



# LEGISLATIVE BULLETIN

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## Housing Update: Groundhog Day Edition

While the stack of bills that must be reported out this week to address complex housing development policies is towering and publicly available, how legislators arrive at those decisions largely happens behind closed doors in partisan caucuses. Sunlight may be the best disinfectant, but what the Select Committee on Housing lacks in windows to the decision-making process some members make up for with transparent and public anti-municipal rhetoric. The message is: profiteers be darned, it's "municipalities" that are not doing enough to grow housing.

Last Friday, braving the snow, the committee dispensed with a few bills and received updates on other bills they intended to not vote on at that time. Only one bill voted out of committee targeted the realities for housing access in Maine—that the profit driven market is not benevolent and nonprofit approaches lacks subsidies to help keep rents low—necessary to deliver housing for low- and middle-income individuals.

LD 1867, *An Act to Establish the Community Housing and Rural Development Authority*, sponsored by Rep. Grayson Lookner of Portland, would provide a one-time appropriation of \$100 million to municipalities, housing cooperatives, and non-profit developers for the construction of mixed-use rental units. Based on area median income (AMI), \$75 million would create the new grant program within Maine Housing to provide for the development of rental units to individuals making 120% of AMI or less. Prioritization of awards will elevate those projects that also reserve 20% of the resulting units for individuals making up to 60% of AMI, and 10% of the units for individuals making up to 30% of AMI. The other \$25 million would be devoted to existing home ownership programs within the agency.

While the bill was voted out with dueling reports, opposition came from concerns of the size of the appropriation and the exclusion of for-profit developers from the program.

Additionally, the committee voted to amend some initiatives that targeted complicated subject matter areas into a stakeholder process to look more comprehensively at the issues and report possible solutions to the next Legislature. LD 1787, *Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Statutes*, sponsored by Rep. John Ducharme of Madison pulls

together several departments that intersect with the process for large scale development review under subdivision law and other stakeholders to comprehensively examine existing law and find avenues for improvement.

As a result, the committee voted "ought to pass as amended" on LD 1787 and further directed the stakeholder group to review the ideas proposed under initiatives that did not survive the committee process, including LD 1257, *An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands*, sponsored by Rep. Lydia Crafts of Newcastle, which would amend and require the local review process to assume a greater level of subdivision review; LD 1134, *An Act to Improve Housing Affordability by Amending the Definition of "Subdivision" Under the Site Location of Development Laws*, which triggers when a development requires a state level site law review in subdivision law; and, LD 1864, *An Act to Increase*

*(continued on page 4)*

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## A Fix on the Horizon

### Municipal Voices Needed on February 13

As reported in the January 19, 2024 edition of the Legislative Bulletin, the appropriation of \$15 million to reimburse municipalities for 100% of the lost property tax revenue associated with the Property Tax Stabilization Program fell short of need. The actual revenue loss is a reported \$26.5 million statewide. Maine Revenue Services intends to remedy the issue via an additional appropriation in the supplemental FY 2024 – FY 2025 General Fund budget, which will be printed and debated in the coming weeks.

However, Rep. Melanie Sachs of Freeport, is not interested in further delaying payments to municipalities. Instead, the Appropriations and Finance Affairs Committee will hold a public hearing on an amended version of **LD 646 on Tuesday, February 13 at 2:00 p.m. in room 228 of the State House.**

LD 646, originally printed as a concept draft bill, will now provide an avenue for ensuring that municipalities are fully

*(continued on page 2)*

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## Hope For Municipal Revenue

On Tuesday, January 23, the Senate Republicans invited MMA and Charter Communications to attend their caucus to discuss the merits of LD 1967, *An Act to Support Municipal Franchise Agreements*, sponsored by Rep. Melanie Sachs of Freeport.

The bill has passed through the House chamber with bipartisan support but was tabled twice in the Senate. Despite the facts reiterated over and over, it seems the false narrative that this bill would place a tax on streaming services continues to circulate. Even the truthful and passionate speeches made by Sen. Rick Bennett of Oxford County and Sen. Mark Lawrence of York County on the Senate floor were not sufficient to sway the naysayers to vote in support of this measure. Luckily enough support was found in the Senate to produce a vote of 21 – 12 to engross LD 1967.

