

Maine Town & City

The magazine of the Maine Municipal Association

JUNE 2022

The Future of East Millinocket

Local leaders are cautiously optimistic.



ALSO IN THIS ISSUE

Legislative Update: New Laws & Studies

Q&A with George Richardson, Jr.
of Westport Island

A Message from MMA's Executive Director



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FEATURES

REINVENTING MAINE'S MILL TOWNS: A Series. In this three-part series, Maine Town & City will explore the redevelopment, reinvestment, and revitalization efforts underway in communities recovering from the economic and social impacts of a mill closure. This month we feature East Millinocket, the town that Great Northern Paper built. **PAGE 40**

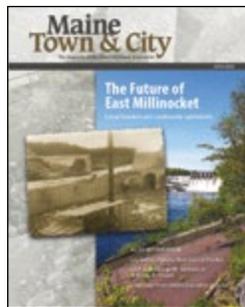
STUDIES REDUX. Normally, work on legislative studies takes place during the break between the first and second legislative sessions. However, as the next Legislature is elected and sworn into office, several issues of municipal interest will be examined, including roads, emergency medical services, housing and concealed weapons permits. **PAGE 11**

Q&A WITH GEORGE RICHARDSON, JR. Westport Island First Selectperson, George Richardson Jr., will retire on June 30 after serving 28 years on the town selectboard. In this Q&A segment, Richardson discusses his successes and challenges, and sheds light on how municipal government service and fishing are alike. **PAGE 7**

NEW LAWS. Look no further for a description of all the municipally related legislation enacted this year. **PAGE 17**

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ABOUT THE COVER:
A "then and now" view of Dolby Dam construction in 1906 and the the dam now in East Millinocket. (Photos submitted by various sources.)

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A Message from MMA

BY CATHERINE M. CONLOW / EXECUTIVE DIRECTOR

Legislature's Adjournment Provides an Opportunity for Evaluation

In this month's *Town & City* magazine we feature articles recapping the legislative session, describing newly adopted laws, and summarizing the working groups that will meet throughout the summer and fall months to address policy issues needing further examination. Additionally, this overview of the session provides an opportunity to reflect on the Association's advocacy efforts.

While evaluation is necessary, the process of assessment is not cut and dried. A meaningful assessment must entail more than a tally of the number of bills enacted and defeated.

For that reason, our advocacy staff has a long tradition of gauging successes on the ability to collaborate with governors and legislators to create and enact initiatives that improve the quality of life for Maine residents in all communities. Our strength has always been the ability to work with interested parties on the development of solutions that lead to intended outcomes.

When state government is successful, so too are the municipalities, and MMA.

At times, of course, we are unable to reach an agreement over certain legislation. When that happens, our advocacy staff is charged with relaying the message to affected state or municipal officials. Understandably, the message is not always well received.

It is through this process of self-evaluation that we explore how to be more effective in advancing municipally beneficial initiatives, as well as how to increase municipal officials' engagement in the process.

In the May edition of the magazine, Kate Dufour, Director of Advocacy & Communications, described the ways to get involved in MMA's legislative policy process. The collective voice of our municipalities is very powerful with the members of our state and federal delegations.

Of equal importance is the need for local leaders and decisionmakers to get involved with state government and the Legislature. For our municipal members, going to Augusta to testify on measures can be daunting given the travel and waiting times. However, the legislature has implemented many ways to encourage public participation including using Zoom to conduct public hearings and

work sessions and allowing for the online submission of testimony.

However, the most effective approach is establishing individual working relationships with members of the legislature.

Many legislators have a fundamental understanding of local government, and because municipal officials get the job done without fanfare or complaint, it is easy for state lawmakers to get disconnected from the day-to-day workings of local government. Look for opportunities to take your members of the House and Senate on a tour of the community and show them how their decisions impact your work as a municipality. Talk to them about the issues and how you can work together to improve your community.

Also, make certain to discuss important legislation with staff and elected officials to ensure that MMA, to the extent possible, can deliver a unified message on behalf of the communities we represent. It can be tricky for both legislators and MMA advocacy staff alike to concisely articulate legislative positions on behalf of communities that do not have a coordinated position on legislation. A unified voice can be a powerful tool in shaping legislation.

If you are not interested in the legislative process, there are other avenues to represent your community through MMA. Utilize our trainings, attend our convention, or get involved in the MMA Executive Committee. Thinking about hiring an intern? MMA offers annual scholarships for municipal interns through the Margaret Chase Smith Policy Center. Encourage your middle schools to participate in the annual seventh grade essay contest.

The value of MMA is born from our collective response to community needs, whether it is in training, legal advice or the purchase of group insurances or other services that help our members pool resources to obtain better coverages for lower costs.

With respect to the assessment of this year's advocacy efforts, it is clear our team did incredible work in a politically strident environment to deliver difficult and unpopular messages with grace, diplomacy, and respect.

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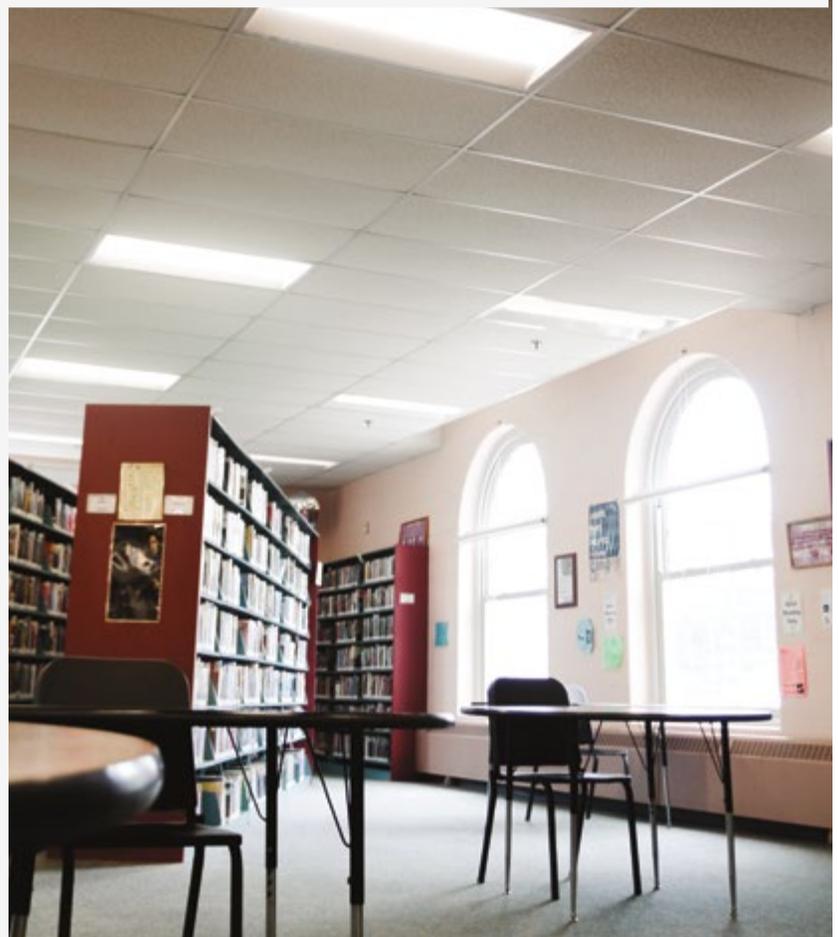
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Richardson Reflects on 28 Years as Westport Island Selectperson

By Liz Mockler

Westport Island First Selectperson George Richardson Jr. will retire June 30 after 28 years on the town selectboard. His final stint lasted 25 consecutive years. Previously, he had been elected to three single-year terms.

Active on many boards, including the Maine Municipal Association's Executive Committee and Legislative Policy Committee, Richardson graduated from the Maine Maritime Academy in Castine after learning about radio operation at a Boston school. After serving in the U.S. Navy for two years, he returned home to start a fishing career. Richardson followed his father, who served as a radio operator in the Merchant Marines during World War II, and then as a lobsterman.

Of Richardson's three sons, one continues the family tradition of ocean fishing.

Richardson, who turned "86 years young" on June 2, is also the father of two daughters and grandfather to several children.

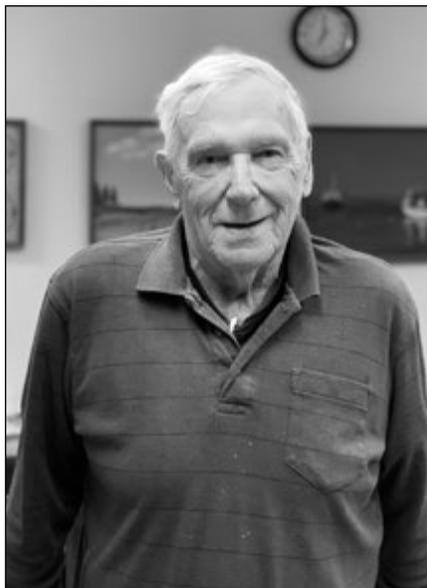
He recently retired from his fishing operation, ending his maritime career after buying two boats and eventually fishing first for lobster, then scallops, shrimp and bluefin tuna. His seafaring son fishes for lobster and bluefin tuna.

Westport Island, formerly Westport, is located in Lincoln County with a population of 719 according to the 2020 Census.

"George has been an island institution," selectperson Jeffrey Tarbox said, "and served for much of his adult life."

Tarbox added, "Overwhelmingly, he is respected for all he sought to do for the town."

Richardson talked about challenges for municipalities and his work as selectperson in a question-and-answer segment for Maine Town & City. He



George Richardson Jr.

recounts some of the projects and programs started and sustained over the last 25 years.

A retirement party for Richardson will be held at 1 pm on Sunday, July 31, at the Westport Island Town Hall. Municipal officials and staff, and the public, are invited to attend.

What did you like so much about municipal government that you would serve 25 straight years?

After serving on several town committees, as well as president of a fisherman's co-op, a member of the board of directors on another (co-op), and three years on the MMA Executive Committee, that brought me to be a selectman and be able to do things for our town.

What are a couple of the most challenging issues facing municipal government today?

For most small towns it is trying to find qualified employees and trying to bring in broadband at an affordable price. Also obtaining volunteers for committees.

What accomplishments during your tenure are you most proud of?

While starting my tenure of 25 years, we were in the process of building a town office as we didn't have one. Also, we placed an article in the (town meeting) warrant to form a Human Resource Committee to help with General Assistance. We now have a food pantry, large donations from taxpayers that help with electric and fuel bills in the winter for folks in need, plus volunteers driving folks that need transportation to the doctors or shopping.

Another was obtaining a grant to purchase the Wright Landing, that used to be the Old Ferry Landing, before we had the fill and Maine Yankee built a bridge. We also as a town purchased the Wright House on the landing and now the food pantry is in the basement and the history committees are upstairs in our new History Center with a lot of our historical records on file. Island folks may launch their boats there with no fees. Fishermen, and worm and clam diggers, also utilize the landing.

The last project was being able to build a town sand and salt building so that the sand and salt are not out in the weather.

What projects have made a difference in improving the quality of life on Westport Island?

New town office, boat launching facility, Human Resources Committee, sand and salt facility, and various committees that help out on (diverse) projects on our island.

Any ideas about how to attract young people to serve?

I wish I did.

How would you compare municipal government to fishing?

Research, patience, having the proper connections, and being able to convince the voters.

Liz Mockler is a freelance writer from Caribou and regular contributor to Maine Town & City, lizmockler@hotmail.com.



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Increasing Legislative Demands

By Kate Dufour, Director, Advocacy & Communications

Over the course of the first 158 days of 2022, the Legislature enacted 135 bills having varying impacts on municipal government operations and expenditures. While many of the enacted bills address issues of statewide significance, some of which municipal leaders support, it is undeniable that lawmakers are increasingly more reliant on local governments to implement policies that are becoming more technical in nature.

While the growing workload is of concern, more so is the process used to assign new tasks to municipalities. The siloed process allows each of the legislature's 17 committees to advance initiatives without any real sense of the burdens simultaneously placed on local governments by other committees. There are no limits on the number of bills adopted each year, nor is there a requirement that the legislature assess and understand the cumulative impacts of enacted legislation.

The process delays full comprehension of impacts until after the legislature adjourns.

To sustain this level of reliance on local governments, the development of partnerships between state and local officials are vital, as are discussions over which of the many state goals communities should prioritize for implementation. Over the course of the last two years, municipal governments have been tasked with addressing housing shortfalls, mitigating the impacts of climate change, and adopting stringent PFAS practices, to name a few, while being asked to continue to manage solid waste, provide social services, and administer property tax exemption programs.

Nothing is ever removed from the table. Instead, the municipal plates get overloaded.

Furthermore, when the scales tip in favor of partisanship and the outcomes of future elections, it becomes harder to focus discussions on the enactment of well thought-out and seamlessly implemented public policy.

As described in the accompanying New Laws and Study articles, this session several bills were adopted despite



Photo by Ben Thomas, MMA website and social media editor

the concerns raised by the professionals charged with implementing these tasks. Local leaders can look to one of the many housing bills (LD 2003), which shifts planning authority from elected and appointed community leaders to state policymakers and developers, as the quintessential example.

Without any regard to income or assets, qualifying Maine homeowners will soon be able to cap their property tax obligations to the previous year's assessment. Not a single word in the new law contemplates the administrative duties placed on the municipal employees directed to implement the program. While the initiative includes 100% reimbursement for lost property tax revenue, local leaders understand full well that any reimbursement over and above the constitutionally required 50% level is not guaranteed.

Finally, by allowing for the home delivery of adult use marijuana (LD 1827) in all Maine communities, the legislature has determined that the wishes of the industry outweigh the consensus of communities across Maine that have

not authorized the industry to operate within municipal boundaries.

Although these setbacks are frustrating, gains were made this year.

Municipal leaders will now be able to define the reasons for meeting remotely (LD 1772), rather than being subjected to those prescribed in statute. Sludge and compost produced from human waste will no longer be spread on land (LD 1911). The state will take more seriously the threats election officials face (LD 1821) when conducting elections by requiring the Secretary of State to provide training on de-escalation and develop a process for reporting threats or harassment.

What this session has highlighted is the importance of municipal voices, and more precisely, the need for state lawmakers to acknowledge that there are limits on the number of state priorities that municipal governments can implement, and property taxpayers can fund.

With utmost gratitude, I thank you for your ongoing support of MMA's advocacy efforts.

New Legislative Policy Committee Elections Taking Place this Spring and Summer

Have you ever wondered how the Maine Municipal Association establishes positions on legislation, or how it sets its legislative priorities? Would you like to play a role in that process?

If so, please consider asking your select board or town or city council to nominate you. MMA takes its direction on all legislative matters from its Legislative Policy Committee (LPC) which is comprised of 70 members who are municipal officials nominated and elected by their peers. Two members are elected from each of Maine's 35 Senate Districts.

QUALIFICATIONS. The only criterion for being a nominee is that you must be an elected or appointed municipal official (e.g., selectperson, councilor, planning board or board of appeals member, assessor, manager, clerk, treasurer, road commissioner, etc.) from any MMA member municipality within the Senate District for which you are running.

EXPECTATIONS. Meetings are held roughly once per month during legislative session, usually on a Thursday. The newly elected LPC also meets once or twice in the fall to set its two-year legislative priorities. According to its bylaws, the purpose of the LPC is to define municipal interests and to maximize those interests through effective participation in the legislative process. The deliberations of the LPC are often rich in matters of public policy with a strong focus

on the appropriate role, responsibilities, and opportunities of local government to advance the interests of the state and its citizens.

LPC meetings are run much like a town meeting and moderated by a chair, who is the Vice President of the Association's Executive Committee. Members are also called upon from time to time to communicate with their legislators regarding LPC positions; sometimes even testifying at the Legislature if schedules permit.

NOMINATIONS. If the idea of serving on the LPC appeals to you, or if you know of somebody in your senate district who may be interested in being nominated, please talk to your selectboard or council and seek the nomination.

Nomination papers were mailed to the key official (town or city manager or chair of the selectboard) on Tuesday, May 3 with a return deadline of Wednesday, June 22. The nomination form must be signed by the chair of the board or council as well as the nominee (if possible). The nominee should also fill out the Nominee Profile Sheet included in that mailing so that a brief biography can be provided on the ballot which will be sent to all key officials within each senate district on Thursday, June 23 with a return deadline of Thursday, August 11.

QUESTIONS. If you have any questions about the LPC or the process by which they are elected, please contact Laura Ellis in MMA's Advocacy & Communications Department at 1-800-452-8786 or lellis@memun.org.



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The 130th Studies Redux

Ambulances, handguns, fireworks, floating homes and roads to nowhere.

By Rebecca Graham, Legislative Advocate, Advocacy & Communications

As campaign season kicks off to determine the fate of those assuming seats in Augusta after November, a large portion of legislative work remains on the table in the form of studies or stakeholder groups. While these types of efforts generally punctuate the intercession with established legislators returning in the shorter second session to complete the work, the short session of the 130th Legislature seemed to produce just as many punts on tougher political issues.

Just how engaged legislators amidst re-election campaigns will be on their study groups remains to be seen, particularly, as they are not guaranteed to return to the body. In some instances, even the objectives of the stakeholder groups are unclear, while others create complex group reviews of work in progress in the departments of purview.

What follows are descriptions of the efforts with the greatest municipal impact.

Abandoned and Discontinued Roads Commission Created

Every legislative session, lawmakers debate bills advanced by a small group of stakeholders to circumvent, overturn, or mandate the municipal maintenance to thousands of miles of Maine's old discontinued or abandoned roads. Previous legislative attempts to address access and ownership of roads that can lead to nowhere complicate the essential task of conducting what amounts to an archaeological investigation since historical sleuthing is necessary to uncover the convoluted provenance of roads. Past legislatures muddied the paths by applying different sets of rules regarding retention of public easements and payments to abutters depending on which point in time the action occurred, and which level of government was responsible for the discontinuance.

Legislative attempts to "fix" the perceived problems with old Maine road law mirror the same problems colonial land agents created in the 1700s by draw-



Photo by Ben Thomas, MMA website and social media editor

ing straight boundary lines on paper in a Boston pub when the property in focus was neither flat nor featureless. To use a classic Maine colloquialism; you simply cannot get there from here. Each contemporary road dispute at play is a mixture of responsibility from buyers to bad neighbors, municipal processes and local capacity and taxpayer desire to maintain roads that serve the few.

To further complicate matters, the pandemic initiated an influx of new residents purchasing property sight unseen without the recommended processes required by real-estate agents and mortgage lenders that simultaneously educate and protect buyers. *Caveat emptor*, the well-known Latin phrase that enshrines an obligation on the buyer to do their homework as part of any real estate transaction, was coined for such reasons. While disclosure law improvements require the status of a road to be included on the real estate listing, even if the prospective buyer is unfamiliar

with the terminology and its implications, the courts generally uphold that those individuals have a responsibility to become an informed buyer. Simply put, Maine's municipalities are increasingly seen as the remedy to buyer's remorse when new owners realize property access is via a discontinued or abandoned route.

Terminology for road law is intended to be complex because unlike the real property that abuts them, the interest of access is owned in common by the public, or by common neighbors when private. For example, all town ways are public easements, regardless of who owns the land underneath the road, but not all public easements are town ways. Each road law has been developed to protect landowners and the public from hostile neighbors and government takings, while also protecting public trust rights and abutter access in balance with finite local resources.

A new 12-member permanent com-

mission with broad stakeholder membership has been formed via LD 1513. The commission will take a deeper dive on road related law, advise future legislatures if statutory changes should be considered, and recommend legislation. Key issues for exploration will include property owner liability for injury and damage as a result of public use of easements retained on discontinued ways, types of allowable use such roads should be limited to, if any, current statutory processes and language, and the scope of recreational uses currently allowed.

Membership includes one member from a statewide association representing municipalities, land trusts, county government, woodland property owners, ATV and snowmobile users, an attorney with real estate law expertise, an individual who lives on an abandoned or discontinued road and a member of

the general public not directly affected by any of the matters discussed. Representatives from the Department of Inland Fisheries and Wildlife, Department of Agriculture, Conservation and Forestry which manages the landowner relations program, the Department of Transportation and the Office of the Attorney General will also be part of the commission.

