to provide in-person remote testimony. You will only be signed up for the bills you specifically select. At this time the Legislature cannot add your testimony to another bill that may be referenced in your written testimony.
- **Edit Twice, Submit Once:** If you submit duplicate copies of your testimony, each copy will be posted. If you realize after submitting your remarks that you made an error and choose to submit revised testimony, each copy will be posted. Committee staff does not control this process, so you are encouraged you to look over your document first to be sure it is correct.

## Expanded Training Mandate Sunk in Committee...For Now.

On Tuesday, Feb. 9, the Committee on Marine Resources conducted a public hearing on LD 152, *An Act To Address Training Requirements for Harbor Masters*. The bill, sponsored by Rep. Jay McCreight of Harpswell at the request of the Maine Harbor Masters' Association, received its work session on Thursday, Feb. 18.

As originally drafted, the bill would mandate any harbor master who had been out of service for more than five years to complete the basic training course as a condition of re-employment and require all active and certified harbor masters to pursue additional advance training within two years of appointment to the role. The bill also contained a provision requiring continuing education every other year to maintain certification.

The cost of the certification would be borne by the individual, unless a municipality agreed to reimburse or pay for the training. The Harbor Masters' Association, which would be charged by the legislation to provide the training, ad-

vised the committee during work session that the estimated costs for obtaining the additional certification would be \$300.

For communities that rely on volunteer harbor masters, who often are paid an annual stipend of roughly \$500, this additional training hook is hard to swallow.

MMA offered the only opposing testimony highlighting the varying need for harbor management duties across Maine's 3,000 miles of coastline and the existing pressure to increase salaries to fill current vacancies. MMA also encouraged the committee to make the increased training voluntary in nature, rather than mandatory. Since the cost associated with training is the responsibility of the harbor master and not the employing community, the provision in Maine's constitution requiring the Legislature to either reimburse municipalities for 90% of the new training costs or adopt the measure by a two-third majority vote is effectively circumvented.

A heated debate among committee members, pitting the desire for increased professional standards for the role of harbor master in communities with expanding aquaculture related functions and the capacity of communities without those needs, led to two separate votes on LD 152.

The first vote on a proposed amended version of the bill requiring that advanced training be obtained within three years of employment rather than two, failed. A subsequent vote on an "ought not to pass" motion prevailed by a margin of 7-4. However, the three absent members have until Monday to record their votes.

Regardless, a divided report on the training bill is likely to hit the House and Senate floor in the coming months. Hopefully, the full Legislature recognizes the bill's disproportionate impact among municipalities and either fully funds the new obligation for Maine harbor masters or waits for calmer fiscal seas to increase the burden on communities struggling to stay above water.

# Support for Municipal Climate Change Implementation

The success of Maine's climate action plan will depend on municipalities' ability to implement the ensuing laws, mandates, and innovations. Implementation of climate initiatives requires significant funding that many municipalities do not have, technical expertise often missing from local boards, and increased staff capacity to enact the plan. Fortunately, the state, the Federal Transit Administration, and Efficiency Maine are stepping up with three programs to help with this heavy lift.

The Governor's Office of Policy Innovation and the Future (GOPIF) is launching a community resilience project pilot program to identify best practices for engaging and supporting municipalities, and demonstrating the need for and benefit of capacity building at the local and regional levels.

The pilot program will contract local service providers like regional planning organizations, economic development organizations or nonprofits, to recruit a cohort of municipalities for the study. Three service providers will be selected to recruit a cohort of approximately six municipalities.

The GOPIF is contracting service providers, rather than conducting the study themselves, because this approach leverages and strengthens the trust and relationships these organizations already have with nearby municipalities. The

study will gauge the municipal capacity for climate change planning and their ability to fund initiatives.

A request for proposals seeking service providers was released this week and can be found on the state's procurement website: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Funding for the pilot program came through private donations and is expected to run through 2022. While this is a one-off program, the results will hopefully encourage the Legislature to approve sustained state-level supports.

