

## Policing More with Less

Although throughout the 2019-2020 legislative session several study groups and committees have focused attention on addressing deficiencies in substance use disorder, juvenile justice reform, and community mental health supports, more often than not the municipal perspective is missing. In the well-recognized tradition of “getting the job done back at home,” municipal law enforcement officers rarely have the opportunity to convene at the State House in Augusta to share their stories or to fill a committee room to inform the development of sound public policy.

In effort to address this public policy void, on Feb. 26 municipal officials, municipal law enforcement officials and members of the Criminal Justice and Public Safety Committee filled the training center at MMA to hear from a panel of police chiefs representing a variety of service center communities. The focus of the summit was to discuss local level challenges associated with substance

use disorder, the dearth of mental health programs and law enforcement officer recruitment efforts.

In addition to the police chiefs from Augusta, Damariscotta, Farmington, Sanford and Waterville, the panelists were joined by Department of Public Safety Commissioner and former municipal police chief, Michael Sauschuck, and two analysts from the Council of State Governments Justice Center (CSG).

### Substance Use Disorder.

One of the topics discussed during the five hour session was the need for sustainable funding for regional and local programs providing access to substance use disorder programs as an alternative to incarceration.

In Waterville for example, law enforcement fundraising efforts support the department’s opioid diversion program, Operation HOPE, which relies on the program’s 12 “Angel” volunteers to connect individuals from around the region with inpatient treatment wherever they can find it. The program uses non-property tax generated revenue to fund the costs associated with the treatment, which includes transportation, housing and medication

while the person is compliant with the program requirements.

In Sanford, the opioid dependency issue was temporarily addressed via the use of a Department of Public Safety grant which focused on linking people in need with medically assisted treatment and counseling resources closer to home, which provided program participants with the tools necessary to avoid old patterns and relapses. Unfortunately, the program, which also benefited surrounding communities, was discontinued when the funding went dry.

As was the case in Sanford, the challenges associated with sustaining program funding forced the end of Farmington’s Operation HOPE program. While the local capacity to support the program was untenable, the need has not disappeared. As an alternative, Farmington’s chief of police spends an enormous amount of personal time serving on local hospital, homeless shelter, and behavioral services provider boards in an effort to create a communication channel between law enforcement and available service providers who are better equipped to support community members in crisis.

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### 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:

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## Revenue Sharing Projections

This week the State Treasurer published the FY 2021 (July 1, 2020 to June 30, 2021) revenue sharing distribution projections, which show how \$144.5 million will be distributed among communities over the course of the next fiscal year.

As provided for in the FY 2020 – FY 2021 General Fund budget, adopted by the Legislature and signed into law by

Governor Mills last year, the amount of sales and income tax revenue distributed to municipalities increased to 3% in FY 20 (\$112 million) and to 3.75% in FY 21.

A link to the spreadsheet showing estimated FY 2021 revenue sharing distributions for each municipality is found on MMA’s website at [www.memun.org](http://www.memun.org).

### Mental Health.

Individuals experiencing mental health crisis was another topic of discussion, addressed by Augusta's police chief who praised his city council and administration for helping the department secure a dedicated, state funded mental health crisis worker, who acts as a conduit between law enforcement and the mental health services in the city. This position provides not only cross over skills to assist law enforcement appropriately assess individuals in crisis, the routine de-escalations achieved as a result of the immediate response results in fewer trips to the emergency room to wait for services or incidents that often lead to incarceration.

The costs to the Damariscotta Police Department for hospital protection efforts were featured as another unfortunate result of the lack of a statewide investment in crisis response programs. The six member department bears a heavy burden for hosting the only emergency room in Lincoln County in their community. The hospital in Damariscotta, Miles Memorial, is overly reliant on the police department to provide physical security to address patients in crisis who turn violent, often requiring one-on-one supervision over a period of several days. Long delays in finding

mental health bed space in an appropriate facility leaves patients languishing in an environment ill-equipped to provide the necessary treatment, at times resulting in the escalation of harm to self and others, officers being overworked and stretched thin or leaving the community without adequate police coverage.

### Recruitment.

Recognizing the several factors involved in attracting and maintaining a solid employee base, the panelists also shared a number of approaches used to recruit and retain new public safety employees.

Chiefs shared their desire to invest in their officers, such as specialized training, as one strategy to increase retention knowing that such investment often make employees more attractive to other departments.

Other chiefs shared that they routinely include family members in the hiring process, and have developed partner support programs. Investment in family supports allows partners to have an outlet and a trusted community to lean on when long hours and major incidents keep officers away from home.

