

Maine Town & City

The magazine of the Maine Municipal Association

August/September 2021

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Beautiful Day



The 130th Maine Legislature supported property taxpayers, and restored promises to municipalities, as never before.

MMA Executive Director Catherine M. Conlow provides her vision for 2022 and beyond, including a pledge to help with employee recruitment. **Page 5**

June town meetings are over. Here is a two-article package summarizing what took place across the state. **Page 37**

Studying the Issues

*'Legislation doesn't just appear,' is how MMA Legislative Analyst Neal Goldberg puts it, as he summarizes legislative study groups with work to do. **Page 9***

Carryover List

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All the New Laws

*Each year, MMA compiles the most comprehensive list of municipally relevant new laws that you will find anywhere. Without further ado... **Page 16***

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A MESSAGE FROM MMA

BY CATHERINE M. CONLOW / EXECUTIVE DIRECTOR

After year of uncertainty, time to look ahead

As I begin my tenure here at the Maine Municipal Association, I would like to take this opportunity to thank the MMA Executive Committee and our members for this tremendous opportunity to serve our municipalities in Maine.

I would also like to acknowledge the accomplishments of my predecessor, Steve Gove and the Executive Committee. Like many of you, I have gotten to know the MMA staff from working with them over the years, whether it was through the affiliates, training, insurance, legal services, advocacy, labor relations or through other means. What I have come to appreciate, in my very short time here, is that they are an exceptionally competent, professional and committed group of employees dedicated to serving the membership. And like many of you, I appreciate that the staff of MMA have served as a calm, reassuring presence throughout many storms of the past year.

Uncertainty and unrest in 2020-2021 have put enormous emotional strain on our membership. Serving the people of Maine through the pandemic was a monumental undertaking. But of course, 2020-2021 didn't stop there! This past year-plus required municipal officials to deal with unprecedented change, including political unrest through a presidential election that played out in our elections, increasing civil unrest directed towards our municipal police departments, a growing number of people experiencing homelessness, an unprecedented housing shortage, increasing food insecurity among our residents, an increasing labor shortage, etc., all while managing the day-to-day ups and downs of local governance in uncertain times. Through much of this past year, we worked together and helped each other change.

Moving forward, the Executive Committee will meet in September to set its strategic goals and plans for the next year. Top of that list will continue to be the

labor shortage affecting most municipalities in almost all municipal positions. The post-pandemic demand for products and labor in all sectors of the economy, combined with salary pressures and increasing training requirements have left municipalities struggling to find workers in all fields. To that end, MMA has continued development of its "Hometown Careers" campaign. Beyond that, more will need to be done to secure a well-trained municipal workforce.

Last year, MMA contracted with Berry Dunn to complete a "Curriculum and Assessment Inventory Project." The purpose of the project is to develop a single, professional inventory of existing training gaps that may exist. The assessment inventory looked at all the positions in municipal government, and available training and education.

Through the next several months and working with the Executive Committee, we will begin to formulate new strategies to help municipalities meet the increasing challenges of a well-trained workforce that has inevitably been reshaped by the events of the past year. I look forward to sharing that with all of you at the upcoming MMA convention in Augusta.

Despite the challenges of the prior year, so many municipal leaders and communities have emerged strong and connected to their constituents in ways we couldn't imagine. Our municipal governments have resumed the activities and events that connect us to our families, friends and neighbors, and they showed us that the connections that we make in our communities are the ones that, next to family, matter the most. As we enter this new era, the role of municipal government in connecting us to one another will only grow stronger.

On behalf of myself, the Executive Committee and the entire team here at MMA, we will be here and ready to support those changing needs.

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At long last: Commitments to property taxpayers honored

Taken together, the policy and financial strides made during the most recent legislative session were, to put matters in their true context, historic.

By Kate Dufour, Director, State & Federal Relations, MMA

It is with tremendous relief and a chill of excitement that the Maine Municipal Association's advocacy team reports Governor Janet Mills and the members of the 130th Maine State Legislature have honored their commitments to municipal government leaders and Maine's property taxpayers.

Recognition that vital public services are disproportionately funded by property taxpayers emerged as one of the recent session's themes.

55% State Funding for Education. Through the adoption of the supplemental FY 22 - FY 23 General Fund budget (LD 221), the state will fund 55% of the cost of K-12 education for the first time since the related-referendum question was approved by Maine voters in 2004. As calculated by the Essential Programs and Services model, the state's share of public education will be \$1.3 billion, leaving property taxpayers to fund a required \$1.1 billion with a minimum mil rate expectation of \$7.26. As a result of this investment, the minimum property taxpayer contribution for schools decreased by \$68 million between FY 2021 and FY 2022.

Restoration of Revenue Sharing. As of July 1, 2021, the amount of state sales and income tax revenue shared with municipalities increased to 4.5% and will be restored to the historic 5% funding level on July 1, 2022. The increase, coupled with a strong economy, is good news for municipalities. Based on the data in the Revenue Forecasting Committee's May 2021 report, in the



first year of the biennium an estimated \$182 million will be distributed to municipalities under the revenue sharing program and \$210 million in FY 2023.

Homestead Exemption. Amendments to the homestead exemption program were another topic of debate. As a result, the budget was enacted with a provision that retains the \$25,000 exemption, but increases reimbursement by 3% annually until municipalities are fully compensated for the lost property tax revenue. Two bills seeking to increase the value of the exemption have

been carried over for more debate in 2022.

Elderly Property Tax Deferral Program. In addition to reducing property tax burden, legislation was enacted to ensure Maine's most vulnerable populations can afford to stay in their homes. Via adoption of Maine's American Rescue Plan Act investment strategy (LD 1733), an amended version of the state's elderly property tax deferral program was reinstated. As structured, the program authorizes the state to pay all or a portion of the property taxes owed by Maine residents meeting certain age, income, employment and asset standards. In exchange for paying the property taxes owed to the municipality, the state retains a non-foreclosing lien on the property which is subsequently sold for the purposes of recouping taxes and other expenses once the homeowner is no longer eligible for the program.

Housing Studies. In a similar vein, this session the Legislature heard and discussed several bills seeking to increase the state's inventory of affordable, senior and workforce housing. To that end several housing related bills were enacted, including initiatives that: allow for the development and local regulation of tiny homes in single-family residential zones (LD 1530); amend the Tax Increment Financing program to permit investments outside of the district that facilitate housing programs and assist those who are experiencing homelessness (LD 953); and accelerate the timeframe for clearing the title on

abandoned tax-acquired residential property (LD 1132).

Key among the housing related legislation enacted this session is the establishment of the 15-member *Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions* (LD 609). Under the terms of Speaker Ryan Fecteau's study, the commission is directed to review state laws that affect the local regulation of housing, including but not limited to municipal incentives, state mandates, measures eliminating or limiting single-family-only zones and allowing greater housing density near transit, jobs, schools or neighborhood centers, as well as to assess the role race and racism play in zoning policies. The commission has until Nov. 3, 2021 to submit a report to the Labor and Housing Committee. The outcome of this study is important as several other housing related bills are waiting in the wings for further review in 2022, some of which seek to suppress local decision making authority.

Remote Meetings. After a decade of attempts, the Legislature finally acquiesced to providing municipalities the authority to adopt policies allowing members of a public body to participate in meetings remotely. Although the version of the enacted bill (LD 32) reins in local control by making remote participation by members of the body the exception, rather than the

rule, the change is a much appreciated step in the right direction.

Conduct of Elections. The way in which Maine elections are conducted was a popular subject of debate. Included as part of the supplemental budget (LD 221) is a measure creating a process for providing eligible residents on-going absentee voter status. Beginning on Nov. 1, 2023 voters who are at least 65 years of age before the next election or who self-identify as having a disability will have the option to apply for ongoing absentee voter status requiring the automatic distribution of a ballot for each ensuing election until the voter is no longer eligible.

The gift of time has been bestowed onto municipal election officials who are now authorized to start processing absentee ballots on the seventh day prior to the election, rather than on the fourth day (LD 102). The Legislature has also advanced initiatives implementing an online voter registration program (LD 1126), as well as a process for allowing voters to cure discrepancies with returned absentee ballots and a procedure authorizing municipalities to obtain and use absentee ballot drop boxes at multiple locations within the community's boundaries (LD 1363).

This year's successes also came in the form of defeat. The Legislature failed to enact legislation seeking to

significantly limit or repeal qualified immunity for law enforcement officers, as well as to override the Governor's veto on a bill making controversies over public employee salaries, benefits and pensions binding through arbitration.

For More Information. A companion piece published in this edition of the *Maine Town & City* provides further details on enacted laws, including those described in this article. Found among the pages of the *New Laws* article are descriptions of several initiatives, including measures: authorizing municipalities to adopt commercial property assessed clean energy ordinances to help finance up to 100% of energy saving improvements to qualifying commercial properties (LD 340); directing the Governor's Energy Office to coordinate with the Public Utilities Commission to convene a stakeholder group to consider various distributed generation project programs and the need for improved grid planning (LD 936); and lowering from \$2 to \$1 per ton the municipal solid waste surcharge statute in the laws governing solid waste management, as well as repealing the exemption for payment of that fee granted to qualifying communities (LD 57). In addition, a second article describes the bills of municipal interest carried over for further discussion in 2022, while a third describes the studies that will be conducted in the coming months.

With Gratitude. MMA's advocacy team is grateful for all the assistance received throughout the session from municipal officials, members of the legislature, state agency officials, and the Mills Administration. Special thanks are owed to the members of MMA's Legislative Policy Committee, which met remotely throughout the session to establish the Association's position on legislation, as well as the municipal officials who responded to our many action alerts. Your home-based advocacy efforts were instrumental to this session's success.

Finally, the Association thanks Rep. Thom Harnett of Gardiner and Sen. Marianne Moore of Washington County for authorizing the distribution of the *Legislative Bulletin* to members of House and Senate. ■



Getting down to brass tacks: A review of 2021 legislative studies

By Neal Goldberg, Legislative Analyst, State & Federal Relations, MMA

Good legislation does not just appear. The process from idea to signed law is difficult and deliberate. As such, studies are conducted and working groups are formed to examine specific issues in depth prior to drafting or enacting legislation.

In the legislative context, “study” refers to the interim work undertaken to offer a more complete understanding of a subject than is typically achievable during legislative sessions. Studies are meant to inform legislators on complicated and evolving subjects or controversial problems, and to seek reasoned solutions.

The Legislature was presented with numerous complex issues that warranted further investigation. Of municipal relevance, there are eight legislative studies and working groups to keep an eye on.

Housing: Of all the studies passed by the 130th Legislature, LD 609, *Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, sponsored by Speaker Ryan Fecteau of Biddeford, is the most timely and carries potential statewide benefit. The availability of affordable, workforce and senior housing is a longstanding problem across Maine that needs a solution before even more residents are priced out of their chosen communities.

There is a belief that the root cause of Maine’s housing crisis stems from zoning and land use restrictions. Thus LD 609 establishes a commission for three purposes: (1) to review data on housing shortages and state laws that affect the local regulation of housing; (2) to consider measures that would encourage increased housing options in the state; and (3) to determine the historical role of race and racism in zoning policies and ensure state and municipal zoning laws do not create barriers to racial equality.

At least one municipal perspective will be represented on the 15-person commission which will report out its recommendations to the Committee on Labor and Housing no later than Nov. 3, 2021. MMA supports this approach on the basis that it seeks to address zoning-related housing impacts through discussion and collaboration, as opposed to mandate as the default solution.

License Plates: The proliferation of specialty license plates available to Maine motor vehicle owners benefits a few select causes, but also creates logistical complications in the manufacture, storage and administration of registration plates. More plainly, they create a considerable administrative burden on municipalities and promote competing interests between causes. Since the current process is complicated and burdensome to municipal officials, MMA supports any effort to create a statewide strategic plan to simplify and streamline the registration of specialty plates.



Source: Bangor Daily News

LD 1618, *Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working Group*, sponsored by Sen. Bill Diamond of Cumberland County, seeks a solution to the overwhelming number of specialty plates that state and local officials must administer. While a

strategy is formulated, there will be a two-year moratorium on approval of any new specialty license plates. The Bureau of Motor Vehicles working group will provide a report of findings and recommendations to the Transportation Committee by Feb. 1, 2022.

Solar Arrays: Similar to the proliferation of specialty license plates beyond imagination, solar arrays have started appearing around the state in potentially less than ideal locations. The state’s lack of oversight or strategic plan has opened the door to the installation of solar arrays on highly productive agricultural land, potentially reducing Maine’s capacity to grow and harvest food. Furthermore, constructing solar arrays on agricultural land that already enjoys property tax advantages creates concern that some property owners might unfairly double-dip into the tax benefits, shifting additional burdens onto other property owners.

Increasing pressure for solar development and the desire among farmers to stabilize seasonal incomes rub against Maine’s established programs to preserve farmland sparking the need for LD 820, *Resolve, To Convene a Working Group To Develop Plans To Protect Maine’s Agricultural Lands When Siting Solar Arrays*, sponsored by Sen. Ned Claxton of Androscoggin County. The working group convened by the Department of Agricultural, Conservation and Forestry will consider ways to discourage the use of land of higher agricultural value and encourage the use of more marginal agricultural lands when siting a solar array. The department will report out recommendations, including suggested legislation, to the committees on Energy, Utilities and Technology, Environment and Natural Resources, and Agriculture, Conservation and Forestry no later than Jan. 14, 2022.

Site Law Permit Applications: The

Department of Environmental Protection is responsible for reviewing new, revised and amended permit applications submitted under Maine's site location of development laws. At present all parties involved are dissatisfied with the length of time it takes the department to review such applications. Past legislative attempts have focused on reducing the department's workload in order to expedite the process, but legislators are now interested in finding ways to increase the capacity of the department without lessening the load.

According to Maine DEP, site law applications have a guaranteed processing time of 150 days, yet in the past 10 years the average processing time is just over 160 days. When asked what the department needs to accomplish this in 90 days, one official said, "You'd need more than an army of people. Even amendment applications take more than 90 days."

An amended version of LD 1415, *Resolve, To Direct the Department of Environmental Protection To Determine Staffing Needs To More Efficiently and Effectively Issue Decisions on New, Amendment and Minor Revision Applications*, sponsored by Sen. Catherine Breen of Cumberland County, directs the department to internally determine its staffing needs for permit review and to make recommendations to the Committee on Environment and Natural Resources by Nov. 1, 2021. MMA fully supports increasing the department's capacity because the alternative solution is the state passes responsibility for permit review onto municipal officials who do not have the resources nor the expertise necessary to perform the task in all communities.

Timber Harvesting: Maine has a lot of trees and municipalities enjoy home rule authority over them. For centuries residents and harvesters have responsibly co-existed in most municipalities. One reason for this cooperation between stakeholders is that local ordinances to regulate or restrict forestry practices are stronger

than state restrictions because they require a robust public engagement process that includes foresters and the Forest Service. That could all change depending on the outcome of a new study that assesses the practicality of preempting local control with a predetermined set of forestry practices for timber harvesting, regardless of local ordinances.

LD 1407, *Resolve, Regarding Authority of Municipalities To Regulate Timber Harvesting*, sponsored by Sen. Russell Black of Franklin County, creates a stakeholder group to review and assess the local laws and municipal processes of adopting or amending a timber harvesting ordinance. Some parties would like to restrict municipalities from limiting or prohibiting any generally accepted forest management practice. Others oppose the idea because it could lead to widespread disregard for local preference; often what is an agreeable forest practice in one community is an adverse action in another. The stakeholder group will report back to the Committee on Agriculture, Conservation and Forestry with findings and recommendations by Dec. 15, 2021.

Transit: Mainers are tired of not being able to get there from here. This is because public transit options are practically nonexistent between Maine's service centers. Thus, the Legislature is conducting two overlapping studies to determine the feasibility and economic impact of developing transit corridors northward from Portland.

LD 991, *Resolve, Directing the Department of Transportation To Conduct an Economic Evaluation Study for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area*, sponsored by Sen. Ben Chipman of Cumberland County, will organize an economic evaluation for rail service from Portland to the Lewiston and Auburn (L/A) area. Such a corridor would reduce greenhouse gas emissions from fewer cars on the road, connect L/A to all rail service in the Northeast, extend needed travel options to commuters and visitors, and bring numerous benefits to communities situated along the corridor.

A second transit study is being conducted on a much lengthier corridor stretching from Portland to Bangor.

LD 227, *Resolve, To Conduct a Transit Propensity Study for Communities between Portland and Bangor*, sponsored by Sen. Ned Claxton, seeks similar answers as the study measuring feasibility between Portland and L/A. Both studies will report back to the Transportation Committee, the first by March 1, 2022, and the second by Jan. 1, 2023.

Discontinued Roads: Property taxpayers pay a lot for the maintenance of local roads, and some at the state level are intent on forcing that amount to increase. By the request of the Committee on State and Local Government, numerous legislators, MMA staff, and public stakeholders will be deliberating the feasibility of municipalities maintaining discontinued roads if they provide access to at least one resident. At hand is a potential to redefine municipal responsibilities over discontinued and abandoned roads for which a public easement is retained.

Municipalities already pay \$276 million to maintain and repair roads and bridges. As a portion of total expenditures, municipalities between 3,500 and 4,999 residents pay the most for road maintenance. Those communities commit about 10% of their expenditures to such activities. Residents in those communities pay \$361 per person more than any other Mainers for road maintenance.

LD 1513, *An Act To Require the Maintenance of a Discontinued Public Road That Provides the Sole Access to One or More Residences*, sponsored by Rep. Daniel Newman of Belgrade, and carried over to the second session, is the impetus of the informal study group. From the municipal perspective, this bill is a mandate that overrides local decisions for public works expenditures to benefit individuals who knowingly purchased property on such roads simply because a public easement exists, often as a result of state policy. ■

Public safety, taxes and concept drafts punctuate list of carryovers

By Rebecca Graham, Legislative Advocate, State & Federal Relations, MMA

The members of the 130th Maine State Legislature managed to enact a significant amount of public policy through remote public hearings and in-person debates in the House and Senate chambers. Many pieces of legislation – particularly bills needing further consideration – remain alive via the carryover process and will be revisited by the Legislature when convened in January 2022.

All bills carried over were “carried over, in the same posture, to any special or regular session of the 130th Legislature,” meaning if they were amended before the adjournment of session, they were carried over as amended.

Among the carryover bills of municipal interest are efforts to amend the way in which public safety services are provided; change the mechanism for funding county jail operations; address the ever-growing need for affordable housing across the state; and reduce the burdens placed on Maine’s property taxpayers. Concept draft bills, which lacked the details necessary for robust debate will resurface next year, as well as bills containing recommendations from stakeholder and study

groups that will meet throughout the summer and fall months.

What follows are highlights of some of the initiatives carried over of greatest municipal interest.

Funding county jails

LD 1654, *An Act to Stabilize State Funding for County Corrections*, sponsored by Rep. Charlotte Warren of Hallowell, seeks to change the way county jail operations are funded.

As proposed, the bill defines certain classes of inmates as “state sanctioned” and requires the state to either reimburse counties at a rate of \$50 per day for each defined inmate or fund at least 20% of the annual costs of jail operations. State funding is contingent on the county’s timely and accurate compliance with all Department of Corrections (DOC) reporting requirements and rules. In addition, every four years counties are permitted to increase the base local tax assessment that property taxpayers must pay for jail services provided the increase is approved by a vote of the county budget committee and ratified by the Legislature.

The bill also establishes a seven-member County Corrections Professional Standards Council with representation from county sheriffs, county commissioners, the Department of

Administrative and Financial Services, DOC, and one municipal official. The council is directed to establish standards for data and reporting requirements, penalties for the failure to comply with those provisions along with rules and measures necessary to provide adequate physical, mental health, substance use treatment services and community corrections programs in county jails.

Property tax relief

After reconsidering the “ought not to pass” vote in the House, LD 1195, *An Act To Increase Funding to Qualifying Municipalities by Sharing Adult Use Marijuana Sales and Excise Tax Revenue*, sponsored by Rep. Tiffany Roberts of South Berwick, was carried over into the second session. In its current form the bill would create a new state revenue sharing program in recognition of the heavy regulatory lift municipalities are shouldering to generate adult use marijuana revenue for the state. If passed, each month the state would distribute to a municipality 5% of the related sales and excise tax revenue generated in that community, less state administrative fees.

The Homestead Exemption program will get another review next session in the form of LD 1071, *An Act To Reduce Property Taxes for Maine Residents*, sponsored by Sen. Matthew Pouliot of Kennebec County. The majority “ought to pass as amended” report from the Taxation Committee would increase the exemption from \$25,000 to \$30,000 beginning in 2022 and incrementally increase state reimbursement to municipalities by 3% each year. A separate bill, LD 1448, *An Act To Increase the Homestead Property Tax Exemption*, sponsored by Rep. Rachel Talbot Ross of Portland, will also receive further consideration. As amended,

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this bill increases the exemption to \$30,000, and keeps the reimbursement rate at 70%.

Summer stakeholder studies

In an effort to answer more complex questions, several legislative committees directed stakeholders to convene for the purpose of conducting further research on issues legislators perceived as having merit but requiring additional input from affected parties. The most significant of these requests relate to the provision of public safety services.

As drafted, LD 1447, *An Act To Require Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and Establish Additional Requirements for Law Enforcement Officers and Candidates*, sponsored by Rep. Lori Gramlich of Old Orchard Beach, would make a college degree, in a finite set of subject areas, mandatory for law enforcement certification or employment. Additionally, the bill would require the Maine Criminal Justice Academy (MCJA) to provide training in substance use disorders, homelessness, racial issues and social justice situations that a law enforcement officer may encounter during the course of duty.

During the bill's public hearing, the committee was provided information regarding the recruitment approaches currently in place in many law enforcement agencies that rely on degree bonuses, funded college programs, and hiring practices favoring

candidates with college degrees. MCJA staff pointed out that most of the continuing education requirements in the bill were already in place and adjusted on a regular basis to address evolving issues.

As a result of the Criminal Justice and Public Safety Committee's discussion, the sponsor agreed to engage with stakeholders to explore current practices and better understand the problem LD 1447 seeks to resolve without placing unnecessary burdens on law enforcement recruitment efforts. Results of that discussion will be provided to the committee for further consideration next year.

LD 1446 *An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits*, sponsored by Rep. William Pluecker of Warren, uncovered a problem associated with the issuance of concealed weapons permits in communities without police departments. Inconsistent and inadequate access to state law enforcement agency support for performing background checks and associated health record inquiries necessary for the issuance of a concealed weapons permit are the crux of the issue, as non-law enforcement officials do not have access to vital records for determining whether a permit can be provided.

While Maine is an "open carry" state, many handgun owners appre-

ciate the added benefit concealed permit holders have to carry their weapons in other states that maintains reciprocity agreements with Maine. As a result, the number of residents applying for permits has not decreased as lawmakers expected. Rather, the decision to move to open carry and simultaneously reduce the number of positions in the Maine State Police (MSP) has placed additional burdens on the state agency. Communities that contracted with MSP to issue permits prior to the enactment of the law still receive those services. However, it is estimated that 72 communities either lack access to the services necessary to issue concealed weapons permits or have inadequate systems in place.

An inconsistent approach to how the permits are issued could endanger existing concealed weapons permits reciprocity agreements or place additional financial burdens on the state agency tasked with providing added services within existing resources. For these reasons, the Criminal Justice and Public Safety Committee directed MSP and MMA to identify the communities in need of services and provide information on how expanding municipal contract services would impact the agency.