An initial report to the GOPIF on the community resilience pilot project can be found here: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/Summary\\_MunicipalClimateResilienceActivitiesReadinessInterviews\\_Nov.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/Summary_MunicipalClimateResilienceActivitiesReadinessInterviews_Nov.pdf)

A second program, initiated by the Federal Transit Administration, makes \$180 million available to support the transition of the nation's transit fleet to low or no emission vehicles. Through the Low-No Program, state and local governments can use funds for the purchase or lease of such vehicles, as well as related equipment, infrastructure, and workforce development training.

A webinar describing this opportunity will be held March 4 from 2:00 p.m. - 3:00 p.m.,

and proposals for the competitive grants must be received by April 12, 2021. More information about the Low-No Program can be found here: <https://www.transit.dot.gov/notices-funding/low-or-no-emission-program-low-no-program-fy2021-notice-funding>

The third program, led by Efficiency Maine, is also targeted at assisting municipalities with climate change efforts, specifically energy efficiency. The Small Municipality Retrofits program intends to accelerate the conversion to efficient heat pumps and LED lighting.

These incentives can be used to make improvements to any municipal building and are available by application. The heat pump incentives are \$2,600 per single-zone system with a maximum of three systems, or \$7,800. Lighting incentives include a fixed price per kilowatt hour saved in the first year. The program is limited to municipalities with fewer than 4,000 residents.

More information can be found here: <https://www.efficiencymaine.com/at-work/public-sector/cip-fon-004-2021/>.

These programs are supporting just a few of the initiatives municipalities are undertaking to combat climate change and build community resilience. Yet, they are an indication that public and private partners are interested in supporting towns and cities in Maine while they work toward achieving these goals.

## IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's official 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](http://www.memun.org).)

### Agriculture, Conservation & Forestry

**LD 324 – An Act To Limit Public Land Ownership in Maine.** (Sponsored by Rep. Javner of Chester)

This bill limits publicly owned land in the state to no more than 33% of the total land area of the state and 50% of the land area in any county. The bill also allows the state or a municipality to exceed the limits with the approval of 2/3 of each House of the Legislature. The Department of Agriculture, Conservation and Forestry is required to report biannually beginning April 15, 2022 to the joint standing committee of the Legislature having jurisdiction over public lands matters on the percentage of federal and state property ownership statewide and by county.

### Criminal Justice & Public Safety

**LD 279 – An Act To Protect Persons Detained or Committed in a Correctional or Detention Facility from Excessive Telephone or Video Charges.** (Sponsored by Rep. Tucker of Brunswick)

This bill provides inmates in state correction and detention facilities and county jails and municipal detention facilities the right to communicate with family via telephone or video call two times per week without charge. The bill also prohibits a state, county or municipal corrections facility from entering into contracts that exceed 11 cents per minute for domestic debit, prepaid or collect calls or assess a surcharge payable to the facility that exceeds the charges imposed by the outside entity.

### Energy, Utilities & Technology

**LD 101 – An Act To Prohibit Offshore Wind Energy Development.** (Sponsored by Rep. Faulkingham of Winter Harbor)

This bill prohibits any department or agency of the state or any political subdivision from permitting, approving or otherwise authorizing an offshore wind energy development project. The bill also requires the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission, the Public Utilities Commission and the Department of Environmental Protection each to submit by Dec. 1, 2021 legislation necessary

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to align those provisions of law under their respective jurisdictions with the prohibition on offshore wind energy development projects. Under the bill, the term “offshore wind energy development project” includes community-based offshore wind energy projects, deep-water offshore wind energy pilot projects, offshore wind energy demonstration projects and offshore wind power projects, which are all categories of projects currently authorized by law.

### Environment & Natural Resources

**LD 64 – Resolution, Proposing an Amendment to the Constitution of Maine Regarding Environmental Rights.** (Sponsored by Representative O’Neil of Saco)

This resolution proposes to amend the Constitution of Maine to provide that every person has a right to a clean and healthy environment. This includes the right to clean air, pure water and healthy habitats. The amendment requires the state to preserve public natural resources.

**LD 67 – An Act To Assist in the Restoration of Atlantic Salmon.** (Sponsored by Representative Martin of Sinclair)

This bill eliminates restrictions for the total number of discharge licenses allowed to be issued for Class AA and Class A waters. It retains the requirement in current law that those discharges assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.