Just when there was a win for municipalities, Sen. Trey Stewart of Aroostook County held the bill in the Senate, causing LD 1967 to stall rather than being released to the House for final enactment. His key argument in opposition to the bill was that these initiatives have been defeated in several other states due to the tax burdens placed on streaming services.

Not entirely accurate.

While other states have tried to assign a tax directly to streaming services, such as Netflix, this is not the path that LD 1967 takes. Simply put, this bill gives municipalities the flexibility to negotiate franchise agreements with video service providers with an added benefit of access to a conflict resolution process enabling municipalities to avoid litigation. On Thursday, the bill was finally released and enacted in the House by a margin of 81-51. LD 1967 is now set to be back on the Senate calendar on Tuesday, February 6.

To continue to correct the misleading information being distributed, the following is a list of facts of what this bill would accomplish.

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### *A Fix on the Horizon cont'd*

reimbursed as soon as possible. As amended, the emergency bill, titled *An Act to Fully Reimburse Municipalities for Lost Revenue Under the Property Tax Stabilization for Senior Citizens Program*, proposes to use \$15 million in unappropriated General Fund revenue to honor the funding commitment made to municipal partners.

The amendment can be viewed here: <https://legislature.maine.gov/doc/10647>.

If the bill is enacted by a two-thirds majority of the Legislature, funding would be available once the initiative is signed by Governor Mills.

Municipal officials are strongly urged to participate in the public hearing by either testifying in person or submitting testimony via the legislature's testimony submission portal found here: <https://www.mainelegislature.org/testimony/>.

**There are no taxes proposed on streaming services.** Franchise fees only apply to companies that have infrastructure in the public way. This bill does not propose any new fees.

**The creation of a conflict resolution process that does not currently exist.** LD 1967 creates a conflict resolution process through the Public Utilities Commission, thereby relieving municipalities and the property taxpayers of the burden of engaging in costly litigation to obligate cable companies to adhere to the terms of signed franchise agreements.

**Fees are optional.** The bill does not change the ability granted to municipalities by the federal government in 1984 to negotiate optional fees as part of franchise agreements. These fees remain optional and leave the decision of how to utilize those revenues to the municipality.

**Broad support from across sectors.** State broadband agencies, municipalities, and the Office of the Attorney General have testified in support of LD 1967.

**Significant consumer protections.** LD 1967 includes consumer protections, such as explicit terms that prohibit a cable company from shifting the cost of their own video equipment upgrades – which is the cost of doing business – onto cable subscribers. It also establishes stronger enforcement of franchise and state law compliance, which ensures costs are not passed on to subscribers.

**LD 1967 supports Maine's efforts to increase broadband to every corner of the state.** As the Maine Broadband Coalition noted, "It clarifies the obligations of cable providers in current law to provide internet service to Mainers in the towns where they've negotiated to provide service. Any time a cable provider falls short of this obligation, it increases the burden on our limited federal funding to subsidize internet infrastructure to those homes and businesses. And we know disputes are happening due to different interpretations of cable providers' obligations. If they don't do their part, we'll end up picking up the bill."

Thank you to our members who reached out to their senators to urge their support for municipalities and their franchise agreements. This action gives credence to the adage, "It takes a village."

### **Submitting testimony after Hearing:**

Legislative committees are currently working through several concept draft bills that have already had public hearings but were carried over into the Second Regular Session to allow more time for bill sponsors to develop the language necessary to advance the initiative. Even after a public hearing, the public can submit written testimony and comments on proposed language to concept drafts. For directions on how to submit, see the January 5 edition of the Legislative Bulletin.

