



LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLVI No. 13 • MARCH 29, 2024

A Special Place at the Table

You're Invited...

Imagine, if you will, receiving an invitation to an exclusive soiree. It's the event of the season, with a guest list limited to thirteen attendees. However, rather than bejeweled guests feasting on hoers d'oeuvres and a lavish meal, these guests are the members of the Appropriations and Financial Affairs (AFA) Committee, and their feast consists of pending legislation, awaiting its fate. The party is about to begin.

Welcome to the Special Appropriations Table.

The website for the Maine State Legislature has a nifty little resource page titled, "Path of Legislation in Maine," outlining the rocky road of travel for bills, from start to finish. Some never make it past an idea. Many ideas morph into bill language with help from the Revisor's Office, Office of Policy and Legal Analysis and the Office of Fiscal and Program Review (OFPR). After receiving a bill number and assignment to a committee of jurisdiction, bills have a public hearing and a work session. Or multiple. Or none.

For sponsors whose bills make it out of committee with an "ought to pass" or "ought to pass as amended" designation, it can be an exciting day. It gets even more exhilarating if the House and Senate vote to engross and then enact the bill for passage. However, that excitement can be stifled if the bill in question will, "affect state revenues or expenditures." Bills advanced with a fiscal note indicating an effect on the General Fund are sent, by the Senate, to the Special Appropriations Table. This same process occurs for any legislation impacting the Highway Fund, which also has its own special table, under the purview of the members of the Transportation Committee. Unless incorporated into a budget proposal under consideration, bills on this table are only considered once budget decisions have been made and are funded with the remaining leftover dollars, if any. Not everything left on the dining table will be considered palatable by the guests at this party and there are way more empty plates than there are pieces of pie.

It's easy to envision a long, dark, heavy oaken table covered with paperwork and equally as easy to envision our partygoers mingling their way around the table's perimeter reviewing bills and sipping on their beverages of choice. But believe it or not, the term "table," in this case, is far from the entertaining kind.

In 2020, OFPR updated their document, *The Fiscal Note Process: An Overview*, for the 130th Legislature. This resource describes the

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Bulletin Update

Although the Legislature has its eye on an April 17 adjournment, the rumor mill is suggesting that may not be possible. Bills continue to be introduced, with some receiving the benefit of committee review and public input, while others are being sent directly to either the House or Senate floor for debate.

Additionally, as you will read in the articles published in this week's bulletin, members of the Legislature, as well as the Appropriations & Financial Affairs Committee, are said to be waiting for Governor Mills' change package which is scheduled to be delivered today. That package of amendments will impact the supplemental FY 2024 - FY 2025 General Fund budget, which was printed as LD 2214, and is currently under review by the Legislature's appropriators, as are the separate and several "out of budget" funding requests sitting on the Appropriations Table.

In question, is the Revenue Forecasting Committee's March 2024 report, which projects that over the FY 2024 - FY 2025 biennium an additional \$77 million revenue is available for investment. Of note, however, is that of the total, \$82 million is projected to flow into state coffers by the fiscal year's end on June 30, with a downward adjustment of \$5 million in FY 2025.

This is simply a longwinded way of stating that MMA will continue to publish the Legislative Bulletin well into April. However, the depth of the updates will depend on each week's activities.

A Special Place at the Table cont'd

process involved in determining the projected fiscal impact of pending legislation and how fiscal notes are distributed, depending on a bill's place in its legislative travels. Appendix A of that document is dedicated to the "tables."

To lovers of rule and order, it will come as no surprise that in this instance, the term *table* refers to, "the process of setting aside or deferring action on the bill or motion." The overview continues to explain that "these tables are designed to track legislation affecting the General Fund and Highway Fund, to provide equitable treatment for these bills and to maintain balanced General Fund and Highway Fund budgets."

Equitable. That is an interesting term in 2024 with a deeply divided Legislature that is controlled, in both chambers, by one party. A concept made even more interesting by late night deals and the bartering for support among the party caucuses, and add to that the power of the 13-member AFA committee. It is they who make the ultimate decisions on final bill funding, sometimes disregarding the will of the bill's committee and votes of the chambers or even the requests of the governor.

Wait, what? That happens?

Please, RSVP...