**LD 69 – An Act To Reduce Duplicative Permitting Review for Projects under the Site Location of Development Laws.** (Sponsored by Representative Tucker of Brunswick)

Under current site location development laws, a structure that is from 3 acres to 7 acres is exempt from review, provided that certain criteria are met. This bill changes the upper acreage limit from 7 acres to 10 acres.

**LD 92 – An Act To Amend the Waste Motor Oil Disposal Site Remediation Program.** (Emergency) (Sponsored by Rep. Tucker of Brunswick)

Since the Finance Authority of Maine’s Waste Motor Oil Revenue Fund program generated sufficient revenues to pay all debt service and other expenses related to the cleanup cost on sites operated by the now-defunct Portland-Bangor Waste Oil Company, this bill repeals the program and directs all remaining funds to the Department of Environmental Protection’s Uncontrolled Sites Fund.

**LD 108 – An Act To Improve Public Safety by Repealing the Single-use Plastic Carry-out Bag Ban.** (Sponsored by Rep. Faulkingham of Winter Harbor)

This bill repeals the law restricting the use of single-use carry-out plastic bags by retail stores and instead allows a retailer to use plastic bags at the point of retail sale if the retailer locates inside the store or within 20 feet of the main entrance to the store a receptacle for collecting any used plastic bags and ensures that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics.

**LD 359 – An Act To Promote Energy Production from Recycled Plastics.** (Sponsored by Rep. Faulkingham of Winter Harbor)

This concept draft bill proposes to enact measures that promote the production of energy by waste-to-energy facilities in the state through the incineration of collected recyclable plastics that cannot be profitably sold as a recycled commodity.

**LD 390 – An Act Regarding the Mapping of Shoreland Zones.** (Sponsored by Rep. Perry of Calais)

This bill directs the Board of Environmental Protection to adopt

rules establishing minimum guidelines for municipal zoning and land use controls that: (1) exempt from municipal permitting the repair or replacement of an existing and qualifying culvert; (2) govern building and structure size, setback and location; (3) establish resource protection, general development, limited residential, commercial fisheries and maritime activity zones; (4) establish criteria for the issuance of permits and nonconforming uses, land use standards and administrative and enforcement procedures; (5) include a requirement that a person issued a permit pursuant to this article in a great pond watershed have a copy of the permit on the work site; (6) use clear and operable language that references widely available and best available datasets, specifically for modeling in a geographic information system and for enforcement purposes by municipal officials; (7) define terms “contiguous,” “adjacent,” “surficially connected” and other similar operational terms; (8) include selection distances for use in geographic information systems and field surveys; and (9) exclude from the resource protection zone lots where less than 2,500 square feet of the lot would be zoned as resource protection.

**LD 436 – An Act Regarding the Authority of the Department of Environmental Protection Regarding Applications, Permits and Fines.** (Sponsored by Sen. Brenner of Cumberland Cty.)

This bill authorizes the Department of Environmental Protection to assess an interest rate of 15% per year on any fee or portion of a fee owed and if not paid within 90 days of the due date the department is further authorized to place a lien on the real estate owned by the delinquent fee payer. The bill also increases the cap on civil penalties from \$10,000 to \$25,000 or if a violation relates to hazardous waste from \$25,000 to \$65,000 for each day of a violation. The maximum civil penalty may exceed \$25,000 but may not exceed \$65,000 for each day of a violation when it can be shown that there has been a previous violation of the same regulation by the same party within the preceding five years. The maximum criminal penalty is increased from \$25,000 to \$65,000 for each day of a violation in cases involving subsequent violations.

### Judiciary

**LD 363 – An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances.** (Sponsored by Rep. Pluecker of Warren)

This bill provides that an action arising out of any harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance must be commenced within six years after the plaintiff discovers or should have discovered such harm or injury. It does not alter the notice period or limitation period applicable to claims against a government entity.