Finding recruits, in general, remains a challenge and one chief suggested an

untapped resource lies in our neighbors to the south. Unlike Maine, Massachusetts has a waiting list of individuals seeking employment in law enforcement, but due to some mandatory veterans' preferences, new college graduates are often at the very bottom of the civil service list. Other suggestions focused on changing the Maine Criminal Justice Academy Program to appeal to younger candidates, leveraging federal college grants to reduce the cost of training, and providing some more geographically convenient training opportunities.

### Research and Sharing.

The day concluded with a presentation from the CSG Justice Center on the behavioral health, law enforcement and the federally funded Justice Reinvestment process examining the criminal justice system in Maine. Echoing what law enforcement already discussed during the day, the research shows a lack of state investment in important local level programs.

In terms of behavioral health, much of the research supports that training an officer to respond to mental health incidents alone is inadequate, and specialized teams not only provide better outcomes for the individual in crisis, they reduce the likelihood of incarceration. Collaborative agency responses often found in service center communities, including crisis and health care services, law enforcement, and housing services, were key to providing better outcomes for vulnerable people. The CSG research bore out what the stories shared by police chiefs highlighted; Maine has a disparity of wide spread, and consistently funded quality mental health services.

While the summit covered only a few of the complex issues facing municipal police, the event is a catalyst for ongoing conversations between legislators and municipal law enforcement. Attendees all conveyed they learned a great deal from each other and expressed a desire to make engagement with Criminal Justice Committee members a regular event.

To that end, MMA staff will continue to work with police chiefs and municipal leaders over the summer in preparation for a January 2021 summit.

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## Assessing Energy Projects

LD 1898, *An Act Regarding Property Taxes on Certain Energy Generation Projects*, received a unanimous "ought not to pass" vote from the Taxation Committee this week. As proposed, the bill, in part, provides the State Tax Assessor with the exclusive authority to assess renewable energy (e.g., wind, hydro and solar) generation project property that is owned by a single property taxpayer and located in both an organized community and in the unorganized territory.

At the committee's work session, the proponents offered an amendment to the bill

directing Maine Revenue Services (MRS) to convene the interested parties, including municipal assessors and property owners, for the purpose of developing a document guiding the assessment of renewable energy generation property.

After a brief discussion, the committee voted against the legislative solution in favor of sending a letter inviting MRS to convene the interested parties to discuss ways to streamline the process for assessing energy generation projects that cross municipal boundaries, while respecting local control.

# Hearing Schedule

**Tuesday, March 10**

**Energy, Utilities & Technology  
Room 211, Cross Building, 1:00 p.m.  
Tel: 287-4143**

No LD # yet – An Act Regarding Abandoned Utility Poles and Associated Facilities.

*Note: As of now, the legislative presiding officers have waived the requirement that bills be advertised for public hearing two weeks in advance; therefore, 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 be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.*

## Funding the State's Transportation System

As public works directors and highway foremen across the state were posting local roads vulnerable to the whims of the spring thaw, the Blue Ribbon Commission to Continue Studying and Recommending Funding Solutions for the Transportation System held its final meeting this week.

As highlighted in the Feb. 21 Legislative Bulletin, over the course of nine meetings commission members have struggled to find consensus on how to move forward with a sustainable state road and bridge funding plan. The areas of greatest disagreement focused on two recommendations, one proposing to increase the gas tax, and the other seeking to immediately eliminate Highway Fund reliance on bonding as a means to support transportation infrastructure investments.

Between the February and this week's meetings, commission members submitted no less than eight different funding proposals, all of which included a provision calling for increased General Fund support for transportation purposes.

In addition, six of the eight proposals include a nine cent increase in the gas tax, which is recommended and supported by

the trucking and construction industries, with some variations among the proposals to phase-in the increase over the next several years. At least two of the fuel tax increase proposals include an income based rebate put in place to shift a portion of maintenance and improvement related costs away from Maine residents and onto the 35 million visitors who also use the state's roads and bridges.

Placing a surcharge on electric vehicles, increasing the car rental tax and motor vehicle registration fees, along with amending Maine's Constitution to dedicate a portion of vehicle sales tax revenue to the Highway Fund, are also included in the mix of potential funding ideas.