With a reporting date of Feb. 1, 2023, a mandatory start date 60 days after enactment on Aug. 8, 2022, and no more than six meetings allowed annually, the road to bring the commission up to speed on current law and have reportable outcomes by the deadline will be up hill.

EMS Receives Blue Ribbon Review

Municipalities are struggling to fill crucial public safety roles across the

spectrum and as a result Maine's Emergency Medical Services (EMS) system is facing significant challenges statewide. From a lack of applicants to provider burnout, the problems are felt not only within municipal ambulance services but also with contracted for-profit and non-profit services and fire departments. Increasingly, communities with adequate staffing to meet local need are compelled to provide services for other communities, to fill the voids and ensure a response for a person in crisis. This reality stretches resources and staff capacity for their own community and compounds burnout.

Insurance payments, if received, rarely cover the full cost of EMS response with the remaining operational expenses, including reimbursement paperwork and debt collection, falling on the taxpayer via a municipal budget burden. That tax burden can be even greater in communities with low call volumes. Even parked ambulances incur costs to guarantee an emergency response when it is needed. It's clear that looking beyond municipal boundaries for EMS services is necessary, but what level of service residents desire, how to fund it, and who pays for the unsupported costs continues to be contentious. Taxpayers are likely to face significant increases for services as existing municipal contracts expire amid these pressures.

A new grant program has been funded to put the community resident and taxpayer central to the decisions regarding EMS provision. The program was created to spur a grass roots approach to finding solutions to the deepening crisis. The goal is to arm the community with information regarding available service levels nearby, conceptualize the level of service desired before it is needed, understand what that level of response will cost and offer possible alternatives to achieve the community's defined goals.

Communities that apply for the grant will receive an expert facilitated review of regionally available services, including a review of local hospitals, fire, and ambulance services programs. Piloted in Hancock County, the program was initially funded by a mix of Maine Health Access Foundation and Friends of EMS Maine contributions, and state funds appropriated via the passage of LD 1859, *An Act To Build More Sustainable Ambulance Services in Communities*, described in the New Laws article. Of-

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ficials and communities can find more information and apply for the program by contacting Friends of Maine EMS President, Kevin McGinnis at 207-512-0975 or kevin@mcginnis.ws.

While community informed futures may solve local service shortfalls, it cannot examine the impact of state and system pressures from outside local government including training requirements, rural access, insurance payments, and provider licensing which directly impact the cost of running an ambulance service. This is what LD 1988, *Resolve to Establish That the Provision of Emergency Medical Services by an Ambulance Service Is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State*, hopes to achieve.

The 17-member committee includes legislators, providers of public, private, tribal and volunteer ambulance services, local and county officials, Maine EMS, and the Commissioner of the Department of Health and Human Services. Their duties will be to use the existing strategic planning work underway by the Department of Public Safety's EMS director and examine all other high-level issues including workforce development, reimbursement rates, compensation, retention, and local and state support.

Municipal officials are aware of how often legislative studies result in successful legislative action to address the real problems they uncover because of the lack of political will to raise state revenue necessary to fund enhanced activity. The Dec. 7, 2022, reporting deadline during an election year may be yet another barrier to reaching palatable solutions for the next legislature. However, the Commission on EMS may turn on a red lights and sirens response for the work already begun by the department to address statewide pressures that the local path simply cannot tackle.

Handguns and Permits – A Study to Re-Study What Has Been Studied

If the abundance of short session studies that were passed during an election year wasn't an indicator of legislators using resolves to kick difficult policy decisions down the road instead of taking a tough vote, LD 1446, *An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits*, should be the exclamation point on the theory.

Following a detailed review at the

direction of the legislature last summer, MMA and Maine State Police (MSP) explored how many municipalities are left without full support to conduct necessary background checks for the concealed handgun permit program. The robust checks, which include the obligation to review records not available to anyone other than law enforcement, are key to the trusted authority such permits are provided.

When Constitutional Carry was en-

acted in 2015, the permit became unnecessary to carry a handgun in Maine, and the legislature cut two positions within the Department of Public Safety during the process and reinstated the licensing program in a floor amendment prior to enactment. The result was a reduction in staff to carry out additional work beyond the current contracted obligations, and a piecemeal approach to the permit process.

The voluntary permit allows an indi-

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vidual to carry in 23 states with reciprocity under the assumption that robust background checks have been conducted on the applicant. This is not the case for the 70 communities without a police department or an existing relationship with MSP for the issuance of permits who simply cannot receive the information necessary beyond what is publicly available. The public background check available through the State Bureau of Identification does not provide the necessary federal background information.

It only provides fully adjudicated charges where fingerprints were obtained and does not provide information from other states, all of which are required for any applicant.

Additionally, only law enforcement has access to protection orders, domestic violence history, or newly enacted laws where there has been a judicial review of an individual's ability to possess a dangerous weapon often referred to as "yellow flag" laws. Furthermore, the 2015 law excluded an adjacent depart-

ment or county sheriff as an authority available to conduct the background checks for another community. Worse still, the many applicants who apply from out of state for the reciprocity function, without intending to visit or carry in Maine, require the same intense background review to be conducted by the Maine State Police.

Despite Maine residents not needing to have a permit to carry a handgun and seeing out of state applications as a lower priority than applications from Maine residents for those that wish to obtain a permit, MSP and MMA presented a possible solution which would correct the law to allow an adjacent agency or county department to provide background checks and approval authority services if contracted by another community. If MSP were able to cease the issuance of permits to non-residents that do not plan to visit Maine, they would be able to take on any unserved community left without additional staffing.

From the Association's staff view, the priority should be to guarantee the validity of the permit, protect communities and law enforcement for their good faith actions in assisting with proper background checks, and not displace funds better spent on other public service priorities to add staff to respond to pressure from an unnecessary non-resident permit process. While initially the committee agreed, eleventh hour opposition from the National Rifle Association forced a return to the drawing

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board and a legislative request for yet another study on the matter.

The final language in the enacted bill corrected the issues around adjacent police department and county sheriff assistance in the issuance of handgun permits by allowing municipalities to contract for the service but left municipal officials with the ability to issue permits, regardless of law enforcement involvement, or the functional ability to conduct the statutorily required background checks. With this partial fix, the committee, and subsequently the full legislature, directed stakeholders to conduct *another* study of the proposed solutions and requested *another* report to be considered by *another* legislature.

Perhaps the expanded support for background checks will allow the 70 municipalities to find an agency other than MSP to support them to resolve the background check issue. However, since there is no mandate for any agency to take on a municipality, and with many

agencies struggling to fill vital public safety roles, the time-consuming task that far outstrips any revenue received from the application fee is unlikely to find eager support.

Houseboats and Floating Camps

The floating homes bill, LD 626, *An Act To Clarify Temporary Mooring Privileges for Moorings on Inland Waters*, was turned into a study group directing the Department of Inland Fisheries and Wildlife, Submerged Lands Program in the Department of Agriculture, Conservation and Forestry, and MMA to review municipal issues around the management of floating camps on inland waters.

With municipalities carrying the bulk of water protection responsibilities on inland waters and growing interest in making scenic places available to all residents regardless of their ability to own waterfront property, floating camps have become a problem in several communities. The boom of floating tiny homes that has left municipalities struggling with a tide of questions around what can be enforced, who has authority and how to enforce standards on vessels often floating between jurisdictions, is clouded by a lack of statutory definitions, and state and local capacity.

The intercession study on LD 626 did

uncover more questions than solutions though one solution garnered universal agreement: defining what a floating structure is in statute is necessary before it can be regulated.

Many inland waters have multi-town jurisdiction and lack municipal authority to address concerns floating homes present to upland owners, particularly if they have been registered by the state as a homemade boat. While these bodies of water are classified as waters of the state, only law enforcement agencies such as a county sheriff's office or the Maine Warden Service may have uniform enforcement authority on any given body of water, regardless of the communities that surround it. Complaints from upland owners can be noise related, but mostly are concerned with perceived ownership of the viewshed along lakes and tidal waters.

Each issue around floating homes spurred deeper questions to consider.

Municipalities are preempted from regulating the anchorage of professionally manufactured federally designated vessels, including those manufactured as house boats, beyond the mooring field restrictions that apply to all vessels. If manufactured house boats could be placed on a mooring and rented out should homemade vessels have a minimum standard to enjoy the same

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privilege? As municipalities are prohibited from charging fees for moorings that are inconsistent for other vessels, how should houseboat moorings be assessed when used as a rental property? If vessels are rented out as overnight accommodations, rather than boating, should property be taxed like real estate? Do floating homes displace working waterfront access or could they be

used to bring marine workers closer to the shore in coastal areas prohibitive to finding affordable workforce housing?

The result following the legislative report back was to float the issues on to the next legislature with another resolve directing a deeper dive on the issues by expanding stakeholders to include the departments that municipalities interact with around water qual-

ity, recreational access, and landowner relations. This time the study effort will be captained by the Department of Agriculture, Conservation and Forestry, which will establish an interagency working group to develop recommendations, including suggested legislation to define and regulate floating structures that are not water dependent and located on coastal and inland waters.

The department is required to consult with the Department of Inland Fisheries and Wildlife and other state and federal agencies as needed and to seek input from a statewide municipal association and a statewide harbor masters association. No later than Jan. 1, 2024, the committee will submit suggestions to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation, and forestry matters, which is authorized to report out legislation on the murky issue.

Housing

The responsibility to address access to affordable housing rested firmly on the shoulders of municipalities from the legislature's view this session, with little attention paid – or movement made – to address the national market forces at play. While the topic was emphasized several times by municipal officials and has been celebrated in the news as a profitable business venture for individuals with access to capital, the impacts of the conversion of property to short-term rentals have been largely unaddressed.

Instead, that task was assigned to next legislature through a study commission enacted under LD 1240, *Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals*. This commission, which will largely resemble that of the previous year's housing commission (LD 2003), is tasked, in part, with examining how the proliferation of the nearly unregulated short-term rental industry is impacting the availability of long-term and affordable housing.

While the focus of this study is refreshing and welcomed, municipal leaders grappling with the development of short-term rental ordinances are very aware of the tough battle, enshrined in property owner rights, that lies ahead. ■

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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 noted after 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 Second Regular Session is Aug. 8, 2022.

Agriculture, Conservation & Forestry Committee

LD 174: An Act To Implement Maine's Roadmap to End Hunger by 2030. (Sponsored by Rep. Pluecker of Warren) **PL 2021, c. 677**

This Act directs the commissioner of the Department of Agriculture, Conservation and Forestry to lead state agencies in the process of implementing a strategic plan to end hunger in Maine by 2030. The Governor's Office of Policy Innovation and the Future is directed to provide the staffing services to: (1) build infrastructure and capacity necessary to implement the 2030 goal; (2) ensure consistent, easy and equitable access to healthy and culturally appropriate food; (3) promote, support and enable economic security and opportunities for all Maine households; (4) focus on the collective responsibility to amplify the voices of persons experiencing food insecurity; and (5) close the equity gap in household food insecurity by addressing underlying structural inequities. The commissioner is also directed to establish an advisory committee to guide implementation of the plan, including interested parties with expertise in economic development, employment, housing, children's issues, health care, education, transportation, emergency food programs, as well as individuals with lived experience with poverty and food insecurity. The advisory committee is directed to submit a report to the joint standing committees of the Legislature having jurisdiction over agricultural; health and human services; labor and housing; transportation; and economic and community development matters in January of each year until 2030.

LD 574: An Act To Clarify the Maine Food Sovereignty Act and To Recognize the Maine Food Sovereignty Act in Plantations and Unorganized Territories. (Sponsored by Rep. Pluecker of Warren) **PL 2021, c. 625**

This Act amends the Maine Food Sovereignty Act (MFSA) to: (1) specify that the term "food or food products" include food grown, produced, processed or prepared for human consumption and add vegetables and fruit to the list of examples; (2) provide that a plantation has the same powers, duties and is subject to the same restrictions as a municipality with respect to ordinances directing producer-to-consumer transactions under MFSA; and (3) authorize county commissioners to adopt ordinances regarding direct producer-to-consumer transactions within one or more unorganized territories within that county in accordance with the MFSA.

LD 626: Resolve, To Direct the Department of Agriculture, Conservation and Forestry To Develop Recommendations Regarding Nonwater-dependent Floating Structures on Maine's Waters. (Sponsored by Rep. Stearns of Guilford) **Resolves 2021, c. 147**

This Resolve directs the Department of Agriculture, Conservation and Forestry to establish an interagency working group to de-

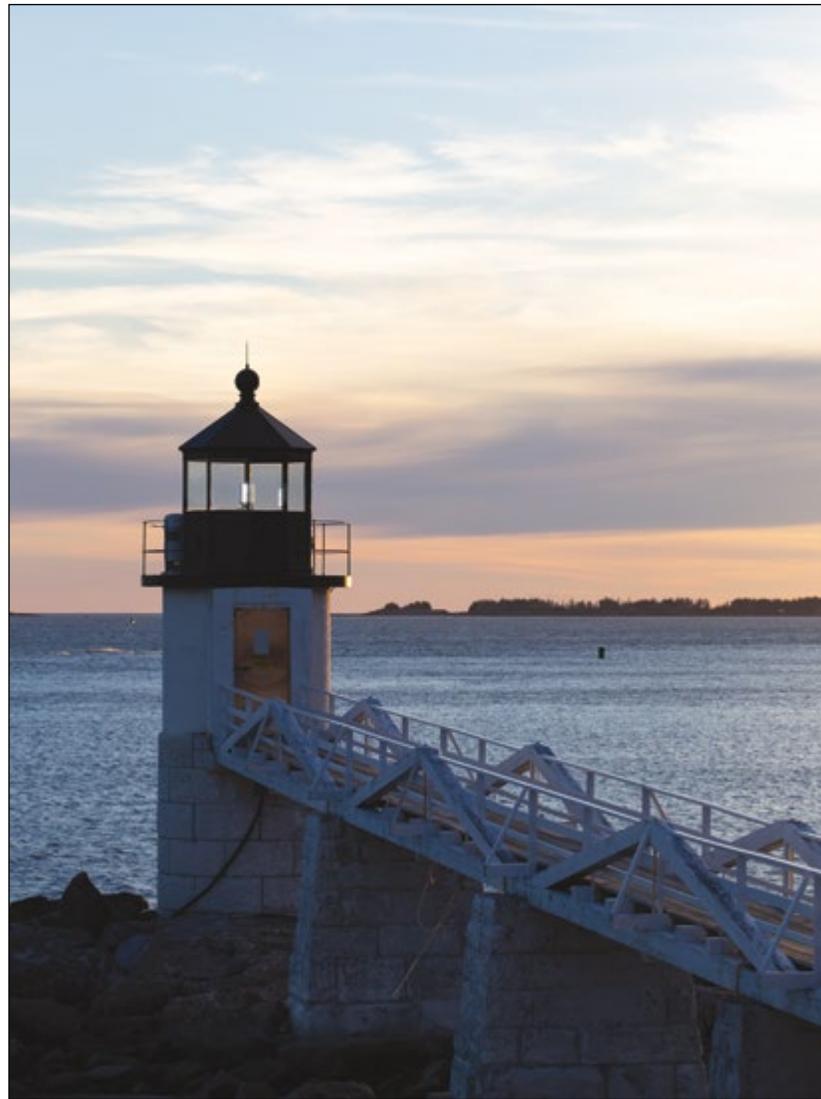


Photo by Ben Thomas, MMA website and social media editor

velop recommendations, including suggested legislation, to define and regulate floating structures that are not water dependent and located on coastal and inland waters. The department is required to consult with the Department of Inland Fisheries and Wildlife and other state and federal agencies, as needed, and seek input from a statewide municipal association and a statewide harbor masters association. No later than Jan. 1, 2024, the department is required to submit a report with findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation, and forestry matters, which is authorized to report out legislation.

LD 1929: An Act To Provide Assistance to Areas Severely Infested with Browntail Moths. (Sponsored by Rep. Hepler of Woolwich) **PL 2021, c. 727**

This Act requires the Department of Agriculture, Conservation, and Forestry, Bureau of Forestry to administer a program to assist a government entity or nonprofit organization with the control of browntail moths. The program must provide resources, including assistance with the mechanical, cultural or chemical control of browntail moths; education campaigns; and other activities to help mitigate the population. The act also includes an appropriation for a limited-period Entomologist I position and a Senior Entomology Technician position in the department to support the management of forest insect pests.

LD 2019: An Act to Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances. (Reported by Rep. O'Neil of Saco for the Joint Standing Committee on Agriculture, Conservation & Forestry) **PL 2021, c. 673**

This Act adds to the list of pesticides that may not be distributed in the state products that have been contaminated by PFAS, and beginning on Jan. 1, 2030, prohibits the sale or distribution of a pesticide that contains intentionally added PFAS.

LD 2036: Resolve, Clarifying the Conveyance of Land to the Passamaquoddy Tribe in the Town of Meddybemps. (Sponsored by Rep. Newell of the Passamaquoddy Tribe) **Resolves 2021, c. 150**

This Act authorizes the state to convey to the Passamaquoddy Tribe a 1.08-acre parcel of land located on the northern side of State Route 191 in Meddybemps, known as the Eastern Surplus Company Superfund Site.

Appropriations & Financial Affairs Committee

LD 1995: An Act Making Unified Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023. (Sponsored by Rep. Pierce of Falmouth) **Emergency Enacted; PL 2021, c. 635 (4/20/22)**

This Act makes supplemental appropriations and allocations for state government expenditures for the FY 2022 and FY 2023 General Fund budget. Of municipal interest, the supplemental budget:

Education Funding (PART C). Calculates the FY 2023 total costs of K-12 education as \$2.46 billion, appropriates \$1.35 billion (55%) as the state's share, and sets the minimum mil rate expectation at 7.10.

Property Fairness Credit (PART F). Increases the maximum property tax fairness credit for tax years beginning on or after Jan. 1, 2022, from \$750 to \$1,000 for resident individuals under 65 years of age and from \$1,200 to \$1,500 for resident individuals 65 years of age and older.

COVID Relief Payment Program (PART L). Creates the COVID Pandemic Relief Payment Program to help Maine residents recover from the economic fallout of the pandemic and respond to increasing costs due to inflation and supply-chain impacts. \$850 payments will be sent to full-year Maine residents who filed a Maine income tax return by Oct. 31, 2022 and have an adjusted gross income of less than: (1) \$200,000 for married individuals filing jointly; (2) \$150,000 for heads of households; and (3) \$100,000 for single individuals or married persons filing separate returns.

Housing Opportunity Program (PART U). Creates the Housing Opportunity Program to encourage and support the development of additional affordable and workforce housing units in

Maine. The budget allocates \$1.45 million to fund a competitive grant program supporting municipal efforts to create and implement housing development plans; \$1 million to fund a competitive grant program providing financial assistance to experienced service providers to support municipal efforts, including facilitating public and community engagement processes; and \$100,000 to provide one-time funding to reimburse municipalities for 90% of the costs associated with amending and implementing ordinances made necessary via enactment of LD 2003, described under the Labor and Housing Committee.

Education Stabilization Fund (PART Y). Appropriates \$15 million for the Education Stabilization Fund to prevent future reductions in the state share of K-12 education as calculated by the essential programs and services model.

Highway Funding (PART PP). Provides a one-time \$50 million transfer from the General Fund to the Highway Fund, of which \$35 million is dedicated to highway and bridge improvements and \$15 million invested in multimodal transportation projects.

Emergency Housing Relief Fund (PART WW). Transfers \$22 million in general fund surplus revenue to establish the Emergency Housing Relief Fund Program within the Maine State Housing Authority to provide rental assistance, supplement or create other programs addressing the needs of people experiencing homelessness or immediate housing needs, supplement other short-term rental assistance programs, and create supportive housing for people with disabilities, mental health challenges or substance use disorder.

PFAS Contamination Fund (PART XX). Establishes the Fund To Address PFAS Contamination within the Department of Agriculture, Conservation, and Forestry and the fund's corresponding advisory committee directed to guide the investment of a one-time \$60 million appropriation to monitor the health of a person, and members of that person's household, whose agricultural land is found to be contaminated by PFAS; buy and sell agricultural land found to be contaminated by PFAS; conduct research; finance educational programs; monitor contaminated sites; and establish a related centralized data repository.