### Labor & Housing

**LD 467 – An Act To Support E-9-1-1 Dispatchers and Corrections Officers Diagnosed with Post-traumatic Stress Disorder.** (Sponsored by Rep. Dillingham of Oxford)

This bill adds corrections officers and E-9-1-1 dispatchers to the list of employees for whom there is a rebuttable presumption under the laws governing workers’ compensation that when the employee is diagnosed by a licensed psychiatrist or psychologist as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual, the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker’s employment.

**LD 447 – An Act To Require Equivalent Paid Parental Leave for All Parents Employed by Companies Offering Paid Parental Leave.** (Sponsored by Rep. Roeder of Bangor)

This bill requires an employer that provides paid parental leave to provide an equal amount of leave for the birth of a child and the adoption of a child. It also prohibits an employer from providing different amounts of paid parental leave based on the gender of the employee or employee’s domestic partner. The bill uses the definition of “employer” under the family medical leave laws. The

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bill establishes a fine of \$10,000 for violation of these requirements.

**LD 473 – An Act To Create the Maine Rental Assistance and Voucher Guarantee Program.** (Sponsored by Rep. Morales of South Portland)

This bill requires the Maine State Housing Authority (MSHA) to establish and administer the Maine Rental Assistance and Voucher Guarantee Program. The program must include a rental assistance component to assist individuals with the cost of rent and a rental voucher guarantee component to encourage landlords to work with the program and other rental assistance programs. The bill includes a General Fund appropriation of \$8.5 million in both FY 22 and FY 23 to fund the program.

### Marine Resources

**LD 454 – An Act To Ensure Equity in the Shellfish Depuration Compensation Process for Municipalities by Increasing the Rate of Reimbursement Paid to Municipalities.** (Sponsored by Rep. Matlack of St. George)

This bill amends the laws concerning the shellfish depuration harvesting process to raise the rate of reimbursement paid to the municipality by the depuration certificate holder from 50 cents to \$2 for each bushel of soft-shelled clams.

### State & Local Government

**LD 379 – An Act To Establish the Maine State Cemetery Commission.** (Sponsored by Sen. Miramant of Knox Cty.)

This bill creates the eight-member Maine State Cemetery Commission, two members of which are municipal appointees, with one representing a statewide association of municipalities and the other a statewide association of municipal clerks. The duties of the commission include advising and educating municipalities and property owners of the: (1) existence of burying grounds and cemeteries; (2) related laws; and (3) care and preservation of graves, gravestones, walls and fences in and around burying grounds and cemeteries. The commission is also tasked with reviewing related statutes and providing the Legislature information on recommended changes.

**LD 434 – An Act To Clarify the Bonding Authority of Counties for Capital Maintenance Projects.** (Sponsored by Rep. Martin of Sinclair)

This bill authorizes a county to issue bonds for capital maintenance projects in a single year without the need for a bond issue referendum, as long as the total amount of the bonds does not exceed 1/10 of one mil of the county's property valuation. If a county charter provision provides for a higher total amount of bonds that may be issued for such projects without a bond issue referendum, that charter provision is valid.

**LD 446 – An Act To Reestablish the State Planning Office.** (Sponsored by Rep. Bailey of Gorham)

This bill reestablishes the State Planning Office to: (1) advise the Governor on developing and implementing policy; (2) assist the Legislature with information and analysis; and (3) administer financial and technical assistance programs to help build sustainable communities.

### Taxation

**LD 141 – An Act To Make Technical Changes to the Tax Laws.** (Sponsored by Rep. Terry of Gorham)

This bill is Maine Revenue Services' omnibus tax bill. Of direct

municipal impact, the bill clarifies that: (1) an assessor's examination results are confidential and not subject to a Freedom of Access Act request; and (2) enhanced BETE reimbursement only applies to tax increment financing (TIF) exempt business equipment when the reimbursement is used to fund a TIF development program.

**LD 412 – An Act To Authorize the Use of Tax Increment Financing Funds for Constructing or Renovating Municipal Offices and Other Buildings.** (Sponsored by Rep. Carlow of Buxton)

This bill permits revenue from tax increment financing districts to be used for the construction or renovation of municipal offices or other buildings and limits the revenue that may be used to \$1 million during a 20-year period for any one tax increment financing district.

