# Legislative Committee Meeting

January 26, 2021

## AGENDA

### I. ZOOM Information

a. The Legislative Committee will hold a meeting on Tuesday, January 26, 2021 at 8:00 AM.T his meeting will take place remotely using Zoom.
Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online.
Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public.
Please click the link below to join the webinar:
https://us02web.zoom.us/j/89370662286?pwd=RmFNV0dJdGlsZkQxNzIzUHpCRUlyZz09
Passcode: 427032
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US: +13017158592,,89370662286#,,,,*427032# or
+13126266799,,89370662286#,,,,*427032#
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Dial(for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
Webinar ID: 893 7066 2286
Passcode: 427032
International numbers available: https://us02web.zoom.us/u/kb9MZhdNMd

### II. Call to Order

### III. Approval of January 19, 2021 Meeting minutes

a. January 19, 2021 Meeting Minutes

**IV. Legislative Update**

a. LD 57 (An Act to Reduce the Landfilling of Municipal Solid Waste)

b. LD 58 (An Act to Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse)

c. LD 69 (An Act to Reduce Duplicative Permitting Reviews for Projects Under the Site Location of Development Laws)

d. LD 81 (An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods)

e. LD 100 (An Act To Establish the General Election Date in United States Presidential Election Years as a State Holiday)

f. LD 102 (An Act To Extend the Time Frame for Processing Absentee Ballots)

g. LD 112 (An Act To Facilitate the Timely and Accurate Counting of Absentee Ballots By Extending the Processing Period)

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

i. January 22, 2021 Legislative Tracker

**V. 2021 Work Plan**

a. 2021 Work Plan

**VI. Adjournment**

**Legislative Committee**
**January 19, 2021 Meeting Minutes**

The January 19, 2021 remote Committee meeting was called to order by Chair Pious Ali at 8:00 AM on Zoom.

Councilor Pious Ali (Chair), Councilor April Fournier, Council Nick Mavodones, Mayor Kate Snyder, Jon Jennings (City Manager), Dena Libner (Chief of Staff), Greg Mitchell (Economic Director), Kate Knox (Bernstein Shur), Alysia Melnick (Bernstein Shur), and Chris Feeney (Bernstein Shur) were present.

Councilor Fournier made a motion to approve the meeting minutes from January 12, 2021, seconded by Councilor Mavodones, vote 4-0.

Based on feedback provided by staff, the Committee directed Bernstein Shur to include LD 24 (An Act Regarding Certificates of Birth, Marriage and Death) and LD 39 (An Act To Remove the Plastic Bag Ban) in their weekly tracking reports.

Staff analysis of LD 37 (An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program) was postponed until the following week.

Kate Knox reviewed the list of new bills with the Committee. Members asked her to track:

- LD 44 (An Act To Establish the Summer Success Pilot Program Fund);
- LD 47 (An Act To Fund the State's Free Health Clinics);
- LD 48 (A Resolve to Require DHHS to Request a Waiver Relating to Support Services and To Provide Funds To Prevent Homelessness);

DRAFT

- LD 49 (A bond bill to invest in infrastructure to address sea level rise);
- LD 55 (An Act to Protect Minority Religious Groups by Eliminating the Prior Approval Requirement for School Absence);
- LD 50 (An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless);
- LD 73 (An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters To Use Red and White Auxiliary Lights and Sirens When Responding to Emergencies
- LD 81 (An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods);
- LD 84 (An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers);
- LD 87 (An Act To Implement the State Climate Action Plan, Reduce Greenhouse Gas Emissions and Enhance Maine's Economy);
- LD 94 (An Act To Allow Municipalities To Exempt Volunteer Firefighters from Paying Excise Tax on Their Vehicles Used To Respond to Fire Calls);
- LD 96 (An Act To Create Fairness in the Treatment of Students by Retaining Students with Certain Vaccine Exemptions);
- LD 97 (An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union);
- LD 100 (An Act To Establish the General Election Date in United States Presidential Election Years as a State Holiday);
- LD 102 (An Act To Extend the Time Frame for Processing Absentee Ballots);
- LD 112 (An Act To Facilitate the Timely and Accurate Counting of Absentee Ballots By Extending the Processing Period).