Election Transparency and Post-election Audits (PART ZZ). Requires the Secretary of State to produce and publicly disseminate a guide to election procedures; develop and conduct a training program for new municipal clerks; and implement a system for collecting and logging concerns from members of the public regarding the conduct of elections. This part also requires the secretary to design and conduct a pilot audit after the November 2024 general election, and by Feb. 1, 2025, submit a report on the audit to the joint standing committee of the Legislature having jurisdiction over election matters. Beginning Jan. 1, 2025, the secretary is also directed to conduct audits on elections that are selected according to criteria established by rule.

Criminal Justice & Public Safety Committee

LD 1175: An Act To Prohibit Excessive Telephone Charges in Maine Jails and Prisons. (Sponsored by Rep. Kinney of Knox) **PL 2021, c. 615**

As of Oct. 1, 2023, this Act sets the rates and charges that providers of telephone services can place on interstate and intrastate telephone calls made by residents in county jails and state detention and correctional facilities to the limitations imposed by the Federal Communications Commission on interstate telephone calls.

LD 1307: An Act Regarding the Sale and Use of Consumer Fireworks. (Sponsored by Rep. Cloutier of Lewiston) **PL 2021, c. 510**

This Act adds to the notice sellers must provide to individuals purchasing consumer fireworks a disclaimer regarding a municipality's ability to prohibit or restrict the use of fireworks and directs consumers to the Maine State Fire Marshal for more information. The act also amends the existing definition of litter to include all waste material resulting from the use of consumer fireworks, as well as adds to the disorderly conduct law, the loud and unreasonable noise resulting from the use of consumer fireworks.

LD 1348: Resolve, To Study the Impacts of Consumer Fireworks Use. (Sponsored by Sen. Cyrway of Kennebec Cty.) **Resolves 2021, c. 135**

This Resolve directs the State Fire Marshal to convene a nine-member stakeholder group, including a member from a statewide organization representing municipal interests, to review issues concerning the impacts of consumer fireworks use. The stakeholder group must: (1) review the decibel levels of fireworks sold in Maine, including how noise levels impact humans, pets, livestock and wildlife; (2) survey residents of Maine to identify concerns and negative experiences associated with the use of consumer fireworks; (3) review laws adopted in other jurisdictions; and (4) conduct an analysis of the methods and feasibility of implementing a notification system to alert owners of livestock of potential nearby fireworks prior to use. No later than by Jan. 15, 2023, the stakeholder group must report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, which is authorized to report out legislation.

LD 1446: An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits. (Sponsored by Rep. Pluecker of Warren) **PL 2021, c. 619**

This Act authorizes the municipal officers, regardless of whether the municipality has a full-time chief of police, to designate as the issuing authority of a concealed weapons permit the chief of police of an adjacent municipality or the sheriff of the county in which the municipality is located if the chief or sheriff agree to that designation. The act also directs the Department of Public Safety, Bureau of State Police (BSP) to convene a stakeholder group to review the laws regulating the issuance of permits to carry a concealed handgun and develop findings and recommendations for changes to those laws to improve the existing permitting process or to address other identified issues with the process. No later than Feb. 15, 2023, BSP is required to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the findings and recommendations of the stakeholder group, which is authorized to report out legislation.

LD 1654: An Act To Stabilize State Funding for County Corrections. (Sponsored by Rep. Warren of Hallowell) **Emergency Enacted; PL 2021, c. 732 (5/05/22)**

This Act provides in statute a minimum \$20 million state allocation to support county jail operations. The law establishes the seven-member County Corrections Professional Standards Council, including a representative of a statewide municipal association, to advise the Commissioner of Corrections on the adoption and implementation of county jail operational standards, data collection and financial accounting rules. The law requires counties to regularly report data to the state, with failure to do so caus-

ing quarterly payments to be withheld until required reports are provided. The act also increases the base local tax assessment that each county may expend on county jails and provides for annual adjustments equal to the greater of 4% or the LD 1 growth limitation factor. Beginning July 1, 2026, and every four years thereafter, a county can request from the legislature an adjustment to the base assessment limit. The request for the adjustment must include: (1) tax assessments and financial audits for the current and past two years; (2) amount of the requested increase; (3) justification for the increase, including cost drivers and the alternative cost reductions considered; (4) record of the county budget committee's approval of the increase; and (5) record and certification of the county commissioners approval of the increase.

LD 1797: An Act To Amend the Laws Governing the Maine Length of Service Award Program. (Sponsored by Rep. Theriault of China) **PL 2021, c. 556**

This Act clarifies that the Emergency Medical Services Board nominates emergency medical services persons to the Governor for service on the Maine Length of Service Award Program Board of Trustees and makes qualified persons who volunteer with fire departments, ambulance services and non-transporting emergency medical services eligible for the Maine Length of Service Award Program.

LD 1803: An Act To Attract and Retain Firefighters and Emergency Medical Services Personnel through the Maine Length of Service Award Program. (Sponsored by Rep. Theriault of China) **PL 2021, c. 721**

This Act allocates \$500,000 in FY 23 to the Maine Length of Service Award Program to provide awards to eligible volunteer firefighters and EMS providers.

LD 1859: An Act To Establish the Maine Emergency Medical Services Community Grant Program. (Sponsored by Sen. Curry of Waldo Cty.) **PL 2021, c. 700**

This Act creates the Maine Emergency Medical Services Community Grant Program as a pilot program to provide financial assistance to a municipality or a group of municipalities examining the provision of emergency medical services (EMS) through a process of informed community self-determination that considers new financial structures for delivering effective and efficient services. Municipalities may use the funds to review current capacity and consider alternative models for EMS via engagement with individuals, institutions, and businesses in the community.

LD 1862: An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance. (Sponsored by Sen. Maxmin of Lincoln Cty.) **PL 2021, c. 724**

With exceptions for certain crimes, this Act provides immunity from arrest or prosecution, or revocation or termination proceeding to a person who in good faith calls for assistance for another person experiencing a suspected drug-related overdose and any person rendering aid at the location of the suspected drug-related overdose.

LD 1886: An Act To Repeal the Law Regarding the County Jail Reimbursement Fee. (Sponsored by Rep. Evangelos of Friendship) **PL 2021, c. 591**

This Act repeals the authority of the court to consider and assess a county jail reimbursement fee to help defray the expenses of the individual's room and board.

LD 1988: An Act To Establish That the Provision of Emergency Medical Services by an Ambulance Service Is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State. (Sponsored by Rep. Talbot Ross of Portland) **Emergency Enacted; PL 2021, c. 749 (5/08/22)**

This Act establishes the 17-member Blue Ribbon Commission To Study Emergency Medical Services in the State, which includes a representative of a statewide municipal association and a volunteer emergency medical services provider. Over the course of no more than six meetings, the commission is directed to examine and make recommendations on the structure, support, and delivery of emergency medical services in Maine, including reviewing workforce development, training, compensation, retention, costs, reimbursement rates, organization, and local and state support. No later than Dec. 7, 2022, the commission must report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over public safety matters. The act also clarifies that emergency medical services provided by an ambulance service are essential services under the Maine Emergency Medical Services Act of 1982.

LD 2024: An Act To Allow County and Regional Communications Centers To Request Polygraph Examinations for Employees and Applicants for Employment. (Sponsored by Rep. Talbot Ross of Portland) **Emergency Enacted; PL 2021, c. 574 (4/07/22)**

This Act provides that applicants for employment and employees of county and regional communications centers are subject to polygraph examinations as a condition of obtaining or retaining employment. This provision does not include dispatch centers that provide services for fire service or emergency medical services only

or an entity operated by or under the control of a law enforcement agency.

LD 2040: An Act To Maintain a Comprehensive Substance Use Disorder Treatment Program for Maine's Incarcerated Population. (Reported by the Joint Standing on Criminal Justice & Public Safety pursuant to Resolve 2021, c. 113, section 1) **PL 2021, c. 706**

The Act directs the Commissioner of Corrections to maintain a comprehensive substance use disorder treatment program in all state correctional facilities.

Education & Cultural Affairs Committee

LD 176: An Act To Facilitate a Grade 9 to 16 School Project. (Sponsored by Rep. Stearns of Guilford) **P&SL 2021, c. 22**

This Act authorizes School Administrative District (SAD) # 4 (Abbot, Cambridge, Guilford, Parkman, Sangerville and Wellington), SAD # 41 (Akins, Brownville, LaGrange and Milo) and SAD #46 (Dexter, Exeter, Ripley and Garland) to proceed with forming a regional high school, provided the voters from the three school districts approve the project. If approved by the voters, the newly formed district is authorized to build a regional high school, which has been placed on the State Board of Education's 2017-2018 approved project list. The law also authorizes Regional School Unit #64 (Bradford, Corinth, Hudson, Kenduskeag and Stetson) to participate in the regional high school.

LD 270: Resolve, Directing the Department of Education to Study the Regional Adjustment. (Sponsored by Sen. Stewart of Aroostook Cty.) **Resolves 2021, c. 155**

This Resolve directs the Department of Education to study the regional adjustment component of the school funding formula,



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and no later than Jan. 15, 2023, report to the joint standing committee of the Legislature having jurisdiction over education matters.

LD 1775: Resolve, Regarding MaineCare Funding for Maine Schools. (Sponsored by Rep. Brennan of Portland) **Resolves 2021, c. 167**

This Resolve requires the Department of Education to collaborate with the Department of Health and Human Services in the development of a comprehensive system to support school districts, the Maine's Child Development Services System unit and special-purpose private schools in seeking reimbursement for MaineCare-eligible services for all children from birth to grade 12. The departments are further directed to submit a report, including suggested legislation, on the development of the reimbursement program to the joint standing committee of the Legislature having jurisdiction over education matters, which is authorized to submit legislation in 2023.

LD 1802: An Act To Amend the Requirements of the Reorganization Plan for the Formation for Regional School Units. (Sponsored by Rep. Stearns of Guilford) **PL 2021, c. 537**

This Act authorizes the Commissioner of Education to approve a school administrative unit's plan for consolidation into a regional school unit if the plan either provides comprehensive programming for all students from kindergarten to grade 8 within the regional school unit, with programming for students in grade 9 to grade 12 provided by operating a school or contracting for school privileges; or provides comprehensive programming for all students in a grade configuration that meets the needs of the students from the municipalities that make up the regional school unit, with programming for all other students provided by operating a school or contracting for school privileges.

LD 1845: An Act To Amend the Education Statutes. (Sponsored by Rep. Brennan of Portland) **PL 2021, c. 571**

In part, this Act reaffirms the state's obligation to fund 55% of K-12 education as calculated by the essential programs and services model in fiscal year 2022, and each subsequent fiscal year, and clarifies that if the state share falls below 55%, the Legislature must increase its share by a minimum of 1% each year.

LD 1902: Resolve, To Establish a Pilot Program To Encourage Climate Education in Maine Public Schools. (Sponsored by Rep. Blume of York) **PL 2021, c. 178**

This Resolve directs the commissioner of the Department of Education to establish the Climate Education Professional Development Pilot Program to assist school districts in partnering with nonprofit community-based organizations to create and implement plans to provide teacher training in next generation science standards and interdisciplinary climate education. Grants provided under the program must be prioritized for schools and communities historically underserved by climate science education, including, tribal schools, migrant students, schools with high populations of students who receive free and reduced-price lunches, rural and remote schools, and students in alternative learning education environments.

Energy, Utilities & Technology Committee

LD 245: An Act Regarding Consumer-owned Water Utilities. (Sponsored by Sen. Guerin of Penobscot Cty.) **PL 2021, c. 711**

This Act authorizes the Public Utilities Commission to appoint a receiver if after investigation, the commission determines that a

consumer-owned water utility does not have a quorum of trustees necessary for continued operation. The law allows the costs associated with appointing a receiver to be included in the yearly utility assessment and directs the commission to adopt routine technical rules that include standards and procedures for appointing a receiver.

LD 318: Resolve, To Direct the Office of the Public Advocate To Study Reforming Maine's System of Retail Electricity Supply To Provide More Options to Maine Customers and Support Maine's Climate Goals. (Sponsored by Rep. Grohoski of Ellsworth) **Resolves 2021, c. 164**

This Resolve directs the Public Advocate to conduct a study outlining options for reforming the current system of retail electricity supply in ways to increase competition among providers and offer more options and protections for consumers. The study must determine whether: (1) retail electricity suppliers should be allowed to assess value-added service fees and use the threat of service disconnection for nonpayment of an electricity bill; (2) renewable energy products marketed by retail electricity suppliers should be consistent with state goals; and (3) retail electricity suppliers should be allowed to conduct door-to-door sales if the individual is employed and supervised by the retail electricity supplier. At the conclusion of the study and after an opportunity for public comment, the advocate must submit a final report with any recommendations and suggested legislation to the joint standing committee of the Legislature having jurisdiction over energy and utility matters in 2023.

LD 337: An Act Regarding the Powers of the Efficiency Maine Trust and the Maine Clean Energy and Sustainability Accelerator. (Sponsored by Sen. Lawrence of York Cty.) **PL 2021, c. 600**

This Act expands the powers of the Efficiency Maine Trust by providing that in the process of carrying out duties, the trust has the authority to make agreements, obtain certification, insurance and guaranteed performance of any loan or other obligation, contract for professional services and acquire and dispose of real or personal property. The act also amends the Maine Clean Energy and Sustainability Accelerator finance program by authorizing the program to lend money or extend credit through various mechanisms, including leases.

LD 682: Resolve, To Monitor Northern and Rural Energy. (Sponsored by Sen. Stewart of Aroostook Cty.) **Resolves 2021, c. 158**

This Resolve directs the Governor's Energy Office (GEO), in coordination with the Office of the Public Advocate and the Public Utilities Commission, to monitor factors that directly affect energy supply and costs in the service territory of the northern Maine independent system administrator and in other rural or geographically isolated communities in the state. GEO is authorized to monitor and engage in related activities, including examining regulatory or utility planning processes and convening stakeholders to examine related issues, and take appropriate actions to ensure relevant data is publicly accessible. No later than Feb. 1, 2023, the office must provide a report on its activities to the joint standing committee of the Legislature having jurisdiction over energy and utility matters.

LD 1107: Resolve, Directing the Maine Connectivity Authority To Take Further Actions To Bring High-speed Broadband to Unserved Areas. (Sponsored by Sen. Stewart of Aroostook Cty.) **Resolves 2021, c. 161**

This Resolve directs the Maine Connectivity Authority to encourage the regional partnerships necessary to identify and imple-

ment strategies to bring high-speed broadband to unserved areas of the state, and by Jan. 15, 2023, report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters any federally approved plans for funding these activities.

LD 1579: An Act To Transition State and Local Motor Vehicle Fleets to Plug-in Hybrid Vehicles and Zero-emission Vehicles. (Sponsored by Sen. Vitelli of Sagadahoc Cty.) **PL 2021, c. 693**

This Act, to the extent practicable, sets an acquisition goal: (1) that for public school buses 75% of annual purchases, contracts and leases approved by the Commissioner of Education are zero-emission vehicles by 2035; and (2) that for county and municipality light-duty motor vehicles 100% are plug-in hybrid electric or zero-emission vehicles by 2035. The law also directs the Office of Policy Innovation and the Future to convene a working group, including a representative of a school administrative unit, to review the types of zero-emission school buses and options available for financing purchases, and no later than Dec. 7, 2022, submit its report and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters, which is authorized to report out legislation in 2023.

LD 1760: An Act To Amend the Charter of the Boothbay Harbor Sewer District To Set the Terms of Its Trustees at 3 Years. (Sponsored by Rep. Stover of Boothbay) **P & SL 2021, c. 13**

This Act amends the charter of the Boothbay Harbor Sewer District to provide that the trustees are elected to serve a term of three years.

LD 1814: An Act To Transfer the St. Francis Water to the Town of St. Francis and To Repeal the St. Francis Water District Charter. (Sponsored by Sen. Jackson of Aroostook Cty.) **Emergency Enacted; P&SL 2021, c. 16, (3/29/22)**

This Act establishes provisions governing the dissolution of the St. Francis Water District and the Town of St. Francis' assumption of the district's property, contracts, and liabilities. It requires a referendum vote to be held no later than Dec. 31, 2022, and, upon acceptance by the voters the provisions of the law become effective, except that the repeal of the water district's charter is effective 90 days after the Legislature adjourns in 2024.

ANNUAL REPORT CONTEST

Looking for a bit of competition, while simultaneously featuring your creative skills? Please consider participating in the 2022 Annual Report Contest. Three communities in five different population categories will be crowned the winners. In addition to bragging rights, winners will receive a framed certificate and have their reports displayed at MMA's October convention. Interested communities, that have not already done so, should mail a copy of the municipal report to MMA Resource Center, Carol Weigelt, 60 Community Drive, Augusta, ME 04330.

LD 1829: An Act To Amend the Charter of the Ogunquit Sewer District. (Sponsored by Sen. Lawrence of York Cty.) **P&SL 2021, c. 15**

This Act amends and updates the Ogunquit Sewer District charter to make it conform with state statutes and reflect current and more efficient and effective practices.

LD 1847: An Act To Prohibit a Public Utility from Terminating or Disconnecting Service to a Public Safety Facility without Advance Notice and Approval. (Sponsored by Rep. Berry of Bowdoinham) **Emergency Enacted; PL 2021, c. 586 (4/12/22)**

This Act prohibits a public utility from terminating or disconnecting a public safety facility's service for non-payment of rates, fees, or charges unless the utility has: (1) provided 60 days written notice to the municipality of the intent to terminate or disconnect; and (2) obtained written authorization from the Public Utilities Commission (PUC) and the Department of Public Safety to terminate or disconnect service. The law further authorizes the PUC to impose administrative penalties for each violation in an amount between 0.1% and 0.25% of annual gross revenue associated with the utility's sales of electricity in the state, which is capped at 5% of annual gross revenue. For violations in which a public utility was explicitly notified that it was not in compliance with state law, the PUC is authorized to impose an additional penalty between 0.1% and 0.25% of annual gross revenue for each violation.

LD 1894: An Act To Support Municipal Broadband Infrastructure through Incentives and Competition. (Sponsored by Sen. Vitelli of Sagadahoc Cty.) **PL 2021, c. 616**

This Act requires a consumer-owned public utility to register with the Public Utilities Commission prior to directly or indirectly owning, leasing, constructing, maintaining, or operating broadband or another internet system, and providing the name, mailing address and phone number of a contact person knowledgeable about the service. The law also provides that the ConnectMaine Fund may be used to grant matching funds to municipal entities that are providing services to any unserved community, an unserved anchor institution in the project area, or open public access to the service. "Municipal entity" is described as a municipality or a group of municipalities working together to support a gigabit fiber-optic broadband network project. The meaning of "project area" and "unserved community anchor institution" is left to the ConnectMaine Authority to define via rule. The law also directs the authority in consultation with the commission and the Office of the Public Advocate to develop standard charter provisions that may be used by water districts to facilitate the operation of broadband or other internet access systems.

LD 1949: An Act To Amend the Caribou Utilities District Charter To Include Broadband Services. (Sponsored by Sen. Jackson of Aroostook Cty.) **P&SL 2021, c. 18**

This Act allows the Caribou Utilities District to provide broadband services to residents, businesses, nonprofit organizations, and government entities within the district and provides municipalities other than Caribou the opportunity to become members of the district for the purpose of receiving broadband services.

LD 1967: An Act To Amend the Charter of the Gray Water District. (Sponsored by Sen. Breen of Cumberland Cty.) **P&SL 2021, c. 19**

This Act authorizes the Gray Water District to build infrastructure on Intervale Road in the Town of New Gloucester, offer service in the Town of North Yarmouth along Gray Road, and allow the

district treasurer to deduct money from a trustee's total compensation for missed meetings.