# HEARING SCHEDULE

For the week of February 5, 2024

Note: What follows is a schedule of public hearings which were known to us at the time of this publication. To sign up for direct committee notifications of meetings, hearings and work sessions, you can choose which committees you would like to hear from at this link: <https://lists.legislature.maine.gov/sympa>. Also, you should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearings and work sessions can also be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

## TUESDAY, FEBRUARY 6

**Joint Select Committee on Housing  
Room 216, Cross Building, 1 p.m.  
Tel: 287-4149**

LD 2169 – An Act to Support the Development of Workforce Housing to Promote Economic Development in Maine

**Labor & Housing  
Room 202, Cross Building, 1 p.m.  
Tel: 287-1331**

LD 372 – An Act to Increase Enforcement and Accountability for Wage and Hour Violations

LD 373 – An Act to Improve Labor Conditions for Maine Workers

LD 2176 – An Act to Ensure the Workers' Compensation Board's Allocations Are Properly Funded

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

LD 1432 – An Act to Amend the Law Governing Racial Impact Statements

LD 2101 – An Act to Strengthen Shoreland Zoning Enforcement

**Taxation  
Room 127, State House, 1 p.m.  
Tel: 287-1552**

LD 2027 – An Act to Clarify the Property Tax Exemption for Air Pollution Control Facilities

LD 2076 – An Act to Exempt from Excise Tax Vehicles of Active Duty Service Members Stationed Out-of-state

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

LD 2072 – An Act to Amend the Laws Governing Motor Vehicles

LD 2173 – Resolve, to Rename the Interstate 295 Interchange in the Town of Freeport the Matthew MacMillan Bridge

LD 2183 – Resolve, to Correct the Designation of a Bridge in Canaan to Be Named After Staff Sergeant Richard Gerald Salsbury

## WEDNESDAY, FEBRUARY 7

**Agriculture, Conservation & Forestry  
Room 214, Cross Building, 1 p.m.  
Tel: 287-1312**

LD 2189 – Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control

**Judiciary  
Room 438, State House, 10:00 a.m.  
Tel: 287-1327**

LD 2195 – An Act to Protect Businesses from Fraudulent or Predatory Financial Settlements by Allowing Those Businesses Opportunities to Remove Architectural Barriers in Noncompliance with the Maine Human Rights Act

**Taxation  
Room 127, State House, 1 p.m.  
Tel: 287-1552**

LD 2111 – An Act Regarding the Timeline for Property Tax Abatement Based on Hardship or Poverty

LD 2162 – An Act Regarding the Homestead Property Tax Exemption and the Property Value Reassessment Process

**Veterans & Legal Affairs  
Room 437, State House, 12 p.m.  
Tel: 287-1310**

LD 2178 – Resolve, Regarding Legislative Review of Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

LD 2185 – Resolve, Regarding Legislative Review of Chapter 2: Medical Use of Cannabis Program Rule, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

LD 2186 – Resolve, Regarding Legislative Review of Chapter 30: Compliance Rules for Adult Use Cannabis Establishments, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

LD 2187 – Resolve, Regarding Legislative Review of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

## THURSDAY, FEBRUARY 8

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

LD 2180 – Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty Two, a Major Substantive Rule of the Department of Education

LD 2182 – Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education

**Health Coverage, Insurance & Financial Services  
Room 220, Cross Building, 1 p.m.  
Tel: 287-1314**

LD 2122 – An Act to Create Parity in the Licensing of Emergency Medical Services Professionals and Other Health Care Professionals Who Enter Private Residences

LD 2123 – An Act Regarding Licensure of Emergency Medical Services Persons

LD 2156 – An Act to Authorize the Provision of Emergency Medical Treatment for Certain Dogs

**Taxation  
Room 127, State House, 1 p.m.  
Tel: 287-1552**

LD 2023 – An Act to Make Technical Changes to Maine's Tax Laws

LD 2028 – An Act to Amend Certain State Tax Laws

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## Housing Update: Groundhog Day Edition cont'd

*Maine's Housing Supply by Prohibiting Certain Zoning Requirements in Areas Where Public Sewer and Water Infrastructure Are Available and in Designated Growth Areas*, which would limit how municipalities plan and pay for increased impacts on public systems, both sponsored by Rep. James Boyle of Gorham.

Additionally, the committee heard a report back on LD 1672, *An Act to Establish an Affordable Housing Permitting Process*, sponsored by Rep. Traci Gere of Kennebunkport. As highlighted in the Legislative Bulletin on January 12, the bill preempts municipal ordinances by shifting local level decisions over proposed affordable or workforce housing developments to a 7-member board comprised of representatives of vested interests and a token municipal official.