Committee members requested staff feedback on additional new bills, including:

- LD 52 (An Act Regarding Collective Bargaining Negotiations by Public Employers of Teachers) (feedback from School Board requested);
- LD 57 (An Act to Reduce the Landfilling of Municipal Solid Waste);
- LD 58 (An Act to Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse);

DRAFT

- LD 69 (An Act to Reduce Duplicative Permitting Reviews for Projects Under the Site Location of Development Laws);
- LD 81 (An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods);
- LD 100 (An Act To Establish the General Election Date in United States Presidential Election Years as a State Holiday);
- LD 102 (An Act To Extend the Time Frame for Processing Absentee Ballots);
- LD 112 (An Act To Facilitate the Timely and Accurate Counting of Absentee Ballots By Extending the Processing Period);
- LD 108 (An Act To Improve Public Safety by Repealing the Single-use Plastic Carry out Bag Ban).

Committee members reviewed a memo from the Police Chief about the Department's legislative priorities. The Committee was split in its support of the priorities (Mavodones and Snyder in support, Fournier and Ali opposed), so Kate Knox was asked to pull the bill.

Committee members agreed to include the draft 2021 Work Plan for discussion in an upcoming Council Workshop, and review the Plan at the following Legislative Committee meeting.

Greg Mitchell provided background on a piece of legislation proposing TIF changes. He recommended that the Committee support and track the bill, and members agreed.

Mayor Snyder made a motion to adjourn the meeting, seconded by Councilor Fournier, vote 4-0. The meeting was adjourned at 9:00 AM.

DRAFT

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 57**

H.P. 23 House of Representatives, January 13, 2021

**An Act To Reduce the Landfilling of Municipal Solid Waste**

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.
Cosponsored by Senator CHIPMAN of Cumberland.

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**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §2203-A, sub-§1,** as amended by PL 2015, c. 461, §8, is further amended to read:

**1. Fees.** Unless otherwise provided by rule adopted in accordance with subsection 3, fees are imposed in the following amounts to be levied for solid waste that is disposed of at commercial, municipal, state-owned and regional association landfills.

| | |
|---|---|
| Asbestos | $5 per cubic yard |
| Oil-contaminated soil, gravel, brick, concrete and other aggregate | $25 per ton |
| Waste water facility sludge | $5 per ton |
| Ash, coal and oil | $5 per ton |
| Paper mill sludge | $5 per ton |
| Industrial waste | $5 per ton |
| Sandblast grit | $5 per ton |
| All other special waste | $5 per ton |
| Municipal <u>solid waste or municipal</u> solid waste ash | $1 per ton |
| Front end process residue (FEPR) | $1 per ton |
| Construction and demolition debris and residue from the processing of construction and demolition debris | $2 per ton |

**Sec. 2. 38 MRSA §2204,** as amended by PL 2015, c. 461, §§10 and 11, is repealed.

## SUMMARY

This bill repeals the existing $2 per ton municipal solid waste surcharge statute in the laws governing solid waste management. It also amends the State's waste handling fee statute to impose a $1 per ton disposal fee on all municipal solid waste disposed of at a commercial, municipal, state-owned or regional association landfill.

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 58**

H.P. 24 House of Representatives, January 13, 2021

**An Act To Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative HARNETT of Gardiner.

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**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 16 MRSA §806, sub-§1,** as amended by PL 2013, c. 507, §6, is further amended to read:

**1. A government agency responsible for ~~investigating child or adult abuse, neglect or exploitation or~~ regulating facilities and programs providing care to children or adults.** A government agency or subunit of a government agency in this State or another state that pursuant to statute is responsible for ~~investigating abuse, neglect or exploitation of children or incapacitated or dependent adults or for~~ licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults if the intelligence and investigative record information concerns the investigation of suspected abuse, neglect or exploitation;

**Sec. 2. 16 MRSA §806, sub-§1-A** is enacted to read:

**1-A. A government agency responsible for investigating child or adult abuse.** A government agency or subunit of a government agency in this State or another state that pursuant to statute is responsible for investigating abuse, neglect or exploitation of children or incapacitated or dependent adults;

## SUMMARY

This bill expands the authority of criminal justice agencies to share confidential intelligence and investigative record information with government agencies responsible for the investigation of abuse, neglect or exploitation of children or incapacitated or dependent adults.