**LD 94 – An Act To Allow Municipalities To Exempt Volunteer Firefighters from Paying Excise Tax on Their Vehicles Used To Respond to Fire Calls.** (Sponsored by Rep. Doudera of Camden)

This bill authorizes municipalities to adopt an ordinance extending a vehicle excise tax exemption to qualifying volunteer firefighters.

**LD 191 – An Act To Permit Municipalities To Provide Assistance to Veterans in Paying Property Taxes.** (Sponsored by Sen. Bailey of York Cty.)

This bill authorizes municipalities to adopt a program that provides benefits to veterans and their eligible family members who own or rent a homestead in the municipality. The benefit for owners is based on the current value of the property tax exemption compared to the amount that would have applied without equalization of the assessed value. The benefit for renters is \$100.

**LD 290 – An Act To Stabilize Property Taxes for Individuals 65 Years of Age or Older Who Own a Homestead for at Least 10 Years.** (Sponsored by Sen. Stewart of Aroostook Cty.)

This bill requires a municipality to maintain the property tax on the homestead of a permanent resident who is at least 65 years of age at the amount billed in the year prior to an application for stabilization. The amount by which the property tax assessed exceeds the stabilized amount must be paid to the municipality by the state. If an eligible individual moves to a different municipality, the stabilized property tax amount continues at the new location. An applicant for stabilization must be a permanent resident of the state and must have owned a homestead for at least 10 years. An application for stabilization must be made each year to continue eligibility.

**LD 328 – An Act To Fully Fund and Restore State-Municipal Revenue Sharing.** (Emergency) (Sponsored by Rep. Harnett of Gardiner)

This bill increases state-municipal revenue sharing to 5% from 3.75% in the final six months (Jan. 1 to June 30, 2021) of fiscal year 2020-21.

**LD 403 – An Act To Assist Service Center Communities by Adjusting State-Municipal Revenue Sharing.** (Emergency) (Sponsored by Rep. Madigan of Waterville)

For FY 22 and FY 23, this bill sets the percentage of state-municipal revenue sharing at 4.25%.

### Veterans & Legal Affairs

**LD 353 – An Act To Establish Medical Marijuana Cooperatives.** (Sponsored by Rep. Warren of Hallowell)

This concept draft bill proposes to establish medical marijuana cooperatives.

**LD 421 – An Act To Increase the Number of Plants a Medical Marijuana Caregiver May Cultivate.** (Sponsored by Rep. Collings of Portland)

This bill increases the number of mature plants from 30 to 60 and immature plants from 60 to 120 that a medical marijuana caregiver may cultivate.



# Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486

## Hearing Schedule (cont'd)

### THURSDAY, FEBRUARY 25

#### Agriculture, Conservation & Forestry Room 214, Cross Building, 9:30 a.m. Tel: 287-1312

LD 103 – An Act To Improve the Animal Welfare Laws.

LD 268 – An Act To Eliminate Online Burn Permit Fees for All Areas of the State.

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

LD 221 – Governor's Biennial Budget, in conjunction with the Joint Standing Committee on Labor & Housing.

**3:30 p.m.** In conjunction with the Joint Standing Committee on Transportation.

#### Energy, Utilities & Technology Room 211, Cross Building, 9:00 a.m. Tel: 287-4143

LD 340 – An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs.

#### Innovation, Development, Economic Advancement & Business Room 202, Cross Building, 9:30 a.m. Tel: 287-4880

LD 195 – Resolve, Directing the Department of Professional and Financial Regulation To Study a Voluntary Licensing System for General Contractors for Home Improvement and Construction.

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

LD 311 – An Act To Require Third-party Certification for Persons Undertaking Corrosion Prevention and Mitigation Projects for Public Water Supply and Wastewater Infrastructure and Bridges.

LD 382 – An Act Regarding the Department of Transportation and Electric Vehicle Charging Stations.

LD 388 – An Act To Amend the Laws Governing Transportation.

LD 395 – An Act To Remove the Authorization for Temporary Signs To Be Placed in the Public Right-of-way.

LD 410 – An Act To Provide Funding for the Reconstruction of Route 161 from Fort Kent to Caribou.

## LEGISLATIVE BULLETIN

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