In a 2022 news article, near the end of the 130th Legislature's second session, a senator was quoted as saying, "The Appropriations Committee is definitely – obviously – the most powerful committee in the legislature." Based on that description, it's easy to imagine our partygoers, with respect to unwanted legislation, telling the service staff to quickly discard a less appetizing item from the mix.

However, when referring to the OFPR fiscal note overview,

the decision-making process is described as a bit more democratic and suggests that the AFA committee receives input from many sources including leadership, the committee of jurisdiction, the bill sponsor and other interested parties. Committees are invited to provide a list of priorities to the AFA committee for their consideration of tabled bills. After review, the committee votes, by majority, to pass the bill as is or pass the bill with cost amendments and remove it from the table. Bills that don't pass out of committee are considered to have "died on the table," a reference that should probably be left out of this dinner party's review.

Cheers...

To understand the volume of bills under consideration by the AFA committee, and how the bills that impact municipal government and are followed by MMA's Legislative Policy Committee (LPC) and advocacy staff fit into that mix, here are some tidbits of information for digestion. These figures are current to the time of publication.

131st Legislature (both sessions, 2023 & 2024)

Total Bills Printed:.....	2281
Total Bills Followed by MMA:	857
Total Bills Reviewed by MMA/LPC:	391
Total Bills on the Table:.....	173
Total Bills Tracked by MMA on the Table:	52
Total Bills Reviewed by MMA/LPC on the Table:	19

Funding for the nineteen bills actively followed by MMA totals \$19.6 million for FY 24-25. That figure does not include ongoing appropriations or any projected funding beyond FY 24-25.

Of those nineteen bills, three originated from the LPC's legislative platform, established in the fall of 2023. LD 1493, *An Act to Increase Affordable Housing by Expanding Tax Increment Financing* (TIF), sponsored by Rep. Reagan LaRoche of Augusta, awaits a decision with a \$36,000 fiscal note, the amount needed for additional staffing at the Department of Economic and Community Development for the potential increase in TIF program administration. LD 1664, *An Act to Increase Reimbursement Under the General Assistance Program*, sponsored by Sen. Marianne Moore of Washington County, currently sits on the table with an \$8 million fiscal note to increase the municipal general assistance reimbursement from 70%-90%. LD 1857, *Resolve, to Establish a Public Safety Health and Wellness Grant Pilot Program*, sponsored by Rep. Lynn Copeland of Saco, provides a one-time, \$2 million appropriation for a two-year grant program for the purpose of providing physical and mental health services specific to public safety employees.

From the extensive volume of bills left on the table, it's obvious that the AFA committee has a veritable menu of options

LEGISLATIVE BULLETIN

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar

year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to:

Legislative Bulletin

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from which to pick and choose. Some of the options that MMA is watching include tax exemptions for cannabis businesses; education funding for minimum receivers; farm machinery tax exemptions; protections from employer surveillance; technical support for municipalities; ambulance service assessment fees; modernization of the state subdivision statutes; and the reduction and recycling of food waste.

Please, Sir, May I Have Some More...

Final passage of any of the bills on the Appropriations Table depends solely on the funding leftovers that are dished out after the budget is passed, and as such, it's impossible to predict what will make it off the table. Some bills may become part of the budget itself. Many will die. Many that should live will die and

hopefully the sponsors of those bills will consider bringing the measure back to the next legislature. The budget and Special Appropriations Table process is the time when policy, priority and politics all meet, although often behind closed doors. Decisions are made before the cameras are turned on and mics are live, so when the committee convenes to "move in lines" of the budget or pass bills "off the table," it's with little indication of how or why the committee made those choices.

When the party finally winds down, there are bound to be surprises. Some guests may choose a dish they normally don't like. Some may toast a measure that's out of their comfort zone. Some will sit in the same seat as always, eat a favored cold dish and do exactly what the partygoers expect.

As for the advocates, rest assured that while some results may leave us shaken, we will most certainly not be stirred.

Silent But Weighty

As the bulletin drops this morning, the Appropriations and Financial Affairs Committee is preparing for further work sessions and a presentation on the Governor's change package. With another estimated \$77 million in projected revenue, including a \$5 million anticipated shortfall in 2025, what will be suggested may indicate the gravity of what proposals will live and which ones will die on vine.