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 69**

H.P. 35 House of Representatives, January 13, 2021

**An Act To Reduce Duplicative Permitting Review for Projects under the Site Location of Development Laws**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.

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**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §488, sub-§19,** as amended by PL 2015, c. 28, §1, is further amended to read:

**19. Municipal capacity.** A structure, as defined in section 482, subsection 6, that is from 3 acres up to and including ~~7~~ 10 acres or a subdivision, as defined in section 482, subsection 5, that is made up of 15 or more lots for single-family, detached, residential housing, common areas or open space with an aggregate area of from 30 acres up to and including 100 acres is exempt from review under this article if it is located wholly within a municipality or municipalities meeting the criteria in paragraphs A to D as determined by the department and it is located wholly within a designated growth area as identified in a comprehensive plan adopted pursuant to Title 30-A, chapter 187, subchapter 2. The planning board of the municipality in which the development is located or an adjacent municipality may petition the commissioner to review such a structure or subdivision if it has regional environmental impacts. This petition must be filed within 20 days of the receipt of the application by the municipality. State jurisdiction must be exerted, if at all, within 30 days of receipt of the completed project application by the commissioner from the municipality or within 30 days of receipt of any modification to that application from the municipality. Review by the department is limited to the identified regional environmental impacts. The criteria are as follows:

A. A municipal planning board or reviewing authority is established and the municipality has adequate resources to administer and enforce the provisions of its ordinances. In determining whether this criterion is met, the commissioner may consider any specific and adequate technical assistance that is provided by a regional council;

B. The municipality has adopted a site plan review ordinance. In determining the adequacy of the ordinance, the commissioner may consider model site plan review ordinances commonly used by municipalities in this State that address the issues reviewed under applicable provisions of this article prior to July 1, 1997;

C. The municipality has adopted subdivision regulations. In determining the adequacy of these regulations, the commissioner may consider model subdivision regulations commonly used by municipalities in this State; and

D. The former State Planning Office or the Department of Agriculture, Conservation and Forestry has determined that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The department, in consultation with the Department of Agriculture, Conservation and Forestry, shall publish a list of those municipalities determined to have capacity pursuant to this subsection. This list need not be established by rule and must be published by January 1st of each year. The list must specify whether a municipality has capacity to review structures or subdivisions of lots for single-family, detached, residential housing, common areas or open space or both types of development. The department may recognize joint arrangements among municipalities and regional organizations in determining whether the requirements of this subsection are met. The department may review

municipalities that are determined to have capacity pursuant to this subsection for compliance with the criteria in paragraphs A to D, and if the department determines that a municipality does not meet the criteria, the department may modify or remove the determination of capacity.

A modification to a development that was reviewed by a municipality and exempted pursuant to this subsection or was reviewed by the department prior to a determination that a municipality has capacity pursuant to this subsection is exempt as long as the modification will not cause the total area of the development to exceed the maximum acreage specified in this subsection for that type of development or, based upon information submitted by the municipality concerning the development and modification, the department determines that the modification may be adequately reviewed by the municipality.

**Sec. 2. 38 MRSA §489-A, sub-§1, ¶H,** as enacted by PL 1999, c. 243, §17, is amended to read:

H. Structures as described in section 482, subsection 6 in excess of 3 acres but less than ~~7~~ 10 acres.

## SUMMARY

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

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 81**

H.P. 47 House of Representatives, January 13, 2021

**An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.

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**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §8101, sub-§2,** as amended by PL 2013, c. 179, §7, is further amended to read:

**2. Emergency children's shelter.** "Emergency children's shelter" means a facility that operates to receive children 24 hours a day and that limits placement to ~~30~~ 60 consecutive days or less. For purposes of this section, the definition of "children" includes a person under 21 years of age. "Emergency children's shelter" does not mean a family foster home or specialized children's home. If emergency shelter is a service provided by a children's residential care facility, the service is restricted to a designated physical area of the facility.

**Sec. 2. 22 MRSA §8101, sub-§4-A,** as amended by PL 2013, c. 179, §7, is further amended to read:

**4-A. Shelter for homeless children.** "Shelter for homeless children" means a facility designed to provide for the overnight lodging and supervision of children 10 years of age or older for no more than ~~30~~ 60 consecutive overnights. For purposes of this section, the definition of "children" includes a person under 21 years of age.

