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Testimony of the Maine Municipal Association

Neither For Nor Against

LD 1417 - An Act to Strengthen the Authority of Local Officials to Enforce Provisions Regarding Dangerous and Nuisance Properties that Constitute a Threat to Public Health and Safety

April 14, 2025

Senator Baldacci, Representative Salisbury and members of the State and Local Government Committee, my name is Rebecca Graham, and I am providing conditional testimony neither for nor against LD 1417 on behalf of the Maine Municipal Association's (MMA) elected 70-member Legislative Policy Committee (LPC). Our LPC has not had the opportunity to review the language of this bill and will do so on Wednesday of this week.

For reference, MMA is a nonpartisan, nonprofit member service organization and aims to help provide policy solutions that are achievable in all municipalities Maine, and the LPC guides the advocacy efforts and establishes positions on bills of municipal interest.

This bill, coupled with another bill receiving a public hearing today in the judiciary Committee will expand the duties and powers of a local health officer to address unsafe living conditions. It is important to note that municipalities use this section of law consistently and thus it is important for any changes to the statute be carefully reviewed by those who rely on its application regularly.

That said, the bill expands who can trigger enforcement action against a dangerous property that may pose a threat to the health and welfare of occupants as well as adjacent residents but adding the list of municipal employees who most frequently encounter unhealthy living conditions. Under Sec 3, current practice is for the municipal officers to receive a report from the code enforcement officer on the conditions in the statute and the language expands those who may report on these conditions to include a fire chief or local health officer. It's not clear what a "building official" is however and the committee may want to consider removing this language or defining what role in the municipal sphere this is envisioned to include.

Additionally, in Sec. 7 the bill adds property to the list of inspectable areas that a local health officer may include in evaluating the health and welfare conditions of a building more generally. This may be helpful because the collection of debris on the outside of a building may draw in health-related issues to the building itself and the language may make the outside conditions of the property more explicit within LHO authority. The fine amounts that are removed may pose a problem that should be reconsidered.

If the committee has not established a vote on this bill prior to our LPC adopting an official position on Wednesday, I will submit additional testimony with more feedback and our official position at that time.