What plagues the municipal advocate is the frenzied silence behind the scenes, along with the continued printing of bills that will never receive a public hearing and instead hit the floor with no debate on the functional implications. The discussion will focus on the "idea" of the bill alone, and many of these initiatives will leave the public servants, state level policymakers have starved for resources, to pick up the pieces of poorly written language.

Some of those public servants, Maine fire chiefs, are meeting this week to hold their annual convention and discuss the overwhelming challenges facing their departments and programs needed to address the health and wellbeing of themselves and their staff. These needs include not only how to recruit and train staff with limited access to statewide training programs and facilities, but also the looming federal rule changes that will impact the provision of services. Those rules, being advanced by OSHA, seek to modernize firefighting, EMS and search and rescue operations, training, facility and equipment standards, first adopted in 1980, by requiring aging rural agencies to adhere to a slate of new safety standards over the course of 18 months. These new mandates will require annual physical certification for volunteers and advanced leadership training, which are now offered only once or twice a year due to limited staffing and state funding.

Despite a \$2.5 million ask last year, the fire service Length of Service Award Program (LOSAP) which provides a small

retirement type benefit for those volunteer firefighters who have served their communities without an employment contract for decades, received an appropriation of \$500,000.

LD 1857, *An Act to Create the Public Safety Health and Wellness Reimbursement Fund to Benefit Public Safety Workers and Volunteers*, that would provide those volunteers public safety specific cancer and cardiac screenings, mental health services and wellness resiliency for their voluntary exposure to traumatic events, along with their peers in all first responder fields, remains in the silent but frenzied appropriations table battle. The ask is \$1.7 million, after state administration related expenses are covered.

While not on the fire chief's radar, discussions in housing the policy circles continue to focus on how to eliminate perceived barriers to denser development that threaten to make an already troubling fire death trend in Maine, identified by the State Fire Marshal last year, grow should they be considered. With limited resources, dwindling staff, and near universal use of mutual aid to meet public safety response needs, elimination of height standards coupled with a lack of sprinkler requirements will make denser developments more dangerous for the responder, but perhaps even more importantly, more deadly for the occupant.

Newton's third law applies to policy as well as motion, even when it's not under consideration.

Last week, the Maine Sheriffs' Association held their annual conference while awaiting the fate of their funding shortfall ask. While state mandates to county jail facilities have caused a statewide gap of roughly \$8 million, only the \$4 million in the shortfall for the cost of delivering medically assisted treatment to facility residents has been pledged in the supplemental budget. This will leave the property taxpayer to pick up more than the 80% they already provide for the task.

Further pressures on public safety in rural areas and resis-

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Silent But Weighty cont'd

tance to Maine State Police attempts to reallocate historically under resourced statewide shared resources have led to a finger pointing debate on “who stays” and “who pays” to fill the full complement of rural and organized community policing needs. Should all in revenue from visitors and means tested income tax adequately fund and staff the service that provides for all communities or should this gap be filled by those on fixed incomes through their property tax bills for county services?

Perhaps, we should ask them all to do even more with less.

LD 2283, *An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public*, sponsored by Speaker Talbot Ross of Portland, was printed this week and would allow a family or household member, law enforcement agency, including a municipal department to seek a petition to prohibit an individual from purchasing, possessing, obtaining or controlling a firearm if suspected of posing a significant threat to themselves or others. After obtaining the court order, the individual must surrender their firearms to a federal licensed firearm dealer or law enforcement agency, which must then photograph, catalogue, and store the weapons until receiving a court order to release the seized firearms. With storage already at its limit in many agencies for these temporarily retained firearms, hopefully the bill will also

provide a fiscal note for climate controlled centralized storage facilities.

Competing with centralized gun storage needs, regionally available mental health and substance use disorder 24-hour crisis drop off centers are also waiting for at least one path to delivery. Although the most remote areas of Maine are in critical need for such services, many of the proposals are focused on population centers and not the hardest to build regions. A drive from Presque Isle to Bangor would illustrate the need to think outside the population center model.

Just build and fund them all.

Or better yet, find out what programs are already being stood up without fanfare, on starved resources, and support existing efforts more robustly. Remodeling a house with good bones and sweat equity is far cheaper and expedient than building new. But this policy is far too complex and it's far too late in the session to have these conversations in detail.

Hopefully the next legislature will engage with government partners more deliberately. Until then, I think we all just hope to go home and enjoy silence on April 18 as planned, but with less homework and more system support.