## SUMMARY

This bill amends the laws governing facilities for children. It amends the definition of "emergency children's shelter" to extend placement from 30 consecutive days or less to 60 consecutive days or less, and it amends the definition of "shelter for homeless children" to extend the limit on overnight lodging and supervision from 30 consecutive overnights to 60 consecutive overnights.

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 100**

H.P. 66 House of Representatives, January 13, 2021

**An Act To Establish the General Election Date in United States Presidential Election Years as a State Holiday**

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative MORIARTY of Cumberland.

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**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 4 MRSA §1051,** as amended by PL 2019, c. 59, §1 and c. 475, §49, is repealed and the following enacted in its place:

**§1051. Closings for legal holidays**

This section governs the days on which court may not be held.

**1. Legal holidays.** Court may not be held on Sunday or:

A. Any day designated for the annual Thanksgiving;

B. New Year's Day, January 1st;

C. Martin Luther King, Jr., Day, the 3rd Monday in January;

D. Washington's Birthday, the 3rd Monday in February;

E. Patriot's Day, the 3rd Monday in April;

F. Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May;

G. The 4th of July;

H. Labor Day, the first Monday of September;

I. Indigenous Peoples Day, the 2nd Monday in October;

J. Election Day, the Tuesday following the first Monday in November, in any year in which the President of the United States is elected;

K. Veterans Day, November 11th; or

L. Christmas Day.

**2. Exception; Sundays.** The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when the Chief Justice finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following must be observed as a holiday, with all the privileges applying to any of the days named in this section.

**Sec. 2. 5 MRSA §59** is enacted to read:

**§59. Election Day established as state holiday in presidential election year**

Election Day, the Tuesday following the first Monday in November, is a state holiday in any year in which the President of the United States is elected, and all nonessential state offices must be closed.

**Sec. 3. 9-B MRSA §145, sub-§1, ¶I-1** is enacted to read:

I-1. The first Tuesday after the first Monday in November, Election Day, in any year in which the President of the United States is elected;

**Sec. 4. 20-A MRSA §4802, sub-§1, ¶E-1** is enacted to read:

E-1. Election Day, the first Tuesday after the first Monday in November, in any year in which the President of the United States is elected;

## SUMMARY

This bill designates Election Day, the first Tuesday after the first Monday in November, as a state holiday in any year in which the President of the United States is elected.

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 102**

H.P. 68 House of Representatives, January 13, 2021

**An Act To Extend the Time Frame for Processing Absentee Ballots**

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative MORIARTY of Cumberland.

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**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 21-A MRSA §760-B, first ¶,** as amended by PL 2019, c. 371, §37, is further amended to read:

Any municipality or jurisdiction that conducts its own elections may opt to process absentee ballots beginning on the ~~4th~~ 7th day immediately prior to election day. The clerk shall use the following procedure when processing the absentee ballots during this time.

## SUMMARY

Current law allows a municipality or jurisdiction that conducts its own elections to process absentee ballots beginning on the 4th day immediately prior to election day. This bill allows a municipality or jurisdiction to process absentee ballots beginning on the 7th day immediately prior to election day.

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 112**

H.P. 78 House of Representatives, January 13, 2021

**An Act To Facilitate the Timely and Accurate Counting of Absentee Ballots By Extending the Processing Period**

Received by the Clerk of the House on January 13, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative ROBERTS of South Berwick.
Cosponsored by Senator LUCHINI of Hancock and
Representatives: DUNPHY of Old Town, McCREA of Fort Fairfield, McCREIGHT of Harpswell, MEYER of Eliot, PIERCE of Falmouth, Senator: LAWRENCE of York.

Printed on recycled paper

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 21-A MRSA §760-B, first ¶,** as amended by PL 2019, c. 371, §37, is further amended to read:

Any municipality or jurisdiction that conducts its own elections may opt to process absentee ballots beginning on the ~~4th~~ 7th day immediately prior to election day. The clerk shall use the following procedure when processing the absentee ballots during this time.

## SUMMARY

Current law allows a municipality or jurisdiction that conducts its own elections to process absentee ballots beginning on the 4th day immediately prior to election day. This bill allows a municipality or jurisdiction to process absentee ballots beginning on the 7th day immediately prior to election day.

# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

**Legislative Document** **No. 108**

H.P. 74 House of Representatives, January 13, 2021

**An Act To Improve Public Safety by Repealing the Single-use Plastic Carry-out Bag Ban**

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.
Cosponsored by Senator GUERIN of Penobscot and
Representatives: CARMICHAEL of Greenbush, DUCHARME of Madison, GIFFORD of Lincoln, GRIGNON of Athens, HALL of Wilton, KINNEY of Knox, PARRY of Arundel, THORNE of Carmel.

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**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §1605,** as repealed by PL 2019, c. 346, §1, is reenacted to read:

**§1605. Plastic bags; recycling**

A retailer may use plastic bags to bag products at the point of retail sale only if the retailer:

**1. Location.** Locates inside the store or within 20 feet of the main entrance to the store a receptacle for collecting any used plastic bags; and

**2. Recycles.** Ensures that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics.

**Sec. 2. 38 MRSA §1611,** as amended by PL 2019, c. 617, Pt. J, §§1 and 2 and c. 674, §1, is repealed.

## SUMMARY

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

The purpose of this repeal is to allow the use of single-use bags instead of reusable bags and prevent the spread of disease that may exist on reusable bags.

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 24 | 185 | An Act Regarding Certificates of Birth, Marriage and Death | Carney | HHS | This bill amends the laws regulating certificates of birth, marriage and death. It clarifies that the signatures on a marriage license of the parties to the intended marriage may be obtained at the issuance of the license or at the time the marriage is solemnized. It requires that when a death or marriage occurs in an unincorporated place, it must be recorded or registered in the electronic registration system. It also clarifies that a birth certificate may be amended by the replacement of a genetic parent. The bill also corrects a conflict created by Public Law 2019, chapters 82 and 340, which affected the same provision of law, by incorporating the changes made by both laws. | Monitor - city staff to check | | | | Certificates | |
| 32 | 325 | An Act Regarding Remote Participation in Public Proceedings | Stewart | JUD | This bill authorizes municipal, county and school boards to adopt a policy allowing members of the body to participate remotely in a public proceeding. It extends the same authority to the University of Maine System, Maine Maritime Academy, the Maine Community College System and other state and regional boards and commissions. Under the policy, a public body may allow the public to attend and observe via remote means. If the public may attend remotely, the notice of the public proceeding must inform the public how to attend remotely. Unless the only way for the public to attend is by remote means, the notice must also identy the location where the public can attend in person. | Support | 2/2/21<br>1:00 PM<br>Rm 438 SH | | | Public meetings | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 37 | 336 | An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program (Emergency) | Libby | LH | This bill amends language contained in Public Law 2019, chapter 446 governing contributions under the open enrollment provisions of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. Currently, the law requires a person hired on or after October 1, 2019 to enroll no later than 5 years after hire, conditioned on the enrollment and eligibility requirements of the applicable health plan; this bill removes that condition. The bill also changes the percentage of gross wages for contributions and the time period during which contributions of gross percentages must be made. The bill removes the requirement of 60 months of contributions by enrollees. The bill also changes the State's payment of certain premium subsidies from payment to the plan to payment directly to enrollees. The amendments to the open enrollment provisions are retroactive to September 19, 2019, and the Department of Administrative and Financial Services, Bureau of Human Resources, office of employee health and benefits is required to ensure correct contribution amounts for those who enrolled between September 19, 2019 and the effective date of this legislation. | Monitor - city staff to check | 2/3/21 10:00 AM Rm 202 COB | | | Insurance | |
| 39 | 539 | An Act To Remove the Plastic Bag Ban | Guerin | ENR | This bill repeals the law restricting the use of single-use carry-out plastic bags by retail stores and instead allows a retailer to use plastic bags to bag products at the point of retail sale if the retailer locates inside the store or within 20 feet of the main entrance to the store a receptacle for collecting any used plastic bags and ensures that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics. | Monitor | | | | Plastic bags | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 44 | 428 | An Act To Establish the Summer Success Pilot Program Fund | Pierce | ECA | This bill establishes the Summer Success Pilot Program Fund and requires the Commissioner of Education to use the fund to encourage the facilitation of high-quality summer success pilot programs in school administrative units throughout the State and does the following: 1. It provides that the fund is established as a General Fund carrying account within the Department of Education to be directed and administered by the commissioner and held by the Treasurer of State and that only General Fund appropriations may be paid into the fund; 2. It requires the commissioner to establish standards and approval for the allocation and use of fund money for summer success pilot programs offered at elementary and secondary schools in the State. It also allows the commissioner to include the following in the standards: A. Guidelines similar to those of the federal 21st Century Community Learning Centers program to close the achievement gap between high-performing and low38 performing students; B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer | | | | | School | |
| 47 | 269 | An Act To Fund the State's Free Health Clinics | Brennan | HHS | This bill provides one-time funding to support free health clinics in the State. | | | | | Health | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 48 | 270 | Resolve, To Require the Department of Health and Human Services To Request a Waiver Relating to Support Services and To Provide Funds To Prevent Homelessness | Brennan | HHS | This resolve requires the Department of Health and Human Services to apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a waiver from the requirements of federal law and regulations to allow Maine to provide Medicaid-funded direct support services to individuals experiencing homelessness. In addition, the resolve provides ongoing funds to the Housing First Assistance Program established within the Maine State Housing Authority to be distributed to community action agencies to assist individuals on the verge of becoming homeless. | | | | | Support services | |
| 49 | 271 | An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise (Bond) | Brennan | AFA | The funds provided by this bond issue, in the amount of $50,000,000, will be used to improve waterfront and coastal infrastructure in municipalities to address sea level rise. | | | | | Bond | |