However, one of the more concerning proposals is the suggestion, offered by Sen. Matthew Pouliot of Kennebec County, that communities help resolve the state's funding crisis by requiring municipally collected and retained motor vehicle excise tax revenue to be used solely to fund local transportation projects, thereby eliminating the need for programs offering matching state funds for local projects. Although in 2019 the \$3.4 million in excise tax revenue collected by the

City of Augusta, where Sen. Pouliot resides, only covered 70% of the \$4.8 million spent on local road maintenance and improvements, he continues to doubt that municipalities use these revenues for road related projects.

The excise tax proposal was not entirely well received by Gary Picard, Madawaska town manager and municipal representative on the commission, who responded that until the Legislature fully funds all municipal mandates, proposals seeking to shift additional burdens onto the property taxpayers are off the table.

As a result of Tuesday's meeting, the commission is now prepared to send a two part funding recommendation to the Transportation Committee for its consideration.

The first part of the plan recommends using \$20-\$60 million of 2020 General Fund surplus revenue to cover current Highway Fund revenue shortfalls. The second part of the proposal leaves it to the committee to decide how to fund the remaining revenue gap by choosing among the many funding proposals (e.g. fuel tax, tire tax, registration fees, etc.) discussed by commission.

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## Public Employer/Employee Relationship

On Wednesday, the Labor and Housing Committee held work sessions and voted on two bills seeking to amend the public employer/employee relationship.

### **Day 1 Union Option.**

By a vote of seven to five, the committee voted to support an amended version of LD 1959, *An Act To Include within the Definition of "Public Employee" Those Who Have Been Employed Less Than 6 Months*, which allows probationary employees to join and receive labor union protections and benefits on the date of hire.

At the public hearing, the bill was largely opposed by public employers who raised concerns with the proposal's potential to erode an

employer's right to terminate an employee, without cause, during the first six months of employment.

The amendment, which is supported by both the bill's proponents and opponents, allows public employees, if they so choose, to join and benefit from union membership on the date of hire, but prohibits the grievance of the "at will" termination of an employee within the first six months of employment.

### **Extension of Benefits.**

The committee also voted by a margin of seven to five to support LD 2019, *An Act To Extend to Other Public Sector Employees the Same Protections Provided to State Employees upon the Expiration of Contracts*.

As proposed, the bill provides that during the interim between the expiration of an existing public employee contract and the effective date of a subsequent bargaining agreement, covered employees remain eligible and receive merit increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

Municipal officials oppose LD 2019 because the ability to negotiate all terms of a contract, including the extension of merit increases upon the expiration of a contract, should be retained by the impacted parties, rather than provided to one side of the bargaining table to the disadvantage of the property taxpayers who fund public employee salaries.

The Legislature will debate the merits of these two proposals in the coming weeks.

## IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's official 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).)

### **Appropriations and Financial Affairs**

LD 2134 - An Act To Authorize a General Fund Bond Issue for Infrastructure To Improve Transportation and Internet Connections. (Governor's Bill) (Sponsored by Rep. Gattine of Westbrook)

The funds provided by the bond issue under Part A, in the amount of \$105 million, will be used for improvement of highways and bridges statewide and for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects, to be matched by an estimated \$275 million in federal and other funds. The funds provided by the bond issue under Part B, in the amount of \$15 million, will be used for investments in high-speed internet infrastructure for unserved and underserved areas, to be matched by up to \$30 million in federal, private, local or other funds.

### **Energy, Utilities and Technology**

No LD # - An Act Regarding Abandoned Utility Poles and Associated Facilities. (Reported by the Energy, Utilities and Technology Committee)

This bill specifies that if the municipal officers or county commissioners have not adopted standards for out-of-service utility facilities or utility pole or utility pole structure replacement and wire transfers, the applicable standards adopted by the Department of Transportation govern.

### **Inland Fisheries and Wildlife**

LD 2130 - An Act To Fund Maine's Recreational Trails (Reported by Rep. Nadeau of Winslow for the Joint Standing Committee on Inland Fisheries and Wildlife) This bill increases the registration fees for all-terrain vehicles (ATV) by \$25 for

each type of registration and requires the increased fee revenue to be deposited into the ATV Recreational Management Fund for the construction and maintenance of state-approved ATV trails.

### **Taxation**

LD 2127 - An Act To Support Farmland Preservation by Allowing the Siting of Solar Energy Installations on Land Enrolled in the Farm and Open Space Tax Law Program. (Sponsored by Rep. Berry of Bowdoinham) This bill allows the siting of solar energy installations on land classified as farmland under the farm and open space tax law without requiring the portion of the parcel on which the solar energy installation is located to be withdrawn from the farm and open space tax law program.