During the report back, the committee analyst pointed out that the use of statutory language to preempt a provision of the Maine Constitution is not permitted by Maine law and the bill as drafted removes subdivision review and replaces it with very oddly specific standards that are out of sync with additional review authority to preempt historic district ordinances, shoreland zoning, and road standards. The make-up of the board was also flagged because the current language contains no provisions for member stipends, confirmation process, term limits, how to address board vacancies, provision of staff, or the requirement

of broad geographic representation.

One member expressed a concern that the bill, as currently drafted, would not allow a developer to use the state level board for the review if a community had no public water and wastewater infrastructure. Instead, they would be subjected to the local review process already in place. If the board could not apply to all municipalities, that was a non-starter. The committee tabled the bill for further consideration on another day.

On Tuesday, the committee met again to review additional bills, including LD 337, *An Act to Amend the Regulations of Manufactured Housing to Increase Affordable Housing*, sponsored by Rep. Cheryl Golek of Harpswell. The bill received an "ought to pass as amended" report, correcting the language to allow the buildings anywhere a single-family residence is allowed. Out of an abundance of caution over how this would affect private covenanted neighborhoods, the bill was further amended to ensure such developments were exempt from municipal preemption.

The final bill of potentially significant municipal impact reviewed by the committee was LD 853, *Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to Housing*, sponsored by Rep. Benjamin Collings of Portland.

The initiative is a noble attempt to adopt a modified version

## IN THE HOPPER

The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the Legislative Bulletin to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, [www.memun.org](http://www.memun.org).

### Energy, Utilities & Technology

LD 2087 – *An Act to Protect Property Owners by Preventing the Use of Eminent Domain to Build Transmission Lines Under the Northern Maine Renewable Energy Development Program* (Sponsored by Sen. Curry of Waldo Cty.)

This bill prohibits the use of eminent domain in the development or construction of a generation connection line or transmission line under the Northern Maine Renewable Energy Development Program.

### Environment & Natural Resources

LD 2135 – *Resolve, to Investigate and Address Municipal Solid Waste Disposal Services Issues* (Emergency) (Sponsored by Rep. Dill of Old Town)

This emergency resolve directs the Department of Administrative and Financial Services, Bureau of General Services and the Department of Environmental Protection

to investigate and make recommendations by April 1, 2024 to the Joint Standing Committee on Environment and Natural Resources to address several critical issues and developments in the State's solid waste management system that affect approximately 159 municipalities in the central and northern areas of the State and sewer and utility districts and departments all across the State.

### Judiciary

LD 2195 – *An Act to Protect Businesses from Fraudulent or Predatory Financial Settlements by Allowing Those Businesses Opportunities to Remove Architectural Barriers in Noncompliance with the Maine Human Rights Act* (Sponsored by Sen. Daughtry of Cumberland Cty.)

This bill amends the Maine Human Rights Act to prevent vexatious lawsuits and provide the owner, operator, lessor or lessee of a place of public accommodation the opportunity to remove an architectural barrier preventing the access to a place of public accommodation to obtain goods or services by an individual who are disabled. Also known as a "right to cure." An individual whose access was limited or prevented to a place of public accommodation must provide written notice, including specifics about the circumstances of the limited or prevented access, to the owner, operator, lessor or lessee of the place of public accommodation. If the owner, operator,

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## Housing Update: Groundhog Day Edition cont'd

of the principles enshrined in the 1948 Universal Declaration of Human Rights – signed and ratified by the United States – that recognizes “adequate housing” as part of the right to an adequate standard of living, which protects the elements of one’s home and privacy. Signed but not ratified, the 1966 International Covenant on Economic, Social and Cultural Rights specifies that states must take steps to provide adequate housing and living conditions for all. Courts from various legal systems have also adjudicated cases related to its enjoyment, covering for instance, forced evictions, tenant protection, discrimination in the housing sphere, and access to basic housing-related services.

Maine already positively affirms these obligations in domestic law through the Maine Human Rights Act.