| 50 | 272 | An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless (Bond) | Brennan | AFA | The funds provided by this bond issue, in the amount of $15,000,000, will be used for capital construction costs for housing for persons who are homeless. | | | | | Bond | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 52 | 278 | An Act Regarding Collective Bargaining Negotiations by Public Employers of Teachers | Brennan | LH | Current law provides that public employers of teachers must meet and consult but not negotiate with respect to educational policies. This bill provides that educational policies related to preparation and planning time and transfer of teachers are permissive subjects of negotiation if both parties agree. This bill also specifies the obligation of public employers of teachers regarding the meet and consult process. It is the intent of the amendment to put in statute the meet and consult process as outlined in Southern Aroostook Teachers Association v. Southern Aroostook Community School Committee, MLRB No. 80-35, 80-40 (April 14, 1982). In addition, the bill provides that the bargaining agent may initiate the meet and consult process by notifying the public employer of teachers when an existing educational policy of the public employer of teachers is changed by practice or if the written notice required from the public employer of teachers is inadvertently omitted. | | | | | School | |
| 55 | 261 | An Act To Protect Minority Religious Groups by Eliminating the Prior Approval Requirement for a School Absence for a Recognized Religious Holiday | Fecteau | ECA | This bill removes the requirement for prior approval for a school absence for a recognized religious holiday. | | | | | School | |
| 57 | 279 | An Act To Reduce the Landfilling of Municipal Solid Waste | Tucker | ENR | This bill repeals the existing $2 per ton municipal solid waste surcharge statute in the laws governing solid waste management. It also amends the State's waste handling fee statute to impose a $1 per ton disposal fee on all municipal solid waste disposed of at a commercial, municipal, state-owned or regional association landfill. | | | | | Landfill | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 58 | 105 | An Act To Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse | Harnett | CJPS | This bill expands the authority of criminal justice agencies to share confidential intelligence and investigative record information with government agencies responsible for the investigation of abuse, neglect or exploitation of children or incapacitated or dependent adults. | | | | | Information sharing | |
| 68 | 724 | An Act To Introduce a Career and Fiscal Management Elective Course at the High School Level | Crockett | ECA | This bill requires school administrative units operating a secondary school to offer a career and fiscal management course to students. | | | | | School | |
| 69 | 136 | An Act To Reduce Duplicative Permitting Review for Projects under the Site Location of Development Laws | Tucker | ENR | Under current law, a structure that is from 3 acres to 7 acres is exempt from review under the site location of development laws if certain criteria are met. This bill changes the upper acreage limit from 7 acres to 10 acres. | | | | | Permitting | |
| 70 | 309 | An Act To Allow a Parent or Guardian of a Student Who Has Been Affected by COVID-19 To Keep the Student in the Student's Current Grade Level (Emergency) | Fecteau | ECA | This bill allows a parent or legal guardian of a student to request, by written notice to the principal of the student's school or to the superintendent of the school administrative unit in which the student attends school, that the student not be promoted to the next grade level or graduated due to the various effects of COVID-19 and the related pandemic on the student's learning during the 2019-2020 and 2020-2021 school years. It requires the principal or superintendent to approve the request as long as the student's school can accommodate adding the student to the affected grade level. | | | | | School | |
| 73 | 9 | An Act To Authorize Municipalities To Allow Harbor Masters and Deputy Harbor Masters To Use Red and White Auxiliary Lights and Sirens When Responding to Emergencies | McCreight | TRAN | This bill allows a municipality to authorize a harbor master or deputy harbor master to use a siren and a combination of red and white auxiliary lights on a vehicle when responding to a watercraft emergency. | | 1/26/21<br>1:00 PM<br>Rm 126 SH | | | Harbor | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 81 | 70 | An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods | Meyer | HHS | This bill amends the laws governing facilities for children. It amends the definition of "emergency children's shelter" to extend placement from 30 consecutive days or less to 60 consecutive days or less, and it amends the definition of "shelter for homeless children" to extend the limit on overnight lodging and supervision from 30 consecutive overnights to 60 consecutive overnights. | | | | | Shelter | |
| 84 | 322 | An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers (Emergency) | Faulkingham | ECA | This bill requires the State to pay 55% of a retired teacher's share of the premium for group accident and sickness or health insurance after June 30, 2021. It also removes some outdated language. | | | | | Insurance | |
| 87 | 1961 | An Act To Implement the State Climate Action Plan, Reduce Greenhouse Gas Emissions and Enhance Maine's Economy | Tucker | ENR | This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to implement strategies in the state climate action plan aimed at reducing greenhouse gas emissions through a variety of high-priority, cost-effective measures that will help strengthen the State's economy. | | | | | Environment | |
| 94 | 253 | An Act To Allow Municipalities To Exempt Volunteer Firefighters from Paying Excise Tax on Their Vehicles Used To Respond to Fire Calls | Doudera | TAX | This bill authorizes municipalities to adopt an ordinance extending a vehicle excise tax exemption to volunteer firefighters. | | | | | Tax | |
| 96 | 22 | An Act To Create Fairness in the Treatment of Students by Retaining Students with Certain Vaccine Exemptions | Faulkingham | ECA | Current law allows a student covered by an individualized education plan who elected a philosophical or religious exemption from immunization on or before September 1, 2021 to continue to attend school after September 1, 2021 without being immunized as long as certain statements regarding acknowledgement of the risks and benefits associated with the choice to immunize are provided. This bill extends that exemption to any student who elected a philosophical or religious exemption from immunization on or before September 1, 2021. | | | | | School | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 97 | 219 | An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union | Faulkingham | LH | This bill prohibits a person, either in the public or private sector, from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations. | | | | | Union | |
| 100 | 468 | An Act To Establish the General Election Date in United States Presidential Election Years as a State Holiday | Moriarty | SLG | This bill designates Election Day, the first Tuesday after the first Monday in November, as a state holiday in any year in which the President of the United States is elected. | | 2/3/21<br>10:00 AM<br>Rm 214 COB | | | Holiday | |
| 102 | 467 | An Act To Extend the Time Frame for Processing Absentee Ballots | Moriarty | VLA | Current law allows a municipality or jurisdiction that conducts its own elections to process absentee ballots beginning on the 4th day immediately prior to election day. This bill allows a municipality or jurisdiction to process absentee ballots beginning on the 7th day immediately prior to election day. | | 2/1/21<br>9:00 AM<br>Rm 437 SH | | | Ballots | |
| 108 | 220 | An Act To Improve Public Safety by Repealing the Single-use Plastic Carry-out Bag Ban | Faulkingham | ENR | This bill repeals the law restricting the use of single-use carry-out plastic bags by retail stores and instead allows a retailer to use plastic bags to bag products at the point of retail sale if the retailer locates inside the store or within 20 feet of the main entrance to the store a receptacle for collecting any used plastic bags and ensures that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics. The purpose of this repeal is to allow the use of single-use bags instead of reusable bags and prevent the spread of disease that may exist on reusable bags. | | | | | Plastic bags | |