Another enforcement-related carryover bill seeks to address a growing concern with the placement of self-

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constructed floating homes on inland waters. LD 626, *An Act To Clarify Temporary Mooring Privileges for Moorings on Inland Waters*, sponsored by Rep. Paul Stearns of Guilford, originally sought to mandate all municipalities with inland waters to designate an individual with the ability to enforce temporary mooring privileges.

Fishing, fowling and navigation are public trust rights for inland waterways and thus the state occupies the field of regulations as it pertains to these waters and submerged lands with very limited exceptions. The Inland Fisheries and Wildlife Committee asked the Department of Inland Fisheries and Wildlife to meet with stakeholders and provide recommendations on how to clarify the authority to regulate these new floating structures, as the intersect with actual public trust rights and health, safety, and the environmental protection responsibilities between state and local partners.

Housing

While one committee seeks to expand municipal authority for floating tiny camps, another seeks to limit the same authority when they are placed on land. An amended version of LD 1312, *An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed*, sponsored by Rep. Valli Geiger of Rockland, would allow an accessory dwelling unit on a residential lot where a single-family dwelling unit exists provided the unit complies with shoreland zoning and environmental protection regulations, as well as all locally adopted land use ordinances.

As the bill's intent is to expand af-

fordable housing without completely changing community character, municipalities are permitted by the legislation to adopt ordinances requiring one of the units to be owner occupied to prevent the large-scale development of vacation property.

Concept drafts

Concept draft bills are proposals submitted without language, and often fully drafted after a public hearing where the sponsor testifies as to the intent of the bill. Although there is no legislative language to analyze, in some cases what can be gleaned from the titles and short descriptions touch on areas where municipalities have responsibility or authority. For that reason, these bills are closely monitored to determine the extent the proposal may benefit, complicate, or bind municipalities.

Of the several on the list, the two below illustrate the disparate impacts concept draft legislation can have on municipalities.

Public safety reforms are a hot topic for legislation and depending on how the language is drafted, some concept drafts could run counter to municipal responsibilities to enforce litter collection, manage quiet and walkable communities or remove impaired drivers from the roads. LD 1479, *An Act to Make Certain Traffic Infractions Secondary Offenses*, sponsored by Rep. Victoria Morales of South Portland, is one bill with concerning concept language contained in the description.

As described, LD 1479 seeks to make certain traffic infractions secondary offenses. This means an officer would need a different (or primary)

reason to stop a vehicle for a list of municipally relevant public safety violations including littering from a vehicle, failing to register a vehicle or properly displaying a vehicle registration, failing to wear a seat belt, making unnecessary noise, operating a vehicle with an obstructed view, operating a vehicle in a two-way or left lane, or operating a vehicle with a suspended license.

Potentially on the positive side of public safety concept drafts, LD 1728, *An Act To Provide Assistance to Law Enforcement Officers To Allow Them To Protect the Residents of the State*, sponsored by Sen. Jeff Timberlake of Androscoggin County, proposes to enhance behavioral health services and assist law enforcement officers to better protect residents. Without language however, who will pay for those services and how they will be accessible and structured state-wide remains unknown.

Other important carryovers

Additional legislation of municipal interest slated for more consideration next year includes, but is not limited to the list below, which is sorted by committee of jurisdiction. For a complete list of legislation carried over to the 2022 session and descriptions of the municipal impacts, see the 2021 LD list posted on MMA's website (memun.org) under Advocacy/Publications.

Agriculture Conservation and Forestry

LD 574, *An Act To Clarify the Maine Food Sovereignty Act*, sponsored by Rep. William Pluecker of Warren

Criminal Justice and Public Safety

LD 1175, *An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons*, sponsored by Rep. MaryAnne Kinney of Knox

LD 1154, *An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of Jail Employees*, sponsored by Rep. Benjamin Collings of Portland

LD 1440, *An Act To Provide Safe Gear for Female Firefighters*, sponsored by Rep. Amy Roeder of Bangor

LD 1504, *An Act To Enhance Use of Critical Incident Stress Management Teams for Firefighters*, sponsored by Rep. Lori Gramlich of Old Orchard Beach

LD 1604, *An Act to Reclassify Certain*

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Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System, sponsored by Rep. Charlotte Warren of Hallowell

Energy, Utilities and Technology

LD 1587, *An Act To Remove the Municipal Ordinance Exemption for the Development of Nonessential Transmission Lines,*

sponsored by Rep. Scott Landry of Farmington

LD 1634, *An Act To Create the Maine Generation Authority,* sponsored by Rep. Nicole Grohoski of Ellsworth

Environment and Natural Resources

LD, 489 *Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Right to a Healthy Environment,* sponsored by Sen. Chloe Maxmin of Lincoln County

LD 1429, *An Act To Implement the Most Time-sensitive Recommendations of the Maine Climate Council,* sponsored by Rep. Michelle Dunphy of Old Town

LD 1616, *An Act To Ensure That Municipalities and Multimunicipal Regions of Every Size and Capacity Have Guidance on Climate Adaptation and Resilience Strategies for Policy, Implementation and Investment Decision Support,* sponsored by Rep Lydia. Blume of York

LD 1639, *An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste,* sponsored by Sen. Anne Carney of Cumberland County.

Judiciary

LD 1529, *Resolution, Proposing an Amendment to the Constitution of Maine To Create a Right to Privacy,* sponsored by Rep. Margaret O'Neil of Saco

LD 1568 *An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Act,* sponsored by Rep. Jeffrey Evangelos of Friendship

LD 1665, *An Act To Amend An Act To Implement the Maine Indian Claims Settlement Concerning Land Acquisition and Criminal Jurisdiction,* sponsored by Rep. Christopher Babbidge of Kennebunk

Health and Human Services

LD 910, *An Act To Amend the General Assistance Laws Governing Reimbursement,* sponsored by Rep. Michael Brennan of Portland

Innovation, Development, Economic Advancement and Business

LD 1694, *An Act To Create the Maine Redevelopment Land Bank Authority,* sponsored by Rep. Melanie Sachs of Freeport



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Labor and Housing

LD 473 *An Act To Create the Maine Rental Assistance and Guarantee Program*, sponsored by Rep. Victoria Morales of South Portland

LD 555, *An Act To Expand the Rights of Public Sector Employees*, sponsored by Rep. Michael Sylvester of Portland

LD 775, *An Act To Include within the Definitions of "Public Employee" and "Judicial Employee" Those Who Have Been Employed for Less Than 6 Months*, sponsored by Rep. Michael Sylvester of Portland

LD 965, *An Act Concerning Nondisclosure Agreements in Employment*, sponsored by Rep. Thom Harnett of Gardiner

State and Local Government

LD 379, *An Act To Establish the Maine State Cemetery Commission*, sponsored by Sen. Dave Miramant of Knox County

LD 859, *An Act To Allow Municipalities To Use Ranked-choice Voting in Municipal Elections*, sponsored by Rep. Seth Berry of Bowdoinham

LD 1300, *An Act To Require County Governments To Coordinate with Municipalities To Create Plans To Address Homelessness*, sponsored by Rep. Laura Supica of Bangor

LD 1513, *An Act To Require the Maintenance of a Discontinued Public Road That Provides the Sole Access to One or More Residences*, sponsored by Rep. Daniel Newman of Belgrade (See study article)

LD 1658, *An Act To Increase Campaign Finance Transparency and Accountability in Municipal Elections*, sponsored by Rep. Grayson Lookner of Portland

Taxation

LD 328, *An Act To Fully Fund and Restore State-Municipal Revenue Sharing*, sponsored by Rep. Thom Harnett of Gardiner

LD 647, *An Act To Expand Eligibility for the Veterans' Property Tax Exemption*, sponsored by Sen. Lisa Keim of Oxford County

LD 731, *An Act To Establish a Program To Assist Regional Firefighter Training*

Programs, To Provide Tax Credits to Businesses That Employ Volunteer Firefighters and Emergency Medical Services Persons and To Provide Benefits to Volunteer Firefighters and Emergency Medical Services Persons, sponsored by Sen. Trey Stewart of Aroostook County.

LD 1337, *An Act To Increase Affordable Housing and Reduce Property Taxes through an Impact Fee on Vacant Residences*, sponsored by Rep. Christopher Kessler of South Portland

LD 1482, *An Act To Improve Access to Property Tax Exemptions for New Homeowners*, sponsored by Rep. Nicole Grohoski of Ellsworth

LD 1638, *An Act To Help Seniors and Certain Persons with Disabilities Remain in Their Homes by Providing for the Deferral of Property Taxes*, sponsored by Sen. Donna Bailey of York County

Veterans and Legal Affairs

LD 1155, *An Act To Require Election Transparency and Audits*, sponsored by Rep. Nicole Grohoski of Ellsworth ■

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NEW LAWS 130th Legislature

Effective dates. Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is so-noted before the Public Law (PL) citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted in the Legislature's First Regular Session is June 29, 2021, which has been noted after the citation. The effective date for bills passed in the First Special Session, unless otherwise noted, will be October 18, 2021.

Mandate preamble. Legislation enacted with a "mandate preamble" contains the following language: "*This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two-thirds of all the members elected to each House have determined it necessary to enact this measure.*" If the new law was enacted with a mandate preamble, it is so-noted along with the Public Law citation.

Agriculture, Conservation & Forestry Committee

LD 34: An Act To Create the Maine Forestry Operations Cleanup and Response Fund. (Sponsored by Sen. Dill of Penobscot Cty.) **PL 2021, c. 63**

This Act establishes the Maine Forestry Operations Cleanup and Response Fund for the Department of Agriculture, Conservation and Forestry, Bureau of Forestry for the purpose of mitigating and remediating water quality violations that result from timber harvesting activities and require immediate action to prevent or minimize further damage to waters of this state. The fund is replenished with financial penalties, permit fees and other charges associated with timber harvesting, up to a limit of \$20,000. The Act allows the bureau to recover costs incurred through the use of this fund and to place a lien on a property when the responsible party is unwilling or unable to repay such costs.

LD 36: An Act To Amend the Definition of "Timber Harvesting." (Sponsored by Sen. Dill of Penobscot Cty.) **Emergency Enacted; PL 2021, c. 30 (4/7/21)**

This Act clarifies the definition of "timber harvesting" to mean any cutting or removal of trees or forest products that when cut or removed are transported to a roundwood processing operation, excluding reclaiming trees, logs or bark from timber harvesting or other operations.

LD 63: An Act Regarding the Northeastern Interstate Forest Fire Protection Compact. (Sponsored by Rep. Pluecker of Warren) **Emergency Enacted; P & SL 2021, c. 6 (6/11/21)**

Currently, all the New England states, New York and the Canadian provinces of Quebec, Newfoundland and Labrador and the Maritimes make up the Northeastern Interstate Forest Fire Protection Compact. This Act extends liability protection for the state and firefighters who travel to fight wildfires or other emergencies outside of the compact area.

LD 65: An Act To Invest in the Stewardship and Management of Properties Acquired with the Proceeds from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund. (Sponsored by Rep. O'Neil of Saco) **PL 2021, c. 33**

This Act allows a small portion of the Land for Maine's Future (LMF) program bond to be used to fund minor capital investments

in the stewardship and management of properties acquired with revenue from the LMF fund or the Public Access to Maine Waters Fund, to ensure that these properties are maintained in perpetuity for the purposes for which the properties are conserved.

LD 95: Resolution, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food. (Sponsored by Rep. Faulkingham of Winter Harbor) **Constitutional Resolution 2021, c. 1**

This Resolution, pursuant to voter approval at the Nov. 2, 2021 election (Question #3), would amend Maine's Constitution to provide all individuals with a natural, inherent and unalienable right to food, including the right to save, exchange seeds, grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being.

LD 103: An Act To Improve the Animal Welfare Laws. (Sponsored by Rep. Pluecker of Warren on behalf of the Department of Agriculture, Conservation & Forestry) **PL 2021, c. 99**

Of municipal interest, this Act: (1) changes the rabies vaccination requirement to provide that an owner or keeper of a dog must have the dog vaccinated within 30 days of attaining the age of three months; (2) provides that an owner or keeper of a dog is exempt from the rabies vaccination requirement if a medical reason exists that precludes the vaccination of the dog; (3) adds dangerous and nuisance dogs to those animals that are excluded from obtaining dog licenses through the internet licensing project; and (4) provides for the revocation of an animal control officer's certification for refusing to perform statutory duties. The Act also: (1) amends the laws pertaining to agriculture and animals to allow the Commissioner of Agriculture, Conservation and Forestry to employ any person considered necessary to assist in any response to a natural or man-made disaster affecting animals both in the state and outside the state and provides for such a person's compensation; (2) allows the Animal Welfare Advisory Council to have as a member a person who is a pet food supplier and an attorney with prosecutorial experience in the state court system; and (3) amends animal welfare laws to define "animal care facility" and to provide that the definition of "boarding kennel" applies to all privately owned animals that are kept for a fee.

LD 155: Resolve, Directing the Board of Pesticides Control To Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use. (Sponsored by Rep. Grohoski of Ellsworth) **Resolves 2021, c. 33**

This Resolve directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to prohibit the use of any product containing certain neonicotinoids used for application in outdoor residential landscapes such as on lawn, turf or ornamental vegetation, except for products used for controlling or treating insects around structural foundations and other parts of structures. The Resolve also requires the board to allow the use of certain neonicotinoids by certified applicators on ornamental vegetation to manage emerging invasive insect pests in order to safeguard the public health, safety, welfare and natural resources of Maine.

LD 264: Resolve, Directing the Board of Pesticides Control To Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State. (Sponsored by Rep. Pluecker of Warren) **Resolves 2021, c. 83**

This Resolve directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to amend its rules governing the registration of pesticides in Maine to require manufacturers and distributors to provide affidavits stating whether the

registered pesticide has ever been stored, distributed or packaged in a fluorinated high-density polyethylene container and to require manufacturers to provide an affidavit stating whether a PFAS is in the formulation of the registered pesticide. The board is also directed to conduct a study to determine if fluorinated adjuvants are being used or sold in the state and explore what is necessary to both regulate fluorinated adjuvants and impose a prohibition on the distribution or application of pesticides or adjuvants containing PFAS in the state. By Jan. 15, 2022, the board must submit a report, including recommendations, to the Committee on Agriculture, Conservation and Forestry, which is authorized to submit related legislation for consideration in 2022.

LD 268: An Act To Eliminate Online Burn Permit Fees for All Areas of the State. (Sponsored by Sen. Dill of Penobscot Cty.) **PL 2021, c. 414**

Currently, burn permits can be obtained via the state's online platform for a \$7 fee, of which \$2 is transferred to the municipality where the permit is issued. This Act repeals the fee and the provision in law prohibiting a vendor or owner of a burn permit software system from charging a municipality for use of the software.

LD 519: An Act To Protect Children from Exposure to Toxic Chemicals. (Sponsored by Rep. Gramlich of Old Orchard Beach) **PL 2021, c. 197**

This Act bans the use of glyphosate and dicamba within 75 feet of school grounds, except that the prohibition does not apply to agricultural land or residential property located within 75 feet of the school grounds. The Act also directs the Agriculture, Conservation and Forestry, Board of Pesticides Control to establish a medical advisory committee to evaluate the human health impact of herbicides used on school grounds. No later than Feb. 1, 2022, the board is required to submit a report to the Committee on Agriculture, Conservation and Forestry, which is authorized to submit related legislation for consideration in 2022.

LD 524: Resolve, Directing the Board of Pesticides Control To Research Workable Methods To Collect Pesticide Sales and Use Records for the Purpose of Providing Information to the Public. (Sponsored by Sen. Daughtry of Cumberland Cty.) **Resolves 2021, c. 54**

This Resolve directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to research workable methods to collect pesticide sales and use records for the purpose of providing information to the public. No later than Jan. 1, 2022, the Resolve further directs the board to submit a report, with findings and recommendations, to the Committee on Agriculture, Conservation and Forestry, which is authorized to submit related legislation for consideration in 2022.

LD 568: An Act To Establish a Working Farmland Access and Protection Program within the Department of Agriculture, Conservation and Forestry and a Working Farmland Access and Protection Fund within the Land for Maine's Future Program. (Sponsored by Rep. Pluecker of Warren) **Emergency Enacted; PL 2021, c. 135 (6/10/21)**

This Act establishes the Maine Working Farmland Access and Protection Program within the Department of Agriculture, Conservation and Forestry for the purpose of strengthening the alignment between the department's farmland conservation goals and the Land for Maine's Future (LMF) program. This Act establishes the Maine Working Farmland Access and Protection Fund within the LMF program for farmland protection projects. The Act also provides that consideration must be given to applicants from or serving underserved or underprivileged communities.

LD 820: Resolve, To Convene a Working Group To Develop Plans To Protect Maine's Agricultural Lands When Siting Solar Arrays. (Sponsored by Sen. Claxton of Androscoggin Cty.) **Resolves 2021, c. 26**

This Resolve directs the Department of Agriculture, Conservation and Forestry to convene a working group of stakeholders to develop plans and consider ways to discourage the use of land of higher agricultural value and encourage the use of more marginal agricultural lands when siting a solar array. The department must submit its report and recommendations, including any suggested legislation, to the Agriculture, Conservation and Forestry; Energy, Utilities and Technology; and Environment and Natural Resources committees no later than Jan. 14, 2022.

LD 870: Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Study the Impact of Policies Regarding Agriculture, Access to Land, Access to Grants and Access to Financing on African American and Indigenous Farmers in the State. (Sponsored by Rep. Pluecker of Warren) **Resolves, 2021, c. 27**

This Resolve directs the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to study the impact of policies regarding agriculture, and access to land, grants and financing on African-American and indigenous farmers in the state. No later than Jan. 17, 2022, the commission is further directed to submit its report and recommendations to the Committee on Agriculture, Conservation and Forestry, which is authorized to submit related legislation for consideration in 2022.

LD 937: Resolve, To Direct the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife To Jointly Develop Recommendations Regarding Carbon Storage Programs and Policies. (Sponsored by Rep. Osher of Orono) **Resolves 2021, c. 28**

This Resolve directs the Departments of Agriculture, Conservation and Forestry and Inland Fisheries and Wildlife to jointly develop recommendations for the establishment of programs and policies to promote and incentivize practices that increase sequestration of soil carbon on natural and working lands by farmers, landowners and land managers. The Resolve directs the departments to submit an interim report, on or before March 1, 2022, to the Committee on Agriculture, Conservation and Forestry (ACF) and provides that the committee may submit a bill in 2022 relating to the subject matter of the report. The Resolve further directs the departments to submit a final report, on or before Sept. 1, 2022, to the ACF committee, which is authorized to submit additional legislation in 2023.

LD 1407: Resolve, Regarding Authority of Municipalities To Regulate Timber Harvesting. (Sponsored by Sen. Black of Franklin Cty.) **Resolves 2021, c. 70**

This Resolve directs the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry to convene a stakeholder group, including representation from municipalities, to review and assess the law and corresponding process relating to the adoption of or amendment to a municipal timber harvesting ordinance. The Resolve further requires the director to report findings and recommendations of the stakeholder group to the Committee on Agriculture, Conservation and Forestry, which is authorized to submit related legislation for consideration in 2022.

Appropriations & Financial Affairs

LD 221: An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023. (Sponsored by Rep. Pierce of Falmouth) **Emergency Enacted; PL 2021, c. 398 (7/01/21)**

Of municipal interest, the FY 22 – FY 23 supplemental General Fund budget: (1) increases state funding for K-12 education to \$1.3 billion, enabling the state to meet its requirement to fund 55% of the cost of public education as calculated by the Essential Programs and Services model and sets the mil rate expectation at \$7.26; (2)

increases the amount of state sales and income tax revenue shared with municipalities from 3.75% to 4.5% in FY 22 and to 5% in FY 23; (3) beginning with the April 1, 2022 property tax year, increases reimbursement under the Homestead Exemption program by 3% annually; (4) transfers \$45 million to the Maine Municipal Bond Bank for the School Revolving Renovation Fund; and (5) provides \$30 million to abate, clean-up or mitigate the threats or hazards associated with PFAS contamination. The Act also implements the ongoing absentee voter status system, which as of Nov. 1, 2023 allows voters who are at least 65 years of age before the next election or who self-identify as having a disability to apply for ongoing absentee voter status requiring the automatic distribution of a ballot for each ensuing election until the voter is no longer eligible. Finally, the Act dedicates three additional staff to the Governor's Office of Policy Innovation and the Future, who are directed to support municipal level efforts to address resilience planning, climate adaptation and affordable and workplace housing deficiencies.

LD 1702: An Act To Authorize General Fund Bond Issues To Improve Transportation. (Governor's Bill) (Sponsored by Rep. Pierce of Falmouth) **PL 2021, c. 408**

This Act seeks voter approval (Question #2 on the Nov 2, 2021 ballot) of a \$100 million bond to be used to improve and construct roads, bridges, railroads, airports, transit and ports, which will generate \$253 million in federal and other matching funds.

LD 1733: An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds. (Sponsored by Sen. Breen of Cumberland Cty.) **PL 2021, c. 483**

This Act directs the investment of Maine's share of federal funding under the American Rescue Plan Act of 2021. Of municipal interest the Act invests:

- \$44.5 million to accelerate weatherization and efficiency upgrades for homes in the state, especially for low-income, older

residents and renters, by providing matching funds to municipal, county, school and community organizations to secure efficiency grants;

- \$5 million for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings;
- \$5 million for the treatment of drinking water, environmental testing and management of PFAS substances;
- \$50 million to expand affordable housing options and, in part, to provide planning and technical assistance for communities, developers and builders to encourage construction or production of affordable, energy-efficient housing units close to services and employment centers to support individuals, families and state workforce needs;
- \$21 million for the expansion of affordable high-speed broadband access in the state;
- \$8 million to expand state, municipal and other publicly accessible electric vehicle charging stations and related infrastructure;
- \$20 million for municipal, regional and state infrastructure adaptation improvements that support public safety and emergency management and infrastructure resiliency;
- \$5 million to support initiatives and competitive grants for local, regional and state workforce transportation pilot projects aimed at connecting workers to employment opportunities;
- \$22 million for municipal wastewater and infrastructure projects;
- \$3 million for the Small Community Grant Program, which supports septic repair and replacement projects; and

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- \$25 million to expand efforts to address imminent risk to public health through investment in public water system improvements, including mitigation of lead in drinking water at schools and daycare facilities.

The Act also reinstates Maine's elderly property tax deferral program, which authorizes the state to pay all or a portion of the property taxes owed by Maine residents meeting certain age, income, employment and asset standards. In exchange for paying the property taxes owed, the state retains a non-foreclosing lien on the property.

Criminal Justice & Public Safety

LD 28: An Act To Update the Silver Alert Program To Include Missing Endangered Persons. (Sponsored by Sen. Stewart of Aroostook Cty.) **PL 2021, c. 62**

This Act updates the existing Silver Alert Program within the Department of Public Safety to include missing endangered persons. Under the terms of the Act, a "missing endangered person" is defined as a person who is believed to be in danger because of: (1) the person's age, mental or physical health or intellectual or developmental disability; (2) environmental or weather conditions; or (3) unexplained, involuntary or suspicious circumstances as determined by a local law enforcement agency.

LD 180: Resolve, Regarding the Storage of Consumer Fireworks. (Sponsored by Rep. Perkins of Oakland) **Resolves 2021, c. 96**

This Resolve directs the State Fire Marshal to convene a stakeholder group, including municipal officials from impacted communities and a representative of the Maine Municipal Association, to review federal and state requirements for the storage of consumer fireworks by businesses that sell fireworks. No later than Nov. 1, 2021, the fire marshal is further directed to report the findings and recommendations of the stakeholder group to the Committee on Criminal Justice and Public Safety, which is authorized to submit related legislation for consideration in 2022.