LD 2016: Resolve, To Implement the Crisis Response Services Recommendations Identified Pursuant to Resolve 2021, Chapter 29. (Reported by Rep. Berry of Bowdoinham for the Joint Standing Committee on Energy, Utilities & Technologies) **Resolves 2021, c. 162**

This Resolve directs the Public Utilities Commission, Emergency Services Communication Bureau to convene a working group to develop policies and procedures to address the screening and transferring of calls for crisis response services, including members representing law enforcement, emergency medical services, and municipal and county public safety answering points (PSAP). The workgroup is directed to determine the appropriate procedures for communicating and integrating crisis response services calls received by PSAPs, including: (1) receipt, acknowledgment and transfer of calls; (2) identification of the appropriate agency to receive calls; (3) transfer of a caller to a higher level of behavioral health care; (4) assessment of scene safety; (5) transfer of a caller with a disability to the Maine Crisis Line; and (6) accommodations, such as interpreters, to ensure universal access to services. No later than Feb. 1, 2023, the commission is directed to submit a report including proposed legislation to the joint standing committee of the Legislature having jurisdiction over energy and utility matters, which is authorized to report out legislation in 2023.

LD 2033: An Act To Raise the Debt Limit of the Eagle Lake Water and Sewer District. (Sponsored by Rep. Martin of Eagle Lake)

Emergency Enacted; **P&SL 2021, c. 21 (4/14/22)**

This Act raises the debt limit of the Eagle Lake Water and Sewer District to \$5 million and corrects an obsolete cross-reference.

Environment & Natural Resources Committee

LD 259: An Act to Increase the Waste Handling Fee Imposed on the Landfilling of Municipal Solid Waste. (Sponsored by Rep. McDonald of Stonington) **PL 2021, c. 653**

This Act increases the fee imposed on the landfilling of municipal solid waste and ash from \$1 to \$2 per ton.

LD 1429: An Act To Achieve Carbon Neutrality in Maine by the Year 2045. (Sponsored by Rep. Dunphy of Old Town) **PL 2021, c. 517**

This Act amends Maine law to require zero metric tons of greenhouse gas emission as of Jan. 1, 2045.

LD 1467: An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers. (Sponsored by Rep. Doudera of Camden) **PL 2021, c. 742**

This Act establishes the provisions necessary to ensure compliance with the requirement that between Jan. 1, 2026 and Dec. 31, 2030 a manufacturer, distributor or other person that initiates a deposit on plastic containers for non-alcoholic beverages, as well as plastic containers containing spirits, may not sell, offer for sale or distribute beverages unless 25% of the container consists of post-consumer recycled plastic or the manufacture has paid the established content fee based on the weight of non-recycled plastic used to store beverages. As of April 1, 2024, the act preempts



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municipalities from adopting ordinances regulating the amount of post-consumer recycled plastic contained in beverage containers and renders any adopted ordinances void.

LD 1488: Resolve, To Study and Recommend Improvements to Maine's Dam Safety. (Sponsored by Rep. Bell of Yarmouth) **Resolves 2021, c. 176**

This Resolve directs the Department of Defense, Veterans and Emergency Management to request assistance from the Association of State Dam Safety Officials to conduct a peer review of safety of Maine dams by Sept. 30, 2023. Upon completion of the assessment, the department is further directed to convene a stakeholder group, including local emergency management officials and municipal dam operators, to review and provide input on the peer review; and by Jan. 1, 2024, submit a report including recommendations to the joint standing committee of the Legislature having jurisdiction over veterans' affairs, which is authorized to report out legislation in 2024.

LD 1639: An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste. (Sponsored by Rep. Carney of Cumberland Cty.) **PL 2021, c. 626**

Beginning Feb. 1, 2023, this Act amends the definition of "waste generated within the State" to provide that if the total weight of the residue generated in a calendar year by an incineration facility, recycling facility or solid waste processing facility that is disposed of or otherwise placed in a solid waste landfill in that calendar year exceeds the total weight of the solid waste initially generated within the state that was incinerated or processed by that facility in that calendar year, any such excess residue generated by that facility is not considered waste generated within the state. The law also provides that certain solid waste processing facilities that were in operation during calendar year 2018 and accept exclusively construction and demolition debris must reuse or recycle at least 30% of such debris through methods other than landfilling by Jan. 1, 2024; at least 40% by Jan. 1, 2025; and at least 50% by Jan. 1, 2026, and repeals the provision of law that authorizes such facilities to request a waiver from the Department of Environmental Protection from otherwise applicable reuse and recycling requirements. The law adds environmental justice to the public benefit determination standard for solid waste disposal facilities, which is defined as the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin, or religion. The law further directs the Bureau of General Services, within Department of Administrative and Financial Services, to: (1) evaluate options for the renegotiation of the operating services agreement of Feb. 5, 2004, as amended, governing the operation of the state-owned solid waste landfill in Old Town for the purpose of ensuring that existing capacity at that landfill is prioritized for management of waste initially generated within the state; and (2) no later than Jan. 15, 2023 report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters the results of that evaluation and any recommendations for legislative action necessary to ensure prioritized management of existing capacity.

LD 1801: An Act To Modify Exemptions for Certain Storm Water Discharges to Class AA and SA Waters. (Sponsored by Rep. Zeigler of Montville) **Emergency Enacted; PL 2021, c. 503 (3/16/22)**

This Act amends the law governing exemptions for stormwater discharges to Class AA and Class SA waters and provides that certain segments of waters classified as Class AA and Class SA are not designated as outstanding national resources.

LD 1809: An Act To Allow Exceptions to the Height Limitations under the Shoreland Zoning Laws. (Sponsored by Sen. Brenner of Cumberland Cty.) **PL 2021, c. 504**

This Act: (1) defines the area of special flood hazard as land in a floodplain having a 1% or greater chance of flooding in any given year, as identified in the federal flood insurance study and corresponding insurance rate maps; and (2) provides that the height limits imposed on a legally existing non-conforming principal or accessory structure may be raised to the greater of the minimum elevation necessary to be consistent with the local floodplain elevation requirement or to three feet above the base flood elevation, provided the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the setback requirement is met to the greatest practical extent.

LD 1826: An Act To Require Reporting by the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species Regarding Recommendations To Reduce the Threat of Further Infestations. (Sponsored by Rep. Hasenfus of Readfield) **PL 2021, c. 522**

This Act amends the statute governing the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species to require that, on or before Jan. 15, 2023, and biennially thereafter, the task force submit to the Departments of Environmental Protection, Inland Fisheries and Wildlife, and Marine Resources and to the relevant joint standing committees of the Legislature, a report containing its findings and recommendations, including any suggested legislation, on a variety of matters relating to controlling the introduction of invasive aquatic plants and nuisance species in Maine. The act also requires the task force, in developing those findings and recommendations, to convene a stakeholder group that includes, but is not limited to, task force members, state natural resources agency staff and other persons with relevant experience or expertise, including representatives of local and regional lake associations and representatives of lake protection organizations.

LD 1835: An Act To Amend the Laws Governing Storm Water Management To Provide an Exemption for Mountain Bike Trails. (Sponsored by Sen. Daughtry of Cumberland Cty.) **Emergency Enacted; PL 2021, c. 507 (3/16/22)**

This Act exempts mountain bike trails from the stormwater management requirements, provided the trail: (1) is used only by persons riding mountain bikes; (2) is generally constructed and maintained in accordance with best management practices established by the Department of Agriculture, Conservation and Forestry; and (3) creates a treadway surface of no more than six feet in width, and a corridor that does not exceed eight feet in width.

LD 1875: Resolve, To Address Perfluoroalkyl and Polyfluoroalkyl Substances Pollution at State-owned Solid Waste Landfills. (Sponsored by Rep. Zeigler of Montville) **Emergency Enacted; PL 2021, c. 172 (5/02/22)**

This Resolve directs the Department of Administrative and Financial Services, Bureau of General Services to conduct a study of methods of treating leachate collected at the state-owned solid waste landfills in Old Town, known as Juniper Ridge Landfill, and in East Millinocket, known as the Dolby Landfill, to reduce the

concentration PFAS in the leachate. In conducting that study, the bureau is required to seek input from interested parties that, in the bureau's determination, are directly affected by the current discharge of leachate collected at the landfills and, as necessary, consult with the Department of Environmental Protection and the operators of the landfills. In conducting the study, the bureau may contract with individuals or businesses with expertise in landfill or wastewater treatment facility engineering and design, wastewater or leachate treatment technologies or other relevant backgrounds or experience. No later than Jan. 15, 2023, the bureau is directed to report findings to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which is authorized to report out legislation in 2023 or 2024.

LD 1911: An Act To Prevent Further Contamination of the Soils and Waters of the State of Maine with So-called Forever Chemicals. (Sponsored by Rep. Pluecker of Warren) **PL 2021, c. 641**

This Act prohibits the Department of Environmental Protection from issuing a new license or permit allowing the spreading of septage at any location in the state. A person currently licensed or permitted to spread septage in Maine is prohibited from continuing to do so if the department determines that, based on testing, the concentration of PFAS in groundwater at the location or in drinking water in close proximity exceeds the applicable PFAS drinking water standard. The law prohibits: (1) the spreading of sludge on land that is: (a) generated from a municipal, commercial, or industrial wastewater treatment plant; or (b) compost, fertilizer, soil amendment, topsoil replacement or mulch that includes sludge generated by a wastewater treatment plant; and (2) sale or distribution in the state of compost, fertilizer, soil amendment, topsoil replacement or mulch that includes sludge generated by a wastewater treatment plant. The prohibition on spreading sludge does not apply to: (1) the landfilling of sludge; or (2) land application, sale, or distribution of compost material (e.g., food waste, crops, vegetative, fruit, etc.) not otherwise mixed with sludge generated by a wastewater treatment plant or resulting from the production of precipitated calcium carbonate. The department is further directed to develop a plan for prohibiting the land application of septage in Maine that includes studying the available capacity at wastewater treatment plants to manage sludge currently applied to land and no later than Jan. 15, 2023, submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over environment and natural resources, which is authorized to report out legislation. Finally, the act directs the department to require licensees authorized to discharge wastewater to groundwater or any waters of the state to sample the effluent discharge for PFAS and to report the sample data.

LD 1940: An Act To Ensure That Building Codes Allow the Installation and Use of Air Conditioning Products and Equipment That Use Certain Federally Regulated Refrigerants. (Sponsored by Sen. Timberlake of Androscoggin Cty.) **PL 2021, c. 524**

This Act prevents municipalities from adopting or enforcing a building code, including the Maine Uniform Building and Energy Code, which prohibits the installation or use of refrigeration or air conditioning products or equipment that is listed as acceptable by the U.S. Environmental Protection Agency.

LD 1964: An Act To Update Certain Water Quality Standards and To Reclassify Certain Waters of the State. (Reported by Sen.

Brenner of Cumberland Cty. for the Joint Standing Committee on Environment & Natural Resources) **PL 2021, c. 551**

This Act implements recommendations of the Board of Environmental Protection, resulting from its review of Maine's water quality classification system and related water quality standards, which include updates to certain water quality standards and classifications based on data and the recommendations of the U.S. Environmental Protection Agency, the Department of Environmental Protection, and other parties.

LD 1970: An Act To Implement Agency Recommendations Relating to Sea Level Rise and Climate Resilience Provided Pursuant to Resolve 2021, Chapter 67. (Reported by Rep. Tucker of Brunswick for the Joint Standing Committee on Environment & Natural Resources) **PL 2021, c. 590**

This Act amends the municipal land use planning laws in the following ways: (1) includes "flood buffer and flood-prone areas" to the definition of a critical rural area; (2) defines "local climate action plan" as a planning and decision-making document adopted by a municipality or multi-municipal region that: (a) includes information regarding climate and health risks and an evaluation of options for addressing climate and health risks; and (b) is produced using community participation to ensure the needs of the community's most vulnerable citizens are elevated and prioritized; (3) adds to the comprehensive plan inventory and analysis process a climate vulnerability assessment element; and (4) authorizes municipalities to include in a comprehensive plan an assessment of the risks posed by and plans for addressing climate change impacts on buildings, infrastructure and natural resources. The law further directs the Department of Agriculture, Conservation and Forestry to give priority in the process of awarding financial and technical assistance grants to municipalities that have either adopted a local climate action plan or as part of a comprehensive plan have prepared a climate vulnerability assessment.

LD 1974: An Act To Establish and Fund the Maine Climate Corps Program Pursuant to Recommendations in the Report Required by Resolve 2021, Chapter 25. (Reported by Sen. Brenner of Cumberland Cty. for the Joint Standing Committee on Environment & Natural Resources) **PL 2021, c. 728**

This Act establishes the Maine Climate Corps Program, within the Maine Commission for Community Services, to provide grants, technical assistance and training to community service corps programs responding to the impacts of climate change.

LD 2020: An Act To Implement Recommendations Regarding the Regulation of Firefighting or Fire-suppressing Foams to Which Perfluoroalkyl and Polyfluoroalkyl Substances Have Been Intentionally Added. (Reported by Rep. Tucker of Brunswick for the Joint Standing Committee on Environment & Natural Resources) **PL 2021, c. 583**

This Act requires the manufacturer selling or distributing firefighting or fire-suppressing foam in the state to provide the Department of Environmental Protection certification that the product does not contain intentionally added PFAS or is exempted from the prohibition. The list of exemptions is amended to add foam required by the U.S. Department of Defense for marine defense use.

Health & Human Services Committee

LD 910: An Act To Amend the General Assistance Laws Governing Reimbursement. (Sponsored by Rep. Brennan of Portland) **PL 2021, c. 734**

This Act provides a one-time \$10 million supplemental payment for the unanticipated fiscal and operational costs of the general assistance (GA) program occurring during the COVID-19 pandemic to be proportionally distributed to municipalities. The law also directs the Department of Health and Human Services to review long-term improvements to the GA program.

LD 1722: An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers. (Sponsored by Rep. Warren of Hallowell) **Emergency Enacted; PL 2021, c. 661 (4/25/22)**

This Act authorizes the Attorney General (AG) to work with the Treasurer of the State to deposit funds received from the opioid litigation into the Maine Recovery Fund and creates the Maine Recovery Council directed to authorize the disbursement of the funds for approved uses. The act also requires the AG, by Feb. 1 of each year, to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters describing the activities of the council and the status of the Maine Recovery Fund and providing information on fund disbursements and the outcomes of funded activities.

LD 1909: An Act To Amend Syringe Service Programs. (Sponsored by Rep. McDonald of Stonington) **PL 2021, c. 545**

This Act authorizes the Maine Center for Disease Control and Prevention to limit the number of hypodermic apparatuses provided to a participant in a certified exchange program.

LD 1968: An Act To Ensure Appropriate Placement of Defendants with Mental Illness and Intellectual Disabilities. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 757**

This Act requires that when a court commits a defendant to the custody of the Commissioner of Health and Human Services for placement in an institution for the care and placement of persons with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism that the placement take place within 30 days from the time the order is transmitted to the State Forensic Service, unless an extraordinary circumstance causes a necessary delay.

Health Coverage, Insurance & Financial Services Committee

LD 1858: An Act Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel in Health Care Facilities. (Sponsored by Sen. Farrin of Somerset Cty.) **Emergency Enacted; PL 2021, c. 587 (4/12/22)**

Current law allows a licensed emergency medical services provider to render medical services in a hospital. This Act amends existing law to include care rendered in a health care facility, provided the person providing care is doing so in the person's capacity as an employee of the facility and is authorized by the facility to do so. The act also directs the Board of Licensure in Medicine and the Board of Osteopathic Licensure, in consultation with the Emergency Medical Services' Board and interested stakeholders, to develop guidance under which physicians and physician assistants may delegate activities to an individual acting under a contractual arrangement as a medical assistant under the delegated authority and as a licensed emergency medical services person. The boards are required to submit a report including the guidance and any recommendations for statutory changes to the joint standing committee.



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tee of the Legislature having jurisdiction over physician licensing matters no later than Jan. 31, 2023.

Inland Fisheries & Wildlife Committee

LD 1813: An Act Related to Oversized All-terrain Vehicles. (Sponsored by Sen. Jackson of Aroostook Cty.) **Emergency Enacted; PL 2021, c. 526 (3/31/22)**

This Act provides that registration is not required for an oversized ATV operated by a person on the land of another if written permission is received from the landowner or lessee of the property and if the person is engaged solely in a business activity that does not involve the recreational use of the ATV.

LD 1873: An Act Related to Airboats. (Sponsored by Rep. Sachs of Freeport) **PL 2021, c. 585**

This Act directs the commissioners of Inland Fisheries and Wildlife (IFW) and Marine Resources to reconvene the airboat stakeholder group to seek ways to increase water access points for shellfish harvesters and to continue its discussion regarding issues related to airboat noise levels. No later than Jan. 3, 2024, IFW is further directed to submit a report including recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, which is authorized to report out a bill in 2024.

Innovation, Development, Economic Advancement & Business Committee

LD 1694: An Act To Create the Maine Redevelopment Land Bank Authority. (Sponsored by Rep. Sachs of Freeport) **PL 2021, c. 664**

This Act establishes the Maine Redevelopment Land Bank Authority, whose purpose is to assist municipalities and other entities

in this state with the redevelopment of properties, including those that are blighted, abandoned, environmentally hazardous and functionally obsolete, to return properties to productive use. The redevelopment authority may acquire property at the request of a municipality or county. The act also establishes a fund to support the purpose of the redevelopment authority, which includes as a source of revenue a \$3 fee on the disposal of construction and demolition debris. Finally, the law establishes the Development Ready Advisory Committee, which includes a representative of a statewide association of municipalities, within the redevelopment authority to develop and maintain best practices for community development and to assist the redevelopment authority and any other entity that requests assistance with redevelopment matters.

Judiciary Committee

LD 906: An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water. (Sponsored by Rep. Newell of the Passamaquoddy Tribe) **PL 2021, c. 650**

This Act exempts the property of the Passamaquoddy Water District, which is a nontribal entity, from taxation by municipal governments and further authorizes two parcels of tribal fee land near existing Passamaquoddy Indian territory to be added to the tribe's territory through the federal trust acquisition process, without local approval, to provide access to alternate supplies of groundwater. It also provides that the U.S. Environmental Protection Agency (EPA), and not the state, has the primary authority to regulate drinking water standards within Passamaquoddy Indian territory. If the Passamaquoddy Tribe chooses to do so, it may seek authority from the EPA to regulate drinking water standards within the territory to the extent permitted under federal law.

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LD 1772: An Act To Amend the Remote Meeting Laws in Maine's Freedom of Access Act (Sponsored by Rep. Harnett of Gardiner) **PL 2021, c. 666**

This Act amends the remote meeting law to provide municipalities greater flexibility in determining when it is appropriate for the public body to meet via remote or hybrid means by repealing the reasons prescribed in state statute, thereby leaving it to the body to describe the reasons in the adopted policy. The act also authorizes the body to limit public attendance to remote methods only, if an emergency or urgent situation requires the body to meet remotely and further clarifies that the remote participation policy of a public body applies to a board or committee within the jurisdiction of the public body, unless the subordinate board or committee adopts its own policy.

LD 1786: An Act To Maintain Consistency among Maine's Non-discrimination Statutes. (Sponsored by Sen. Carney of Cumberland Cty.) **PL 2021, c. 553**

This Act makes the non-discrimination provisions throughout statutes consistent to prohibit discrimination based on actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age, or familial status.

LD 1971: An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation. (Reported by Rep. Harnett of Gardiner for the Joint Standing Committee on Judiciary) **PL 2021, c. 611**

This Act authorizes the chair of a public body in a community that has not adopted a remote meeting policy to call a remote meeting when an emergency or urgent issue exists. Notice of the meeting must include information on how the public can participate, as well as a copy of the proposed remote meeting policy or instructions on how to obtain a copy of the policy. Once convened, the members of the body must vote on whether to support the chair's determination that an emergency exists warranting the remote meeting. If two-thirds of the body support the chair's determina-

tion, and after a public hearing, the members may vote on whether to adopt the policy.

LD 1972: An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions Related to Research and Aquaculture Leases. (Reported by Rep. Harnett of Gardiner for the Joint Standing Committee on Judiciary) **PL 2021, c. 581**

This Act amends the public records exception in the laws governing research and aquaculture leases to clarify that a copy of a seeding and harvesting report provided to a municipality is confidential.