| LD # | LR # | Title | Sponsor | Cmte | Summary | COP Position | Public Hearing | Work Session | Status | Category | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 111 | 474 | An Act To Allow Career Educators To Retire without Penalty | Tuell | LH | This bill allows teachers and school administrators in service after 35 years of creditable service to retire and collect retirement benefits without penalty. It also requires that a reemployed retired teacher or retired school administrator pay the same employee contribution rate to the retirement system as is required for the position if the position were filled by an employee who is not retired. | | 2/3/21<br>10:00 AM<br>Rm 202 COB | | | School | |
| 112 | 657 | An Act To Facilitate the Timely and Accurate Counting of Absentee Ballots By Extending the Processing Period | Roberts | VLA | Current law allows a municipality or jurisdiction that conducts its own elections to process absentee ballots beginning on the 4th day immediately prior to election day. This bill allows a municipality or jurisdiction to process absentee ballots beginning on the 7th day immediately prior to election day. | | 2/1/21<br>9:00 AM<br>Rm 437 SH | | | Ballots | |
| | 1847 | An Act To Allow the Bureau of Motor Vehicles To Assist in the Critical Incident Contact Chain | Sanborn | | | Need language | | | | | |
| | 1848 | An Act To Allow Tax Abatements for Catastrophic Loss | Sanborn | | | Need language | | | | | |
| | 1849 | An Act To Assist Maine's Working Waterfront | Sanborn | | | Need language | | | | | |