LD 242: An Act To Support the Maine Fire Protection Services Commission. (Sponsored by Sen. Cyrway of Kennebec Cty.) **PL 2021, c. 413**

This Act provides \$328,000 in one-time funding to the Board of Trustees of the Maine Community College System to support the Maine Fire Service Institute, which provides funding, awarded through grants by the Maine Fire Protection Services Commission, for construction and repair or replacement of regional live fire service training facilities.

LD 346: An Act Requiring the Use of Propane and Natural Gas Detectors. (Sponsored by Rep. Reckitt of South Portland) **PL 2021, c. 194**

This Act requires owners of certain buildings to install, in accordance with the manufacturer's requirements, at least one approved fuel gas detector in every room containing an appliance fueled by propane, natural gas or any liquefied petroleum gas. The requirement impacts multifamily housing, fraternity, sorority or dormitory housing affiliated with an educational facility, a children's home, emergency shelter or resident care facility, a hotel, motel or inn, a mixed-use occupancy that contains a dwelling unit, businesses and a unit of assembly.

LD 477: An Act To Allow for Fair Restitution by Providing that Restitution Includes the Cost of Analysis of Suspected Illegal Drugs If the Defendant Was Convicted of Trafficking and Was Motivated by Profit. (Sponsored by Rep. Warren of Hallowell) **PL 2021, c. 296**

This Act requires that a defendant be convicted of trafficking a scheduled drug and a court determine the defendant was motivated by profit in order for the cost of the analysis of suspected illegal drugs to be considered a critical investigation expense for the purposes of restitution.

LD 505: An Act To Expand the Disciplinary Authority of the

Board of Trustees of the Maine Criminal Justice Academy. (Sponsored by Rep. McCrea of Fort Fairfield) **PL 2021, c. 255**

This Act broadens the powers and duties of the Board of Trustees of the Maine Criminal Justice Academy to require the adoption of rules for standards of conduct that subject an applicant for a certificate or a certificate holder to disciplinary action for a violation. The Act also requires that any action taken by the board as a result of a complaint, charge or accusation must be supported by a statement of findings and issued as a written decision of the board, both of which are public records under the Freedom of Access Act.

LD 513: An Act Regarding the Citizen Members and the Complaint Review Committee of the Board of Trustees of the Maine Criminal Justice Academy. (Sponsored by Rep. Reckitt of South Portland) **PL 2021, c. 196**

This Act expands the membership of the Board of Trustees of the Maine Criminal Justice Academy's complaint review committee from three to five and the number of members who are citizens from one to two, and further allows deliberations when a majority of the members of the committee, including at least one citizen member, is present. The Act also defines a "citizen member" as an educator, municipal official or citizen who is not and never has been a sworn member of a law enforcement agency.

LD 514: An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares. (Sponsored by Rep. McCreight of Harpswell) **PL 2021, c. 422**

This Act establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares.

LD 521: An Act To Modify the Rule-making Process for Establishing County and Municipal Jail Standards. (Sponsored by Sen. Baldacci of Penobscot Cty.) **PL 2021, c. 171**

This Act requires that the standards established by the Commissioner of Corrections impacting the operations and administration of county jails and municipal detention facilities be evidenced-based, take into consideration cost impacts and reflect best practices.

LD 573: An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers. (Sponsored by Rep. Corey of Windham) **PL 2021, c. 256**

This Act requires a law enforcement agency, correctional facility or county or regional jail to request employment records when the applicant is employed by or within 90 days prior by another agency, facility or jail. For the purposes of the employment application, the request form must include a waiver of any rights the applicant has to the privacy of employment records. The form must be signed by the applicant and the signature witnessed. The Act also requires an agency, facility or jail that performs a polygraph examination on a law enforcement officer or corrections officer to notify the head of the agency, facility or jail that employs the officer if the results indicate probable cause to believe that the officer is or has been involved in criminal activity. Lastly, the Act defines employment records as personnel, employment and any other records pertaining to an applicant's employment and job performance with the employing agency, but does not include any internal investigative records of the employing agency relating to the applicant.

LD 661: An Act To Ensure Equity in Petitions for Rulemaking under the Maine Administrative Procedure Act. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 257**

This Act sets the number of signatures for petitions for rulemaking submitted by persons incarcerated in a Department of Corrections facility, county jail or municipal detention facility at 150 or 25% or more of the total number of males or females incarcerated in the facility, whichever is fewer. The Act clarifies that the department is not required to initiate rulemaking if an earlier petition

to adopt or modify the rule was received within the previous 12 months.

LD 797: An Act To Create a Registry To Improve Access to Automated External Defibrillators. (Sponsored by Sen. Deschambault of York Cty.) **PL 2021, c. 82**

This Act requires the Director of Maine Emergency Medical Services to establish a registry of publicly accessible automated external defibrillators located within the state for the purpose of assisting a person or a law enforcement officer, firefighter or emergency medical services provider who calls for assistance in an emergency situation.

LD 1043: An Act Concerning the Unannounced Execution of Search Warrants. (Sponsored by Rep. McCrea of Fort Fairfield) **PL 2021, c. 342**

This Act requires law enforcement agencies to adopt written policies regarding the unannounced execution of search warrants, which must meet the minimum standards adopted by the Board of Trustees of the Maine Criminal Justice Academy.

LD 1078: An Act To Promote Traffic Safety in Emergency Situations. (Sponsored by Sen. Breen of Cumberland Cty.) **PL 2021, c. 85**

This Act enables a trained unsworn member of a law enforcement agency to serve as a public safety traffic flagger to control vehicular traffic at emergency scenes in the same manner as firefighters and members of emergency medical services control vehicular traffic.

LD 1171: An Act To Curtail No-knock Warrants. (Sponsored by Rep. Fecteau of Augusta) **PL 2021, c. 267**

This Act defines a “no-knock warrant” as an authority of a law enforcement officer to execute a warrant without first announcing the authority and purpose for the execution of the warrant. The Act also prohibits the use of no-knock warrants except in the event of imminent risk of death or bodily injury to persons and when a recognized exception to the warrant requirement, such as exigent circumstances, allows unannounced entry. An officer executing a no-knock warrant must wear an official uniform and, if provided by the officer’s law enforcement agency, a camera worn in accordance with agency policies.

LD 1245: An Act To Ensure the Provision of Adequate Personal Protective Equipment to Firefighters. (Sponsored by Rep. Grohoski of Ellsworth) **Emergency Enacted; PL 2021, c. 442 (7/09/21)**

This Act requires municipalities to provide properly fitting protective clothing and equipment to firefighters that meet or exceed the requirements of the United States Department of Labor, Occupational Safety and Health Administration or the National Fire Protection Association, including clothing, helmet ensemble, foot, hand and hearing protection, self-contained breathing apparatus, personal alert safety systems and fire service life safety rope, harness and hardware. The Act also requires the Maine Department of Labor to notify municipal fire departments and volunteer fire departments and associations of the requirements to provide appropriate protective equipment and the commercial availability of protective equipment for females.

LD 1290: An Act To Amend the Statement of Purpose of the Maine Emergency Medical Services Act of 1982 To Include Emergency Responses That Do Not Require Transportation. (Sponsored by Sen. Farrin of Somerset Cty.) **PL 2021, c. 159**

This Act amends the statutory purpose of the Maine Emergency Medical Services Act of 1982 to provide that the treatment and non-transport of the sick and injured is a key element of an emergency medical services system.

LD 1316: An Act To Provide Funding for the Maine Length of Service Award Program. (Sponsored by Rep. Zeigler of Montville) **PL 2021, c. 444**

This Act provides a one-time \$500,000 general fund appropriation in FY 22 for the Maine Length of Service Award Program to provide awards to eligible volunteer firefighters and emergency medical services personnel.

LD 1364: Resolve, To Study Incentives for Residential Fire Sprinkler Systems. (Sponsored by Rep. Bailey of Gorham) **Resolves 2021, c. 97**

This Resolve directs the State Fire Marshal to convene a task force, including representation from municipal firefighters, to study incentives for developers, builders and home buyers to install residential sprinklers. The Resolve further directs the fire marshal to report findings and recommendations to the Committee on Criminal Justice and Public Safety by Dec. 1, 2021, which is authorized to submit related legislation for consideration in 2022.

LD 1478: An Act To Require the Use of Homelessness Crisis Protocols by Law Enforcement Agencies. (Sponsored by Rep. Morales of South Portland) **PL 2021, c. 393**

This Act directs the Attorney General to develop a model homelessness crisis protocol for adoption by law enforcement agencies to be implemented when an officer interacts with a homeless individual engaging in a “listed offense,” which includes trespass, disorderly or indecent conduct, public drinking or possession of a scheduled drug. The Act further requires a homelessness crisis protocol to include the process by which crisis services, mental health and substance use disorder professionals, emergency and transitional housing and case management services are accessed.

LD 1585: An Act To Increase Privacy and Security by Regulating the Use of Facial Surveillance Systems by Departments, Public Employees and Public Officials. (Sponsored by Rep. Lookner of Portland) **PL 2021, c. 394**

This Act provides a structure for requests from state, county and municipal government agencies, public employees and public officials for facial surveillance searches, allows uses of the results of facial surveillance searches and specifies the manner in which requests for searches must be made to the Department of the Secretary of State, Bureau of Motor Vehicles and the Department of Public Safety, Bureau of State Police. The two bureaus are further directed to maintain de-identified records of requested and performed searches and designates those records as accessible to the public. The Act also clarifies that facial surveillance data does not, without other evidence, establish probable cause justifying arrest, search or seizure. The Act delays implementation of the measure to Oct. 1, 2021.

LD 1593: An Act To Provide Pathways to Rehabilitation, Reentry and Reintegration. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 376**

This Act directs the Commissioner of the Department of Corrections to adopt rules establishing criteria and a process for determining eligibility under the supervised community confinement program, as well as to streamline the eligibility process for an incarcerated individual who has a terminal or severely incapacitating medical condition if care outside a correctional facility is medically appropriate. The Act also requires the department to provide information about the program to inmates and to track data on inmates who apply, including demographic data regarding race and ethnicity, gender, age and convictions leading to the inmate’s current incarceration.

LD 1605: An Act To License Ambulance Drivers who Are Not Licensed To Provide Emergency Medical Services. (Sponsored by Rep. McDonald of Stonington) **PL 2021, c. 220**

This Act directs the Medical Services Board to adopt rules governing qualifications and licensing requirements for and standards to be observed by emergency medical services ground ambulance operators, who are defined as operators of ambulances in emergency mode or patient transport who are not licensed as emergency medical persons.

LD 1699: An Act To Establish the Southern Aroostook County Emergency Medical Services Authority. (Sponsored by Sen. Stewart of Aroostook Cty.) **Emergency Enacted; P & SL 2021, c. 12 (6/30/21)**

This Act creates the Southern Aroostook County Emergency Medical Services Authority to facilitate the provision of emergency medical services to the residents of the towns of Amity, Hammond, Hodgdon, Linneus, Littleton, Ludlow, Merrill, Monticello and Smyrna, and such other towns that elect to join the authority. The Act also describes the authority's duties, provides for an annual meeting, at which bylaws are adopted, and enables additional meetings to be scheduled either at the call of the chair or at the written request of four members.

Education & Cultural Affairs

LD 44: An Act To Establish the Summer Success Pilot Program Fund. (Sponsored by Rep. Pierce of Falmouth) **PL 2021, c. 32**

This Act directs the Department of Education to report annually to the Education and Cultural Affairs Committee on summer educational programs. The report must include information regarding: (1) the number of school administrative units administering and students participating in the programs; (2) partnerships with community based organizations to implement programs; and (3) sources of funding for the programs.

LD 135: Resolve, Directing the Department of Education and the Department of Health and Human Services To Study a Centralized Billing Process for Development and School-based Services Covered by the MaineCare Program and Other Insurers and Report on Updates to the Child Find Process. (Sponsored by Rep. Brennan of Portland) **Emergency Passed; Resolves 2021, c. 109 (7/15/21)**

This Resolve directs the Department of Education, in collaboration with the Department of Health and Human Services, to study the development of a centralized billing process for developmental and school-based services covered by the MaineCare program and other insurers and report to the committees on Education and Cultural Affairs and Health and Human Services no later than Feb. 1, 2022. The Resolve also directs the departments to report to the committees of jurisdiction on efforts to develop, improve and oversee the statewide child find plan, which is a federal directive requiring public schools to identify, locate and evaluate children who need special education. In addition, the Education and Cul-

tural Affairs Committee is authorized submit related legislation for consideration in 2022.

LD 255: Resolve, Directing the Department of Education To Develop a Plan for the Provision of Early Intervention Services. (Sponsored by Rep. Millett of Cape Elizabeth) **Emergency Passed; Resolves 2021, c. 110 (7/15/21)**

This Resolve directs the Department of Education to convene a committee to advise the department on the development of a plan to: (1) provide early intervention services for children from birth to under three years of age through a quasi-independent government agency structure; (2) pursue the federal Individuals with Disabilities Education Act Extended Part C Option; and (3) provide services to children three years of age. The Resolve directs the department to submit a report to the committees on Education and Cultural Affairs and Health and Human Services no later than Feb. 1, 2022 and authorizes the Education and Cultural Affairs Committee to submit related legislation for consideration in 2022.

LD 386: Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units. (Sponsored by Rep. Brennan of Portland) **Resolves 2021, c. 106**

This Resolve directs the Department of Education to establish a process, timeline and implementation plan for transitioning the provision of early childhood special education services for children with disabilities from four years of age to under six years of age from the regional Child Development Services System to school administrative units. It requires the establishment of a committee to advise the department and directs the department to report findings and recommendations to the Committee on Education and Cultural Affairs no later than Feb. 1, 2022, which is authorized to submit related legislation for consideration in 2022.

LD 705: Resolve, To Improve Air Quality and Ventilation in Maine's Public Schools. (Sponsored by Rep. Millett of Cape Elizabeth) **Resolves 2021, c. 114**

This Resolve directs the Department of Education to amend its Chapters 60, 61 and 125 rules to require standards governing air quality and ventilation for all schools, including schools with mechanical and non-mechanical ventilation systems, and to be in effect no earlier than July 1, 2022 and no later than July 1, 2026.

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The Resolve requires the department to present the provisionally adopted major substantive rules to the Committee on Education and Cultural Affairs by Jan. 4, 2022 for final adoption.

LD 816: An Act To Improve Communication between School Board Members and School Employees and Members of the Public. (Sponsored by Sen. Rafferty of York Cty.) **PL 2021, c. 281**

This Act requires a school board to regularly communicate with school employees in the school board's school administrative unit (SAU) and members of the public who reside within the boundaries of the SAU.

LD 1188: An Act To Include Career and Technical Education Teachers in the Minimum \$40,000 Salary Initiative. (Sponsored by Rep. Millett of Cape Elizabeth) **Emergency Enacted; PL 2021, c. 441 (7/09/21)**

This Act amends the \$40,000 teacher salary initiative to include career and technical education teachers. By Dec. 1, 2021, the Act also directs the Department of Education to report to the Committee on Education and Cultural Affairs on the status and progress being made toward the minimum teacher salary initiative, as well as the verification that all intended positions are included in the salary initiative. If the department identifies any areas of deficiency, a plan for remediation must be included in the report to the committee, which is authorized to submit related legislation for consideration in 2022.

LD 1198: An Act Authorizing an Increase to the Maximum Annual Fund Balance for Public School Districts. (Sponsored by Rep. Carlow of Buxton) **PL 2021, c. 213**

This Act allows school boards to carry forward 5% of the previous year's school budget without reduction of the state and local share of the total allocation for the purpose of computing state subsidy, to carry forward unallocated balances in excess of 5% of the previous year's school budget and disburse those funds in the next

year or over a period not to exceed three years. The carry-forward limit is established at 9% for fiscal years 2022 through 2025.

Energy, Utilities & Technology

LD 143: An Act To Make the Arrearage Management Program Permanent. (Sponsored by Rep. Kessler of South Portland) **PL 2021, c. 101**

This Act extends to Sept. 30, 2024 the repeal date for the arrearage management programs implemented by electricity utility providers to assist eligible low-income resident customers who are in debt. The Act also directs the Public Utilities Commission to consider proven, global best practices to assist low-income ratepayers, including, but not limited to, the use of lower tier rates for customers based on income. No later than Jan. 15, 2022, the commission must submit a report to the Committee on Energy, Utilities and Technology, which is authorized to submit related legislation for consideration in 2023.

LD 256: An Act To Adjust Sewer and Wastewater Lien Fees. (Sponsored by Rep. Doudera of Camden) **PL 2021, c. 70**

This Act increases from \$13 to \$25 the flat fee paid by a delinquent sewer or wastewater ratepayer and requires the rate to be adjusted annually for inflation based on the Consumer Price Index.

LD 336: An Act To Encourage Research To Support the Maine Offshore Wind Industry. (Sponsored by Sen. Lawrence of York Cty.) **PL 2021, c. 327**

This Act directs the Public Utilities Commission to negotiate a long-term contract for the design, permitting, construction and operation of the state's proposed floating offshore wind research array between the developer of the research array and an investor-owned transmission and distribution utility.

LD 340: An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs. (Sponsored by Sen.



Sanborn of Cumberland Cty.) **PL 2021, c. 142**

This Act authorizes municipalities to adopt commercial property assessed clean energy (PACE) ordinances to help finance up to 100% of energy savings improvements to qualifying commercial properties, to be administered either by the municipality or the Efficiency Maine Trust. The Act provides that the written consent of a financial institution holding a lien, mortgage or security interest in or other collateral encumbrance on a property for which a commercial PACE assessment is sought and filed with the registry of deeds, must also include a written acknowledgement and understanding by the financial institution regarding the priority status provided to commercial PACE liens, the sale or foreclosure process applicable to commercial PACE liens and the financial institution's voluntary consent to the enrollment of the subject property in the commercial PACE program. The Act also specifies that, in the event a commercial PACE assessment is delinquent but the borrower or property owner is otherwise current on payment of all municipal taxes due to the municipality offering the commercial PACE program the property is enrolled in, then a commercial PACE lienholder must accept from the municipality an assignment of the commercial PACE lien. Following that assignment, the commercial PACE lienholder has and possesses all the same powers and rights in law as the municipality and its tax collector with regards to the commercial PACE lien, including the right to enforce the lien through foreclosure.

LD 597: An Act To Establish the Thermal Energy Investment Program. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2021, c. 199**

This Act establishes the Thermal Energy Investment Program within the Efficiency Maine Trust to provide incentives and low or no-interest loans to businesses, municipalities, educational institutions and nonprofit entities for the installation of new thermal energy-derived projects in an effort to strengthen Maine's forest products industry and lower energy costs.

LD 815: An Act To Support School Decarbonization. (Sponsored by Sen. Maxmin of Lincoln Cty.) **PL 2021, c. 152**

Current law requires the Efficiency Maine Trust to develop and administer a school energy savings program. This Act changes the program to a school decarbonization program and requires the trust to provide technical and financial support to help kindergarten to grade 12 schools become carbon neutral. The Act also repeals the school solar energy program administered by the trust.

LD 936: An Act To Amend State Laws Relating to Net Energy Billing and the Procurement of Distributed Generation. (Sponsored by Rep. Berry of Bowdoinham) **PL 2021, c. 390**

This Act specifies the requirements that must be met for a distributed generation resource with a nameplate capacity between three and five megawatts to be able to participate in Maine's net energy billing process. The Act also directs the Governor's Energy Office in coordination with the Public Utilities Commission to convene a stakeholder group to consider various distributed generation project programs to be implemented between 2024 and 2028 and the need for improved grid planning. It defines, for the purposes of this stakeholder process, "distributed generation project" as a renewable energy project with a nameplate capacity of no more than 5 megawatts that has identified residential, commercial and institutional customers, including but not limited to net energy billing arrangement projects. The Committee on Energy, Utilities and Technology is authorized to submit legislation on the basis of the interim report for consideration in 2022 and in 2023 on basis of the final report.

LD 1008: An Act To Require Joint Use Entities To Establish Permanent Liaisons with All County Emergency Management Agencies. (Sponsored by Rep. Tepler of Topsham) **PL 2021, c. 154**

This Act requires a joint use entity, which includes a public utility, voice service provider, dark fiber provider, wholesale or retail competitive local exchange carrier, cable television system, unlit

fiber provider, telecommunications service provider or information service provider, to designate a permanent liaison with each county emergency management agency in the state in counties in which the joint use entity has facilities in order to assist in the coordination of efforts during a disaster or civil emergency. The Act also provides that a joint use entity is responsible for ensuring that such a designated permanent liaison responds immediately to any contact or request for assistance during a disaster or civil emergency from the county emergency management agency to which the liaison is designated. It further provides that a county emergency management agency that receives a communication from a joint use entity designating a permanent liaison must communicate to that entity the contact information for the employee or employees of the county emergency management agency responsible for coordinating the actions of the county during a disaster or civil emergency.

LD 1306: Resolve, To Facilitate the Inclusion of Crisis Response Services in Emergency Services Offered through the E-9-1-1 System. (Sponsored by Rep. Morales of South Portland) **Resolves 2021, c. 29**

This Resolve directs the Public Utilities Commission, Emergency Services Communications Bureau to research and review protocols and procedures necessary to ensure the delivery of crisis response services under the state's E-9-1-1 system and to submit a report on or before Feb. 1, 2022 to the Committee on Energy, Utilities and Technology outlining necessary protocols and procedures, including any recommendations needed to implement those protocols and procedures. The committee is authorized to submit related legislation for consideration in 2022.

LD 1432: An Act To Update the Municipal Gigabit Broadband Network Access Fund. (Sponsored by Rep. Berry of Bowdoinham) **PL 2021, c. 362**

This Act amends the Municipal Gigabit Broadband Network Access Fund, which is a fund administered by the ConnectMaine Authority to address the need in Maine to access ultra-high-speed broadband infrastructure to: (1) limit the grants to a municipality or group of municipalities; (2) remove the cap on the amount of the grant, but limit the amount of ConnectMaine funds that may be used to 50% of the total cost of a project; and (3) maintain the requirement that a municipality provide at least a 25% cash match, but provide that the cash match may not consist of funds from a source other than the municipality.

LD 1484: An Act To Establish the Maine Connectivity Authority. (Sponsored by Sen. Bennett of Oxford Cty.) **Emergency Enacted; PL 2021, c. 364 (6/24/21)**

This Act establishes the Connectivity Infrastructure Act, which sets forth broadband connectivity goals and establishes the Maine Connectivity Authority (MCA) to further those goals through the development and financing of connectivity projects. The activities of the authority are governed by seven voting members, one of whom represents Maine communities, and four ex officio voting members. The Act also directs the MCA, in consultation with the ConnectMaine Authority, to review the provisions of the Maine statutes pertaining to each entity and develop recommendations for any necessary changes to those provisions to facilitate the oversight of the ConnectMaine Authority by the MCA and any other recommendations. The MCA is further directed to submit recommendations, including any proposed legislation, to the Committee on Energy, Utilities and Technology on or before Jan. 15, 2022, which is authorized to submit related legislation for consideration in 2022.