LD 2008: Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder. (Sponsored by Rep. Madigan of Waterville) **Emergency Passed; Resolves 2021, c. 183 (5/08/22)**

This Resolve establishes the 16-member Committee To Study Court-ordered Treatment for Substance Use Disorder, largely represented by individuals and entities with experience treating or affected by substance use disorders to review: (1) services and processes available for persons with substance use disorders; (2) options offered in other jurisdictions, including but not limited to judicial orders for involuntary treatment; and (3) constitutional rights of persons with substance use disorder and how other jurisdictions protect those rights. No later than Nov. 2, 2022, the commission is directed to submit its report and findings to the joint standing committee on health and human services, which is authorized to report out legislation in 2023.

LD 2041: An Act To Correct Errors in Recently Enacted Legislation. (Reported by Rep. Harnett for the Revisor of Statutes) **Emergency Enacted; PL 2021, c. 759 (5/12/22)**

Of municipal interest, this Act provides that the \$850 COVID Relief Payment Program payments do not count as available income under the calculation of eligibility for municipal General Assistance.

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Labor & Housing Committee

LD 225: An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment. (Sponsored by Rep. Roeder of Bangor) **PL 2021, c. 561**

With exception to provisions governed by a collective bargaining agreement, this Act amends the section of law pertaining to the treatment of vacation time upon the cessation of employment by providing that on or after Jan. 1, 2023, all unused accrued vacation time must be paid to an employee, unless employed by a public employer or by an employer with 10 or fewer employees.

LD 449: An Act To Strengthen the Ability of Public Employers and Teachers Unions to Negotiate. (Sponsored by Rep. McCrea of Fort Fairfield) **PL 2021, c. 752**

During the period between a referendum approving a new regional school unit and the operational date of the unit, this Act suspends the requirement that a public school district employer and the bargaining agent representing teachers within the school district meet within 10 days of written notice from the other party for the purposes of collective bargaining, provided the parties meet at reasonable times during that period.

LD 575: An Act To Establish a Conditional Presumption of Compensability for Certain Employees in Cases of Impairment from Hypertension or Heart Disease. (Sponsored by Sen. Jackson of Aroostook Cty.) **PL 2021, c. 730**

This Act extends a rebuttable presumption of workplace injury for heart disease or hypertension to state prison or county jail employees whose regular or incidental duties require the care, supervision or custody of a person confined in a jail, prison or state correctional facility, provided the employee successfully passed a physical examination upon entry into that employment or during the time of employment that failed to reveal any evidence of that condition.

LD 607: An Act To Direct the Department of Labor To Educate Business and Nonprofit Communities on Overtime Laws. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 563**

This Act requires the Department of Labor to conduct a comprehensive educational campaign targeted at the business and nonprofit communities and focused on employee overtime laws, including the distribution of compliance toolkits. The law also requires the department to submit an annual report regarding the campaign, as well as data regarding complaints and violations of overtime laws, to the joint standing committee of the Legislature having jurisdiction over labor matters.

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. Sylvester of Portland) **PL 2021, c. 601**

This Act provides that an individual employed by the state, or another public employer for less than six months is considered a public employee and is entitled to the provisions of an existing union contract. The act also provides that during the probationary period, a public employee is not entitled to a pre-disciplinary hearing and may be dismissed, suspended, or otherwise disciplined without cause.

LD 965: An Act Concerning Nondisclosure Agreements in Employment. (Sponsored by Rep. Harnett of Gardiner) **PL 2021, c. 760**

This Act prohibits an employer, including municipalities, from

requiring an employee, intern or applicant for employment to enter into: (1) a contract or agreement that waives or limits any right to report or discuss unlawful employment discrimination; or (2) into a settlement, separation or severance agreement that includes a provision that: (a) limits an individual's right to report, testify or provide evidence to a federal or state agency that enforces employment or discrimination laws; (b) prevents an individual from testifying or providing evidence in federal and state court proceedings in response to legal process; or (c) prohibits an individual from reporting conduct to a law enforcement agency.

LD 1240: Resolve, To Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals. (Sponsored by Sen. Vitelli of Sagadahoc Cty.) **Resolves 2021, c. 184**

This Resolve creates the 17-member Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals, which includes a member representing a statewide municipal association. The commission is directed to: (1) review data on housing shortages for low-income and middle-income households; (2) review the data on the conversion of housing units to short-term rentals; (3) review state laws that affect the local regulation of land use and short-term rentals; (4) review efforts in other states and municipalities to address housing shortages through changes to land use restrictions; and (5) consider measures to encourage municipalities to increase availability of housing, including incentives and statewide regulation of short-term rentals. No later than Nov. 2, 2022, the commission must report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over housing matters.

LD 1673: An Act To Establish Fair Housing Goals in Certain Communities in Maine. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 754**

This Act sets a guideline for service center communities to employ in developing a growth management program that at least 10% of the housing stock is affordable housing. The amendment requires the Department of Agriculture, Forestry and Conservation to update the service center community classifications in 2023 and every five years thereafter; post the service center community listing on its publicly accessible website; and submit a report, by Feb. 5, 2023, to the joint standing committee of the Legislature having jurisdiction over housing matters detailing where population growth is occurring and projected to occur.

LD 1874: An Act To Clarify COVID-19 Paid Leave for School Employees. (Sponsored by Rep. White of Waterville) **Emergency Enacted; PL 2021, c. 614 (4/15/22)**

This Act provides a public school employee who is affected by COVID-19 up to a maximum of 15 days of paid leave when needed if the employee is: (1) subject to a government quarantine order; (2) advised by a health care provider to self-quarantine; (3) experiencing symptoms of COVID-19 and seeking a medical diagnosis; (4) caring for an individual subject to a government quarantine order; or (5) caring for a child whose school or place of child care is closed due to COVID-19 related precautions. The provisions apply from Jan. 1, 2021, until the employee has been granted the 15 days of paid leave, provided the employee does not have 60 or more days of accrued paid leave. The act further requires school administrative units to restore sick leave time to an employee impacted by COVID-19 for absences occurring between Oct. 19, 2021, and the effective date of the law.

LD 1879: An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder. (Sponsored by Rep. Sylvester of Portland) **PL 2021, c. 629**

This Act directs the Workers' Compensation Board to continue to file post-traumatic stress disorder (PTSD) claims data to the joint standing committee of the Legislature having jurisdiction over labor matters according to the following schedule: (1) no later than April 1, 2025 and Jan. 1, 2032 for claims brought by corrections officers, E-9-1-1 and emergency medical dispatchers; and (2) no later than Jan. 1, 2027 for claims brought by law enforcement officers, firefighters and emergency medical services persons. The committee is authorized to report out legislation related to the content of each report, which must include information on the portion of the claims that results in a settlement or award of benefits and the effect of the claims on costs to public employers. The act also provides that each time the legislature extends a rebuttable presumption of PTSD to a new category of employees, the board is directed to submit a report to the committee no later than the Jan. 1 after the fifth year and the tenth year of implementation. The law also repeals the rebuttable presumption of PTSD and the reporting requirements on Oct. 1, 2025.

LD 1891: An Act To Continue Supporting Safe Drinking Water for Maine Families. (Sponsored by Rep. Fay of Portland) **PL 2021, c. 726**

This Act provides \$400,000 in FY 2023 to the Maine State Housing Authority to provide water treatment grants to eligible owners

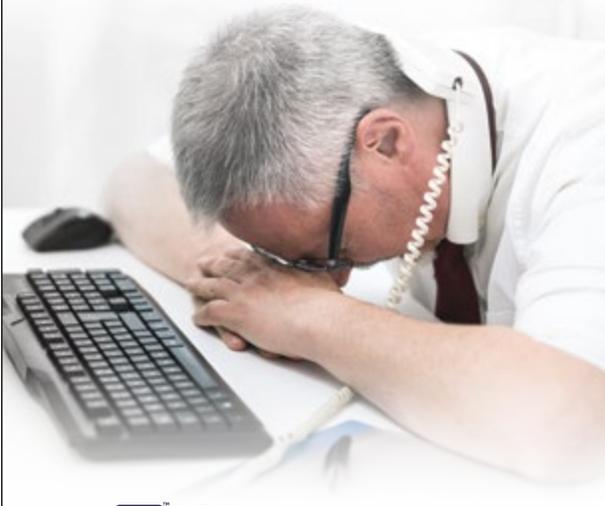
of single-family homes or landlords with private well water that show evidence of contamination that exceeds maximum levels for public water systems established by the national primary drinking water regulations, or similar standards applicable to public water systems in Maine pursuant to state law or rule.

LD 1961: An Act To Help Alleviate Maine's Housing Shortage and Change the Membership of the Maine State Housing Authority. (Sponsored by Sen. Hickman of Kennebec Cty.) **PL 2021, c. 657**

This Act includes in the laws and municipal ordinances affecting natural resources management and land use and development the inclusion of goals promoting housing choice that is affordable to low-income and moderate-income households and addressing disparities in access to educational, occupational, and other opportunities. The law also changes the membership of the Maine State Housing Authority to include a commissioner who: (1) represents tenants residing in subsidized housing; (2) has knowledge and expertise in civil rights to affirmatively advance fair housing policy; (3) represents residents with disabilities or aging residents; (4) has expertise in energy efficiency issues; and (4) four members with varied expertise in housing related development, including municipal land use and planning. The law further clarifies that appointments to the authority and the appointment of the director are subject to review by the joint standing committee of the Legislature having jurisdiction over housing matters.

LD 2003: An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Study-

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ing Zoning and Land Use Restrictions. (Sponsored by Rep. Fecteau of Biddeford) PL 2021, c. 672

This Act implements the recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions after being amended by the Labor Housing Committee, and in the House and Senate as follows:

Statewide Housing Goals. Directs the Department of Economic and Community Development (DECD) to establish, in coordination with the Maine State Housing Authority, a statewide housing production goal to increase the availability and affordability of housing in all areas of the state, which: (1) establish measurable standards and benchmarks for success; (2) consider information submitted to the department by municipalities concerning current or prospective housing developments and permits issued for the construction of housing; and (3) consider other information as necessary to meet the state's housing goals.

Affordable Housing Density. For housing developments approved on or after July 1, 2023, requires municipalities that have adopted housing density ordinances to extend to an affordable housing development where multifamily dwellings are authorized a unit density bonus of at least 2.5 times the base density that is otherwise allowed and require no more than two off-street parking spaces for every three units. The development must be in the community's designated growth area or served by public water and sewer.

Defines affordable as: (1) rental housing for a household whose income does not exceed 80% of median income for the area; and (2) can be afforded without spending more than 30% of the household's monthly income on housing costs. For owned housing, the

threshold is 120% of the median household income.

Requires developers to execute a restrictive covenant, recorded in the registry of deeds and enforceable by a party acceptable to the municipality to ensure the affordability of the units for at least 30 years.

Clarifies qualifying housing developments: (1) are not exempt from subdivision laws; (2) do not interfere, abrogate, or annul a valid easement, covenant, or deed restriction; (3) must comply with state and municipal shoreland zoning requirements; and (4) must be connected to adequate water and wastewater services. These provisions also apply to the sections of the act allowing for the development of multiple units on lots zoned for housing and accessory dwelling units, described below.

Allowance for Up To Four Units. On or after July 1, 2023, provides that in any area where housing is permitted, a municipality shall allow structures with: (1) up to two dwellings per lot if the lot does not contain an existing dwelling unit; (2) up to four units on an empty lot, provided the lot is in the community's designated growth area or served by a public water and wastewater; and (3) on a lot with one existing dwelling unit the addition of up to two dwelling units, with one additional dwelling unit located within or attached to the existing structure or one additional detached dwelling unit, or one of each.

Provides that if more than one dwelling unit has been constructed on the lot as a result of the allowance, the lot is not eligible for any additional increases in density except as allowed by the municipality.

Prevents municipalities from adopting or enforcing an ordi-



nance that establishes dimensional or setback requirements that are greater than the requirements established for single-family housing.

Authorizes municipalities to adopt ordinances: (1) establishing application and permitting processes for housing structures; and (2) imposing fines for violations of related building, zoning, and utility requirements. This provision also applies to the section of the act allowing for the development of accessory dwelling units, described below.

Accessory Dwelling Units. On or after July 1, 2023, requires municipalities to allow an accessory dwelling unit (ADU) to be located on the same lot as a single-family dwelling unit in any area where housing is permitted, except that the ADU can only be constructed: (1) within an existing dwelling; (2) attached to or sharing a wall with the existing unit; or (3) as a new structure on the lot. If more than one ADU has been constructed because of this law, the lot is not eligible for any additional increases in density except as allowed by the municipality.

Requires municipalities to: (1) exempt an ADU from any density requirements or calculations related to the area in which the unit is constructed; (2) provide the setback and dimensional requirement placed on the single-family unit, if the ADU is located within or attached to the primary unit; and (3) subject the ADU to the same parking requirements applied to the single-family dwelling.

Prohibits a permit issued by a municipality for an ADU from counting toward an adopted rate of growth ordinance.

Establishes the minimum ADU size of 190 square feet and authorizes municipalities to impose a maximum size.

Rules. Directs DECD to adopt rules to administer and enforce the provisions of the act.

Municipal Role in State Housing Goals. Requires municipalities to ensure ordinances and regulations are designed to affirmatively further the purposes of the U.S. Fair Housing Act and the Maine Human Rights Act to achieve the statewide or regional housing goals.

Technical Assistance and Mandate Reimbursement. Refer to PART U of LD 1995 under the Appropriations & Financial Affairs Committee for a description the technical assistance, Housing Opportunity Grant program and mandate reimbursement associated with passage of this legislation.

State & Local Government Committee

LD 379: An Act To Establish the Maine State Cemetery Preservation Commission. (Sponsored by Sen. Miramant of Knox Cty.) **PL 2021, c. 584**

This Act creates the 10-member Maine State Cemetery Preservation Committee, with two municipal members, one representing a statewide association of municipalities and the other a statewide association of town clerks. The duties of the committee include: (1) advising and educating owners of burying grounds and cemeteries, including municipalities, of related responsibilities, including the proper care and preservation of graves, gravestones, walls, and fences; and (2) reviewing state statutes and informing the legislature of recommended amendments. Within one year of the effective date of the law, the committee must adopt bylaws governing terms of office and methods for selecting a chair and filling vacancies.

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LD 859: An Act To Give Municipalities More Options in Municipal Elections. (Sponsored by Rep. Berry of Bowdoinham) **PL 2021, c. 564**

This Act allows municipalities to adopt an alternative election process, such as ranked choice voting, to determine the outcome of the secret ballot election of town officials or municipal referendum questions if done so at a municipal meeting held at least 180 days before the election.

LD 895: An Act Regarding the Franklin County Commissioner Districts. (Emergency) (Sponsored by Rep. Dunphy of Old Town) **Emergency Enacted; PL 2021, c. 492 (1/05/22)**

This Act implements the process for dividing Franklin County into five commissioner districts, as approved by the voters at the November 2021 election and effective on Nov. 5, 2024.

LD 1513: An Act To Establish the Maine Abandoned and Discontinued Roads Commission. (Sponsored by Rep. Newman of Belgrade) **PL 2021, c. 743**

This Act establishes the 12-member Maine Abandoned and Discontinued Roads Commission, which includes members from the Departments of Inland Fisheries and Wildlife; Agriculture, Conservation and Forestry; and Transportation, Office of the Attorney General, as well as a representative of a statewide association of municipalities. With respect to abandoned or discontinued roads, the commission is directed to consider: (1) property owner liability resulting from the use roads; (2) retention of public easements and the scope of permitted and actual public use; (3) statutory terminology; (4) the process, including barriers, for determining the legal status of roads; and (5) other priority matters for consideration that have significant negative impact on abutters; recreational and public users; municipal, county or state government; and physical integrity of the road and surrounding property. Members are elected to serve three-year terms, must meet at least three but no more than six times each year, and accept public comments during each meeting. No later than Feb. 1, 2023, and annually thereafter, the commission must submit a report including recommended statutory changes to the joint standing committees of the Legislature having jurisdiction over state and local government, inland fisheries and wildlife, and agriculture, conservation, and forestry matters.

LD 1795: An Act To Update Statutory References to Building Code Standards for Public Improvements. (Sponsored by Rep. Bryant of Windham) **PL 2021, c. 554**

This Act: (1) eliminates references to building codes that are no longer in effect or have been superseded by the Maine Uniform Building and Energy Code (MUBEC); and (2) applies the current version of the MUBEC ventilation standards to buildings occupied by state employees.

LD 1832: An Act To Correct the Year of the Expiration of the Terms of 2 County Commissioners in Sagadahoc County. (Sponsored by Sen. Baldacci of Penobscot Cty.) **Emergency Enacted; PL 2021, c.506 (3/16/22)**

This Act corrects the expiration year for the terms of the Sagadahoc County commissioners representing Districts 2 and 3.

LD 1936: An Act To Codify the Senate and House Legislative Districts, the Congressional Districts and the County Commissioner Districts as Enacted by the Legislature. (Reported by Rep. Dunphy of Old Town for the Revisor of Statutes) **Emergency Enacted; PL 2021, c. 552 (4/04/22)**

This Act corrects errors and codifies Maine's reapportioned congressional, county commissioner, and Maine Senate and House election districts.

LD 1975: An Act Concerning Winter Maintenance on Private Roads in the Town of Windham (Reported by Rep. Matlack of St. George for the Joint Standing Committee on State & Local Government) **Emergency Enacted; P&SL 2021, c. 20 (4/4/22)**

This Act allows the Town of Windham to: (1) provide winter maintenance to certain private ways in the town to ensure the public health and safety of residents and to minimize environmental damage to surrounding water bodies until Oct. 1, 2023 regardless of whether a public easement exists over the private way; (2) identify and create a roster and map of the private ways on which the town provided winter maintenance for at least 20 years prior to the effective date of this legislation; (3) develop basic maintenance standards for private ways on which the town may provide winter maintenance after Oct. 1, 2023; (4) provide winter maintenance to private ways under certain conditions, and only if written notice is provided to property owners within 60 days of the effective date of this legislation; and (5) enact an ordinance to implement the provisions of this legislation. The law also prevents a road association or property owners benefited by a private way receiving winter maintenance from asserting a claim that the private way has become a town way by any method or mechanism other than dedication and acceptance pursuant to state statutes.

LD 2005: An Act Regarding the Reapportionment of the Knox County Budget Committee Districts. (Sponsored by Rep. Dunphy of Old Town) **Emergency Enacted; PL 2021, c. 573 (4/07/22)**

This Act: (1) allows the Knox County Commissioners, beginning in June 2031, to determine whether changes to the budget committee districts are needed and, only if changes are necessary, submit a redistricting plan to the Secretary of State, who must submit the plan to the Legislature for review and enactment; and (2) declares that, for purposes of the 2021 redistricting of the Knox County budget committee districts, the districts established currently in statute remain the districts until the Knox County Commissioners submit a redistricting plan to the secretary and that plan is subsequently reviewed and enacted by the Legislature.

LD 2011: An Act To Allow the Annexation of Certain Lands by Columbia Falls. (Sponsored by Sen. Moore of Washington Cty.) **P&SL 2021, c. 25**

This Act authorizes the annexation of certain portions of the unorganized territories of Centerville Township and T19 MD BPP to the Town of Columbia Falls, subject to referendum.

LD 2037: An Act To Allow the Assessor of the Cyr Plantation Board of Assessors To Facilitate the Election of Vacant Assessor Seats. (Sponsored by Sen. Jackson of Aroostook Cty.) **Emergency Enacted; P&SL 2021, c. 24 (4/18/22)**

This Act allows the remaining member of the Cyr Plantation Board of Assessors to take action to facilitate an election to fill empty seats on the board. Until a quorum is elected, the existing assessor is authorized to approve and sign disbursement warrants, approve general assistance applications, and perform any necessary functions to administer the community's general assistance program.

Taxation Committee

LD 290: An Act To Stabilize Property Taxes for Individuals 65 Years of Age or Older Who Own a Homestead for at Least 10 Years. (Sponsored by Sen. Stewart of Aroostook Cty.) **PL 2021, c. 751**

This Act implements a property tax stabilization program that allows qualifying residents to apply to the municipality for a cap on the property tax assessments that is equal to the previous year's assessment. Qualifying residents must: (1) be 65 years of age or older; (2) be a resident in Maine; (3) have owned a homestead in the state for at least 10 years, and (4) by December 1 of each year have applied for the benefit. The law requires the state to reimburse municipalities 100% of the lost property tax revenues, which municipalities must request by November 1 of each year.