One of the most common misconceptions associated with the “right to adequate housing” in human rights law is that it requires the State to build housing for an entire population, and that people without housing can automatically demand a house from the government. While most governments, including municipalities, are involved to some degree in housing construction, the right to “adequate housing” does not oblige the government to construct a nation’s entire housing stock. LD 853 may further limit those efforts.

Human rights law is “positive law,” which requires a state to advance an action to deliver on the agreed standard. Constitutional law is “negative law,” which limits the authority of a state to take any action. LD 853 lacks the framework that international instruments provide and defers to the courts to decide what is the limit on government infringement on the “right to housing.”

Are income restrictions to access affordable housing an infringement on a wealthy person’s right to housing or does the requirement to install sprinklers in high density apartment units infringe upon the growth of housing for the individual who cannot afford market driven rent? Only the courts – not the legislature – decide the scope, limits, and application of a constitutional right. Considering that the first challenge to the constitutional amendment regarding the “right to food” had nothing to do with hunger or nutrition as sold, but rather with Sunday hunting restrictions, such questions should not be taken lightly. The test case will not be a palatable one.

Following the reports, the committee members caucused for over an hour to discuss what positions they would take on the bills and then returned to vote in public. Several bills were tabled, including the constitutional amendment and the unconstitutional preemption board.

Combining LD 2138, *Resolve, to Improve Funding for Homeless Shelters*, sponsored by Rep. Colleen Madigan of Waterville with LD 2136, *An Act to Provide Financial Support for Shelters for Unhoused Individuals* sponsored by Rep. Anne-Marie Mastraccio of Sanford, the committee unanimously added a \$10 million appropriation for emergency shelters, and \$2.5 million for low barrier, often referred to as “wet” shelters, that

cannot receive federal funding because they provide shelter to individuals in active substance use, against federal law. Rep. Richard Campbell of Orrington, moved by his experience with a recent visit to the Hope House, asked to further amend the bill to include a study group for the interim session to take a deeper dive on the needs and barriers for such individuals to avoid the need for emergency shelters with intent to offer solutions in the next legislative session.

LD 602, *An Act to Provide Regional Support to Deliver State and Federal Programs to Cities and Towns in the State*, sponsored by Rep. Gere, also received a divided vote out of committee. The bill mandates activities of both regional planning organizations and local councils of government, to provide services to municipalities to advance housing such as regional mapping and ordinance development, and makes an appropriation to support the activity these regional entities are already empowered to do without the statutory language. Should the appropriation fail, the mandate to provide the service will remain.

While sensible progress was made, many more bills will be voted out as this bulletin goes to print today. Stay tuned. The municipal beatings shall continue until the housing market improves, or the legislature adjourns, whichever comes first.



### POTHOLES & POLITICS

**“Potholes & Politics: Local Maine Issues from A to Z”** is a podcast about municipalities in Maine and the people and policies that bring local government to your doorstep. Check out our episodes:

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**Apple Podcasts:** <https://podcasts.apple.com/us/podcast/potholes-politics-local-maine-issues-from-a-to-z/id1634403397>

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## Say What? More Local Control?

There are times when MMA's Legislative Policy Committee opts to not take an official position on a bill, but instead directs staff to keep an eye on the bill's progression. One such bill is LD 2088, *An Act to Change the Number of Agency Liquor Stores Allowed in Certain Municipalities*, sponsored by Senator Matthea Daughtry of Cumberland County. This bill had a public hearing and received mostly supportive or neither for nor against testimony, with the lone opposition coming from the Maine CDC.

On Thursday, a work session was held where the analyst provided a summary of the bill and information that was requested by committee members at the public hearing. Upon research, it was determined that this type of legislation comes up frequently, and some changes have been made to the statutes over the years.

During the discussion on LD 2088, an amendment was offered to add an emergency preamble, making the bill effective once signed by Governor Mills, on the basis that the Bureau of Alcoholic Beverage and Lottery Operations opens two rounds of

liquor licensing annually, spring and fall. By adding an emergency preamble, affected municipalities would be included in the first round of licensing in 2024. Senator Craig Hickman of Kennebec County moved the bill "ought to pass as amended," to include the emergency preamble, as well as the language necessary to convene a stakeholder group to determine whether current state licensing procedures work for municipalities.