LD 1619: An Act To Prohibit Offshore Wind Power Development in Territorial Waters and Submerged Lands of the State. (Governor's Bill) (Sponsored by Sen. Lawrence of York Cty.) **Emergency Enacted; PL 2021, c. 407 (7/06/21)**

With some exceptions, this Act prohibits the development of offshore wind power projects in state-owned submerged lands or territorial waters. One of the exceptions in the Act provides that the

licensing, permitting or approval by a state agency, municipality or other political subdivision of the state of the siting, construction or operation of or the issuance of a lease or the grant of an easement or other real property interest for utility cables or transmission lines that are intended to support the generation of wind energy located seaward of territorial waters is prohibited unless, by March 1, 2023, the Governor's Energy Office has: (1) developed a strategic plan to inform the development of offshore wind power projects; (2) reviewed the ability of state laws and rules to protect Maine's coastal resources from the development of offshore wind energy generation located seaward of the territorial waters; and (3) with input of the advisory board of the Offshore Wind Research Consortium, which is established by this legislation to coordinate, support and arrange for the conduct of research on offshore wind power projects in the Gulf of Maine, has identified the preliminary research questions the consortium seeks to answer regarding the development of offshore wind power projects. The Act also requires the office to submit a report notifying the Committee on Energy, Utility and Technology of the completion of these requirements. Lastly, the Act directs the Department of Agriculture, Conservation and Forestry, the Public Utilities Commission and the Department of Environmental Protection each to submit by Feb. 1, 2022 legislation necessary to align those provisions of law under their respective jurisdictions with the prohibition on offshore wind power projects.

LD 1659: An Act To Create the Maine Clean Energy and Sustainability Accelerator. (Sponsored by Rep. Zeigler of Montville) **PL 2021, c. 358**

This Act creates the Maine Clean Energy and Sustainability Accelerator, administered by the Efficiency Maine Trust, to support the development of clean energy and sustainability projects and infrastructure through providing financing support, including loans, loan guarantees and other financial and risk mitigation products.

LD 1710: An Act To Require Prompt and Effective Use of Renewable Energy Resources of Northern Maine. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2021, c. 380**

This Act establishes the Northern Maine Renewable Energy Development Program to remove obstacles to the use of and to promote development of the substantial renewable energy resources in northern Maine. The Maine Public Utilities Commission is directed to seek a request for proposals for the development and construction of a 345-kilovolt double circuit generation connection line, or, in the commission's discretion, a transmission line or lines of greater capacity, to connect renewable energy resources located in northern Maine and developed with the electric grid operated by the New England independent system operator. The Act also authorizes the commission to approve and order contracts for the purchase, beginning on or after Jan. 1, 2024, of capacity, renewable energy or renewable energy credits, or any combination thereof, in an amount that is between 18% and 22% of the retail electric load in the state for the calendar year 2019.

LD 1731: An Act to Create the Belgrade Water District. (Governor's Bill) (Sponsored by Rep. Newman of Belgrade) **Emergency Enacted; P & SL 2021, c. 11 (6/21/21)**

If approved by the municipality's voters, this Act establishes the Belgrade Water District as a standard water district and directs the Department of Transportation to pay upfront costs to have the distribution system designed, installed and connected to the currently affected properties. Once construction is complete, the distribution system will be transferred to the municipality, and the municipality, through its established water district, will then be responsible for operation and maintenance of the system going forward.

Environment & Natural Resources

LD 8: An Act To Support Collection and Proper Disposal of Unwanted Drugs. (Sponsored by Sen. Carney of Cumberland Cty.) **PL 2021, c. 94**

This Act requires certain drug manufactures to implement drug take-back stewardship programs for the purpose of collecting and disposing of certain medications. Of municipal interest, the Act explicitly authorizes law enforcement agencies to participate as collectors in a take-back stewardship program.

LD 57: An Act To Reduce the Landfilling of Municipal Solid Waste. (Sponsored by Rep. Tucker of Brunswick) **PL 2021, c. 230**

This Act repeals the existing \$2 per ton municipal solid waste surcharge in the laws governing solid waste management, as well as the exemption that exists for the solid waste generated by the municipality that owns the landfill or a community that has contracted with a nine month or longer term for the disposal of waste in the landfill facility. In its place, the Act imposes a \$1 per ton disposal fee on all municipal solid waste. The Act also authorizes the Department of Environmental Protection to adopt major substantive rules imposing per ton fees on any municipal solid waste disposed or received for processing at a commercial, municipal, regional association or state-owned solid waste disposal facility, solid waste processing facility, incineration facility or solid waste landfill.

LD 67: An Act To Assist in the Restoration of Atlantic Salmon. (Sponsored by Rep. Martin of Sinclair) **PL 2021, c. 50**

This Act eliminates restrictions for the total number of discharge licenses allowed to be issued for Class AA and Class A waters.

LD 69: An Act To Reduce Duplicative Permitting Review for Projects under the Site Location of Development Laws. (Sponsored by Rep. Tucker of Brunswick) **PL 2021, c. 51**

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 Act increases the upper limit to 10 acres.

LD 163: An Act Concerning the Regulation of Air Emissions at Petroleum Storage Facilities. (Sponsored by Rep. Tucker of Brunswick) **PL 2021, c. 294**

This Act amends the laws regulating air emissions to require the adoption by rule of certain requirements and prohibitions applicable to the licensure or operation of petroleum storage facilities with aboveground petroleum storage tanks and bulk gasoline terminals. It requires the Department of Environmental Protection, on or before Dec. 31, 2021, to initiate major substantive rulemaking to amend its air emissions rules to be consistent with the changes to related laws and no later than March 1, 2022, submit a report to the Committee on Environment and Natural Resources containing findings and any recommendations, including proposed legislation.

LD 722: Resolve, To Study the Establishment of the Maine Climate Corps. (Sponsored by Rep. Reilly of Westbrook) **Resolves 2021, c. 25**

This Resolve directs the Maine Commission for Community Service to study and identify short-term projects and tasks in state agencies that could be made into service projects for all Maine residents, in part, to provide the basis for establishment of the Maine Climate Corps as proposed in the Maine Climate Council's climate action plan. The Resolve also directs the commission to identify potential hosts for the corps and possible public and private partnerships and report its findings to the Environment and Natural Resources Committee by Jan. 31, 2022.

LD 771: An Act To Amend the Laws Governing Wastewater Treatment Plant Operator Certification. (Sponsored by Rep. Martin of Eagle Lake) **PL 2021, c. 173**

This Act modifies the laws governing the wastewater treatment plant operator certification program administered by the Department of Environmental Protection. It changes the procedure for

revocation of a wastewater treatment plant operator certification, provides authority for suspension of a wastewater treatment plant operator certification, clarifies how the department may administer the program, updates outdated terminology and eliminates outdated provisions. The Act also clarifies the department's existing authority with respect to licenses and wastewater treatment plant operator certificates.

LD 780: An Act Regarding Uncontrolled Hazardous Substance Sites. (Sponsored by Rep. Fay of Raymond) **PL 2021, c. 117**

This Act amends the state's uncontrolled hazardous substance sites law by providing a limited exemption from liability for publicly owned treatment works and public water systems based on the contribution of effluent or sewage sludge or water treatment residuals to an uncontrolled site. Exemptions from limited liability protections include: (1) failure to follow all applicable requirements under state statute; (2) failure to comply with an information request or administrative subpoena; or (3) impediment of the performance of a response action or natural resource restoration at the uncontrolled site. The Act also requires that, on or before Jan. 15, 2023, the Department of Environmental Protection report to the Committee on Environment and Natural Resources the uncontrolled hazardous substance sites where the department has used its authority to require responsible parties to investigate or remove hazardous substances that are pollutants or contaminants and, for each site, information identifying the substance involved.

LD 802: An Act To Ensure Decommissioning of Solar Energy Developments. (Sponsored by Sen. Black of Franklin Cty.) **PL 2021, c. 151**

This Act requires a person to obtain approval of a decommissioning plan from the Department of Environmental Protection or from the Maine Land Use Planning Commission in the case of a solar energy development located in the unorganized and

deorganized areas before constructing or operating a solar energy development with ground-mounted solar panels occupying three or more acres.

LD 946: Resolve, Regarding the Shore Damage Mitigation Project in Saco Bay. (Sponsored by Rep. Copeland of Saco) **Resolves 2021, c. 85**

This Resolve directs the governor to take all actions necessary to assist and support the City of Saco in its role as the non-federal sponsor with the United States Army Corps of Engineers for the shore damage mitigation project for the Saco River and Camp Ellis Beach, which may include directing relevant state agencies to assist the city in entering into a project partnership agreement with the corps for the construction of that project. The Resolve also authorizes the governor to direct state agencies to assist Saco and other communities on Saco Bay in the construction of that project and in implementing other beach and beach habitat remediation projects in and around the bay.

LD 1023: An Act Regarding the Outdoor Release or Abandonment of Balloons. (Sponsored by Rep. McDonald of Stonington) **PL 2021, c. 374**

This Act amends the state's litter control law to clarify that waste materials resulting from the outdoor release or abandonment of a balloon constitutes litter under that law and provides that it is a violation of the litter law for a person to intentionally release outdoors a balloon that is inflated or filled with a gas that is lighter than air, except for a balloon carrying scientific instrumentation, a balloon used for meteorological observation by a governmental or scientific organization or a hot air balloon that is recovered after launching. The Act applies a civil penalty of not less than \$100 and not more than \$500 for the illegal intentional release of 16 to 24 balloons and a civil penalty of not less than \$500 for the illegal intentional release of more than 24 balloons.



Meet Our Attorneys

Jonathan A. Pottle

Jon provides legal services to both public and private sector clients in the areas of environmental law, land use law, municipal law, utilities law, economic development, project development and finance, renewable energy, real estate, timberlands, and natural resources law. Jon's practice in these areas helps clients with their strategic and tactical planning, day-to-day operations and troubleshooting, project development and financing, real estate and business transactions, municipal and utility district governance, and resolution of related legal disputes, including representation before Maine and Federal Courts as well as Local and State administrative boards and agencies.

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LD 1028: An Act To Ease Business Expansion by Increasing the Number and Applicability of Permit Exemptions under the Site Location of Development Laws. (Sponsored by Sen. Keim of Oxford Cty.) **PL 2021, c. 123**

Under current law, new construction at a licensed manufacturing facility and new construction at or modification of a campus of an educational institution is exempt from review under the laws governing site location of development if certain criteria are met. This Act amends those exemptions by increasing the amount of the disturbed land not to be revegetated from 30,000 to 40,000 square feet in any calendar year and from 60,000 to 80,000 square feet in total.

LD 1161: An Act Concerning Marina-based Restaurants in the Shoreland Zone. (Sponsored by Rep. Cebra of Naples) **PL 2021, c. 336**

This Act authorizes municipalities to adopt ordinances that allow the expansion of an existing restaurant that is part of a marina that has been permitted in accordance with all applicable state and local requirements, provided the expansion is not located over a water body or wetland, is not located any closer to the water body or wetland than the existing restaurant and, except for the water and wetland setback requirements, meets all other state and local permit requirements and complies with all other applicable rules. The Act specifies that the expansion may be allowed if the restaurant and the marina of which the restaurant is a part have both been in existence as of Jan. 1, 2021.

LD 1415: Resolve, To Direct the Department of Environmental Protection To Determine Staffing Needs To More Efficiently and Effectively Issue Decisions on New, Amendment and Minor Revision Applications. (Sponsored by Sen. Breen of Cumberland Cty.) **Resolves 2021, c. 62**

This Resolve directs the Department of Environmental Protection to determine the staffing resources necessary to efficiently and effectively review new permit applications and to issue decisions on amendment and minor revision applications submitted under those same laws within timetables that are no longer than those established by the Commissioner of Environmental Protection for new applications. The Resolve further directs the department, by Nov. 1, 2021, to submit a report to the Committee on Environment and Natural Resources on the outcome of the staffing resources determination, which is authorized to submit implementing legislation in 2022.

LD 1503: An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution. (Sponsored by Rep. Gramlich of Old Orchard Beach) **Emergency Enacted; PL 2021, c. 477 (7/15/21)**

Beginning in 2023, this Act requires manufacturers of products with intentionally added PFAS to report the presence of those substances to the Department of Environmental Protection and further prohibits the sale in Maine of residential carpets or rugs, as well as the sale of fabric treatments, that contain intentionally added PFAS. The department is further authorized to add other products to the list of prohibited sales. Effective in 2030, products containing intentionally added PFAS may not be sold in Maine unless the department specifies that the use of PFAS in a particular product is unavoidable. To the extent funds are available, the department is required to create a PFAS source reduction program that provides information, education and grants to publicly owned treatment works and municipalities to reduce PFAS entering air, water or land.

LD 1505: An Act To Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam. (Sponsored by Rep. Gramlich of Old Orchard Beach) **PL 2021, c. 449**

Beginning on Jan. 1, 2022, this Act prohibits a person from discharging for testing or training purposes fire-suppressing foam that intentionally contains PFAS, unless the foam is entirely collected for proper disposal. The Act also clarifies that the discharge of PFAS is not prohibited when fire-suppressing foams are used in an emergency situation to protect life or property. The Act also pro-

hibits a person from manufacturing, selling, or offering for sale in the state fire-suppression foams to which PFAS has been intentionally added, except: (1) until Jan. 1, 2025 foam that is used at an oil terminal facility; or (2) until federal law no longer requires the use of fire-suppressing foam at airports. Finally, in collaboration with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and interested parties, the Department of Environmental Protection shall develop a framework for the collection and safe storage of firefighting and fire-suppressing foams to which PFAS substances have been intentionally added. On or before March 1, 2022, the department shall submit a report that includes the proposed framework and recommendations to the Committee on Environment and Natural Resources, which is authorized to submit related legislation for consideration in 2022.

LD 1541: An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money. (Sponsored by Rep. Grohoski of Ellsworth) **PL 2021, c. 455**

This Act creates a stewardship program for packaging material to be operated by an organization selected by the Department of Environmental Protection or by an "alternative collection program" operated by an individual producer or a group of producers that is approved by the department. The purpose of the program is to assess and collect payments from producers based on either the weight or volume of packaging materials sold, offered for sale or distributed for sale in Maine by each producer and to reimburse participating municipalities for certain recycling and waste management costs. A municipality electing to participate in the program must: (1) provide for the collection and recycling of packing material that is generated in the municipality and is readily recyclable; and (2) annually report to the stewardship organization all of the information necessary to determine the incurred costs associated with the collection, processing, transportation and recycling of the material. Reimbursement to an eligible municipality is based on the median per-ton cost of managing packaging material. The Act further directs the department to adopt the rules necessary to implement the program.

LD 1572: Resolve, To Analyze the Impact of Sea Level Rise. (Governor's Bill) (Sponsored by Rep. Blume of York) **Resolves 2021, c. 67**

This Resolve directs several state agencies to conduct a review of the laws and rules they are charged with administering and by Jan. 1, 2022, recommend to the Committee on Environment and Natural Resources any changes necessary to: (1) incorporate consideration of 1.5 feet of relative sea level rise by 2050 and four feet by 2100 into administration of those laws and rules; and (2) implement the strategy designated as "Strategy F3" in the state climate action plan issued by the Maine Climate Council in 2020 to enhance community resilience to flooding and other climate impacts. The Committee on Environment and Natural Resources is authorized to submit related legislation for consideration in 2022.

LD 1600: An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater. (Sponsored by Rep. Gramlich of Old Orchard Beach) **PL 2021, c. 478**

This Act creates the Land Application Contaminant Monitoring Fund to test and monitor soil and groundwater for PFAS and other contaminants and to abate and mitigate the effects of contamination, including but not limited to, the provision of access to safe drinking water and installation of filter treatment systems. In addition to other fees or charges required by statute or rule, beginning Jan. 15, 2023, the Department of Environmental Protection shall assess an annual fee, calculated on a calendar year basis of \$10 per ton, on the handling of sludge or septage to be deposited into the fund.

Health & Human Services

LD 24: An Act Regarding Certificates of Birth, Marriage and

Death. (Sponsored by Sen. Carney of Cumberland Cty. on behalf of the Department of Health & Human Services) **PL 2021, c. 49**

This Act clarifies that the signatures on a marriage license of the parties intended to be married may be obtained at the issuance of the license or at the time the marriage is solemnized. The Act also requires that when a death or marriage occurs in an unincorporated place, it must be recorded or registered in the electronic registration system. It further clarifies that a birth certificate may be amended by the replacement of a genetic parent and makes technical changes to the laws governing electronic registration records to align with the Maine Parentage Act.

LD 78: An Act To Protect Children from Extreme Poverty by Preserving Children's Access to Temporary Assistance for Needy Families Benefits. (Sponsored by Rep. Meyer of Eliot) **PL 2021, c. 97**

Under current law, the Department of Health and Human Services terminates assistance provided under the Temporary Assistance for Needy Families program to an entire family, including children, if the children's parent fails to comply with requirements of the family contract for a period of 90 days or for any subsequent failure. This Act repeals the provision and requires that assistance continue to be provided to children and complying parents.

LD 129: Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants. (Sponsored by Sen. Stewart of Aroostook Cty.) **MANDATE Emergency Passed; Resolves 2021, c. 82 (6/21/21)**

This Resolve sets the interim drinking water standard for regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS) at 20 nanograms per liter instead of 70 parts per trillion and requires the Department of Health and Human Services to regulate perfluorodecanoic acid in addition to the five PFAS substances provided for in the Resolve. It also directs the department to provide annual progress reports to the Health and Human Services Committee until the related rules are finally adopted.

LD 206: Resolve, Regarding Legislative Review of Chapter 234: Lead Testing in School Drinking Water Rule, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention. (Reported by Rep. Meyer of Eliot for the Department of Health & Human Services.) **Resolves 2021, c. 44**

This Resolve authorizes final adoption of the Department of Health and Human Services provisionally adopted rule under Chapter 234: Lead Testing in School Drinking Water Rule. The Resolve also directs the department to amend its rules to: (1) decrease acceptable lead levels from 15 parts per billion to four parts per billion; (2) remove the maximum number of hours a water sample may have been motionless prior to the collection of samples; (3) provide that excessive flushing of pipes may not take place immediately prior to the minimum eight-hour non-usage period; and (4) reduce the number of days that schools have to provide public notice.

LD 475: Resolve, To Create the Frequent Users System Engagement Collaborative (Sponsored by Rep. Morales of South Portland) **Emergency Passed; Resolves 2021, c. 23 (6/8/21)**

This Resolve establishes the Frequent Users System Engagement Collaborative, which includes participation from municipal officials, to develop a plan to provide stable housing and community services to 200 persons who are homeless or at risk of homelessness and who are the most frequent consumers of high-cost services, such as psychiatric hospitals, emergency shelters, emergency rooms, police, jails and prisons. The collaborative must submit a report to the Committee on Health and Human Services no later than Jan. 1, 2022, which is authorized to submit related legislation for consideration in 2022.

LD 488: Resolve, To Expand Recovery Community Organizations throughout Maine. (Sponsored by Sen. Maxmin of Lincoln

Cty.) **Emergency Passed; Resolves 2021, c. 46 (6/11/21)**

This Resolve requires the Department of Health and Human Services to give preference in awarding contracts for recovery community centers to counties that do not have a state-funded recovery community center until every county has a center. The Resolve also requires the department to periodically provide updates on this effort to the Committee on Health and Human Services.

LD 964: An Act To Expand Access to Certified Substance Use Disorder Recovery Residence Services. (Sponsored by Rep. Fecteau of Augusta) **PL 2021, c. 472**

Beginning July 1, 2022, this Act allows a person residing in a recovery residence that is not certified to receive housing assistance under the municipal general assistance (GA) program for one 30-day period and requires the GA director to inform the person that the law requires certification of the recovery residence in order to issue housing assistance under the GA program. The Act also requires the Department of Health and Human Services to amend its rules to establish appropriate maximum housing assistance levels for eligible persons residing in recovery residences that take into account the additional costs of recovery residences compared to other shared housing arrangements, as well as the fair market rents established by the United States Department of Housing and Urban Development that are used to establish maximum housing assistance levels under the GA program.

LD 1009: Resolve, To Create the Working Group To Design Jail Resource Navigator Services for Maine County Jails. (Sponsored by Rep. Madigan of Waterville) **Resolves 2021, c. 100**

This Resolve creates a working group directed to design a jail resource navigator services program to ensure that all county jails have access to needed services, including inmate health care, mental health care and substance use disorder treatment. The working group must, no later than Jan. 15, 2023, submit a report to the Committee on Criminal Justice and Public Safety, which is authorized to submit related legislation for consideration in 2023.

LD 1333: An Act Concerning the Controlled Substances Prescription Monitoring Program and the Dispensation of Naloxone Hydrochloride by Emergency Medical Services Providers. (Sponsored by Rep. Zager of Portland) **Emergency Enacted; PL 2021, c. 161 (6/11/21)**

In part, this Act authorizes emergency medical services, ambulance services and non-transporting emergency medical services providers to dispense naloxone hydrochloride to an individual who is at risk of experiencing an opioid-related drug overdose or to the individual's immediate family, a friend of the individual or another person in a position to assist the individual.

LD 1718: An Act To Establish the Accidental Drug Overdose Death Review Panel. (Governor's Bill) (Sponsored by Rep. Evans of Dover-Foxcroft) **Emergency Enacted; PL 2021, c. 292 (6/21/21)**

This Act establishes the Accidental Drug Overdose Death Review Panel, including a police chief, to review a subset of deaths caused by accidental drug overdoses and to recommend to state, county and local agencies methods of preventing deaths, including modification or enactment of laws, rules, policies and procedures.

Health Coverage, Insurance & Financial Services

LD 800: An Act To Amend Credit and Debit Card Surcharges Imposed by Governmental Entities. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2021, c. 150**

In part, this Act includes in the definition of a "government entity" an organized plantation, which is authorized to impose a surcharge for payments made by credit card or debit card for taxes, fines, charges, fees, and licenses or the provision of a specific service or good.

LD 1258: An Act To Implement the Recommendations of the Stakeholder Group Convened by the Emergency Medical Services'

Board Related to Reimbursement Rates for Ambulance Services by Health Insurance Carriers and To Improve Participation of Ambulance Service Providers in Carrier Networks. (Reported by Rep. Tepler of Topsham for the Joint Standing Committee on Health Coverage, Insurance & Financial Services) **PL 2021, c. 241**

Until Dec. 31, 2023, this Act requires ambulance services to be reimbursed by a carrier accordingly: (1) 200% of the Medicare rate if the provider participates in the carrier's network; (2) 180% of the Medicare rate if the service provider is out-of-network; (3) if the provider is located in a rural or super rural area and is eligible for additional Medicare reimbursement, the reimbursement is increased by the additional Medicare reimbursement; and (4) if prior to the Dec. 1, 2023 the service provider's charge is below 200% of the Medicare rate, the service provider may not increase the charge for that service by more than 5% annually. An insurance carrier shall offer a standard contract to all service providers willing to participate in the carrier's network, provided the contract: (1) reimburses at the rates in place until Dec. 1, 2023; (2) includes a term of not less than 24 months; (3) allows for the termination of the contract if the terminating party provides 180 days' notice; and (4) gives the service provider at least 120 days to submit a claim. The Act also directs the Emergency Medical Services' Board to: (1) adopt rules and protocols evaluating the need for new ambulance services before granting a license; (2) establish a program, by rule, for collecting and reporting costs and performance metrics related to emergency medical treatment services, including ambulance services; and (3) convene a stakeholder group including representation from municipal ambulance services providers, to review issues related to financial health, cost and delivery of ambulance services in the state and submit its findings and recommendations to the Committee on Health Coverage, Insurance and Financial Services no later than Feb. 1, 2023.