LD 484: An Act Relating to the Housing Opportunities for Maine Fund. (Sponsored by Sen. Chipman of Cumberland Cty.) **PL 2021, c. 753**

This Act requires the Maine State Housing Authority use 25% of the revenue received from the real estate transfer tax to support the creation of new housing units, through new construction or adaptive reuse, that are affordable to low-income households.

LD 506: An Act To Reduce the Tax Burden on Low-income Electricity Customers. (Sponsored by Rep. Berry of Bowdoinham) **PL 2021, c. 713**

As of Jan. 1, 2023, this Act exempts from sales tax all electricity consumed by residential customers participating in either a low-income assistance program or arrearage management program approved by the Public Utilities Commission.

LD 647: An Act To Expand Eligibility for the Veterans' Property Tax Exemption. (Sponsored by Sen. Keim of Oxford Cty.) **PL 2021, c. 682**

As of Jan. 1, 2023, this Act extends the property tax exemption benefit to veterans of the U.S. Armed Services that served between Feb. 1, 1955 and Feb. 27, 1961.

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. Stewart of Aroostook Cty.) **PL 2021, c. 731**

This Act establishes a program administered by the Maine Fire Protection Services Commission to provide grants to municipalities for regional fire service training. The act also provides an income tax credit for employers who permit employees who are volunteer firefighters or provide municipal emergency medical services to be absent from work for responding to emergencies without a reduction in pay.

LD 1129: An Act Relating to the Valuation of Improved Real Property. (Sponsored by Rep. Matlack of St. George) **PL 2021, c. 663**

This Act requires that for the purpose of establishing the valuation of improved real property, the property must be valued based on its highest and best use as of April 1 of each year, and take into consideration the cost, income, and sales comparison methods. The act also clarifies that consistent with the Constitution of Maine, Article IX, Section 8, any provision restricting the permitted use of a property cannot be considered comparable to property without restrictions on use.

LD 1195: An Act Assist Qualifying Municipalities To Defray the Costs of Opting In To Permit Adult Use Marijuana Establishments. (Sponsored by Rep. Roberts of South Berwick) **PL 2021, c. 645**

This Act amends the adult use marijuana law to encourage municipalities to opt-in by creating the Municipal Opt-in Fund to reimburse communities for qualifying expenses, including legal fees, costs associated with drafting and adopting warrant articles or ordinances, and for conducting town meetings or elections. Reimbursement is capped at \$20,000 and requests for reimbursement must be filed within three years of incurring the expense.

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

As of Jan. 1, 2022, this Act transfers 90% of the sales tax collected on all-terrain vehicle (ATV) rentals to the ATV Recreational Management Fund and 10% to the Multimodal Transportation Fund.

LD 1569: Resolve, Establishing the Commission To Study the Role of Water as a Resource for the State of Maine. (Sponsored by Rep. Gramlich of Old Orchard Beach) **Resolves 2021, cl 185**

This Resolve establishes the 16-member Commission To Study the Role of Water as a Resource in the State of Maine, which includes a representative of municipal water utilities. The commission is directed to study the: (1) extent of water resources available in Maine; (2) legal principles regarding water ownership; (3) extent to which water resources will be needed for household, government, business, commercial and other purposes; (4) quality of water resources; and (5) the sustainability of aquifers in the state. No later than Nov. 2, 2022, the commission is required to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters, which is authorized to report out legislation in 2023.

LD 1757: An Act To Make Technical Changes to Maine Tax Laws. (Sponsored by Rep. Terry of Gorham) **PL 2021, c. 531**

In part, this Act amends the property tax statutes by authorizing Maine Revenue Services to hold assessor certification exams as necessary, but not less than two times each year. The act also clarifies that the amount of property tax that must be paid when a property owner has appealed the denial of an abatement as the greater of: (1) the amount of taxes paid in the previous tax year, provided the amount does not exceed the taxes due in the current year; or (2) the amount of taxes in the current tax year that is not in dispute.

LD 1917: An Act To Amend the Tax Laws of the State. (Sponsored by Rep. Terry of Gorham) **PL 2021, c. 630**

In part, this Act amends the property tax laws to: (1) require municipalities to provide the State Tax Assessor the information needed to calculate the equalized mil rate; (2) clarify that ordinances adopted by municipalities providing property tax benefits to veterans apply to both homeowners and renters; and (3) extend the same penalties for withdrawing from the tree growth program to all current use programs. Beginning in 2023 and every year thereafter, the act directs the state tax assessor to transfer 90% of revenue generated by the tax imposed on all-terrain vehicle (ATV) rentals to the ATV Recreational Management Fund and 10% to the Multimodal Transportation Fund.

LD 1986: An Act To Provide Property Tax Relief for Permanently and Totally Disabled Veterans. (Sponsored by Rep. Roche of Wells) **PL 2021, c. 703**

This Act provides an additional property tax fairness credit for

veterans who are 100% permanently and totally disabled. The credit is equal to and in addition to the credit allowed for resident individuals who are not qualifying veterans.

LD 1987: An Act To Establish the Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2022-23. (Reported by Rep. Terry of Gorham for the administrator of the unorganized territory) **Emergency Enacted; PL 2021, c. 624 (4/18/22)**

This Act establishes the municipal cost components for state and county services provided to the unorganized territory (UT), which forms the basis of the property tax assessment. After computing all the appropriations and accounting for the general revenue and educational revenue deductions, the total UT tax assessment for FY 2023 is \$27.5 million (not counting overlay or county taxes).

LD 2030: An Act To Provide for Reimbursement of the Sales Tax Paid on Certain Battery Energy Storage Systems. (Sponsored by Rep. Terry of Gorham) **PL 2021, c. 758**

Between Jan. 1, 2023 and Dec. 31, 2025, this Act provides a refund of the state sales and use taxes on purchases of battery energy storage systems, defined as commercial machinery or equipment that is capable of absorbing and storing energy for a period of time and discharging that energy after it has been stored. The act also directs the Governor's Energy Office (GEO) to examine existing and potential tax incentives, and no later than March 15, 2023, report findings to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology, which is authorized to report out legislation in 2023. The act also requires the GEO to share the report with the joint standing committee of the legislature having jurisdiction over taxation matters.

Transportation Committee

LD 1762: An Act To Amend the Law Regarding Expiration of Disability Plates and Placards and Fees for Recycler Licenses. (Sponsored by Rep. Evans of Dover-Foxcroft) **PL 2021, c. 533**

This Act provides that a disability plate or placard may be renewed for a period of six years and directs the Secretary of State to adopt routine rules implementing the change.

LD 1766: An Act To Remove Watson's Bridge in the Town of Littleton from the List of Historic Bridges for Which the State Is Responsible for Maintenance and Rehabilitation. (Sponsored by Rep. Martin of Sinclair) **PL 2021, c. 494**

CORRECTION

In the People section of the May issue of the Maine Town and City, it was reported that Elaine Thibeault had been hired as the program coordinator for the Madawaska Parks and Recreation Department. Town officials subsequently notified us that the candidate declined the offer.

This Act removes Watson's Bridge in Littleton from the list of historic bridges for which the state is responsible for maintenance and rehabilitation.

LD 1788: Resolve, To Rename Bridges in the Town of Milo for Veterans Who Died during the Vietnam War. (Sponsored by Sen. Davis of Piscataquis Cty.) **Resolves 2021, c. 127**

This Resolve directs the Department of Transportation to name bridges located in Milo currently known as the: (1) Pleasant River Bridge as the James Ellison Memorial Bridge; (2) Old Toll Bridge as the Wayne Sangillo Memorial Bridge; and (3) East Opening Bridge as the Henry "Butch" Heal, Jr. Memorial Bridge.

LD 1839: Resolve, To Name a Bridge in the Town of Unity the Alton "Mac" McCormick Memorial Bridge. (Sponsored by Sen. Curry of Waldo Cty.) **PL 2021, c. 494**

This Resolve directs the Department of Transportation to name a bridge currently known as the Unity Bridge in Unity the Alton "Mac" McCormick Memorial Bridge.

LD 1843: An Act To Allow the Secretary of State To Use an Electronic Lien Titling Program for the Purposes of the Maine Motor Vehicle Certificate of Title and Antitheft Act. (Sponsored by Rep. Perkins of Oakland) **PL 2021, c. 539**

This Act authorizes the Secretary of State to use, but not mandate the use, of an electronic motor vehicle lien titling program and to adopt the rules necessary to implement the program. The law also provides that a requirement to mail, deliver or surrender a certificate of title may be satisfied by using the electronic program, which must also be used by the lienholder to notify the secretary when a lien is released or updated. The secretary is further directed to evaluate the need to implement the program and by Jan. 1, 2023, submit a report summarizing findings to the joint standing committee of the Legislature having jurisdiction over transportation matters, which is authorized to report out legislation in 2023.

LD 1912: Resolve, To Rename 3 Bridges in Brownville and Brownville Junction. (Sponsored by Sen. Davis of Piscataquis Cty.) **Resolves 2021, c. 131**

We will be touring the AIM Recycling/Kenny U-pull Facility in Bangor and offering SafetyWorks! training. Space is Limited and we will be accepting registrations on a first come first serve basis.



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This Resolve directs the Department of Transportation to name bridges located in Brownville currently known as the: (1) Brownville Bridge the Stanley Smith Larson Memorial Bridge; (2) Brownville Junction Bridge the Edward Fredonia Stone Memorial Bridge; and (3) Walker Bridge the Elden Howard Cail Memorial Bridge.

LD 1990: An Act Allowing Electric-powered School Buses To Have Distinctively Colored Bumpers, Wheels and Rub Rails and Allowing Public Service Vehicles To Be Equipped with a Flashing Green Auxiliary Light. (Sponsored by Rep. Perkins of Oakland) **PL 2021, c. 582**

This Act amends the laws governing school bus identifiers to: (1) allow electric-powered school buses to have bumpers, rub rails and wheels in the colors painted by the original manufacturer; (2) display lettering from the original manufacturer; and (3) have wheels and rub rails that are painted glossy black. The law also permits a public service vehicle to be equipped with a flashing green auxiliary light, which may only be used when assisting members of the public or law enforcement officers with a disabled vehicle, loading a vehicle onto a wrecker, removing debris from a roadway, or constructing, maintaining, inspecting, or repairing utility infrastructure.

LD 1996: An Act Making Unified Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023. (Sponsored by Rep. Martin of Sinclair) **Emergency Enacted; PL 2021, c. 597 (4/14/22)**

This Act makes supplemental appropriations and allocations for state government expenditures for the FY 2022 and FY 2023 Highway Fund budget. Of municipal interest, the supplemental budget increases the total amount of revenue distributed to municipalities under the Local Road Assistance Program to \$21.5 million in FY 2023.

Veterans & Legal Affairs Committee

LD 231: An Act To Establish Semi-open Primaries. (Sponsored by Sen. Maxmin of Lincoln Cty.) **PL 2021, c. 750**

As of Jan. 1, 2024, this Act allows an unenrolled voter to vote in a single party's primary election without having to enroll in a political party and requires the election clerk to record on the incoming voting list and on the list of absentee voters which party's primary ballot, if any, is issued to an unenrolled voter during a primary election. In addition, the law provides that an unenrolled voter who participates in the party's primary election must be considered a member of the party for purposes of allocating delegates to the party's state convention and national presidential nominating convention. Finally, the law also prohibits a voter who withdraws from a political party from voting in any caucus, convention, or primary election for 15 days after withdrawing from a party, unless the voter changes the voter's residence at the same time that the voter withdraws from a political party.

LD 1779: An Act To Protect Election Integrity by Regulating Possession of Ballots and Voting Machines and Devices. (Sponsored by Rep. Pierce of Falmouth) **PL 2021, c. 536**

This Act clarifies that the municipal clerk must retain possession, custody, and control over sealed containers of state and municipal election materials, as well as the containers in which unused ballots are sealed.

LD 1784: An Act To Ensure Legislative Review of Rules for Maine's Medical Use of Marijuana Act. (Sponsored by Sen. Maxmin of Lincoln Cty.) **Emergency Enacted; PL 2021, c. 652 (4/23/22)**

This Act provides that rules adopted by the Office of Cannabis Policy, formerly known as the Office of Marijuana Policy, impacting the Maine Medical Use of Marijuana Act are not considered finally adopted until enacted by the Legislature.

LD 1821: An Act To Protect Public Election Officials. (Sponsored by Rep. White of Waterville) **PL 2021, c. 568**

This Act adds to the law governing the obstruction of government administration the intentional interference by force, violence or intimidation or any physical act with any public official performing an official function relating to a federal, state, or municipal election, violation of which is a Class D crime. The act also directs the Secretary of State to provide election officials with training on the de-escalation of conflicts and the process for reporting threats or harassment of public officials conducting a federal, state, or municipal election. Beginning Feb. 1, 2023, and annually thereafter, the secretary is required to report the number and types of threats to or harassment of public officials during the previous year to the joint standing committee of the Legislature having jurisdiction over election matters.

LD 1827: An Act To Permit Curbside Pickup and Limited Delivery of Adult Use Marijuana Act. (Sponsored by Rep. Perry of Bangor) **PL 2021, c. 667**

This Act legalizes the home delivery of adult use marijuana products (e.g., plants, seedlings, and marijuana, etc.), including in municipalities that have not opted in. A marijuana store operating a delivery service must ensure that: (1) all staff have training on how to properly verify the age of a person making a purchase; (2) deliveries are not made to a person under 21 years of age; and (3) deliveries are made only to a residential dwelling that is not located within a municipally designated safety zone (e.g., athletic field, park, playground or recreational facility, etc.). The act also allows for curbside pickup of marijuana products at a designated location outside of the store.

LD 1830: An Act To Amend the Election Laws. (Sponsored by Sen. Luchini of Hancock Cty.) **PL 2021, c. 570**

Currently, the municipal clerk must designate one time during the 30-day period prior to an election when absentee voting will be conducted in licensed facilities, such as nursing homes, residential care facilities and assisted living programs. This Act amends the law by authorizing the Secretary of State to develop an alternative absentee voting process necessary to protect public health during a health emergency declared by the Department of Health and Human Services, an extreme public health emergency declared by the governor, or when the department determines that there is a public health threat to the residents in a facility or to the municipal clerk. The Act also clarifies that the fiscal impact statement prepared by the Office of Fiscal and Program Review and the summary of the proposed law must appear only on the first page of a citizens' initiative petition directly below the statutorily required statement informing voters that they have the right to read the summary and fiscal impact statement. The act also establishes an expedited process for processing appeals of the secretary's determination of the validity of a people's veto referendum petition or direct initiative petition that is made within 120 days of the election in which the referendum or initiative may appear on the ballot.

LD 1852: Resolve, Authorizing the Maine National Guard To Sell Certain Property in Hallowell. (Sponsored by Sen. Hickman of Kennebec Cty.) **Resolves 2021, c. 136**

This Resolve authorizes the Adjutant General of the Maine National Guard to sell a parcel of land located off Granite Hill Road in Hallowell to the City of Hallowell.

LD 1927: An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana Products. (Sponsored by Rep. Dillingham of Oxford) **PL 2021, c. 735**

Similar to the laws allowing for the sale of Maine-made wine, beer and spirits at farmers' markets, this Act allows the Office of Cannabis Policy (OCP), formerly known as the Office of Marijuana Policy, to issue a permit allowing off-premises sales by retail stores of adult use marijuana products at specified outdoor events. Prior to issuing the permit, the applicant must provide proof to OCP that the applicant received approval from the legislative body in the municipality where the off-premises sales will take place. The law prohibits the consumption of products at the event and requires

sellers to ensure that persons under 21 years of age are not permitted to enter the tent or structure where sales take place and to video record all sales conducted at the event.

LD 1928: An Act To Update and Clarify the Maine Medical Use of Marijuana Act. (Sponsored by Rep. Williams of Bar Harbor) **Emergency Enacted; PL 2021, c. 662 (4/26/22)**

This Act makes several changes to the Maine Medical Use of Marijuana Act. Of greatest municipal relevance, the act prohibits a law enforcement officer from entering any location in which a qualifying patient, caregiver, registered dispensary, manufacturing facility or testing facility conducts authorized activities, except when the officer is: (1) invited to enter the location; (2) authorized to enter pursuant to a warrant; or (3) authorized to enter due to an urgent circumstance.

LD 1930: Resolve, Regarding Legislative Review of Portions of Chapter I: Adult Use Marijuana Program Rule, a Major Substantive Rule of the Department of Administrative and Financial Services,

Office of Marijuana Policy. (Reported by Rep. Caiazzo of Scarborough for the Office of Marijuana Policy) **Emergency Passed; Resolves 2021, c. 143 (4/07/22)**

This Resolve provides for legislative review of portions of Chapter I: Adult Use Marijuana Program Rule, a major substantive rule of the Department of Administrative and Financial Services, Office of Cannabis Policy, formerly known as the Office of Marijuana Policy.

LD 1957: An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes. (Sponsored by Rep. Talbot Ross of Portland) **PL 2021, c. 669**

This Act provides that when adopting or amending rules and developing or publishing forms, policies, and publications, the Department of Administrative and Financial Services' Office of Marijuana Policy and the Department of Health and Human Services replace references to "marijuana" with references to "cannabis." The law also amends the statutes prohibiting participation in the cannabis industry under the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act for persons convicted of drug offenses by reducing from 10 years to five years the time that must elapse after any term of probation, incarceration or supervised release is completed for the relevant offense to no longer be considered a disqualifying drug offense. The law also exempts from the definition of "disqualifying drug offense" in the medical and adult use laws an offense for activity that is allowed under current laws. ■

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MMA INSIDER.

Challenges in the Ever-changing Workforce.

By David Barrett / Director / Personnel Services & Labor Relations / Maine Municipal Association



David Barrett started his career at MMA in January of 1985 after graduating from Miami University in Oxford, Ohio and attending graduate school at the University of Illinois. He became Director of Personnel Services in 2006. As director, he oversees MMA personnel department activities, and

provides HR consulting services to member municipalities.

One of the major challenges facing municipalities, and Maine employers in general, is finding and hiring new employees. There has been a steady stream of news reports about how difficult it is for employers to attract qualified employees. Just recently, two town offices announced closures due to lack of staffing. It seems like help wanted signs are posted at almost every private business. What is going on?

There are several factors contributing to the tight labor market in Maine.

According to the Maine Department of Labor (Maine DOL), the unemployment rate for March 2022 was 3.60%. That is very low. Maine has the oldest population in the United States as reported by Worldatlas.com as of 2019. Also reported by the Maine DOL, since 2010, Maine's population has only increased from 1,328,284 to 1,350,141 in 2021. That is very slow net population growth.

The pandemic has only made the situation worse. Numerous news reports talk about the "Great Resignation." Many employees retired during the pandemic, and many left the workforce voluntarily. A recent survey conducted by WorldatWork and uFlexReward indicates a measurable increase in voluntary turnover now as compared to before the pandemic. Employers surveyed said that attracting workers will be the greatest HR challenge in 2022. The result of these forces is that Maine employers face a labor market with an increasingly older workforce, very little net statewide population growth and an already low unemployment rate.

Here are some ideas that may help you recruit new employees in a difficult labor market.

Advertising. The goal of advertising is to get as many qualified applicants as possible. Be creative. There are many online sites that are free or cost very little to get your ad out there. Think about targeting different geographic areas or specific professional or trade publications. In the last ten years, applicant pools have transitioned to a large majority applying after seeing the ad online as opposed to a hard copy printed in a newspaper or other publication. Plus, online ads are posted faster and stay up every day. An ad in a weekend paper is only there once and is easily missed. Advertise locally to hopefully find someone in the area that could be a potential successful applicant.