After discussion about who would be part of the stakeholder group, when a report back would be appropriate, and other study details, Senator Hickman shared that his goal was to allow more local control for municipalities on this issue.

Well, that is music to MMA's ears—say it louder for those in the back!

The stakeholder group would be comprised of the same individuals who were involved with the retail spirits pricing group, with additional representation from municipalities and law enforcement. The vote was unanimous by all members present and will now move on to the House and Senate.

## HOPPER (cont'd)

lessor or lessee fails to provide a response to the notice within 60 days and fails to remove or make substantial progress in removing the barrier to access within days after providing the response, the affected individual may file a complaint with the Maine Human Rights Commission or file a civil action in the Superior Court.

### Joint Select Committee on Housing

LD 2169 – *An Act to Support the Development of Workforce Housing to Promote Economic Development in Maine* (Sponsored by Sen. Daughtry of Cumberland Cty.)

This bill establishes the Workforce Housing Development Loan Fund in the Department of Economic and Community Development to provide loans to support the development of affordable workforce housing. The department is directed to solicit applications for loans from the fund through a competitive application process and authorized to award loans to community banks at an interest rate of 0% to provide funding to developers for the construction of housing for employees who earn 60% to 120% of the area median income as determined by the United States Department of Housing and Urban Development.

### Marine Resources

LD 2065 – *An Act to Amend Maine's Aquaculture Leasing Laws* (Sponsored by Rep. Hepler of Woolwich)

This bill amends the laws governing the aquaculture leasing process. It eliminates provisions that are no longer applicable

regarding operations that were in effect prior to January 1, 1994. It amends the notice requirement for standard lease applications to the general public to specify that notice must be published once in a newspaper of general circulation in the area of the State affected and by any other manner considered appropriate by the Department of Marine Resources. Of municipal interest, the bill requires; (1) the department to send a completed copy of the application and notice of hearing to the owners of riparian land and the municipal officers of the municipalities in or adjacent to the location of the lease; (2) changes the 30-day deadline for comments on proposed limited purpose leases from 30 days from receipt of notice to 30 days specified in the notice or within the publication of the limited purpose lease summary and; (3) prohibits the commissioner from issuing a lease under this subsection for the intertidal zone within the municipality without the consent of the municipal officer in municipalities with a shellfish conservation program under section 6671.

### State & Local Government

LD 2101 – *An Act to Strengthen Shoreland Zoning Enforcement (Emergency)* (Sponsored by Sen. Nangle of Cumberland Cty.)

This emergency bill authorizes a municipality to restrict the issuance of or suspend or revoke any municipally issued permit to the owner of real estate who violates a shoreland zoning ordinance. It authorizes the municipality to claim a lien against the real estate for all costs incurred by the municipality and any unpaid penalties related to the ordinance violation.

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## A Surge in Storm Recovery Efforts

The December 18, 2023 storm that destroyed infrastructure and took the lives of four Mainers has now been declared a disaster by President Biden, opening up opportunities for federal funding, in the form of public assistance, to local governments in Androscoggin, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset, Waldo and Washington counties. Additional federal funding will be made available as individual aid to residents in Androscoggin, Franklin, Kennebec, Oxford, and Somerset counties. While the President hasn't yet addressed the back-to-back January coastal storms, both local and state governments are already hard at work planning for the massive rebuilding effort that will eventually begin.

Early in January, the Department of Environmental Protection (DEP) brought forth LD 2030, *An Act to Exempt Certain Emergency Activities and Structure Elevation Increases in Flood Zones from Permit Requirements Under the Natural Resources Protection Act (NRPA)*, sponsored by Sen. Peter Lyford of Penobscot County. After several revisions and amendments, the Environment and Natural Resources Committee voted the bill out as "ought to pass as amended."