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# Memorandum

**To:** Portland, City of

**From:** Bernstein Shur

**Date:** January 22, 2021

**Re:** New Legislative Bills Report

Please find below the new legislative documents (LD) printed this week that we have flagged to be of possible interest to your organization. Please indicate to us which bills you would like included on your tracking report.

Thank you.

**LD 129** (SP64)
Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants

**LD 132** (HP88)
An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine

**LD 133** (HP89)
An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations

**LD 135** (HP91)
An Act To Address Issues in Funding Prekindergarten Programs

**LD 137** (HP93)
An Act Regarding Absence from Work for Emergency Response

**LD 148** (HP104)
An Act To Establish Ongoing Absentee Voting

**LD 150** (HP106)
An Act To Authorize a General Fund Bond Issue To Fund Hazardous Substance Site

Cleanups

**LD 152** (HP108)
An Act To Address Training Requirements for Harbor Masters

**LD 155** (HP111)
Resolve, Directing the Board of Pesticides Control To Prohibit the Use of Certain Neonicotinoids for Outdoor Residential Use

**LD 156** (HP112)
An Act To Promote School Attendance by Exempting Virtual Public Charter School and Private School Students from Immunization Requirements

**LD 163** (HP119)
An Act To Revise Maine's Environmental Laws

**LD 175** (HP128)
An Act To Authorize a General Fund Bond Issue To Create and Enhance Regional Homeless Shelters

**LD 176** (HP129)
An Act To Facilitate a Grade 9 to 16 School Project

**LD 179** (HP132)
An Act To Exclude Energy Efficiency Improvements from Property Tax

**LD 181** (HP134)
An Act To Authorize a General Fund Bond Issue To Complete the Renovation of a Wharf and Bulkhead in Portland for Marine Research

**LD 183** (HP136)
An Act To Establish Juneteenth as a Paid State Holiday

**LD 187** (SP74)
An Act To Require Education about African-American History and the History of Genocide

**Legislative/Nominating Committee**
**2021 WORK PLAN**

Committee Goals

- Review Committee goals in context of Council goals
- Review interview questions and process for nominating activities
- Develop strategy to engage and collaborate with Portland delegation to Augusta
- Finetune work plan / communications / organizational process re: nominating work
- Establishing support and focus of City Clerk, City Manager, and Corporation Counsel
- Connect with policy stakeholders (Portland delegation, school board)

Committee Activity by Quarter

Q1 (January through March)

- Review State legislation
- Staff develop Federal priorities memo for Committee review
- Review/interview applicants to boards/commissions
- Review nominating work scheduling and process
- Ensuring legislative priorities align with Council goals

Q2 (April through June)

- Charter Commission election
- Any open board/commission seats and nominating work
- Committee meets with City Clerk to plan nomination work process
- Immigrant Voting Rights for local elections

Q3 (July through September)

- Committee meets with City Clerk to plan nomination outreach process

Q4 (October through December)

- Staff develop State priorities memo for Committee review (November)
- Committee requests councilors' input on State/Federal priorities (November)