Inland Fisheries & Wildlife

LD 114: An Act To Address Airboat Operation in the State. (Sponsored by Rep. McCreight of Harpswell) **PL 2021, c. 166**

This Act repeals current law requiring the Department of Inland Fisheries and Wildlife to establish noise level limits for airboats by rule and replaces it with a provision establishing temporary airboat noise limits, which are repealed on Sept. 30, 2022. The Act also directs the Commissioners of Marine Resources and Inland Fisheries and Wildlife to convene a stakeholder group to examine and determine airboat mechanical systems and adjustments that result in the lowest practically achievable airboat decibel level and examine and determine available federal or other funding to assist owners in addressing identified deficiencies in their airboat mechanical systems to achieve those results. The stakeholder group may also examine other issues related to airboats such as establishing and restoring shellfish harvester access to coastal tidal areas, operational techniques to allow for lower decibel levels and appropriate training and equipment for state and municipal law enforcement officers. By Jan. 15, 2022, the Act requires the commissioners to report findings and recommendations to the committees on Marine Resources and Inland Fisheries and Wildlife. After receiving the report, the Inland Fisheries and Wildlife Committee is authorized to submit related legislation for consideration in 2022.

LD 223: An Act To Clarify Maine's Fish and Wildlife Licensing and Registration Laws. (Reported by Rep. Alley of Beals for the Department of Inland Fisheries & Wildlife) **PL 2021, c. 411**

Of municipal interest, this Act includes language that is consistent with all-terrain vehicle registration requirements in regard to the form and display of snowmobile registration numbers and stickers. The Act also provides that a snowmobile registered after May 1 and prior to July 1 has a registration that expires June 30 of the following year.

LD 569: An Act To Prohibit Hunting with a Bow within 100 Yards of a Building or Residence on That Land without Permission.

(Sponsored by Rep. Tuell of East Machias) **PL 2021, c. 74**

This Act prohibits the discharge of an arrow from a bow when on the land of another person or across the land of another person and within 100 yards of a building or residential dwelling on that land without the permission of the owner or, in the owner's absence, the permission of an adult occupant authorized to act on behalf of the owner.

LD 1439: An Act To Clarify All-terrain Vehicle Registration Requirements and Establish Regular Maintenance of Designated State-approved All-terrain Vehicle Trails. (Sponsored by Rep. Theriault of China) **PL 2021, c. 215**

This Act amends the all-terrain vehicle (ATV) laws in the following ways: (1) increases the registration fees for ATVs by \$25 for each type of registration and requires the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to use the fees deposited into the ATV Recreational Management Fund to oversee construction and maintenance of designated state-approved ATV trails; (2) for registration purposes, creates a category of "antique ATV," which is an ATV over 25 years old, and provides that the registration fee is \$45; and (3) creates a category of "oversized all-terrain vehicle," which is an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications. The Act also provides that when an oversized ATV is registered, the agent must provide information, developed by the department, which explains size and weight restrictions and other conditions for use over designated state approved ATV trails.

Innovation, Development, Economic Advancement & Business

LD 857: An Act To Create a Municipal Grant Program To Promote Sustainable Economic Development. (Sponsored by Rep. Bailey of Gorham) **PL 2021, c. 319**

This Act establishes the Municipal Grant Fund to provide competitive grant funding for projects that further the goals of sustainable economic development as outlined by the Maine Economic Growth Council in the council's annual "Measures of Growth" report and by the economic development strategy for the state as administered by the Department of Economic and Community Development.

Judiciary

LD 32: An Act Regarding Remote Participation in Public Proceedings. (Sponsored by Sen. Stewart of Aroostook Cty.) **Emergency Enacted; PL 2021, c. 460 (6/21/21)**

After notice and public hearing, this Act authorizes municipal officials to adopt a policy regulating the use of remote meetings. The Act clarifies that remote participation by a member of the body is authorized only when a physical presence is not practical, which may include an emergency, illness or other physical condition or temporary absence from the jurisdiction making it significantly difficult for a member to travel to attend in person or when geographic characteristics impede or slow travel. The policy must also: (1) provide the public with an opportunity to participate remotely when a member of the body is authorized to do so; (2) provide an effective means of communication between the body and public, when allowed; (3) include in the notice of the meeting information on how members of the public can participate in-person and remotely; and (4) require all materials to be made available to the same extent available to those participating at the meeting location. The law also clarifies that votes must be taken by roll call and a member participating remotely is considered present for the purposes of establishing a quorum and for voting.

LD 132: An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 460**

Beginning on July 1, 2023, this Act requires law enforcement agencies to collect data regarding traffic violation stops and to submit information regarding race, color, ethnicity, gender and age of each person involved in the stop based on the observation and perception of the officer responsible for reporting the stop, the reason for the stop and whether a warning or citation was issued, an arrest made or search conducted. The information must be submitted to the Attorney General, who is directed to submit a publicly accessible report including recommendations for changes in laws, rules and practices to the Committee on 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) **PL 2021, c. 328**

This Act provides that an action arising out of any harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance accrues when the plaintiff discovers or reasonably should have discovered the harm or injury, and provides that this provision applies to all actions occurring prior to the enactment of the law. Furthermore, the terms of the Act do not alter the notice period or limitation period applicable to claims against a government entity.

LD 448: An Act Regarding Recording of Witness Interviews. (Sponsored by Rep. Harnett of Gardiner) **PL 2021, c. 381**

This Act directs the Board of Trustees of the Maine Criminal Justice Academy to adopt minimum policy standards regarding the recording and preservation of witness interviews conducted by law enforcement officers in murder investigations and Class A, Class B and Class C crime investigations. Law enforcement agencies are required to adopt policies containing at least the minimum policy standards, which may not require the recording of all witness interviews, but must factor in the feasibility of recording individual interviews, taking into account the circumstances of the witness, the time and place of the interview and the crime, as well as the capability of

the law enforcement agency to record the interview.

LD 560: An Act To Amend the Safe Haven Laws. (Sponsored by Rep. Corey of Windham) **PL 2021, c. 466**

This Act amends the safe haven laws regarding abandoned children by including a safe haven baby box to the list of safe havens that a person may deliver a newborn child to under the Child and Family Services and Child Protection Act and to serve as an affirmative defense to the criminal offense of the abandonment of a child. A safe haven baby box is a device or container that can safely accept delivery of a newborn child that is located in a hospital, law enforcement facility or fire department facility that is staffed 24 hours a day by a medical services provider. This Act also directs the Department of Health and Human Services to adopt rules governing the design, installation and use of safe haven baby boxes to ensure necessary safety specifications are met.

LD 563: Resolve, To Create the Criminal Records Review Committee. (Sponsored by Rep. Talbot Ross of Portland) **Resolves 2021, c. 121**

This Resolve establishes the Criminal Records Review Committee, which includes a representative from the Maine Chiefs of Police Association, to review options for expunging and sealing criminal records. The review committee is directed to submit a report to the Judiciary Committee by Dec. 3, 2021.

LD 855: An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change. (Sponsored by Rep. Harnett of Gardiner) **PL 2021, c. 309**

This Act amends the laws regulating the amendment of vital statistics records and the issuance of new certificates of birth to allow application for gender marker change.

LD 1254: An Act Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors from Liability. (Sponsored by



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Rep. Pebworth of Blue Hill) **PL 2021, c. 214**

This Act provides immunity from liability to a fire department in the residential installation or delivery of a smoke or carbon monoxide detector or batteries for a smoke or carbon monoxide detector if the installation or delivery is performed in the fire department's official capacity and provided the installation or delivery is authorized by the municipal officers.

LD 1345: An Act To Implement the Recommendations of the Right To Know Advisory Committee. (Reported by Rep. Harnett of Gardiner for the Joint Standing Committee on Judiciary) **MANDATE PL 2021, c. 313**

This Act amends the Freedom of Access law by capping the fee for copying a public record at 10¢ per page and clarifying that a fee may not be assessed for records provided electronically. The law also extends the related training requirements to code enforcement officers, town and city managers, administrators, planning board members, school superintendents, assistant superintendents and school board members and clarifies that the training must be completed within 120 days of assuming the duties of the position.

LD 1346: An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Fees Charged for Responding to Public Records Requests. (Reported by Rep. Harnett of Gardiner for the Joint Standing Committee on Judiciary) **PL 2021, c. 375**

This Act amends the Freedom of Access law by extending from one to two hours the time period for which an official may not charge a fee for completing a public record request and increases the fee that may be charged after the first two hours from \$15 to \$25 per hour.

LD 1480: An Act Regarding the Review of Law Enforcement Use of Deadly Force. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 353**

This Act requires the Attorney General (AG) to complete an investigation of and submit findings regarding the use of deadly force by a law enforcement officer to the Attorney General's Deadly Force Review Panel within 180 days of receiving notice of the use of deadly force. The AG is required to provide notice to the panel if the investigation is not completed within 180 days and provide a summary of the investigation up to the date of the notice, identify the reason for the delay and provide an anticipated conclusion date of the process, which may not exceed 270 days from receiving notice of the use of deadly force. The Act also amends the Intelligence and Investigative Record Information Act to make it clear that the Act does not preclude the public dissemination of a portion of a video in the custody of the AG depicting the use of deadly force by law enforcement when the public interest in the evaluation of the use of deadly force and the review and investigation of those incidents by the AG outweighs the harms contemplated by state statutes. The Act also requires the AG to issue a decision on whether to release a video no later than 30 days after receiving a request for release and to provide written notice detailing the basis for any denial, a time frame for release of all or part of the video and the process to appeal the decision.

Labor & Housing

LD 61: An Act To Include Grandparents under Maine's Family Medical Leave Laws. (Sponsored by Rep. Stearns of Guilford) **PL 2021, c. 189**

This Act allows a grandparent to request employee family medical leave in order to care for a grandchild who has a serious health condition.

LD 137: An Act Regarding Absence from Work for Emergency Response. (Sponsored by Rep. Grohoski of Ellsworth) **PL 2021, c. 67**

Current law requires that in order to avoid being subject to discharge or discipline for failure to report for work or being ab-

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sent when responding to an emergency, an employee who is also a firefighter or emergency medical services person must have presented to the employer within 30 days of employment a copy of a fire department or emergency medical services provider policy that specifies the circumstances under which the employee is needed to respond to an emergency and that affirms that the employee will be released as soon as practicable. This Act removes the requirement that the employee present the copy within 30 days of employment and instead requires that the employee present the copy within 30 days of notifying the employer of the employee's status as a firefighter or emergency medical services person. The Act also corrects a technical error to include "emergency services person" in the laws pertaining to individuals designated as essential.

LD 189: An Act To Permit All Public Employers To Implement Payroll Deductions for Disability and Life Insurance Policies. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2021, c. 102**

This Act authorizes a public employer to make payroll deductions designated in writing by a public employee for disability and life insurance offered in conjunction with the employee's membership in an employee organization recognized by the employer or designated by a collective bargaining agreement.

LD 213: An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer. (Sponsored by Rep. Millett of Cape Elizabeth) **MANDATE PL 2021, c. 325**

This Act adds gynecologic cancer to the list of rebuttable presumptions of workplace injury suffered by a firefighter under the Maine Workers' Compensation Act of 1992.

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) **PL 2021, c. 419**

This Act 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 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 and when presumed to have arisen out of and in the course of the employee's employment.

LD 609: Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. (Sponsored by Rep. Fecteau of Biddeford) **Emergency Passed; Resolves 2021, c; 59 (6/15/21)**

This Resolve establishes the 15-member Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. The commission is directed to review data on housing shortages in the state for low-income and middle-income households; state laws that affect the local regulation of housing, including but not limited to municipal incentives, state mandates, eliminating or limiting single-family-only zones and allowing greater housing density near transit, jobs, schools or neighborhood centers; and efforts in other states and municipalities to address housing shortages, increase housing options and assess the role race and racism play in zoning policies. The commission must submit a report, including suggested legislation, to the Labor and Housing Committee no later than Nov. 3, 2021.

LD 824: An Act To Extend the Protections Provided to State Employees upon the Expiration of Labor Contracts to Other Public Sector Employees. (Sponsored by Sen. Claxton of Androscoggin Cty.) **PL 2021, c. 282**

This Act extends existing state employee protections to municipal, judicial and public higher education employees that require employees to remain eligible for and receive merit or step increases in accordance with the terms and conditions set forth in an expired collective bargaining agreement during the period between the expiration of one contract and the adoption of a new contract.

LD 1103: An Act To Allow a 5-year Open Enrollment in the

Participating Local District Retirement Program for Certain Law Enforcement Officers, Firefighters and Other Municipal Employees. (Sponsored by Sen. Bailey of York Cty.) **PL 2021, c. 286**

This Act allows employees to enroll in the Participating Local District Retirement Program up to and including in that employee's fifth year employment anniversary through an annual open enrollment. It also provides a one-time election for participating local district employees whose five-year work anniversary has passed.

LD 1167: An Act Relating to Fair Chance in Employment. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 404**

This Act prohibits an employer from requesting criminal history record information on an initial employee application form or state on the application form or advertisement that a person with a criminal history may not apply or will not be considered for employment prior to determining if a person is otherwise qualified for the position. The Act provides exceptions to the prohibitions, including instances in which federal or state law, regulation or rule mandates that a criminal conviction disqualifies an applicant, or imposes an obligation on an employer not to hire an applicant who has been convicted of a certain type of offense. An employer who violates this prohibition is subject to a penalty of not less than \$100 nor more than \$500 for each violation.

LD 1530: An Act To Allow People To Live in Tiny Homes as a Primary or Accessory Dwelling. (Sponsored by Rep. McCrea of Fort Fairfield) **PL 2021, c. 219**

This Act requires municipalities to allow a tiny home to be placed on an individual house lot where single-family dwellings are allowed or as an accessory structure, provided the home is in compliance with all applicable land use requirements.

Marine Resources

LD 152: An Act To Address Training Requirements for Harbor Masters. (Sponsored by Rep. McCreight of Harpswell) **PL 2021, c. 53**

Under current law, a person appointed or reappointed to the position of harbor master or deputy harbor master after Aug. 13, 2006 must complete a basic training course within one year of appointment. This Act amends existing requirements by specifying that if a person has not held the position within the last five years, that person must complete the basic training course. The Act also requires harbor masters and deputies to complete eight hours of continuing education every three years. Finally, the Act permits, but does not require, municipalities to pay for the mandated training and directs the Harbor Masters Association to offer both in-person and remote training options.

LD 263: An Act To Make Technical Changes to Maine's Marine Resources Laws. (Sponsored by Rep. McCreight of Harpswell) **PL 2021, c. 168**

In part, this Act permits the Commissioner of Marine Resources to adopt rules to add or delete authorization for an aquaculture lease held only for scientific research purposes. The rules must provide for notice of proposed changes in gear authorization and an opportunity for the submittal of written comments by the public, riparian landowners and the municipality in which the lease is located.

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) **PL 2021, c. 59**

This Act increases the rate of reimbursement paid to the municipality by a shellfish depuration certificate holder from 50 cents to \$1 for each bushel of soft-shelled clams.

State & Local Government

LD 243: An Act To Amend the Composition of the Piscataquis

County Budget Committee. (Sponsored by Sen. Davis of Piscataquis Cty.) **PL 2021, c. 55**

This Act clarifies that appointment to the Piscataquis County Budget Committee is done in a manner established by the county commissioners. The Act also requires the county commissioners to appoint one member to the budget committee who is a resident of an unorganized territory located in the county and permits the commissioners to appoint one other resident of an unorganized territory to the budget committee.

LD 596: An Act To Improve the Law Regarding Abandoned Roads. (Sponsored by Sen. Claxton of Androscoggin Cty.) **PL 2021, c. 145**

Effective Oct. 1, 2021, this Act repeals and replaces the current statute on the abandonment of town ways with a process that a municipality may choose to follow to declare a town way abandoned. This process includes notice provisions to abutting property owners, property owners for whom the town way is the only means of access and adjacent municipalities and counties and provides for a public hearing process and an appeals process. The Act clarifies that the public easement retained in a town way discontinued by abandonment is limited to rights of access by foot or motor vehicle. Furthermore, the Act expressly states that the section of law does not alter the ability of a town way to be abandoned under the common law presumption of abandonment.

LD 621: An Act To Increase the Number of Franklin County Commissioners. (Sponsored by Rep. Landry of Farmington) **MAN-DATE PL 2021, c. 8**

This Act requires the legislative apportionment commission to develop two apportionment plans for Franklin County, one plan dividing Franklin County into three commissioner districts and the other plan dividing the county into five commissioner districts. In the election held in Nov. 2, 2021, the Franklin County Commissioners are required to submit a referendum question to the voters asking whether they favor dividing Franklin County into five districts. If the referendum question passes with a majority vote, the commission is required to submit an apportionment plan dividing Franklin County into three districts until 2024 and five districts thereafter.

LD 1010: An Act To Establish the Maine Service Fellows Program. (Sponsored by Rep. Reilly of Westbrook) **PL 2021, c. 155**

This Act establishes the Maine Service Fellows Program under the Maine Commission for Community Services, designed to engage program participants in devoting a year of service to Maine communities. The commission is directed to implement the program to attract and retain motivated adults who have completed a college degree within the prior five years to apply their skills and abilities to projects for the benefit of Maine citizens; provide rural and underserved Maine communities a resource to address critical health, public safety, education and environmental needs; and strengthen civic engagement of both the program fellows and community residents through solutions based in whole or in part in volunteer service. The commission is directed to establish an advisory committee to guide the launch of the program, including representation from town managers, regional planning organizations, rural government leaders, not-for-profit organizations and MMA. Provided funding is available, within 180 days following the effective date of this Act, the commission must seek to establish the first class of 10 program fellows who agree to participate in the program for up to 1,800 hours over a 12-month period beginning in 2022.

LD 1065: An Act To Clarify the Qualifications and Oversight of Sheriffs. (Sponsored by Rep. Pickett of Dixfield) **PL 2021, c. 202**

This Act clarifies that a candidate for county sheriff must either be: (1) currently certified as a law enforcement officer and in compliance with all applicable training requirements; or (2) a previously certified law enforcement officer who agrees to meet all applicable training requirements within one year of taking office. The Act also requires all county sheriffs to continually meet the in-service law en-

forcement training standards and any other statutory requirements of preservice, basic or in-service law enforcement training required for certification or continued certification as a law enforcement officer. The Act further provides that a full-time law enforcement officer employed by a municipal police department or state agency before July 1, 1990 is deemed to have met the minimum qualifications for county sheriff.

LD 1522: An Act To Update and Eliminate References in Statute to Selectmen and Overseers of the Poor. (Sponsored by Rep. Doudera of Camden) **PL 2021, c. 275**

This Act replaces in Maine statutes the term “board of selectmen” with “select board;” “overseer of the poor” with “board of overseers;” and in most instances, “a selectman” with “member of the select board.”

LD 1536: An Act Regarding Municipal Public Hearings on Citizen-initiated Municipal Referenda. (Sponsored by Rep. Bradstreet of Vassalboro) **PL 2021, c. 185**

This Act requires that the public hearing held by municipal officers on an article initiated by written petition include a discussion on the merits of the proposal for which the referendum was initiated.

LD 1723: An Act Regarding Winter Maintenance on Private Roads in the Town of Windham. (Sponsored by Rep. Bryant of Windham) **Emergency Enacted; P & SL 2021, c. 10 (6/17/21)**

This Act allows the Town of Windham to continue providing winter maintenance on certain private ways, regardless of the existence of a public easement, and authorizes the town to develop an ordinance to provide for the maintenance of a designated way. The town is further required to submit a report to the Committee on State and Local Government detailing the progress toward conforming the use of public funds for winter maintenance on private ways with constitutional and statutory requirements, including assessments from the town’s police chief and fire-rescue chief on the connection between winter maintenance on certain private ways and public health and safety.

Taxation

LD 141: An Act To Make Technical Changes to the Tax Laws. (Sponsored by Rep. Terry of Gorham) **PL 2021, c. 253**

Of municipal interest, this Act 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 179: Resolve, To Require a Review of Property Tax Assessment of Energy Efficiency Improvements. (Sponsored by Rep. Kessler of South Portland) **Resolves 2021, c. 93**

This Resolve requires Maine Revenue Services to convene a stakeholder group to review the assessment of energy efficiency improvements, including heat pumps, for the purpose of identifying the most appropriate ways to assess such property for the purposes of the property tax.

LD 191: An Act To Permit Municipalities To Provide Assistance to Veterans in Paying Property Taxes. (Sponsored by Sen. Bailey of York Cty.) **PL 2021, c. 69**

This Act 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 impact property tax equalization has on the amount received as a property tax exemption compared to the amount that would have applied if no equalization was applied. The benefit for renters is \$100. The Act further provides that an eligible claimant must have maintained a homestead in the municipality for a certain period of time, as determined by the municipality.

LD 198: An Act To Improve Maine's Tax Laws by Providing a Property Tax Exemption for Central Labor Councils. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2021, c. 410**

This Act provides a property tax exemption for the real estate and personal property owned by central labor councils and occupied or used solely for their own purposes.

LD 897: An Act To Allow Municipalities To set Below-market Interest Rates for Senior Citizen Property Tax Deferral Programs. (Sponsored by Rep. Warren of Scarborough) **PL 2021, c. 120**

This Act authorizes a municipality that has implemented a property tax deferral program for senior citizens to adopt an interest rate on deferred property taxes that is less than the rate established in statute.

LD 953: An Act To Improve Affordable Housing Options and Services To Address Homelessness. (Sponsored by Sen. Deschambault of York Cty.) **PL 2021, c. 261**

This Act permits a municipality to invest tax increment financing revenue outside of the district to fund the costs associated with the operation and financial support of: (1) affordable housing in the municipality to serve ongoing economic development efforts, including the further development of the downtown TIF district; and (2) housing programs and services to assist those who are experiencing homelessness as defined in the community's development program.

LD 1132: An Act To Encourage the Renovation of Available Housing Stock. (Sponsored by Rep. Morales of South Portland) **PL 2021, c. 127**

For qualifying tax liens recorded after Dec. 1, 2021, this Act allows for the clearing of title of tax-acquired residential property, deemed abandoned by the code enforcement officer or other public official, within six months of the acquisition by the municipality

rather than five years as required under existing law. As defined in the Act, residential property includes a structure that has one to four residential units. Evidence of abandonment includes: (1) boarded-up, broken or unlocked doors; (2) accumulated rubbish, trash or debris; (3) the absence of furnishing and personal property from the residence; and (4) reports to law enforcement authorities of trespassers, vandalism or other illegal acts being committed on the property. The determination of abandonment must be certified by the designated municipal official and filed with the registry of deeds. Finally, the Act requires municipalities to inform the Maine State Housing Authority of the acquisition of abandoned property for the authority's use in determining opportunities for redevelopment, programs supporting first-time home buyers and data analysis.

LD 1193: An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax. (Sponsored by Rep. Brooks of Lewiston) **PL 2021, c. 240**

This Act extends the motor vehicle excise tax exemption to veterans who are granted free registration to include all veterans who are disabled by injury or disease incurred or aggravated during active military service in the line of duty and are receiving a pension or compensation from the federal government for total service-connected disability.

LD 1216: An Act To Amend the State Tax Laws. (Sponsored by Rep. Terry of Gorham) **PL 2021, c. 181**

Of municipal interest, this Act: (1) reduces the declared ratio accuracy threshold from within 20% to within 10% of the most recent state valuation ratio used to provide state reimbursement for the homestead exemption; (2) authorizes the Property Tax Bureau to audit municipal records to ensure compliance with the laws pertaining to reimbursement for property tax exemptions, similar to the process provided for homestead exemption reimbursement;

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Andrew Brown	Alexis Collins	Scott Gosselin	Paul Hoffman
David Brown	Eric Corbett	Matthew Ellis	Robert Jones
Mark Brown	Neil Corbett	Anthony Fife	David Johnson

and (3) authorizes the bureau to offset payments if it is determined that a BETE exemption was improperly approved.