Don't ignore your in-house talent. One aspect of this labor market is employers having difficulty finding individuals with particular skills or the knowledge needed to perform a job. In this situation, hiring someone who will need to be trained is the likely option. If that is the case, look to your existing workforce to see if you have an employee who has done a good job for you in their current position who might like the opportunity to branch out and develop in a new position. This employee will be a known commodity to you and will not need to provide notice to their current employer or potentially relocate. It can be a lower risk option and signals to all your employees that the community is willing and interested in training and developing their workforce. MMA and the Association's affiliate groups currently offer an extensive array of training very specific to municipal positions. These training programs will get a newly hired employee some of the tools necessary to start in a new position. As a result of a statewide survey of municipal training needs, MMA is embarking on the development of a much more robust and comprehensive training program for the membership to help prepare and develop municipal employees.

Partnerships. Explore partnerships with neighboring communities. Hiring a full-time employee is generally easier and longer lasting than hiring part-time employees. If your community only needs a part-time position and you have a neighboring town that is in the same situation, figure out if sharing one full-time person might work for both of you. It is an efficient and cost-effective way to get a qualified employee to fill both communities' needs. There is an excellent article in the February 2022 edition of the Maine Town & City magazine that goes into much more depth on partnerships between municipalities.

ABOUT THIS SERIES:

The MMA Insider is a special series focused on improving communications with our members and shedding light on the internal workings of the Association. Future editions of the *Maine Town & City* magazine will include articles written by MMA employees featuring the services provided to our members.



Remote Work or Flexible Hours. The pandemic forced many employers to develop remote work capability for some of their employees. Otherwise, this isn't something that would have happened on the scale it did. But it taught employers and employees that it was possible for some types of work to be done remotely. Obviously, there are some jobs where that is not possible. But it can be an attractive recruitment tool in the right situation. The options can range from full time remote work to a workweek split between on-site and remote work. Many employees discovered that they really liked working remotely and still performed at a high level. By entertaining a remote work option or a flexible workweek, you might attract a very qualified employee who would otherwise not be likely to be interested in coming to work for your community.

Pay. Be prepared for some sticker shock. The laws of supply and demand work just the same in the labor market as they do for cars, groceries, or gasoline. In a tight labor market like we are in, wages are going up. Employers are having to pay more to get the employees they want and need. Add in the inflation rate at a 40-year high and wages are going to continue to increase. The CPI for the last 12 months as reported in May was 8.30%. Employees interviewing for positions will have higher salary expectations than any time in recent memory. Be prepared to pay for what you want. Vacant positions also cost money in increased overtime, lost productivity and the time spent by staff working on hiring someone to fill the position. Some extra money in your offer might actually save the community money. At a minimum, it will help get employees necessary to deliver the services you provide.

Some municipalities have used signing bonuses to entice potential employees. These can be useful if done correctly. They are a one-time deal, so the cost doesn't continue to carry forward like a higher salary will. Most signing bonuses are tied to specific longevity benchmarks, not just a one-time up-front payment. By doing this, the new employee is required to stay for a pre-determined length of time to get additional payments of the signing bonus.

The days of simply running an ad in the newspaper and getting a qualified applicant pool are gone, at least for the foreseeable future. Municipal employers will need to be creative, adaptable, and flexible when recruiting the workers necessary to deliver essential services to Maine's citizens.

The graphic features a central circular emblem with a yellow sun-like background. Inside the circle, the text reads "TIME TO Celebrate! 2022 ANNUAL CONVENTION". The word "Celebrate!" is in a large, white, cursive font. The background of the graphic is a dark purple field filled with colorful, stylized fireworks in shades of blue, orange, and yellow. Below this, a yellow banner contains the text "MAINE MUNICIPAL ASSOCIATION ANNUAL CONVENTION OCTOBER 5 & 6, 2022 CROSS INSURANCE CENTER BANGOR, ME Save THE Date MORE DETAILS TO COME". The text "Save THE Date" is in a large, blue, cursive font, with "THE" in a smaller, blue, sans-serif font. The banner also features faint, stylized fireworks in the background.

MAINE MUNICIPAL ASSOCIATION
ANNUAL CONVENTION
OCTOBER 5 & 6, 2022
CROSS INSURANCE CENTER
BANGOR, ME
Save
THE *Date*
MORE DETAILS TO COME

The Future of East Millinocket

The redevelopment of Great Northern Paper's mill in East Millinocket has been a long and rough road, however local leaders are cautiously optimistic about the mill and community's future.

By Janine Pineo

On a day in late May under a brilliant blue sky with birds chirping and new green leaves fluttering in a gentle breeze, the sun beams down upon acre after acre of hulking buildings, some now but a footprint of rubble. Others are one-, two- or three-walled structures open to the elements with ragged threads of rebar dangling high above the broken concrete and bricks below.

To look at such a sprawling complex of structures in various stages of destruction is to look at a gargantuan problem, and, if you are a municipality in what was once a mill town, a vast possibility for new industry.

East Millinocket is one of those mill towns, its storied history starting with the simple fact that the town did not exist until February 1907 with the Great Northern Paper mill already well under construction, along with what would be Dolby Dam, a grinder room and a hydroelectric station. It is, literally, the town the mill built.

Mike Michaud, former Congressman and now chairman of the town's Board of Selectmen, pointed out a mostly demolished structure as we toured much of the 215 acres of land along the West Branch of the Penobscot River that is nearly evenly split between developed acreage and undeveloped "green space." What happened to that building was the driving force that led to the town's purchase of the site in 2020, he said in an earlier interview.

In 2019, a Belfast-based company called GO Lab contacted the town to say it was interested in buying a specific mill building. Michaud said the call came on a Friday, prompting the town to contact the demolition company that owned the building to let the owner know there was an interested buyer.

On the following Monday, the demo



Several completed or nearly completed buildings of the Great Northern Paper mill in East Millinocket circa 1907 (Image courtesy of Special Collections, Raymond H. Fogler Library)

company began to demolish the building in question that until then had been left untouched.

GO Lab — with its \$85 million in financing, 120 expected jobs and intent to produce three types of wood-fiber insulation — moved on, specifically to Madison and what was the former Madison Paper Industries Mill, where it is nearing its 2023 goal to begin production of its three lines.

That, Michaud said, is when the town decided it was time "to control our own destiny." On July 21, 2020, East Millinocket purchased the mill for \$1.45 million dollars with money acquired from state and federal grants.

Not even two years later, the town has four signed leases and a fifth with an option to lease. Calling it a "record pace," Michaud said, "We're moving forward."

The town is on track to receive funds totaling more than \$3 million, too.

The \$2.85 million allocated from the federal spending bill passed in March will be used for repairs and renovations to "accommodate transportation, shipping and receiving via train and truck traffic."

The \$292,000 grant awarded earlier this year by the Northern Forest Center's Future Forest Economy Initiative is earmarked for a heating system that will interconnect with four kilns to be used by the first company to sign a lease with the town, Standard Biocarbon Co.

"They haven't located here yet," Michaud said, adding the town still had a lease with the company and that part of the delay is COVID-19 related.

The Portland startup company will produce biochar, the result when biomass is heated without oxygen, sequestering carbon "for thousands of years," according to the company website.

"Our vision is to use the site of the

Janine Pineo is a freelance writer from Hudson and regular contributor to *Maine Town & City*, jepineo@gmail.com.

former paper mill to replace an extraction industry with a circular one, using by-products of the forestry industry to produce a product that nourishes soils, cleans water, generates renewable energy and removes carbon from the atmosphere,” the website says.

Leases and complications

Parts of the mill site, which sits directly across from the municipal building on Main Street, are complicated. Take the steam plant and biomass facility that stands next to what used to be the administrative offices. The structure was supposed to be demolished within 18 months of the 2020 purchase. Michaud pointed out the still-intact facility during the site tour, saying the town owns the land, but the building belongs to the demolition company, Metro Industrial Wrecking & Environmental Contractors Inc. of Farmingdale, N.Y.

To further complicate it, Convalt Energy of Watertown, N.Y., has leased 19 acres of the mill site and indicated it wants to use the biomass facility. The renewable energy company, which mainly operates power projects overseas, proposed earlier this year a \$5 billion energy generation and transmission project that would be headquartered in East Millinocket and use renewable power plants in northern Maine to funnel electricity through 400 miles of transmission lines starting in Millinocket. As of late May, the fate of the biomass facility remained undecided.

Michaud said Convalt is also planning a solar-panel recycling facility at the mill site that could create 50 to 70 jobs. “Convalt Energy made that very clear that they want to hire local,” he said.

Already on site is the town’s first tenant, Logistics Management Systems (LMS), a warehousing company that specializes in handling paper industry-related products. Tucked into a corner of the property, the 50,000 square-foot warehouse has been spruced up, its loading docks open during our site tour, offering a glimpse of the paper rolls and wood products stored within.

LMS, with its two employees, has been on site since October 2021, meaning the lights are now on all day every day, Michaud said, which is generating interest from residents. “People seeing stuff happening down there are natu-



East Millinocket steam plant and biomass facility. (Photo submitted by Janine Pineo)

rally curious,” he said.

Ottawa-based Ensyn Fuels has an option to lease with the town, dependent on state and federal approval, Michaud said. The company filed its notice of intent in late April with the state to produce Renewable Fuel Oil (RFO) on 28 acres.

Ensyn employs a “commercial thermal conversion process that produces high yields of valuable biocrude from renewable cellulosic biomass, typically wood-derived feedstocks,” according to its website. The company may be best known for its patented liquid smoke and other food chemicals. But it also makes fuel oil from biomass.

One of its customers has been Bates

College, which started using Ensyn’s RFO in 2017 after converting one of its three boilers. The goal was to reduce the college’s carbon emissions, and it made Bates the first educational institution in the U.S. to heat with it.

But the school encountered some supply issues. “Although Bates College is not currently working with Ensyn, we were happy to partner with the company, which provided us with a good, low-carbon and inexpensive fuel,” said Mary Pols of the Bates Communication Office. “After Ensyn encountered some supply chain and regulatory challenges which made it hard for us to receive that fuel consistently in recent years, we switched to a different biofuel,

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known as LR 100, a recycled vegetable oil.”

The school has signaled it still is interested in Ensyn’s product. “We look forward to Ensyn resolving those challenges and establishing themselves with a regional presence so we can start receiving Ensyn’s RFO again,” she said.

Michaud said if the biorefinery gets the green light, it could mean another 50 to 75 jobs for the town.

Future plans

Many balls are still in the air for the town. While those are suspended up there, the town is expecting the Maine Army National Guard 262nd Engineer Company to spend two weeks this summer cleaning out a particular section of the property, including addressing a stormwater runoff issue.

Michaud said the only cost will be the materials. “We don’t know what that’s going to be yet,” he said.

There are also decisions to ponder for the green space. Farther down Main Street is the access to that area, marked by an old GNP sign for the pulp and wood fuel entrance. It features a locked gate to a mile-long paved road leading to the edge of Dolby Pond, the man-made body of water formed above Dolby Dam, owned by Brookfield Re-

newables. Brookfield owns the second dam in front of the developed area, too, with transmission lines running through a partially demolished building standing near water’s edge.

It’s that “behind the gate” electrical generation that makes the site so attractive to potential tenants, Michaud said.

Townfolk have expressed an interest in that green space, which would give residents coveted access to the riverfront and possibly recreational uses, such as a connector trail, hiking and biking.

Michaud said that when the town bought the mill, included in that purchase was the ability for the town to take back 150 acres of Katahdin Forest Products land. Until 2024, the town also has first refusal on another 3,000 acres in another complicated situation where the state owns the land, but Katahdin Forest owns the cutting rights in perpetuity.

“I’m cautiously optimistic,” Michaud said, stating that the town’s goal was to bring the valuation up to where it was, and that goal will be exceeded if all the tenants actually set up shop.

He acknowledged that it’s been a bumpy ride. “People’s expectations built up and let down,” he said. “I don’t want to build those false expectations.” ■

ABOUT THIS SERIES

Maine’s mill towns were once blessed with the fortunes generated by the companies built within their borders. After decades of struggle marking the final years of these giants of industry, many municipalities were left with the aftermath: massive sites, often within the heart of the community, rusting and crumbling, with residents leaving to chase new employment, storefronts closing and municipal coffers suddenly lacking income to pay the bills. The daily headlines have faded to the occasional announcement of a new venture or a new purchase, but rare are the stories to say a new business is up and running. Over the next few issues, Maine Town & City will feature municipalities that are dealing with life in the years after such a loss, looking at their unique situations, the hurdles they face and their plans looking ahead. This month we feature East Millinocket, the town that Great Northern Paper built.

GREAT NORTHERN’S LEGACY

Great Northern Paper (GNP) Co. was an industry giant back in its heyday, owning more than two million acres of Maine timberland and employing 4,400 people. Its Millinocket mill was the largest paper mill in the world when it opened in 1900.

The East Millinocket mill produced its first paper in August 1907. The mill once accounted for 80% of the town’s tax revenue.

The mill’s tumultuous slide to closure took 25 years, beginning in 1989 with Georgia-Pacific’s hostile takeover bid of GNP. Multiple owners followed over the years and 2012 found the mill under yet another new owner that made a push to reinvigorate the East Millinocket mill’s paper output — producing 3,000 tons of paper mostly for use in printing the book series “Fifty Shades of Grey” — before closing for good in 2014 and basically being sold for scrap.



Men dig up dirt to load it into horse-drawn carts during the construction of the Great Northern Paper mill in East Millinocket circa 1906 (Image courtesy of Special Collections, Raymond H. Fogler Library)

Ethel N. Kelley Memorial Award

...MMA's Most Prestigious Award

NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees - Friday, August 19, 2022 by 12:00 noon.

ETHEL N. KELLEY devoted 45 years of service to the Maine Municipal Association -from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the "cement" that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association. In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel N. Kelley's memory by recognizing others of the same character and dedication. This year MMA will recognize its 37th Award Recipient!

WHO QUALIFIES: Elected municipal officers, elected and appointed municipal officials, and employees of any member municipality. This includes those currently serving or retired within the past two years. May also be given posthumously.

CRITERIA: Do you know an individual in your municipality who has...

- Straightforward selfless concern for people.
- Demonstrated capability and willingness to "Hold the Community Together."
- Longevity of conscientious service.
- Dedication to the cause of good local government.

NOMINATION PROCESS: Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at www.memun.org. The supporting letters are a critical part of the process. Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

SELECTION PANEL: The Award Selection Panel will consist of three MMA Past Presidents who will meet in early to mid September to make their selection.

PRESENTATION: The Award will be presented at the MMA Annual Convention with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Ceremony is scheduled for Wednesday, October 5, 2022 at the Cross Insurance Center, in Bangor, Maine.

Take this opportunity now to send your nomination. MMA looks forward to the opportunity to recognize that special individual's achievements and dedication to the cause of good local government.

For more information, please contact:

Theresa Chavarie
MMA Manager of Member Relations & Executive Office
1-800-452-8786 ext. 2211 or
tchavarie@memun.org



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MAINE MUNICIPAL ASSOCIATION
Ethel N. Kelley Memorial Award

NOMINATION FORM

Due Date - Friday, August 19, 2022 by 12:00 noon.
(Please complete all applicable sections)

Nominee's Name (Individual Only): _____

Municipality Served: _____

LIST MUNICIPAL ELECTED/APPOINTED POSITIONS (Please include services provided to any municipality):

Position(s): _____ Municipality: _____ Length of Service: _____ Year: _____ to _____

Position(s): _____ Municipality: _____ Length of Service: _____ Year: _____ to _____

Position(s): _____ Municipality: _____ Length of Service: _____ Year: _____ to _____

LIST MUNICIPAL VOLUNTEER POSITIONS (Please include services provided to any municipality):

Position(s): _____ Municipality: _____ Length of Service: _____ Year: _____ to _____

Position(s): _____ Municipality: _____ Length of Service: _____ Year: _____ to _____

Position(s): _____ Municipality: _____ Length of Service: _____ Year: _____ to _____

Please Include Total Number of Years Dedicated to Municipal Service: _____

Do not include years that overlap due to service in multiple positions

MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS: Please provide a brief statement why you believe your nominee is deserving of this award:

IS THE NOMINEE RETIRED FROM HIS/HER MUNICIPAL POSITIONS/CAREER?

YES (When did Nominee retire?) ____ / ____ / ____ NO (Anticipated retirement date?) ____ / ____ / ____

IS THE NOMINEE RETIRED FROM HIS/HER NON MUNICIPAL WORK CAREER? YES NO

IS THE NOMINEE DECEASED AND BEING CONSIDERED POSTHUMOUSLY? YES

NOMINATED BY:

Name: _____

Title: _____

Municipality: _____ Date: _____

Name: _____

Title: _____

Municipality: _____ Date: _____

Please complete and return with up to (5) supporting letters. **The supporting letters are critical to your success.** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by deadline noted above

Training Opportunities

MAINE MUNICIPAL ASSOCIATION & AFFILIATES/2022 TRAINING CALENDAR

JUNE

6/16	Thurs.	Municipal Human Resources & Management Conference	Waterville - Thomas College	MMA
6/21	Tues.	MTCCA Licensing Workshop	Zoom Webinar	MTCCA
6/23	Thurs.	MEGFOA Spring/Summer Training Workshop	Augusta- Senator Inn with Zoom Webinar	MEGFOA
6/29	Wed.	Elected Officials Workshop	Presque Isle - The Northeastland Hotel	MMA

JULY

7/12	Tues.	MMTCTA I've Got the Job - What Now? Workshop	Augusta - MMA	MMTCTA
7/13	Wed.	MTCCA Municipal Law for Clerks	Augusta - MMA with Zoom Webinar	MTCCA
7/14	Thurs.	MBOIA Training & Membership Meeting	Augusta - MMA	MBOIA
7/21	Thurs.	MFCA Membership Meeting/Networking Luncheon	Hope Fire Station	MFCA
7/27	Wed.	ViolenceProof: Workplace Violence Prevention & Survival (NEW!)	Augusta - MMA	MMA

AUGUST

8/3-4	Wed.-Thurs.	Athenian Dialogue: The Zookeeper's Wife	Zoom Meeting	MTCCA
8/10-12	Wed.-Fri.	MTCMA 76th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/18-19	Thurs.-Fri.	MMTCTA Governmental Accounting	Orono - Black Bear Inn	MMTCTA
8/25	Thurs.	Planning Board/Boards of Appeal	South Portland - DoubleTree by Hilton	MMA
8/31	Wed.	Understanding the Freedom of Access Act	Augusta - MMA & Zoom Webinar	MMA

SEPTEMBER

9/7	Wed.	MTCCA Voter Registration	Bangor - Cross Insurance Center	MTCCA
9/8	Thurs.	MTCCA Title 21A - State Election Law	Bangor - Cross Insurance Center	MTCCA
9/8	Thurs.	MMTCTA Payroll Law	Waterville - Waterville Elks Club	MMTCTA
9/9	Fri.	Verbal Judo for the Contact Professional (BACK BY POPULAR DEMAND!)	Augusta - MMA	MMA
9/9	Fri.	MCAPWA Golf Tournament	Cumberland - Val-Halla	MCAPWA

Online registration is easy!

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

Who to contact: 1-800-452-8786 or (207) 623-8428

MMA Educational Events & Affiliate Training Staff:

Alicia Stokes Gaudet, Assistant Director, Educational Services

& Conventions.....x2304

Cynthia Fortier, Training & Affiliate Groups Office Coordinator.....x2297

Melissa White, Affiliate Services Managerx2299

Special Notice: In light of the ongoing public health pandemic, some in-person events, facilities and/or locations may be subject to change. Please be sure to check the MMA website for regular updates. As we resume in-person trainings, MMA and our Affiliate Groups will strictly adhere to all CDC and State of Maine guidelines and requirements regarding COVID-19, which may include appropriate social distancing, masking, food service/preparation precautions, among others. If you have any questions, please feel free to contact training@memun.org.