As amended, the bill will streamline the process of rebuilding piers, wharves, docks, and other structures in coastal wetland areas, while also providing protection for those same structures in coastal sand dune systems. Elevation increases needed during reconstruction to prevent future flood damage will now be allowed through the permit by rule process, provided specific parameters are met. In addition, the bill provides that government entities, both state and local, can undertake emergency remediation activities, without the burden of applying for a NRPA permit through the department, "in, on, over or adjacent to a

river, stream or brook when the emergency activity is necessary to alleviate an immediate threat."

As DEP staff stated in initial testimony, if this allowance had been law in December, many municipalities in western Maine would have been able to act more quickly to address the storm related emergencies in their communities. Several additional variables will still need to be considered by residents looking to rebuild, and planning boards wanting to approve those efforts.

The tasks ahead for both residents and municipalities will not be easy, but Mainers are nothing if not resilient. To stay up to date going forward, visit the DEP website for their Storm Recovery Resources. <https://www.maine.gov/tools/whatsnew/index.php?topic=DEPalert&id=12195672&v=Article>

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## HOPPER (cont'd)

### Taxation

LD 2027 – *An Act to Clarify the Property Tax Exemption for Air Pollution Control Facilities (Emergency)* (Sponsored by Sen. Reny of Lincoln Cty.)

This emergency bill specifies that a facility that stores spent nuclear fuel or radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste may not be considered an air pollution control facility for purposes of eligibility for an exemption from property taxation, which applies retroactively to property tax years beginning on or after April 1, 2022 and to any actions or proceedings pending at the time of passage of the bill.

LD 2076 – *An Act to Exempt from Excise Tax Vehicles of Active Duty Service Members Stationed Out-of-state* (Sponsored by Rep. Lemelin of Chelsea)

This bill expands eligibility for an exemption from payment of motor vehicle excise taxes to include a person on active duty stationed outside the State or who is deployed for more than 180 days. It further amends the exemption to include members of the National Guard and the Reserves of the United States Armed Forces. Finally, the bill repeals the provision of law that establishes a local option for municipalities to pass an ordinance offering the exemption established by the bill.

LD 2111 – *An Act Regarding the Timeline for Property Tax Abatement Based on Hardship or Poverty* (Sponsored by Sen. Timberlake of Androscoggin Cty.)

The bill aligns the deadline for filing an application for property tax abatement based on hardship or poverty, which may be filed up to three years from the date of commitment, with the timeline of the foreclosure process, in which liens automatically foreclose 18 months from the date of filing.



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## HOPPER (cont'd)

LD 2162 – *An Act Regarding the Homestead Property Tax Exemption and the Property Value Reassessment Process* (Emergency) (Sponsored by Rep. Ankeles of Brunswick)

For tax years beginning on April 1, 2024, this emergency bill provides an additional \$15,000 homestead exemption on homes with assessed values of \$100,000 or less and provides 100% state reimbursement for the lost property tax revenue associated with the \$15,000 increase. The bill also amends the definition of “working waterfront land” under the current use valuation program to include wharfs or piers used by persons engaged in commercial fishing activities that include berthing a boat and the location of small fishing houses for commercial fishing gear maintenance and storage; increases from 20% to 30% the reduction in assessed value for land used *predominantly* as working waterfront land; increases from 10% to 20% the reduction in assessed value for land used *primarily* as working waterfront land; and requires the assessor to delay payment of a penalty, for up to two years, associated with withdrawal from the program when requested by a landowner who is unable to pay the fee due to market

conditions beyond the owner’s control, injury or incapacitating event. Finally, the bill requires the State tax assessor to create an information bulletin regarding the changes to the working waterfront current use program.

### Transportation

LD 2072 – *An Act to Amend the Laws Governing Motor Vehicles* (Presented by Sen. Nangle of Cumberland Cty. on behalf of the Secretary of State)

This bill makes several changes to the laws governing motor vehicles. Of municipal note, the bill clarifies that vans and sport utility vehicles may be registered as farm trucks; clarifies that a set of disabled veteran plates are optional for a veteran who has lost both legs or the use of both legs when the veteran receives a registration fee and excise tax exemption; clarifies that the Secretary of State may issue a registration certificate and special designating plates for more than one vehicle owned by certain disabled veterans; and allows for the issuance of titles for semitrailers no more than 25 years old.