LD 1468: An Act To Support All-terrain Vehicle Trail Improvement. (Sponsored by Rep. Stearns of Guilford) **PL 2021, c. 446**

This Act provides that 90% of the state tax revenue generated on the rental of all-terrain vehicles (ATV) must be transferred to the ATV Recreational Management Fund and 10% transferred to the Multimodal Transportation Fund.

Transportation

LD 73: An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters To Use Red or Combination Red and White Auxiliary Lights When Responding to Watercraft Emergencies. (Sponsored by Rep. McCreight of Harpswell) **PL 2021, c. 26** (effective on 6/29/21)

This Act allows a municipality to authorize a harbor master or deputy harbor master to use a red or combination red and white flashing auxiliary light on a personal vehicle when responding to a watercraft emergency. The authority may be revoked by the municipality at any time.

LD 130: An Act to Create Appropriate Standards for the Secretary of State To Follow When Approving the Assignments of Vanity Registration Plates. (Sponsored by Sen. Diamond of Cumberland Cty.) **PL 2021, c. 232**

This Act limits the vanity registration plates the Secretary of State may refuse to issue or may recall to plates that: (1) falsely suggest an association with a public institution or government; (2) are duplicative; (3) encourage violence or contain language that may

result in an act of violence or other unlawful activity because of the content of the language; (4) are profane or obscene; (5) make derogatory references; (6) connote genitalia or relate to sexual acts; or (7) form a slang term, abbreviation, phonetic spelling or mirror image of a word or term within any of the other categories. The Act also creates an appeals process for challenging the secretary's decision to refuse to issue or recall a vanity registration plate.

LD 227: Resolve, To Conduct a Transit Propensity Study for Communities between Portland and Bangor. (Sponsored by Sen. Baldacci of Penobscot Cty.) **Resolves 2021, c. 53**

This Resolve directs the Department of Transportation to conduct a transit propensity study, if sufficient funding is received, to assess the demand and viability for new or enhanced transit service, including passenger rail, between the communities of Portland and Bangor. It requires the department to submit a report based on its study by Jan. 1, 2023 to the Committee on Transportation, which is authorized to submit related legislation for consideration in 2023. Furthermore, the Resolve specifies that funds may not be collected by or transferred to the department for the purpose of conducting the study unless the department receives commitments for no less than 25% of the overall costs of the study from municipalities for which new or enhanced transit will be assessed as part of the study. If the impacted municipalities have not fulfilled their funding commitment by the agreed upon dates, the department is authorized to discontinue the study and return any remaining municipal funds.

LD 266: An Act To Create the Maine Lighthouse Trust Registration Plate. (Sponsored by Sen. Deschambault of York Cty.) **PL 2021, c. 56**

This Act creates the Maine Lighthouse Trust specialty registra-

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tion plate to support lighthouse restoration and preservation efforts.

LD 312: An Act To Extend the Maine Bicentennial Commission and the Use of Maine Bicentennial Registration Plates through 2021. (Sponsored by Sen. Claxton of Androscoggin Cty.) **Emergency Enacted; PL 2021, c. 89 (6/8/21)**

This Act removes the requirement that an expiration date be displayed on the State of Maine Bicentennial commemorative motor vehicle registration plate; extends the expiration date of the commemorative plate to Dec. 31, 2021; and extends the Maine Bicentennial Commission to Dec. 31, 2021.

LD 644: An Act Regarding Motor Vehicle Registration Violations. (Sponsored by Rep. Cloutier of Lewiston) **PL 2021, c. 427**

This Act provides that a person who operates an unregistered vehicle, fails to register a vehicle or operates an unregistered vehicle on a public way commits a traffic infraction for which a \$100 fine must be adjudged for a first offense if the registration has been expired for 150 or more days, and \$500 for each subsequent offense. Operation of a vehicle that has never been registered by the current owner, or failure to register a vehicle from another state more than 150 days after establishing residency is a Class E crime. The Act also provides a process to dismiss an alleged violation if the person shows satisfactory evidence that the vehicle was registered at the time of the violation or is registered prior to the date for answering the complaint.

LD 662: An Act To Allow the Use of an Additional Light on the Roof of Vehicles of Active Members of a Municipal or Volunteer Fire Department. (Sponsored by Rep. Wadsworth of Hiram) **PL 2021, c. 113**

This Act allows municipal officers or a designated official, with the approval of the fire chief, to authorize an active member of a municipal or volunteer fire department when responding to an emergency to use one red light bar no more than eight inches in length on the roof of the vehicle so that the light is visible to approaching traffic from the front and the rear of the vehicle.

LD 669: An Act To Ensure Public Ways are Compliant with the Federal Americans with Disabilities Act of 1990. (Sponsored by Rep. Morales of South Portland) **PL 2021, c. 334**

This Act requires all public way improvements to comply with the Americans with Disabilities Act of 1990, including the placement of aboveground facilities in the public way. Additionally, the Act makes an alteration or relocation of an aboveground facility that is part of a construction or reconstruction project the financial responsibility of the facility owner.

LD 672: Resolve, To Direct the Department of Transportation To Use a Rail Corridor Use Advisory Council in Reviewing the Mountain Division Rail Line for Potential Nonrail Uses. (Sponsored by Sen. Bennett of Oxford Cty.) **Emergency Passed; Resolves 2021, c. 52 (6/14/21)**

This Resolve directs the Department of Transportation to review the Mountain Division Line rail corridor, connecting the towns of Standish and Fryeburg, for potential non-rail uses through a rail corridor use advisory council.

LD 821: An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users. (Sponsored by Sen. Daughtry of Cumberland Cty.) **PL 2021, c. 379**

This Act requires a law enforcement officer who investigates a reportable accident involving a vulnerable user or an incident resulting in bodily injury or death to a vulnerable user and who has probable cause to believe that a traffic infraction, civil violation or criminal violation is connected to that accident or incident to inform a district attorney about the investigation within five days and submit a final accident report as soon as is practicable but no later than 60 days after the accident or incident. Under the traffic laws, a

vulnerable user is a person on a public way who is more vulnerable to injury than a person in a motor vehicle. The Act also clarifies that evidence submitted by a law enforcement officer later than 60 days after an accident or incident described in the Act may be used in the prosecution of a criminal violation or civil violation.

LD 991: Resolve, Directing the Department of Transportation To Conduct an Economic Evaluation Study for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area. (Sponsored by Sen. Chipman of Cumberland Cty.) **Resolves 2021, c. 56**

This Resolve directs the Department of Transportation to conduct an economic evaluation study for commuter and passenger train service between Portland and the Lewiston and Auburn area that builds on the data and potential next steps included in the May 2019 Lewiston-Auburn Passenger Rail Service Plan. The cost of the study may not exceed \$200,000, of which \$20,000 must be funded by the impacted communities. The Resolve further directs the department to submit a report of its findings and recommendations to the Committee on Transportation no later than March 1, 2022, which is authorized to submit related legislation for consideration in 2022.

LD 1027: An Act To Amend the Laws Governing Local Bridges. (Sponsored by Sen. Farrin of Somerset Cty.) **PL 2021, c. 201**

This Act requires the Department of Transportation to notify a municipality when a bridge for which a municipality has maintenance responsibility requires a posting or closure and requires the municipality to carry out the posting or closure. The Act also provides that in order for the department to accept certain responsibilities for an improved bridge or for a new bridge, the department must approve the design of the improvements or construction before the improvements are made or the bridge is constructed. The design of the improvements or construction must meet standards set by the department and be sealed by a professional engineer.

LD 1104: An Act To Increase the Time for Which a Temporary Motor Vehicle Registration Plate Is Valid. (Sponsored by Sen. Farrin of Somerset Cty.) **PL 2021, c. 126**

This Act increases from 14 to 30 the number of days a person may operate a motor vehicle or trailer with a temporary registration plate without payment of a regular registration plate fee.

LD 1133: An Act To Amend the Transportation Laws. (Sponsored by Rep. Martin of Sinclair) **PL 2021, c. 239**

This Act authorizes the Commissioner of the Department of Transportation to convene a 15-member rail corridor use advisory council, which may include one or more municipal officials from communities located on a rail corridor, to advise and make recommendations each time one or more governmental entities that represent communities along a state-owned rail corridor request that the department review a non-rail recreational use or non-recreational transportation use of that rail corridor. The Act also: (1) revises the priority classifications and goals for the state's public highways; (2) prohibits the department from dismantling or making changes to state-owned railroad tracks for a non-rail use without going through the advisory council process and obtaining legislative approval; and (3) defines and includes "roundabouts" in the laws governing the use of traffic circles and rotaries.

LD 1433: An Act To Amend the Motor Vehicle Laws. (Sponsored by Rep. Martin of Sinclair) **PL 2021, c. 216**

Of municipal interest, this Act amends the motor vehicle laws in the following ways: (1) provides for the continued use by government entities of off-road vehicles in prohibited areas; and (2) authorizes the Secretary of State to use rulemaking to regulate municipal agent training requirements, accounting standards, inventory control processes and the collection and transmission of data and funds between agents and the Bureau of Motor Vehicles.

LD 1618: Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and

Initiate a Registration Plate Working Group. (Sponsored by Sen. Diamond of Cumberland Cty.) **Emergency Passed; Resolves 2021, c. 108 (7/14/21)**

This Resolve places a two-year moratorium on the approval of new motor vehicle registration plates and creates a related working group. The 10-member working group, including a member representing municipalities or another political subdivision engaged in the registration of motor vehicles, is directed to: (1) identify and document the roles and functions of the state's registration plates; (2) explore and document challenges in the registration plate manufacturing process, and the storing and securing of registration plate inventories in municipalities and in branch offices of the Bureau of Motor Vehicles; (3) examine the benefits, detriments and legal issues arising from specialty registration plates; competing interests with specialty registration plates; and standards and systems developed by national and industry experts; and (4) explore ways in which the state can adopt such standards and systems. The Bureau of Motor Vehicles is required to submit a report to the Committee on Transportation by Feb. 1, 2022, which is authorized to submit related legislation for consideration in 2022.

Veterans & Legal Affairs

LD 102: An Act To Extend the Time Frame for Processing Absentee Ballots. (Sponsored by Rep. Moriarty of Cumberland) **PL 2021, c. 11 (effective on 6/29/21)**

This Act increases the number of days by which a municipality is authorized to start processing absentee ballots from the fourth to the seventh day immediately prior to election day. The Act also amends from 60 to 30 days before the election the timing of the notice provided to the Secretary of State and the chair of each political party in the municipality of the clerk's intent to process absentee ballots prior to election day.

LD 882: Resolve, To Direct the Office of Marijuana Policy To Convene Stakeholder Meetings Regarding the Maine Medical Use of Marijuana Program. (Sponsored by Sen. Luchini of Hancock Cty.) **Resolves 2021, c. 95**

This Resolve directs the Department of Administrative and Financial Services, through its Office of Marijuana Policy, to convene meetings with stakeholders, including municipal officials, to study, review and evaluate the need to amend the Maine Medical Use of Marijuana Act. The department is further directed to submit its findings and recommendations no later than Jan. 1, 2022 to the Committee on Legal and Veterans Affairs which is authorized to submit related legislation in 2022.

LD 939: An Act To Support Maine's Medical Marijuana Program and Ensure Patient Access. (Sponsored by Rep. Pluecker of Warren) **PL 2021, c. 367**

Of municipal interest, this Act amends a provision under the Maine Medical Use of Marijuana Act allowing registered caregivers and dispensaries to transfer and accept from another registered caregiver or a dispensary an unlimited amount of their marijuana plants and harvested marijuana in a wholesale transaction.

LD 1126: An Act To Update the Voter Registration Process. (Sponsored by Rep. Pierce of Falmouth) **PL 2021, c. 439**

Effective on Nov. 1, 2023, this Act directs the Secretary of State to post on a publicly accessible website an online voter registration application enabling an individual to register to vote and enroll in a party, change a voter's party, withdraw from a party or notify the appropriate registrar of a voter's change of name or address. An online voter registration application must be received by the secretary by midnight on the 21st day before the election and transmitted to the registrar's office on a daily basis. An individual who uses the online application to register to vote must satisfy the signature requirement of state election law by submitting a current and valid Maine

driver's license number or non-driver identification card. If neither document is available, the individual must submit an electronic image of the applicant's signature. The online voter registration application must be designed to prevent an applicant from registering to vote unless the applicant discloses a valid Maine driver's license number, non-driver identification number, or the last four digits of the applicant's social security number.

LD 1363: An Act To Amend the Laws Governing Elections. (Sponsored by Sen. Luchini of Hancock Cty.) **PL 2021, c. 273**

Of municipal interest, this Act: (1) clarifies that the elections to be determined by ranked-choice voting include primary elections for federal and state offices, including the office of the governor; general and special elections for federal offices; and the primary election for the president of the United States; (2) describes the security measures that must be in place to utilize absentee ballot drop boxes and implements a procedure authorizing a municipality to obtain and use absentee ballot drop boxes at multiple locations within a community's boundaries, subject to the approval of the secretary; and (3) creates a process for allowing a voter to cure a discrepancy with a returned absentee ballot.

LD 1434: An Act Regarding Controlled Entry Areas within Retail Marijuana Stores. (Sponsored by Rep. Perry of Bangor) **PL 2021, c. 314**

This Act allows a marijuana store to have a controlled, indoor entry area, which must be physically separated from the sales area, directly inside the store where the identification of a purchaser can be verified and the purchaser can await entry into the store. A licensee shall ensure that persons under 21 years of age do not enter its licensed premises, except that a marijuana store licensee may use a controlled, indoor entry area to verify the identification and age of persons before allowing entry.

LD 1575: An Act To Improve Maine's Election Laws. (Sponsored by Rep. McCreight of Harpswell) **PL 2021, c. 246**

This Act amends the election laws by: (1) allowing an individual who is registering to vote to verify the individual's identity with a student photographic identification that is issued by a state-approved public or private school or by a duly authorized institution of higher learning that is located and operates in Maine; (2) directing the Secretary of State to prepare instructions describing the reasons a voter may request and receive an absentee ballot after the period for no-excuse absentee voting has ended and requires municipalities to include these instructions on a sign posted at the municipal office and on any website, social media page or other media that the municipality uses to communicate election information; (3) requiring the municipal clerk to include in the voting place report the location of each secured drop box and the times for in-person absentee voting in the municipality; (4) authorizing the secretary to adopt rules governing pollwatchers, additional party workers and others present in the polling place; and (5) clarifying that absentee ballots may not be counted until after: (a) the polls have closed on election day; (b) all election day ballots have been cast; and (c) all absentee ballots have been processed.

LD 1642: An Act Regarding Local Option Elections. (Sponsored by Sen. Luchini of Hancock Cty.) **Emergency Enacted; PL 2021, c. 137 (6/10/21)**

This Act provides that if a municipality conducted a local option election prior to Jan. 1, 1977 approving the issuance of licenses for the sale of liquor for on-premises consumption at any type of licensed establishment, the election results are deemed to be evidence that the municipality approved the issuance of licenses for the sale of liquor for on-premises consumption by all types of licensed establishments unless the municipality voted to prohibit the issuance of licenses for the sale of liquor for on-premises consumption in a subsequent local option election. ■

Real estate prices, affordable homes dominate discussions

Other projects include a new library, police station and needle exchange. That old standby – whether to allow retail marijuana sales – also was raised.

By Susan Cover

Maine's white-hot real estate market led to some discussion and at least one vote at June town meetings, with municipal officials giving residents a heads-up that property values need to be updated.

Madison Town Manager Tim Curtis told residents that he plans to ask the Board of Assessors in August for a 5% across the board increase to all property values, according to the Morning Sentinel newspaper. The surging real estate market has meant the town's sales ratio is below the state mandated 90%, he said.

In Windsor, Town Manager Theresa Haskell told residents that the town hasn't done a revaluation in 15 years and needed to continue to set aside money to pay for the update, which is likely to cost about \$200,000, according to the Kennebec Journal.

Peru residents rejected a warrant article that requested \$150,000 to pay for a town wide revaluation, according to the Sun Journal. The newspaper reported that the last revaluation was done in 2000, and that Worthley Pond is undervalued at 53%.

In the June edition of *Maine Town & City*, assessors described the market as "absolutely crazy" and urged cities and towns to maintain an equitable balance among commercial, industrial and residential properties.

Across the state, voters mostly returned for in-person town meetings following the easing of COVID-19 restrictions, available vaccines and decreasing case counts. And like in any year, towns grappled with a wide



variety of topics from needle exchange programs to library funding to recreational marijuana – and a lot of other things in between.

Needle exchange vote

In Madison, voters approved a prohibition on needle exchange programs in their town, following other similar actions in nearby areas.

The Maine Centers for Disease Control and Prevention contracts with agencies to provide needle exchange services in eight of Maine's 16 counties, according to the CDC website. Somerset County Sheriff Dale Lancaster has urged towns to adopt ordinances to regulate the services, according to the Morning Sentinel.

So far, Norridgewock and Skowhegan have adopted regulations, while Madison and Solon have banned them from inside their town borders, according to the newspaper.

Library money

It's not often you hear about efforts to open a new library, but in Unity, residents voted in June to spend \$50,000 from the Tax Increment Financing fund for just such an endeavor, according to the Bangor Daily News.

The project still needs approval from the town's economic development committee and a final OK from the select board.

And in Skowhegan, residents approved a \$195,000 request for funding for the town library following an impassioned plea from the library's acting director, according to the Morning Sentinel.

"I could throw a lot of information and facts and figures and anecdotes at you, but the bottom line is, if you're sitting there thinking that \$195,000 to operate the public library is too much, you're probably not a library user, and that's okay," Angie Herrick said. "I've

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never used hospice and I no longer have kids in the public school, but I know it's important to give them adequate funding in order to make our community one that fits the needs of all of its residents. The library is essential and the money is essential."

More marijuana votes

Residents in Fryeburg and South Berwick rejected proposals to allow recreational marijuana sales in their towns, according to newspaper reports.

In South Berwick, voters defeated a proposal to allow recreational marijuana retail stores by a huge margin, 1,127 to 124, according to the Portsmouth Herald. A second proposal to allow recreational growing and manufacturing operations was also defeated by a wide margin.

In Fryeburg, residents defeated by

voice vote an attempt to allow up to five adult-use retail marijuana stores in town, according to the Conway Daily Sun of New Hampshire.

Other action

Here are the highlights of votes taken in other cities and towns across the state:

On Westport Island, all warrant articles were approved including an agreement to pay the town of Wiscasset \$83,622 for use of the transfer station, \$12,265 for the Wiscasset Ambulance Service and the approval of a contract with the Lincoln County Sheriff's Office for animal control services.

In Portland, voters chose from a slate of candidates to fill nine seats on the newly created Charter Commission. The commission is expected to recommend changes to the form and power structure of city government.

In Rome, residents voted to withdraw from FirstPark, a business park in Oakland created in 1998, by a vote of 97-12. However, a legal opinion sent out by the Kennebec Regional Development Authority following the vote questions whether the town has met both conditions required for it to withdraw.

In Augusta, residents voted 717-133 to build a new police station on Willow Street, at the site of a former Hannaford supermarket.



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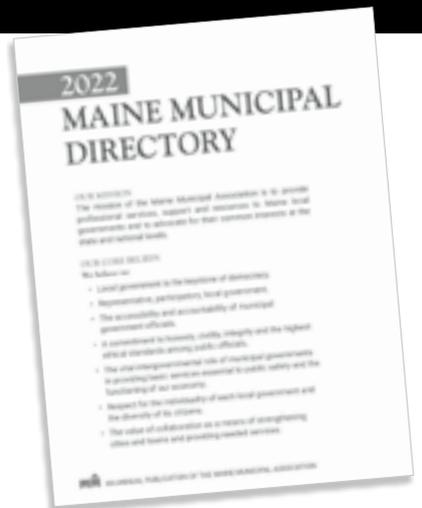


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PRE-ORDERS AND ADVERTISING SPECS COMING SOON!



The Directory provides you with the names, addresses and telephone numbers of Maine's municipal officials as well as useful information about each municipality, including its:

- population
- state legislative districts
- county and school district
- election date and fiscal year
- Congressional district
- form of government

Questions:

Contact us at 1-800-452-8786

or e-mail us at:

CentralServicesDepartment@memun.org

In Rockport, voters soundly defeated a warrant article asking if they wanted to create a municipal ordinance regulating short-term rentals. The vote was 194 in support and 407 in opposition.

In Lincolnville, voters approved a warrant article 198-31 that authorizes the Select Board to apply for exclusive rights to take alewives and blueback herring from the Ducktrap River and its tributaries in Lincolnville.

In Camden, by a vote of 580-183, voters approved amending the Coastal Residential District to allow tradesman shops and expansions of up to 10,000 square feet for indoor storage, maintenance and construction of boats.

In Waldoboro, voters approved an article to allow the creation of up to 36 units of affordable senior housing at the former A.D. Gray School. A separate article proposed creating a park at the former school, an idea that was rejected by voters.

In Kennebunkport, voters ap-

proved a request to borrow \$1 million to help pay to improve and upgrade public safety radio communications.

In Fayette, voters reduced from \$4,000 to \$3,000 a request to use excise tax money from the sale of boat registrations to support the 30 Mile River

Watershed Association.

In Farmingdale, voters approved an ordinance to allow the town to pursue reimbursement of fire department costs incurred when responding to accidents and emergencies that involve nonresidents. ■

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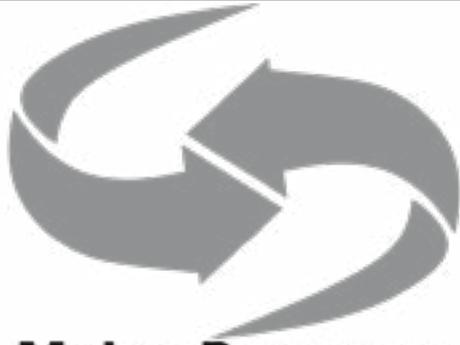
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**Maine Resource
Recovery Association**

**27th Annual Recycling
and Solid Waste
Conference & Trade
Show**

October 18-19, 2021

***Samoset Resort
Rockport, Maine***

Do you have recycling or solid waste questions?
Then this is THE event to get the answers.
Join us and Network with Industry Experts!!

Keynote Addresses by

Steve Alexander– APR

Cole Rosengren-Senior Editor, Waste
Dive

Susanne Lee– UMaine; George Mitchell
Center

Ted Seigler– Partner at DSM

**Maine Recycling and Solid
Waste Awards Banquet**

Monday October 18th

Now Accepting Nominations!!!

- Volunteer of the Year
- Business Recycler of the Year (not a recycling Business)
- Most Improved Program
- Program of the year
- Manager of the Year
- Composter of the Year
- Operator of the year
- Hauler of the Year
- Distinguished Service Award

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Deadline **October 4th 2021**

**Deadline for Registrations is Friday October 8th! Your
Registration Packet can be found on our website: www.mrna.net.
We hope to see you there!!!**

June town meetings bring elections – and a special team

By Susan Cover

While voters in many towns elected newcomers and returned some incumbents to office, in Buckfield, they did something unusual in June: They elected a husband and wife to the newly expanded select board.