Training Opportunities

MAINE MUNICIPAL ASSOCIATION & AFFILIATES/2022 TRAINING CALENDAR

9/15	Thurs.	MTCCA 27th Networking Day & Annual Business Meeting	Waterville - Waterville Elks Club & Banquet Center	MTCCA
9/20	Tues.	MTCCA Vital Records	Augusta - MMA	MTCCA
9/21	Wed.	Elected Officials Workshop	Orono - Black Bear Inn	MMA
9/22	Thurs.	MBOIA Training & Membership Meeting	Portland - Clarion Inn	MBOIA
9/28-30	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO
9/30	Fri.	Verbal Judo for First Responders (NEW!)	Augusta - MMA	MMA
OCTOBER				
10/5-6	Wed.-Thurs.	86th Annual MMA Convention	Bangor - Cross Insurance Center	MMA
10/11	Tues.	MTCCA Voter Registration	Augusta Civic Center	MTCCA
10/12	Wed.	MTCCA Title 21A - State Election Law	Augusta Civic Center	MTCCA
10/13	Thurs.	Planning Board/Board of Appeals	Bar Harbor - Atlantic Oceanside Hotel	MMA
10/18	Tues.	Customer Service Skills: Dealing with Conflict (NEW!)	Augusta - MMA	MMA
10/20	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono - Black Bear Inn	MMTCTA
10/20	Thurs.	MEGFOA Fall Training Workshop	Augusta - MMA	MEGFOA
10/25	Tues.	Labor & Employment Law	Augusta - MMA	MMA
10/25	Tues.	MBOIA & Fire Marshal's Office Training	Portland - Clarion Inn	MBOIA
10/26	Wed.	MBOIA & Fire Marshal's Office Training	Brewer - Jeff's Catering	MBOIA
10/27	Thurs.	MBOIA & Fire Marshal's Office Training	Waterville - Waterville Elks Club	MBOIA
10/28	Fri.	MBOIA & Fire Marshal's Office Training	Waterville - Waterville Elks Club	MBOIA
NOVEMBER				
11/3	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta - MMA	MMTCTA
11/10	Thurs.	The ABCs of Assessing - for Non Assessors	Zoom Webinar	MMA
11/16	Wed.	Elected Officials Workshop	Zoom Webinar	MMA
11/22	Tues.	Advanced Excel training	Augusta - MMA	MAAO
11/30	Wed.	Navigating the Legal Marijuana Landscape	Zoom Webinar	MMA
DECEMBER				
12/7-8	Wed.-Thurs.	Athenian Dialogue: First In, First Out	Zoom Meeting	MTCCA
12/8	Thurs.	MBOIA Training & Membership Meeting	Lewiston - The Green Ladle	MBOIA
12/13	Tues.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
12/19	Mon.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
TBD	TBD	MMTCTA Small Claims Workshop	TBD	MMTCTA
TBD	TBD	MTCMA/MMANH Joint Workshop - Leadership Exchange	New Hampshire	MTCMA

People

Two staffers from the Biddeford Planning Department have departed, one to take a new job, the other to retire. Director **Mathew Eddy** has accepted the job of director of the Midcoast Council of Governments. City planner **Greg Tansley**, employed by the town since 2004, retired in March. Interviews are already underway for the planning position. Eddy joined the department in 2017 after working as economic development director for the Town of Kennebunk. Meanwhile, the sole planner, assistant planning director **Hannah Bonine**, is being helped by **Greg Mitchell**, former director of economic development for the City of Portland. Also helping are two planners, one from the Southern Maine Planning and Development Commission and another from a private Saco planning and landscaping firm.



Dana Kelley

Old Orchard Beach Police Chief **Dana Kelley** will retire this spring after serving the town for 49 years, including the last 30 years as chief. Capt. **Elise Chard** will serve as interim chief until Kelley's successor is hired, likely in the fall. Kelley joined the department as a part-time officer in 1972 and then was promoted to full-time officer, then to corporal, sergeant and finally, chief. Among his many accomplishments, Kelley grew the department's reserve and volunteer police programs. He thanked the town council and other municipal officials for their strong support of the department over decades. Capt. Chard, who has worked for the town for 29 years, will be the first woman to lead the police department.

Members of the Franklin County Sheriff's office visited County Commissioner **Clyde Barker** at his home last month to honor him for 30 years of public service. Barker worked as a deputy sheriff under three administrations. From 1981 to 2011 Barker served as a corrections officer, deputy and as the chief civil deputy for the sheriff's office. Barker has served as a county commissioner for the past 12 years and was scheduled to retire on June 2.



Robert Cormier

Robert "Bobby" Cormier has been named the new Belfast police chief. He served as the police chief in Tilton, N.H. for 14 years and, previously, as interim director of police services in Hartford, Vt. Cormier "has fire in his belly and incredible passion for community," City Councilor **Mary Mortier** said in a press release. Mortier said Cormier is a traditionalist who stays current on trends and best practices. The committee established to find a new chief included the interim police chief and other officers, the fire chief, city councilors and the city manager. Officials said Cormier has "great knowledge and a skill set" that will help the department continue growing into a well-trained, professional, and modern department. Cormier said he's excited about his new job and "can't wait to be a part of this incredible community." Cormier replaces **Gerry Lincoln**, who retired in February.

The Canton Town Office will be closed for an indefinite period of time after selectmen last month accepted Deputy Clerk **Nicki Girard's** resignation. Girard is the third town office staffer to depart in the past four months. Clerk **Carol Buzzell** resigned in March to accept the job of town manager of Greene, while treasurer **Vernice Boyce** left in February. None of the three gave negative reasons for the resignations. Selectboard members will handle some of the day-to-day work and pledged to keep residents informed about the progress toward reopening the town office. Meanwhile, Canton residents can register their motor vehicles at the Hartford Town Office.

Westbrook interim Fire Chief **Stephen Sloan** has been promoted to the job permanently. He replaces **Andrew Turcotte**, who will work as a firefighter and EMT so he can spend more time with his family. Sloan was chosen from a field of a dozen candidates and was one of three finalists. He joined the Westbrook force in 2015 after working 11 years for the Scarborough Fire Department.

Houlton's code enforcement officer (CEO), **Kevin Tingley**, has resigned, moving to the parks and recreation department. To date, Tingley has already logged 35 years of service to the town, joining the public works department in 1987 and serving as CEO for the past 14 years. Town Manager **Marian Anderson** will complete all administrative duties of the CEO, including citations, and pledged to process building permits as quickly as possible. On-site inspections will be done by contract.



Kevin Joyce

Cumberland County Sheriff **Kevin Joyce** can thank a Samaritan for getting him to shore after his kayak capsized on Sebago Lake in April while the sheriff was setting moorings. After hearing the distress call, members of Joyce's department, as well as the Standish Fire and Rescue Department and Maine wardens responded to the lake. The contractor who witnessed the accident used a canoe to paddle to the sheriff, who was holding onto the overturned kayak. He grabbed the canoe and held on until the contractor could get him to safety. The sheriff thanked everyone involved in helping to save his life.

Among the winners of municipal elections last month, Hartland Selectperson **John Hikel** held off two challengers to win another three-year term. In Temple, **Dean Collins** defeated incumbent **Tracy Dunham** by a vote of 19 to 16. Voters in Southwest Harbor elected two newcomers to the selectboard. In a five-way race for the open seats, **James Vallette** garnered the most votes with 189, followed by **Natasha Johnson** with 174 votes. They replace incumbent **Allen Willey**, who received 52 votes, and **Chad Terry**, who did not seek re-election. In Sidney, **Alicia Collins** and Lewis **Corriveau** were elected to replace **Alisa Meggison-Keimel** and **Alan Tibbetts**, whose terms expired this year. ■

NEWS from Around the State

STATEWIDE

Gov. Janet Mills has signed a new law providing \$150,000 to help Maine municipalities fight off the ballooning browntail moth population. The bill's sponsor, Rep. Allison Hepler of Woolwich, said the pests impact the environment and personal health and predicted that without intervention, they could eventually impact Maine's tourism industry. Meanwhile, some cities and towns are taking separate action to beat back the moths and the severe impact they have on Maine trees.

STATEWIDE

The Maine Organic Farmers and Gardeners Association and the Maine Farmland Trust has partnered with a Freedom restaurant, The Lost Kitchen, to raise \$1 million to help farmers statewide deal with so-called "forever chemicals" that could have a heavy impact on the industry. The money will be used to help farmers test animals, water, soil, and produce for chemical contamination. Many farmers need the financial help, given the high cost of going it alone. Already, the farm trust has given farmers \$300,000 for three specific programs: testing, income replacement and mental health assistance. Forever chemicals were created in the 1940s and will not break down in the environment or in the body, earning it the moniker "forever chemicals."

CARIBOU

City officials will try to clean up or raze some of the hundreds of condemned properties and make room to create neighborhoods for more prosperous investments. All targeted properties either have been taken for taxes or declared as dangerous by the city council. In May, the city's code enforcement officer was authorized to have four houses demolished. A 2019 survey did not include properties that are off the beaten path, so the list is expected to grow.

DOVER-FOXCROFT

The 17,000 residents of Piscataquis County have lived since 2007 without direct access to state services following the closing of a state office. A coalition is seeking to reestablish services such as the Maine Department of Motor Vehicles; programs geared toward residents' ca-

reers and unemployment; and, public health and family planning. Presently, residents face long drives to Bangor or Skowhegan for motor vehicle services, social services, and online access to conduct their business. The proposal would provide access to critical services for one of the poorest regions in Maine with a growing number of senior citizens. Roadblocks to expanding the region's services include lack of access to broadband, digital literacy, and transportation. The coalition said if done correctly, the proposal could serve as a model for other rural areas. The group has contacted Gov. Janet Mills to explain their ideas and invite her to visit the area.

FALMOUTH

The police department has a special admirer: an anonymous one who donated \$300,000 to buy tasers and body cameras for officers and dashboard cameras for the entire vehicle fleet. The police chief said the donor was intent on funding the program and happy he could afford the gift. The same person expects to make investments both in and outside of town. The chief told the town council that in his 30 years with the department, he had never seen such generosity.

HAMPDEN

If the Hampden waste processing plant that serves 115 Maine communities becomes the property of the Municipal Review Committee (MRC) later this month, it will cost \$20 million to restart the facility after the plant operated for six months before being shuttered for lack of funding. Bondholders raised \$50 million to build the plant, far higher than MRC intends to bid. The MRC has concluded the best option is for the member communities to own the plant outright, giving them full control over the operation. By mid-May, eight parties were interested in bidding on the plant. The land on which the plant sits already belongs to MRC.

OLD TOWN

A half dozen Old Town area communities have started to discuss creating a regional ambulance service to blunt expected future cost increases. The Town of Bradley, which pays Old Town for emergency services, is bracing for a 100% increase for the fiscal year that begins on

July 1 – from \$40,207 to \$88,125. Bradley's town manager and town council have asked Old Town officials to consider charging fees based on the number of calls rather than on a per-capita basis. Joining the community in its effort to create a new service is Argyle, Alton, Greenbush, Greenfield and the Penobscot Nation. The jump in municipal fees is due to Old Town adding staff for another shift and the difficulty in recouping payments from patients' insurers, as well as collecting past debts from people transported to the hospital.

PEMBROKE

Voters last month banned large-scale metal mines, putting the brakes on a potential silver mine found during recent exploratory drilling. Residents were concerned about the potential harm on the area's water supply. They filled the special town meeting room to the brim, voting 129 to 48 in favor of the ban. "A win for home rule and local democracy rings out today over the bays, rivers, lakes and aquifers of Downeast Maine," said one coalition member. The CEO of the Boston-based Wolf Den Ventures said he was disappointed by the vote and would continue talking with residents about how the firm and townspeople could work together.

UNITY

One of the largest solar projects in New England, approved last month by state land use officials, is called the Three Corners Solar Project because it covers Benton and Clinton in addition to Unity. The project cost is estimated at \$200 million, with the solar power connected to the electric grid in Benton. If approved, it would produce enough power for 30,000 homes. The Maine Land Use Planning Commission agreed unanimously in May that the project met legal requirements. It still must pass muster with the Maine Department of Environmental Protection, as well as obtain other regulatory approvals. ■

Legal Notes

Emergency Services: No Duty, No Liability

Question: Are municipalities in Maine legally obligated to provide police, fire, or emergency medical services?

Answer: No, they're not. Although fire protection in particular is regarded as one of the traditional and core functions of local government in Maine and is provided in some manner by virtually all municipalities, the fact is that towns and cities are not legally required to provide any emergency services – not police, fire, or emergency medical services.

This issue has surfaced recently in several parts of the state where ambulance services have been disrupted, either because providers have ceased operation or because their fees have skyrocketed. The claim has been made that municipalities must provide ambulance services and that if they don't, they can be held liable.

While we don't dispute that emergency services of all kinds can be critical, neither claim is true. Not only are municipalities not mandated to provide emergency services, municipalities cannot be held liable if they don't, or if they do so "negligently." The Maine Supreme Court has denied claims for negligent police response (see *Selby v. Cumberland County*, 2002 ME 800), negligent firefighting (see *Day's Auto Body, Inc. v. Town of Medway*, 2016 ME 121), and negligent emergency rescue (see *Thompson v Department of Inland Fisheries and Wildlife*, 2002 ME 78).

In each of these cases the Court held that the government had immunity from liability under the Maine Tort Claims Act because it was performing a "discretionary function." But for the negligent operation of a motor vehicle resulting in a collision (see 14 M.R.S. § 8104-B (3)), this discretionary function immunity for emergency services is full and complete. (By R.P.F.)

County Taxes: No Local Appropriation Required

(Reprinted, as revised, from the November 2002 *Maine Townsman* Legal Notes)
Question: As a municipality, don't we have to raise and appropriate our proportionate share of the annual county tax just as with other municipal disbursements?

Answer: Actually, no. The county commissioners instead issue their warrant directly to the local assessors requiring them to assess and commit to the tax

MUNICIPAL CALENDAR

JULY 4 — Independence Day, July 4 is a legal holiday (4 M.R.S. § 1051).

ON OR BEFORE JULY 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 JULY 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).

collector the municipality's share of the county tax (see 30-A M.R.S. § 706). Assessors and collectors are thus made agents of the county for purposes of assessing and collecting county taxes – no appropriation is necessary because the obligation is statutory and independent of the local budgetary authority. (The same is true for regional school unit, school administrative district and community school district assessments – see 20-A M.R.S. §§ 1489, 1310 and 1703, respectively.)

Once the assessors have assessed and committed the county tax, they must return to the county treasurer a certificate with the name of the collector (see 36 M.R.S. § 712).

If, for three months after any warrant for a county tax has been issued, the assessors have failed to assess and certify the tax, the treasurer may notify the county commissioners, who must then appoint three or more suitable persons in the county to be assessors for that municipality (see 36 M.R.S. § 705). New warrants must then be issued to these assessors; these warrants supersede the originals. The new assessors must then assess the municipality's share of the county tax upon all taxable property within that municipality, together with reasonable charges for their time and expense as approved by the county commissioners.

If the county tax is not paid by the 60th day after the date for payment set by the county commissioners, the tax becomes delinquent and is subject to interest at the rate specified by the commissioners (see 36 M.R.S. § 892-A). Additionally, if the time for payment has expired and the tax remains unpaid, the county treasurer must give notice to the delinquent municipality, and unless the tax is paid within 60 days, the treasurer may issue a warrant

to the county sheriff, returnable within 90 days, requiring the sheriff to levy by distress (seizure) and sale upon the real and personal property of any inhabitant of the municipality (see 36 M.R.S. § 891). The sheriff or a deputy must execute the warrant. (By R.P.F.)

Discharging a Lien upon Sale

Question: Should we discharge recorded tax liens after property has become tax-acquired but before it is sold?

Answer: No! The lien or liens that foreclosed are the legal basis for the municipality's claim of title to the property. Discharging them after foreclosure but before selling the property only undercuts this claim and serves no legitimate purpose. A quitclaim deed without covenants given by the municipality to the purchaser is legally sufficient to release any and all municipal claims to the property, so also discharging the lien or liens that foreclosed is simply unnecessary. Plus, as we noted, doing so unnecessarily calls into question the municipality's foreclosure and claim of title.

As for any un-foreclosed liens, these are presumed to be extinguished upon conveyance of the property by quitclaim deed, so it is legally pointless to discharge them, also.

Generally speaking, a property tax lien should be discharged only if (1) the tax has been fully and timely paid (i.e., before the 18-month redemption period has expired); (2) the tax has been fully and lawfully abated; or (3) the lien was recorded in error (e.g., against the wrong property or where no taxes were due).

If a tax lien was in fact fully and timely paid but no discharge was ever recorded, the proper way to clear title is not to give a quitclaim deed but to record an after-the-

Legal Notes

fact discharge. For details, see "Still Giving a Quitclaim to Clear an Old Tax Lien?," *Maine Townsman*, Legal Notes, October 2012.

For more on tax lien discharges and for sample forms, see MMA's *Guide to Municipal Liens*, available free to members at www.memun.org. (By R.P.F.)

Right to Know Training for Other Public Officials

We were caught flat-footed the other day when a local official asked us who else, besides various municipal officials, are required to complete training in Maine's Freedom of Access Act (FOAA or "Right to Know" law).

According to 1 M.R.S. § 412, the following other public officials are subject to FOAA training: the Governor; the Attorney General, Secretary of State, Treasurer of State, and State Auditor; state legislators; county commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate, and budget committee members; school superintendents, assistant superintendents, and school board members; officials of regional or other political subdivisions, including water districts, sanitary districts, hospital districts, transit districts, and regional transportation districts; and public access officers for each of these agencies or entities.

As a refresher, the following municipal officials are also subject to FOAA training: municipal officers (select board members, councilors, and plantation assessors); clerks, treasurers, managers and administrators, tax assessors, code enforcement officers, and deputies for these offices; planning board members and budget committee members; and public access officers.

All officials subject to the FOAA training requirement must complete the training (and a certificate evidencing same) within 120 days after taking office. This requirement applies to each new term of office if the officeholder is elected or appointed to more than one term of office. The reason for this, quite simply, is that the FOAA is frequently amended by the Legislature, often in significant ways, so FOAA training that was current three years ago may be substantially out of date three years later.

Training may be obtained by thoroughly reviewing the Frequently Asked Questions (FAQ) page of the State's FOAA website (maine.gov/foaa) or by attending a training course that includes all of this information, such as MMA's Right to Know training program, which are offered numerous times throughout the year and which are also available for viewing anytime in our video training library on MMA's website (www.memun.org).

For much, much more on FOAA or Maine's Right to Know law, see our "Information Packet" by that title, also available free to members on our website. (By R.P.F.)

Town Office 'Tip Jar'

Question: Our town office staff has asked if they can put a "tip jar" on the counter. Is this okay?

Answer: We know of no law specifically prohibiting it, but we think it's a bad idea for a number of reasons, many of which should be obvious.

For starters, soliciting tips or gratuities seems fundamentally inconsistent with providing public services. Doing so could imply that tipping will affect the quality or priority of service or otherwise affect the delivery of services by public officials and employees whose job is to serve the

public fairly and even-handedly, without regard to gratitude or remuneration. In other words, soliciting tips, in our opinion, sends the wrong message to constituents of local government.

In addition, tipping officials who make decisions about licenses, permits, and approvals of one sort or another could pose legal issues in terms of due process or, in other words, fairness.

Similarly, tipping officials with enforcement powers of various kinds, such as code enforcement officers, local plumbing inspectors, animal control officers, and law enforcement officers, could pose serious due process issues.

All these officials are required to act fairly and impartially, and accepting a tip or gratuity could well create, at the very least, the appearance of bias or favoritism.

In fact, in the case of law enforcement officers and agencies, state law explicitly bars them from soliciting donations except in very limited circumstances (see 25 M.R.S. Section 3702-C).

Whether municipal officials and employees can solicit or accept tips or gratuities is, we believe, within the authority of a municipal manager or the municipal officers (select board or council) to decide. Many municipalities in Maine have personnel or ethics policies prohibiting officials and employees from accepting gifts. This, in our view, is a good idea. (By R.P.F.) ■



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MAINE MUNICIPAL BOND BANK

2022 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						
S	M	T	W	T	F	S
	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						
S	M	T	W	T	F	S
				1	2	2
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						
S	M	T	W	T	F	S
						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						
S	M	T	W	T	F	S
		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 1st – Application Deadline

Wednesday, August 24th – Application Approval (Board Meeting)

Wednesday, September 14th – Preliminary opinions and loan agreements due from bond counsel of each borrower

Friday, September 15th – Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of October 3rd – Maine Municipal Bond Bank Pricing

Monday, October 24th – Final documents due from bond counsel

Wednesday, November 2nd – Pre-closing

Thursday, November 3rd – Closing – Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2022 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 ext. 213 or treed@mmbb.com.



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