Michael Iveson was elected with 94 votes, while his wife Janet Iveson received 82 votes. Janet Iveson ran to finish out a term that will expire in June 2023, while Michael Iveson won a full three-year term, said Town Clerk Melissa Wolf.

“We’ve been informed it’s certainly something that has happened before and it’s perfectly legal,” she said of the election of a married couple.

And it’s not as if the Ivesons will hold all the power in town. Buckfield has three additional select board members: Cheryl Coffman (who was not up for election this cycle), Cameron Hinkley (who received 96 votes) and Robert Hand (who received 94 votes).

The following results are based on newspaper accounts, interviews with municipal clerks and independent research. In the following list, unopposed incumbents are not included, with few exceptions. Former officials are named, whether or not they won. The names of challengers, unless they served previously, are not included.

The results, a sampling of contests held in June and July, are listed in alphabetical order by municipality.

Appleton: In a three-way race for two seats, newcomers **Scott Esancy** and **Marci Moody Blakely** defeated incumbent **John Fenner**. Esancy tallied 185 votes, Blakely 176 votes and Fenner received 100 votes.

Arundel: Incumbents **Daniel Du-bois** (216) and **Philip Labbe** (220) won

re-election, with a challenger receiving 59 votes.

Bar Harbor: Incumbent selectmen **Gary Friedmann** (779) and **Joseph Minutolo** (813) won re-election, with challengers receiving 319, 225 and 169 votes.

Bridgton: Incumbent select board member **Carmen Lone** (370) and former select board member **Robert McHatton Sr.** (248) were elected to serve, with two others receiving 192 and 169 votes.

Camden: In a four-way race for two seats on the select board, voters elected newcomers **Sophie Romana** with 525 votes and **Matt Siegel** with 490 votes with other candidates receiving 268 and 157 votes.

Canton: Newcomer **Kristi Carrier** defeated incumbent **Don Hutchins** by a vote of 60-56 to win a seat on the select board.

Chebeague Island: In a three-way race for two seats, newcomer **Jen Bellesca** received 134 votes and incumbent Selectman **Mark Dyer** received 97 votes to win election. Incumbent Selectman **David Hill** was defeated, receiving 62 votes.

Clinton: Following a recount, **Michael Hachey** defeated incumbent Selectman **Ronnie Irving** 106-105.

Cumberland: Newcomer **Mark Segrist** defeated incumbent Town Councilor **George Turner** by a vote of 1,356 to 634.

Denmark: In the race for a three-year term, **Michael Stacy** received 93 votes to defeat a candidate who received 81 votes. In the race for a two-year term, former Selectman **Kirk McDermith** received 96 votes to defeat two candidates who received 72 and 10 votes.

Dixfield: Incumbent Selectman **Peter Holman** received 138 votes, edging out a challenger who received 137 votes.

Dover-Foxcroft: Incumbent Selectwoman **Cynthia Freeman Cyr** was re-elected with 212 votes and newcomer **Michael Sutton** was elected with 206 votes. A third candidate received 197 votes.

Eagle Lake: Incumbent select board members **Wendy Dube** and **Jennifer Dube** (no relation) were re-elected with 59 and 55 votes respectively, while former Selectman **Gerald Raymond** received 54 votes.

Eliot: Newcomer **Lauren Dow** and incumbent **Alexandros Orestis** were elected to the select board with 495 and 343 votes, respectively. A third candidate received 278 votes.

Falmouth: Incumbents **Amy Kuhn** and **Hope Cahan** won re-election to the town council with 1,201 and 1,106 votes, respectively. A third candidate received 401 votes.

Kennebunk: Eight candidates ran for three seats on the select board, with newcomers **Kortney Nedeau** (1,024) and **Lisa Pratt** (770) winning seats, along with incumbent **Shiloh Schulte** (871). Incumbent **Wayne Berry** was defeated, earning 599 votes. Others who ran received 652, 566, 400 and 297 votes. In a separate race for a two-year term, newcomer **Sally Carpenter** received 1,047 votes to defeat a candidate who received 667 votes.

Kingfield: Following a recount, newcomer **Polly MacMichael** was declared the winner with 66 votes, edging out a competitor who received 65 votes.

Kittery: Two newcomers were elected to the select board, with **Cameron Hamm** receiving 771 votes to defeat a candidate who received 418 votes and **Mary Gibbons Stevens** receiving 675 votes to defeat three candidates who received 130, 219 and 219 votes.

Harrison: Four candidates competed for two seats, with **Philip Devlin** and **Frederick Ross** earning 89 and 75

Susan Cover is a freelance writer from Augusta and regular contributor to *Maine Town & City*, mainefreelancer@yahoo.com.

votes, respectively. Two others earned 74 and 55 votes.

Litchfield: **Clarence Gowell III** received 162 votes to defeat incumbent Selectman **Mark Russell**, who received 123 votes.

Livermore: **Randy Ouellette** received 100 votes to win over another candidate who received 51 votes.

Lyman: In a four-way race for two seats, incumbent Selectman **Ralph Blackington** won re-election with 256

votes and newcomer **Thomas Hatch** received 337, with two others receiving 215 and 146 votes.

Machias: With four people running for two seats on the select board, newcomers **Sandra Sinford** (67) and **Carole Porcher** (61) won election, with two others receiving 51 and 48 votes.

Madawaska: Newcomer **Chris Bralery** (314) and former Selectman **Richard Dionne** (305) won election to two seats on the board, with challengers

earning 107 and 98 votes.

Manchester: In a three-way race for two seats, incumbents **Doug Ide** and **Dawn Kliphan** were re-elected with 177 and 164 votes respectively, while a challenger received 107.

Mechanic Falls: Newcomer **Paula Stotts** defeated incumbent Town Council member **Raymond Lavoie** by a vote of 90-56.

Monmouth: Former state lawmaker **Kent Ackley** won a seat on the select board with 396 votes, defeating an opponent who received 333 votes.

Mount Vernon: Newcomer **Anna Libby** won election with 133 votes, defeating a challenger who got 23 votes.

Newcastle: In a two-way race for a one-year term, newcomer **David Levesque** received 178 votes and his opponent received 140 votes. In a four-way race for two seats, newcomer **Karen Leavitt Paz** was elected with 194 votes and incumbent **Joel Lind** received 184 votes. Two others received 116 and 103 votes.

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ELECTIONS ELECTIONS ELECTIONS

Has your town had its election?

Did you let MMA know so we can update our database?

No election, but you have changes: let us know!

Contact Val or Kimberly:

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Oxford: Four candidates competed for two seats on the select board, with former selectman **Floyd Thayer** receiving 195 votes and incumbent **Scott Hunter** garnering 157 votes. Incumbent selectwoman **Samantha Hewey** was defeated with 151 votes and a fourth candidate was awarded 149 votes.

Paris: Newcomer **Walter Perry** defeated incumbent **Rusty Brackett** for a seat on the select board by a vote of 225 to 165.

Rangeley: Newcomer **Ethna Thompson** received 108 votes to edge out a competitor who received 106 votes for a three-year term on the select board.

Raymond: Former Selectman **Joe**

Bruno, who is also a former state lawmaker, won election to the board with 204 votes, defeating former Selectman **Dana Desjardins**, 34 votes, and a newcomer who received 171 votes.

Readfield: In a three-way race for two seats, voters chose newcomers **Carol Doorenbos** with 324 votes and **Sean Keegan** with 275 votes. A third candidate received 233 votes.

Richmond: Incumbent **Randy Bodge** was returned to office with 257 votes, while newcomer **Brian York** won election with 333 votes. Incumbent **O'Neil LaPlante** was defeated with 158 votes, while a fourth candidate received 182 votes.

Rockport: In a four-way race for two

seats on the select board, **Eric Boucher** received 314 votes, **John Strand** received 270 votes and two others received 173 and 152 votes.

Rumford: Incumbent selectman **Peter Chase** was re-elected with 262 votes, defeating a challenger who received 157.

Skowhegan: In a four-way race for two seats, incumbent Selectman **Todd Smith** was re-elected with 324 votes and **Harold Bigelow** received 260 votes. **Bigelow** narrowly defeated incumbent Selectman **Roger Staples**, who received 259 votes. One other candidate received 110 votes.

Thomaston: Incumbent Selectwoman **Diane Giese** received 176 votes to defeat a challenger who got 97 votes.

Union: In a close race for the select board, former Selectman **James Justice** defeated an opponent 134-131.

Vinalhaven: In a three-way race for two seats, incumbent selectwoman **Pamela Conway Alley** was re-elected with 133 votes, **Leslie Dyer** was elected with 121 votes and a third contestant received 72 votes.

Waldoboro: In a five-way race for two seats, incumbent Selectman **Abden Simmons** was re-elected with 511 votes, **William Pratt** was elected with 520 votes and others received 260, 147 and 80 votes.

Warren: Voters elected **John Crabtree** to the select board with 179 votes, giving him the edge over challengers who received 100 votes and 14 votes.

Wells: In a four-way race for two seats on the select board, incumbent **Kathleen Chase** was re-elected with 595 votes and former Selectman **Robert Foley** received 577 votes to win election. Two newcomers received 331 and 204 votes.

Wilton: Incumbent Selectman **Philip Hilton** received 157 votes to win re-election, while a challenger received 35.

Wiscasset: In a three-way race for two seats on the select board, **Terry Heller** (247) and **Dusty Jones** (221) were elected with a third candidate receiving 207 votes.

Yarmouth: Incumbent **Heather Abbott** and former council member **David Craig** were elected with each receiving 1,016 votes. A third candidate received 904. ■

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HOMETOWN CAREERS

FIND YOUR FUTURE IN MAINE'S TOWNS AND CITIES

ABOUT OUR CAMPAIGN



Maine Municipal Association's Hometown Careers campaign was born out of necessity. Maine is one of the "oldest" states in the nation, many municipal employees are nearing retirement and the unemployment rate is low. Plus, municipal jobs are so important. The need for municipal services will never go away.

In January 2018, MMA launched a statewide social media and web advertising campaign designed to make people – especially young people – more aware of the exciting career options available within municipal government.

That effort drives people to our interactive website, www.maine-hometowncareers.org. Upon arrival, readers learn what local government does, they see and hear real Mainers talk about the rewards of municipal employment. And, they have searchable access to MMA's municipal Job Bank, the most extensive listing of local government job openings in Maine.

For MMA members, even more tools are available. The Members Area of the MMA website provides handouts that municipal employers can use, logos and instructions about how to promote Hometown Careers on municipal websites and Facebook pages.

The sky is the limit! Municipal careers in Maine offer unparalleled quality of life and they provide deep satisfaction, knowing that you serve a community in meaningful ways.

You really can make a difference, with a Hometown Career.

**COME HOME TO A MAINE MUNICIPAL CAREER,
AND REAP BENEFITS BEYOND YOUR PAYCHECK.**

Contact towns and cities near you about available jobs, today!

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AMANDA RECTOR

KEYNOTE SPEAKER: DIANE FRANCIS

Where Do We Go From Here? Canada & the U.S.

Ms. Francis draws upon her experience as a renowned Canadian journalist, author and educator to present scenarios, warnings, trends and solutions that are critically important to Maine-Canada trade and our border communities.

GUEST SPEAKER: HEATHER JOHNSON

Broadband, Growth and the Future of Maine

As we emerge from the COVID shadow, and with better funding potential than we've seen in years, Maine municipalities can look ahead to broadband expansion, renewable energy and new approaches to growth and development in ways that were hard to envision just a few years ago.

FEATURED SPEAKER: CHRISTOPHER T. GATES

Can Civility Make a Comeback?

Civility and ethics expert Christopher Gates – a Maine resident – compares the national ethos of the U.S. and Canada in an enlightening way, as he explores the trend of polarization in governance.

GUEST SPEAKER: AMANDA RECTOR

Is the Maine Economy Hot – or What?

What is the outlook for 2022 and beyond? Will a tight labor market and aging population be our undoing? How will the state's geographic disparities play out? If you want to position your community's economic future in the best way possible, this address is a can't-miss event.

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MAINE TOWN & CITY AUGUST/SEPTEMBER 2021

45





BRAVE NEW WORLD

Thursday, September 30, 2021

7:30 a.m. Registration Begins
7:30 – 10:30 a.m. Continental Breakfast
8:00 a.m. – 12:00 p.m. Affiliate Session

MCAPWA Business Meeting & Sessions – Maine Chapter of American Public Works (MCAPWA)

Topics to include:

- Green Strobe Lights
- Winter Technologies
- Posted Roads
- Entry Level Driver Training
- Update from Maine DOT Commissioner

Presenters: **Brian Burne**, Highway Maintenance Engineer, MaineDOT; **Randy Devault**, Training Coordinator, Maine Motor Transport; **Bruce Van Note**, Commissioner, MaineDOT

(MCAPWA Luncheon will follow at Maine Municipal Association)

9:00 – 10:30 a.m. WELCOME AND FEATURED
SPEAKER

Can Civility Make a Comeback?

It's hard to deny that civil discourse – in the U.S. and in Maine – has had a rough go of it in recent years. But, will this last? And is there anything local leaders can do to make “agreeing to disagree” the norm again, if it ever truly was? Civility and ethics expert Christopher Gates – a Maine resident – compares the national ethos of the U.S. and Canada in an enlightening way, as he explores the trend of polarization in governance.

Presenter: **Christopher T. Gates**, former President of the National Civic League and the Sunlight Foundation

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Elected Relations.

10:30 – 10:45 a.m. BREAK



10:45am – 12:00 p.m. Concurrent Sessions

Biddeford: Transformation in Progress

Not long ago, it was a city under two shadows: Of Portland, located 25 minutes away, the trash-burning incinerator located literally in middle of town. Today, Biddeford is undergoing a massive rejuvenation, concentrating in the downtown mill area that it serves with Saco, but also in the area of arts, culture, restaurants and more. Two Biddeford leaders will walk attendees through the lessons they've learned, in a presentation relevant both to small towns and larger cities.

Presenters: **James Bennett**, Manager, City of Biddeford; **Alan Casavant**, Mayor, City of Biddeford; **Marc Lessard**, Councilor At Large, City of Biddeford

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.

New Faces, High Expectations

As social and technological advances like the acceptance of telecommuting enables out-of-state residents to move to small towns in Maine, local leaders find themselves explaining what services they do – and do not – offer more and more. This workshop will offer examples of the “expectation gap” between Mainers and new residents, and will offer ways to communicate about it.

Presenters: **Jon Beekman**, Selectperson, Town of Fayette and member, MMA Executive Committee; **Jay Feyler**, Manager, Town of Union and President, Maine Town, City & County Management Association; **Mark Robinson**, Manager, Town of Fayette; **Eric Dyer**, Manager, Town of Readfield

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

10:45am – 12:00 p.m. Affiliate Session

Connecting Resources Post-Pandemic Maine Community Development Association (MCDA) Details and presenters TBA

12:00 – 12:15 p.m. BREAK

12:15 – 1:30 p.m. Awards Luncheon

1:30 – 1:45 p.m. BREAK

1:45 – 2:45 p.m. MMA Annual Business Meeting

Please join us as MMA President James Gardner, Vice President James Bennett and Executive Director Cathy Conlow shed light on MMA's upcoming priorities and reflect on the events and activities in 2021.

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

1:45 – 2:00 p.m. Affiliate Sessions

Managing Your Investments & Economic Outlook

Maine Municipal Tax Collectors' & Treasurers (MMTCTA) & Maine Government Finance Officers Association (MEGFOA)

Presenter: Robert Cyr, Senior Vice President/Portfolio Manager, Bangor Wealth Management

General Assistance 101

Maine Welfare Directors' Association (MWDA)

This session will provide an overview of General Assistance and the responsibility of municipalities to administer the program according to State guidelines. This will be a basic presentation with ample time for questions and is ideal for those new to General Assistance.

Presenters: Rindy Fogler, GA Administrator, City of Bangor; **Stacey Parra**, Town Clerk/ Deputy GA Administrator, Town of Union; **KaTina Howes**, GA Administrator, City of Ellsworth

Fire Chief: More Than a Title

Maine Fire Chiefs' Association (MFCA)

This session will provide an overview of the current issues encountered by fire chiefs, the liability issues incurred by communities, and the Maine Fire Chiefs' training programs and certification process.

Presenters: Retired Chief **William St. Michel**, Town of Durham; MFCA President Chief **Darrell White**, City of Presque Isle; MFCA 1st VP Chief **Thomas Higgins**, City of Bangor; MFCA Past President Chief **John Duross**, City of Saco

2:45 – 3:00 p.m. BREAK

3:00 – 4:15 p.m. KEYNOTE SPEAKER

Where Do We Go From Here? Canada & the U.S. (VIA ZOOM)

Canada and the United States are sibling nations that, along with Mexico, have been involved in NAFTA since 1994. The three form a symbiotic economic and social relationship that is frayed and uncertain. What does the short-term future look like for Canada, the U.S. and the State of Maine, whose socio-economic interdependence is among the most intense in the world? What is the future based on who controls the Presidency and Congress? Moreover, what is the impact of technology, harmful global trade, illicit financial flows, real estate bubbles, employment, educational systems, deflation, the EU's challenges, China's slowdown and the pushback toward global trade in general? As the saying goes, "Can't we all just get along?"

Presenter: Diane Francis. Ms. Francis draws upon her experience as a renowned Canadian journalist, author and professor to present the scenarios, warnings, trends and solutions that are critically important to Maine-Canada trade and our border communities.

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

MEMBER APPRECIATION RECEPTION

Thursday, Sept 30
4:30 – 6:00 p.m.

with **Motor Booty Affair**

sponsored by Androscoggin Bank

Make sure to bring your boogie shoes for this "70's extravaganza" with **Motor Booty Affair**, Maine's "Ultimate Disco Party Band"!



Friday, October 1, 2021

7:30 a.m. Registration

7:30 – 9:00 a.m. Continental Breakfast

9:00 – 10:15 a.m. Guest Speaker

Broadband, Growth and the Future of Maine

As we emerge from the COVID shadow, and with better funding potential than we've seen in years, Maine municipalities can look ahead to broadband expansion, renewable energy and new approaches to growth and development in ways that were hard to envision just a few years ago. Please join Heather Johnson, Maine's Commissioner for Economic and Community Development, as she examines the opportunities and challenges that lie ahead.

Presenter: Heather Johnson, Maine Commissioner of Economic and Community Development

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget.

9:00 – 10:15 a.m. Affiliate Session

Uncover Your Community's Essential Services & Facilities Hiding Right Under Your Nose! –

Maine Recreation and Parks Association (MRPA)

Is your community missing out on providing or promoting essential services that contribute to your community's overall health and economic development? You may not even know what untapped options are available unless you learn how to connect the dots. Join the National and Maine Recreation and Parks Associations for an insightful and creative discussion on how your local Parks and Recreation agency is serving the needs of your community. Guided by NRPA's President and CEO, the three department directors will share examples and statistics from Maine Recreation and Parks departments and generate a lively conversation about the health and well-being opportunities possible in your community.

Presenters: Kristine Stratton, President and CEO, National Recreation and Parks Association; **Jen DeRice**, MRPA President and Parks & Rec Director, Town of Standish; **Nicole Welch**, MRPA Vice President and Recreation Superintendent, City of Lewiston; **Karyn MacNeill**, MRPA Immediate Past President and Director of Community Services, Town of Yarmouth

10:15 – 10:45 a.m. BREAK

10:45 a.m. – 12:00 p.m. Concurrent Sessions

Is the Maine Economy Hot – or What?

From a white-hot housing market to a summer tourism bounce that exceeded many expectations, the economy in many parts of our state is bustling. What is the outlook for 2022 and beyond? Will a tight labor market and aging population be our undoing? How will the state's geographic disparities play out? If you want to position your community's economic future in the best way possible, this address is a can't-miss event.

Presenter: Amanda Rector, Maine State Economist

Certification: Valid for 1.25 MTCMA Certification credits in the following category: Finance/Budget.

Police Engagement Under COVID

This presentation will review the function and outcomes of Virtual Municipal Police Town Hall public engagement sessions held this spring, explore future opportunities for community engagement, and discuss how municipalities can support increased police story sharing, sensible reform and transparency. Updates and impacts of criminal justice and police reform legislation passed in the 1st Session of the 130th Legislature will also be explored. Participants will also be provided a sneak peek at known and proposed legislation for the 2nd Session.

Presenters: Rebecca Graham, Legislative Advocate, Maine Municipal Association; **Noel C. March**, Director, Maine Community Policing Institute, UMA; **Chief Jared Mills**, President, Maine Chiefs of Police, Augusta PD; **Chief Jason Warlick**, District 6 Maine Chiefs of Police Rep., Damariscotta PD

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership, Ethics, Elected Relations

12:00 – 1:00 p.m. Networking Luncheon

1:00 – 2:15 p.m. Concluding Session

Update on the American Rescue Program Act

The federal ARPA program provides new funding streams for many municipalities but it also raises many questions about what qualifies, what doesn't and what deadlines are important to remember. Now's the time to listen, and ask questions, as key Maine Municipal Association staff brief attendees about ARPA with the best current information available.

Presenters: Rebecca McMahon and **Richard Flewelling**, MMA Legal Services Department; **Kate Dufour** and **Neal Goldberg**, MMA State & Federal Relations Department

Certification: Valid for 1.25 MTCMA. Certification credits in the following category: Leadership, Finance/Budget and Legal.

2:20 p.m. . . . Convention Adjourns

Elected Officials Workshops

This MMA course is a must for newly elected and veteran officials - councilors & selectpersons. Topics include Understanding Your Role in the Community as an Elected Official, Public Meetings, Freedom of Access and Freedom of Information, Liabilities and Immunities, Media Relations and Conflicts of Interest. This course meets state FOAA training requirements.

Managing Freedom of Access Requests

This course is presented by MMA and is designed to help municipal "Public Access Officers," municipal staff and elected and appointed officials understand Maine's Freedom of Access Act, why FOAA requests are filed and how to handle them properly. This course meets state FOAA training requirements and applies to the Maine Town, City and County Management Association Certification Program as 2.5 credits in the Elected Relations category.

How to Lead Effective Meetings/Zooming in to Facilitate Effective Zoom Meetings

These workshops are designed to help everyone, from municipal staff leaders to elected officials, prepare for, run and conclude effective meetings. They do not provide legal advice and are not meant to help attendees learn about the legal requirements of running public meetings. They will advise attendees on the best ways to deal with complicated subjects, troublesome interrupters – and more.

The ABCs of Assessing – for Non Assessors

This new, 90-minute webinar will cover the top 10 things elected officials should know about municipal property tax assessment, including the duties of the assessor, who is responsible for carrying out those duties and what is required by state statute.

Developing Solutions on Hotly Contested Issues

This new course will help elected officials deal effectively with controversial issues – both within their ranks and in their communities. The instructor will introduce tools to use when dealing with high conflict situations, including listening for understanding and helping people move from positions to interests and joint solutions.

ELECTED OFFICIALS

TUESDAY, NOVEMBER 30

Orono - Black Bear Inn

MANAGING FREEDOM OF ACCESS REQUESTS

TUESDAY, DECEMBER 14

Augusta – Maine Municipal Association

HOW TO LEAD EFFECTIVE MEETINGS

THURSDAY, SEPTEMBER 9

Zoom Webinar

THE ABCS OF ASSESSING – FOR NON ASSESSORS

THURSDAY, NOVEMBER 4

Zoom Webinar

DEVELOPING SOLUTIONS ON HOTLY CONTESTED ISSUES

TUESDAY, NOVEMBER 16

Portland – Clarion Hotel

PEOPLE



Peter Baldwin and Hope Shafer

Peter Baldwin is the City of Caribou's new librarian, becoming the youngest person to ever serve in the top job. He will take over for **Hope Shafer**, who is moving to Alaska with her husband. Just as Shafer did, Baldwin

began working at the public library as a circulation assistant in June of 2020. Again like Shafer, Baldwin skipped several job steps at the library to take the directorship job. Baldwin will continue Shafer's efforts to expand access to library resources in all mediums, and hopes to establish a bookmobile to bring the library to nursing home residents and people who cannot get to the library because of illness or handicap. Despite Alaska being four hours behind Maine, Shafer said she intends to be available to help Baldwin whenever needed. Shafer joined the library staff in January 2018 and was promoted to director less than a year later.



Jesse Dunbar

Jesse Dunbar has been named Tremont town manager, one of four towns on Mount Desert Island. Dunbar has served as Southwest Harbor and Tremont deputy code enforcement officer since 2019 and

2020, respectively. The towns abut each other on the "Quite Side" of MDI. Dunbar worked as administrative assistant to the Southwest Harbor town manager from July 2020 until taking the Tremont position. Dunbar has experience in the real estate sector and worked for Dunbar & Sons Excavation from 2004 to 2008. He replaces interim manager **Dana Reed**, longtime former Bar Harbor manager, who was retired when he agreed to help out the Tremont Select Board.



Stan Labbe

After 55 years with the Litchfield Fire Department, Chief **Stanley Labbe** has retired at age 76. A former logger, Labbe joined the department in 1966. Additionally, Labbe worked as Carrie

Ricker school head custodian for 30 years. He has served as chief for 40 of his 55 years. He will be replaced by firefighter **Michael Sherman**, who first met Labbe as a first-grader at Carrie Ricker school. Sherman has worked with Labbe for 20 years. Both men are credited with making sweeping changes over the decades, keeping up with technology, equipping the department and overseeing the building of a new fire station.

Also last month, incumbent Select-woman **Rayna Leibowitz** was re-elected to another term on the Litchfield Select Board. She defeated a challenger by a vote of 161 to 73.



Debbie Laurie

Bangor Finance Director **Debbie Laurie** was named interim city manager in July, assuming the duties of **Catherine M. Conlow**, who resigned after 12 years as manager to take the executive

director's job for the Maine Municipal Association. Laurie was expected to begin her new role on Aug. 5. Laurie has served nearly 30 years for the city and was named finance director in 2001. She said city management was not a career goal for her, but was pleased to be selected as interim manager until the city council hires a permanent manager, hopefully by the end of October, according to officials. Laurie will continue her duties as finance director during the interim. Assistant City Manager **Courtney O'Donnell**, who joined the city earlier this year, will also assist Laurie during the transition.

For the first time in the history of the Eddington Fire Department, a third firefighter has been hired to ensure 24/7 coverage for 2,200 town residents. Annual town meeting voters in June allocated money to hire a third full-time firefighter and **Benjamin Rogers** of Holden was chosen to fill the new position. The department also includes paid on-call volunteers. Aware of the state and national trend of fire departments having trouble recruiting both volunteer and paid firefighters, residents and fire officials wanted to lock down a third full-time firefighter.

Fort Kent Police Chief **Thomas "Tom" Pelletier** retired effective July 30 to take a job in the private sector. Pelletier, 58, served six years of active duty for the U.S. Navy and four years as a reserve officer. He began his 33-year law enforcement career for the state police until taking the Fort Kent chief's chief job in 2014. Both Pelletier's grandfather and father served for decades as game wardens. Pelletier also served as interim town manager in 2018. Among his first challenges when he began his chief's duties in 2014 was to quell public fear over a nurse returning home after caring for Ebola patients in Africa. Pelletier was able to finally calm concerns when he personally delivered groceries to the nurse.



Anthony Ward

Sabattus Town Manager **Anthony "Tony" Ward** has been named manager of the Town of Casco. He has served as Sabattus manager since 2015. Ward served as the town's police chief from

2011 until his promotion to manager in July. He is a former internal affairs lieutenant and the adjunct for the Portland police chief. He also served as Portland police detective and community affairs lieutenant. He has served numerous organizations as a volunteer, including the Maine Municipal Association. He earned a master's degree in public policy and management from the University of Southern Maine. Ward replaces interim manager Don Gerrish, who served the town for about eight months. ■

If your municipality submits a news item for the *Maine Town & City*, consider sending a corresponding photo to Sue Bourdon: sbourdon@memun.org

ASHLAND

The town has acquired a 94-acre site that officials say will be used for mixed commercial/industrial use and to attract potential new forest-product businesses. The land buy is intended to help diversify the economy, expand work opportunities and increase town property tax revenue. The acquisition has been years in the making and included efforts by a wide partnership of town councilors, land and business owners and the Northern Maine Development Corp. Other partners were the Ashland Area Economic Development Corp. and Aroostook Partnership. The land purchase represents the optimism and hope of Ashland even at a difficult time. Among other ventures, officials are interested in finding a firm to help meet the growing demand for renewable materials-based products.

AUBURN

Officials say the city set a record for the value of new construction at \$59 million for fiscal year 2021, which ended in June. The previous record was \$46.9 million. In a statement, Eric Cousens, director of planning and permitting, credited the work of the city council, planning board and municipal staff in simplifying ordinances, expanding development options and promoting Auburn as a city with a balance of residential and business offerings. Cousens said the new record was especially impressive given that the state and nation were dealing with the worst of the Covid-19 pandemic, which killed more than \$600,000 Americans since last March.

AUGUSTA

Augusta officials are improving downtown crosswalks, where some drivers simply don't or won't stop for pedestrians. Poles and red paint have been used to demarcate crosswalks to improve safety for walkers, bicyclists and runners. Last month, members of the Bicycle Coalition of Maine and local volunteers erected three-foot poles at both ends of most of the Water Street crosswalks. Part of the crosswalks also were painted red on each end. Supporters hope the changes will slow down traffic and perhaps stop motorists from illegally parking too close to crosswalks. City officials said they are trying a range of ideas to improve the downtown experience for residents and visitors, acknowledging some will be more effective than others.

NEW ON THE WEB www.memun.org

Here are highlights of what has been added to the Maine Municipal Association website (www.memun.org) since the last edition of Maine Town & City.

Nominations for the Small Town America Civic Volunteer Award Program are open, and the deadline to apply is Oct. 15. The program, in its second year, is open to municipalities with populations of 25,000 or less.

American Rescue Plan Act: MMA created a new website area, available through our main home page, devoted to the ever-evolving federal details and requirements regarding ARPA. This month's important update noted that funds for 479 so-called "non-entitlement" communities have been delayed.

MMA's 2021 Annual Convention will be held live and in-person this Sept. 30 and Oct. 1. The complete agenda and registration access are available online, as well as in this print publication. We have scheduled an exciting lineup of featured speakers and some fun entertainment by the Motor Booty Affair.

BIDDEFORD

Biddeford, Portland and Westbrook are the latest Maine cities where police are rethinking how to handle the high number of calls related to mentally ill residents. The possibility of hiring a mental health clinician is among the ideas police departments are considering. Contributing to the increase in cases are residents with intellectual and developmental disabilities. Recently in Biddeford, a dispatcher received 15 calls in one day from a man who said he needed to talk to someone about his mental health. In Westbrook, police leaders are hiring a professional to help officers respond to a 30% increase in calls related to mental health. In Portland in 2018 (the latest year available), there were more calls about mental health crises than overall calls. Portland recently hired a "response liaison" with experience in helping mentally ill residents. Police chiefs say street officers are ill-prepared to deal with people in crisis. The new Portland liaison will work with residents before and after their contact with police.

Meanwhile, Lewiston police first instituted a "ride-along" program in the mid-2000s. It was tweaked and has been running full time for four years. Under its program, two full-time and one part-time mental health professional from Tri-County Mental Health are available to respond to calls involving possible mental health situations, such as with homeless residents. The program is named "Project Support You."

CARIBOU

A group of 22 Aroostook County municipalities have joined the county com-

mission in agreeing to hire someone to manage the \$13 million in federal American Rescue Plan (ARP) funds earmarked for Aroostook projects. Based in Caribou, the commission hopes a few more towns will join the effort. The compliance officer will ensure that ARP money is used according to the rules contained in a 165-page "playbook." Municipal officials want to be sure their ARP projects are properly done so the participating towns will not owe the program money when audited by the feds. Under the plan, the county commission has agreed to pay about two-thirds of the new compliance manager's salary.

PRESQUE ISLE

Northern Maine Community College is offering 16 full scholarships for apprentices to fill its new drinking water and wastewater treatment programs. Partly funded by the Maine Department of Labor, the program is meant to head off the potential mass retirements of wastewater superintendents and other staff. In a 2015 report by the state environmental department, municipalities were warned that nearly two-thirds of wastewater personnel are approaching retirement age. The "baby boomers" who already have started retiring include fire and police chiefs, managers and town and city clerks, among others. The college has partnered with the Maine Apprenticeship program, a federally recognized program that includes monitoring, a variety of skills and between 2,000 and 4,000 hours of work to achieve certification.

MUNICIPAL BULLETIN BOARD

IN PERSON EVENT

AUG. 25-27

MFCA Professional Development: Newry

The Maine Fire Chiefs' Association will hold a three-day conference on professional development from Aug. 25-27, at the Sunday River Resort Hotel and Conference Center in Newry. The event follows two straight years during which the MFCA conference was canceled due to COVID-19.

The guest presenter will be Jason Hovelmann, who will speak on Officer Development and Leadership. Among many other topics, there will be presentations on a 10 HR Alarms for Fire Professionals and a session to Remember the Fallen. The event is co-sponsored by the Maine Building Officials and Inspectors Association, Maine State Federation of Firefighters, Maine Fire Institute and Maine Fire Protection Services Commission. Costs to attend vary depending on lodging, food selection and other variables.

IN PERSON EVENT

SEPT. 9

How to Lead Effective Meetings: Portland

Meeting facilitator extraordinaire Nancy Ansheles will present a conduction workshop on conducting effective, time-efficient meetings, to be held at the Clarion Hotel in Portland from 9 a.m. to 4 p.m. on Sept. 9.

The workshop will help everyone, from municipal staff to elected officials, prepare for, run and conclude effective meetings. Attendees will learn how to handle complicated topics, deal with troublesome audience members – and more. Cost is \$85 for MMA members and \$170 for non-members.

IN PERSON EVENT

SEPT. 13

Planning Boards & Boards of Appeal: Portland

Attorneys from MMA's Legal Services Department will lead an in-person workshop for local Planning Board and Land Use Boards of Appeal members from 4:30 p.m. to 8 p.m. on Sept. 13, with registration opening at 4 p.m. The workshop will

be held at Holiday Inn by the Bay in downtown Portland.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and variances. The cost is \$65 for MMA members and \$130 for non-members.

ZOOM EVENT

SEPT. 14

MTCCA'S VIRTUAL NETWORKING DAY

The Maine Town and City Clerks' Association will hold its big annual Network Day via Zoom this year, but the program remains as packed and fun as usual. The featured speaker is Capt. James Settele, USN (retired), who will present an array of management tools pooled from years of international management. Capt. Settele currently serves as Executive Director of the School of Policy and International Affairs at the University of Maine.

But there's more. MTCCA will hold its Annual Business Meeting, give out prestigious association awards and even hold a virtual trivia contest about Maine itself. The event will run from 9 a.m. to 1 p.m. Cost is \$30 for MTCCA members and \$40 for non-members.

IN PERSON EVENT

SEPT. 15-17

MeWEA's 2021 Fall Convention: Newry

The Maine Water Environment Association will hold its annual fall convention at the Sunday River Grand Summit Resort & Conference Center, and this year's event will feature popular and well-known motivational speaker Travis Mills.

The convention will run from Sept. 15-17, and also features many technical workshops and opportunities to learn.

MeWEA recommends its convention to new employees in the water environment field, as well as to city and town managers and elected officials. The chance to network with other water-quality professionals and scores of exhibitors is invaluable.

IN PERSON EVENT

OCT. 14

Labor & Employment Law: Augusta

This perennially popular, and important, workshop returns on Oct. 14, as attorneys from the law firm Bernstein Shur join David Barrett, Director of Personnel Services & Labor Relations at MMA, to inform attendees with up-to-date legal and practical approaches to solve the most common employment issues.

The workshop will be held at the MMA Conference Center in Augusta. It will be relevant to most all municipal managers and supervisors, offering advice on legal compliance and how to avoid employment-related claims. It starts with registration at 8:30 a.m. and ends at 2:30 p.m. Cost is \$85 for MMA members and \$170 for non-members.

ZOOM EVENT

OCT. 27

Legal Update on Recreational Marijuana

Rebecca McMahon, an attorney with MMA's Legal Services Department, and David Heidrich, Director of Engagement and Community Outreach with the state's Office of Marijuana, will lead a virtual, afternoon webinar providing an update on legal marijuana use in Maine.

The workshop is designed to help leaders make decisions about commercial, retail, medical and social marijuana practices in their communities. It will run from 2 p.m. to 4:30 p.m. on Oct. 27. Cost is \$35 for MMA members and \$70 for non-members. ■

All of the upcoming workshops can be found on the MMA website. Use the following link:

<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

LEGAL NOTES

Check Marked 'Paid in Full'

Question: We received a taxpayer's check with "paid in full" written in the memo line, but the check is not for the full amount of taxes, interest and costs due. What should we do?

Answer: Our admittedly conservative advice is to return such a check to the taxpayer together with a brief letter explaining why (because the check is insufficient to pay the full balance due) and giving the taxpayer two options: (1) send a new check for the full amount, or (2) send a new check without the false and self-serving note, preferably with a signed written acknowledgement that the check is a partial payment and that the municipality, by accepting it, does not waive its right to collect the remaining balance due (sometimes referred to as a "waiver for partial payments," see Appendix 4 of MMA's *Guide to Municipal Liens* for a sample).

Nevertheless, if the taxpayer is adamant and refuses to cooperate by sending a new check, it is the taxpayer who risks losing all (not least, the assessed property). Although some taxpayers may genuinely believe a check marked "paid in full" is legally effective to settle a disputed tax, it is not. Any lawsuit challenging a tax lien foreclosure on this basis would almost certainly fail, as the Maine Supreme Court long ago declared that a tax is not the type of debt or demand that is subject to the common law contract rule called "accord and satisfaction" (see, e.g., *State v. Kieth*, 156 Me. 475 (1960); *Inhabitants of Franklin v. Waldo Lumber Co.*, 128 Me. 1 (1929)).

So, a note such as "paid in full" or "balance due" in the memo line on the front of a check or in the endorsement section on the back does not operate to compromise or satisfy the tax, and the municipality may go ahead and deposit it, credit the payment to the appropriate account, and proceed to collect the balance by any legal means available, including of course by foreclosure of a tax lien.

Incidentally, these sorts of property tax disputes often arise over accrued interest and costs, not the tax itself. Lest local officials be tempted to resolve them by simply "forgiving" these charges, though, for the record there is no legal authority to abate interest or costs alone (see

MUNICIPAL CALENDAR

SEPTEMBER 6 — Labor Day, the first Monday in September, is a legal holiday (4 M.R.S. § 1051).

ON OR BEFORE SEPTEMBER 15 — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

BY OCTOBER 1 — Assessors should receive the municipality's proposed current state valuation from the State Tax Assessor. (36 M.R.S. § 208).

OCTOBER 1 — Junkyard, automobile graveyard, and automobile recycling business licenses expire. (30-A M.R.S. § 3753).

OCTOBER 11 — Indigenous People's Day, the second Monday in October, is a legal holiday (4 M.R.S. § 1051).

ON OR BEFORE OCTOBER 15 — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

ON OR BEFORE OCTOBER 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 M.R.S. § 5253).

"Waiving Interest on Taxes," *Maine Town & City*, Legal Notes, March 2020). (By R.P.F.)

Road Abandonment Process More Difficult After Oct. 1, 2021

The statutory process whereby the municipal officers (selectmen or councilors) may simply declare a town way to be discontinued by abandonment if it has not been maintained for at least 30 consecutive years is about to become much, much more difficult.

PL 2021, c. 145, eff. Oct. 18, 2021 but retroactive to Oct. 1, 2021, repeals and replaces the current abandonment law (23 M.R.S. § 3028) with a new process including several more procedural steps and more chances for appeals (now § 3028-A). Among other things, the new law requires prior mailed notice to all affected abutters and a public hearing at their request. The notice must include a variety of information, including potential public and private access and the abutters' maintenance rights and obligations. Anyone affected by a vote of the municipal officers to declare a road discontinued by abandonment may appeal either to the municipal appeals board if it has jurisdiction or to the county commis-

sioners if not. A further appeal may be taken to the Maine Superior Court.

Any municipality that may be considering declaring a town way or ways discontinued by abandonment should act sooner than later because after Oct. 1, 2021, the process will be much more challenging as a result of this new legislation. (By R.P.F.)

Merging Contiguous Lots for Assessment Purposes

Question: Under what circumstances, if any, may an assessor value abutting parcels as one for property tax assessment purposes?

Answer: Assessors are generally required to tax each separately described lot or parcel of land separately (see 36 M.R.S. § 708). What constitutes a "parcel" for assessment purposes is not clearly defined, however. The Maine Supreme Court has held that contiguous undeveloped lots can be assessed as one parcel if there is no apparent division and they are used indiscriminately for the same purposes (see *Fickett v. Hohlfeld*, 390 A.2d 469 (Me. 1979); also *City of Augusta v. Allen*, 438 A.2d 472 (Me. 1982)).

But later the Legislature amended 36

LEGAL NOTES

M.R.S. § 701-A to permit unimproved contiguous parcels or parcels divided by a road, power line, or right of way to be assessed as one parcel if (1) each parcel is five or more acres, (2) the owner gives written consent to the assessor to assess them as one parcel, and (3) the owner certifies they are not held for sale and are not subdivision lots.

It is not clear whether the Legislature, in so doing, meant to codify *Fickett and Hohlfeld* or whether it intended to curtail the merger of contiguous lots for assessment purposes except as permitted in § 701-A. A subsequent Law Court decision suggested that assessors must be careful to treat separate lots or parcels separately and to value them at their fair market value, as Maine's Constitution requires (see *Petrin v. Town of Scarborough*, 2016 ME 136).

Probably the safest reading of the law is that assessors may merge contiguous parcels if they satisfy the three-part test in § 701-A or if they are deemed merged under a zoning or land use ordinance (typically because one or more of are nonconforming as to minimum dimensional requirements). If an assessor believes contiguous parcels should be assessed as one for any other reasons, the assessor should first consult legal counsel or Maine Revenue Services to ensure that the merger will result in a fair and equitable assessment compared to other similar parcels.

For much more on sound assessing practices, see MMA's *Municipal Assessment Manual*, available free to members at www.memun.org. (By R.P.F.)

Referendum Elections Required by State Law

Where a municipality has, by vote of its legislative body (town meeting or town or city council), accepted the secret ballot voting provisions of 30-A M.R.S. § 2528, its municipal officers (selectmen or councilors) are authorized, in their discretion, to put any question to the electorate by secret ballot referendum election rather than by traditional "open" town meeting.

But even where a municipality has not accepted the statutory secret ballot method of voting, there are certain subjects which, by statute, must be voted on by secret ballot referendum election

conducted in accordance with 30-A M.R.S. § 2528. Here, in no particular order, are all the ones we know of.

Municipal charters. Any vote to adopt, revise, modify, or amend a municipal charter, as well as any vote to establish a charter commission and elect its voter members, must be by secret ballot election (see 30-A M.R.S. § 2105). The various ballot questions are prescribed by statute. There is also a minimum voter turnout requirement. For details, see MMA's "Information Packet" on municipal charters, available free online to members at www.memun.org.

Local liquor option. Any vote to authorize the State to issue any type of license for the sale of liquor, and any vote to permit the operation of bottle clubs within a municipality, must be by secret ballot election (see 28-A M.R.S. §§ 121, 162, respectively). The various ballot questions are prescribed by statute. For details, see MMA's "Information Packet" on the local liquor option, available free online to members at www.memun.org.

School budget validation. The vote to "validate" or approve the annual school budget that was adopted at the school budget meeting must be by secret ballot election (see 20-A M.R.S. § 1486). The ballot question is prescribed by statute. There are also other procedural requirements, including special scheduling and absentee ballot requirements.

School district referenda. School administrative districts (SADs) and regional school units (RSUs) must initiate a referendum in order to act on a variety of matters (to approve the issuance of bonds or notes for school construction projects, for example). These referenda must be by secret ballot election (see 20-A M.R.S. §§ 1353, 1503, respectively).

School construction projects. A local vote to approve a school construction project is required before final approval by the State; this vote must be by secret ballot election (see 20-A M.R.S. § 15904). The ballot question must also include certain financial information.

Revenue bonds. Any vote to issue revenue bonds for financing a revenue-producing municipal facility, such as a parking facility, an airport, or a community broadband system, must be by secret ballot election (see 30-A M.R.S. § 5404). A treasurer's financial statement is

also required. There is a minimum voter turnout requirement.

Municipal electric districts. Any vote to establish a single-member or multi-member municipal electric power district must be by secret ballot election (see 35-A M.R.S. §§ 3903, 3904, respectively). The ballot question is prescribed by statute. There is a minimum voter turnout requirement.

Municipal deorganization. The final vote to deorganize a municipality must be by secret ballot election (see 30-A M.R.S. § 7209). The ballot question is prescribed by statute. There is a minimum voter turnout requirement as well as a super-majority vote requirement.

Although a secret ballot election is required for each of these subjects whether or not the municipality has accepted the secret ballot voting provisions of 30-A M.R.S. § 2528, the election procedures in certain cases deviate somewhat from those of § 2528. For example, in some cases no public hearing is required, and in others there are special notice and scheduling requirements. It's important to carefully review the applicable statutes in each case to ensure full compliance with all procedural requirements, not only those of § 2528 but also those that may be unique to a particular subject.

For full details on how to conduct a secret ballot election, with sample forms, see MMA's *Town Meeting & Elections Manual*, especially Chapters 9-11, available free online to members at www.memun.org. (By R.P.F.) ■

PROFESSIONAL DIRECTORY



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Maine Municipal Bond Bank

2021 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the spring and fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts three to four months. Below is the schedule for the Bond Bank's Fall Issue.

AUGUST						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Monday, August 2nd

Application Deadline

Wednesday, August 25th

Application Approval (Board Meeting)

Thursday, September 9th

Preliminary opinions and loan agreements due from bond counsel of each borrower

Friday, September 10th

Last date for signing school contracts and rates in place for water districts. PUC approvals due

Week of October 4th

Maine Municipal Bond Bank Pricing

Monday, October 25th

Final documents due from bond counsel

Wednesday, November 3rd

Pre-closing

Thursday, November 4th

Closing - Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2021 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



When you need a **lawyer**
who thinks like an **assessor**
and speaks like a **human.**



N. Joel Moser



Lee Bragg



Philip Saucier



Kevin Decker



Eben Albert



Shana Cook Mueller



Zack Brandwein



Patrick Marass

The COVID-19 public health crisis has and will continue to cause severe disruptions to the ways in which municipalities and taxpayers conduct business, including how real and personal property is locally assessed.

Our team is here to help municipal assessors navigate these novel challenges with a seasoned approach that is informed, compassionate, cost-effective and value-oriented. We understand what keeps you up at night, and we're here to help.

We'll get through this, **together.**



bernsteinshur.com/municipal-governmental-services