

Conforming/Decoupling with the Federal Tax Code Municipal/school resources traded for income tax relief

On Wednesday this week, the Appropriations Committee advanced LD 1583, *An Act To Provide for Tax Conformity and Funding Methods* as a result of a joint legislative order. On the issue of conforming in lock-step to federal taxation policy, as might be expected, the Committee voted out two versions of the bill, breaking along party lines.

The general thrust of this legislation is to bring references to the U.S. tax code in Maine law to current status, reflecting recently enacted federal changes, and then adjusting Maine's tax code to accommodate those changes in a non-detrimental way for the state's business and individual tax filers. The centerpiece of this legislation in both Committee reports is on the structure of depreciating business assets and integrating into the state's tax code new allowances written into the federal code. In some cases, the adjustments being proposed represent a "decoupling" from the federal code.

There is an air of immediacy to this legislation because tax filings are being prepared and new depreciation allowances, if they are going to be provided, need to be quickly enacted if they are going to apply to this year's income tax cycle, which is based on calendar 2015 earnings. There are three fundamental differences between the majority (Democrats') and minority (Republicans') reports of the Committee: (1) the specific design of the income tax benefit provided; (2) the number of tax years into the future any "conformity" measures are effective; and (3) the funding sources necessary to replace the lost income tax revenue to the state treasury.

Majority Report. The version of

LD 1583 supported by a majority of the Appropriations Committee: (1) provides for a Maine capital investment credit; (2) somehow integrates for the current filing year federal bonus depreciation deductions; (3) allows for itemized deductions of out-of-pocket teacher expenses as well as mortgage insurance premiums; and (4) prevents federal level changes to the low-income earned income tax credit from taking effect in Maine.

The majority report effects its "conformity" for the current filing year, leaving the longer term tax policy changes to the next Legislature in 2017. The proposal results in a \$16 million loss

of income tax revenue in FY 2016. As proposed, the lost income tax revenues are replaced with:

- \$9.5 million transfer from a special reserve account previously created by the Legislature called the "Tax Relief Fund for Maine Residents."
- \$6.1 million in debt service savings.
- And, \$1.2 million in unexpended salary plan savings.

Minority Report. The version of LD 1583 supported by a minority of the Appropriations Committee: (1) provides for a Maine capital investment credit, (2) somehow integrates for the current filing

(continued on page 2)

Sheriffs Request Return To Local Funding For County Jails

As municipal officials are well aware, at the end of the 2015 legislative session lawmakers abandoned the state's recently revamped county jail management program, repealed the fixed cap on property taxes to pay for jail operations, and installed a spigot into the property tax base in order to pay for increases in jail operation costs. As enacted, this abrupt turn-around in state policy represents a projected additional \$2 million hit to the state's property taxpayers every year. At that time, property taxes were already covering over 75% of county jail costs.

Background. After years of skyrocketing county jail budget increases, in 2008 the Legislature created a new policy to coordinate jail management and protect property taxpayers. This coordinated system relied on the operations of the

State Board of Corrections. In 2013, the Legislature made substantial structural improvements to the Board of Corrections. Shortly thereafter, the Governor refused to appoint a quorum-worthy amount of personnel to the Board and it never had the chance to implement the Legislature's revamped plan. At the request of the county commissioners and the county sheriffs, the Legislature abandoned the entire policy in 2015, to the detriment of the state's property taxpayers.

New Law. That legislation, *An Act To Reverse Jail Consolidation* (enacted as P.L. 2015, chapter 335) allows counties to assess more property taxes to support jail operations. Specifically, jail operations budgets are permitted to increase either by an amount not exceeding the

(continued on page 2)

Local Funding for County Jails (cont'd)

county's "LD 1" growth limit, or by 3%, whichever is less. Because of a change also enacted in 2015 regarding how LD 1 growth limitations are calculated, 3% appears to be "less" in nearly all counties.

New Levies. Eleven of Maine's sixteen counties have passed their jail budgets since the *Act To Reverse Jail Consolidation* was enacted. The five remaining counties' jail budgets are on a state fiscal year and these counties are in the process of developing their FY 2017 budgets. After eliminating the property tax cap protecting the property taxpayers from increased exposure to county jail expenses, the data show that most counties are utilizing their authority in full to increase property tax assessments for jail operations. Six of those eleven counties are utilizing their new property tax authority to the 3% maximum and one other to its LD 1 limit maximums.

New Funding Requests. At a work session this week on the carryover bill LD 195, *An Act Regarding County Jails*, the sheriffs and the counties returned to the Legislature's Criminal Justice and Public Safety Committee to seek more funding, albeit via different avenues. The Maine County Commissioners Association is advocating for the full General Fund appropriation it had requested last year, roughly \$2.5 million more than was ultimately allocated by the Legislature. The Maine Sheriffs Association is seeking that same additional Federal Fund appropriation plus a total and permanent repeal of the jail operations property tax levy limit. The commissioners also indicated a willingness to repeal the property tax cap, but in a future legislature. Statements made at Wednesday's work session clarify that along with the return to total county control

of Maine's 15 jails comes a renewed desire for a return to property taxing authority without limitations.

There is no question that some counties' jails are in a financial pickle. Oxford County alleges that its situation is particularly acute and their 72-hour holding jail will not be able to survive until the next Legislature is convened in 2017 without an infusion of some form of taxpayer revenues in 2016. Several other counties say they are also in a dire situation, with York County projecting nearly a \$700,000 deficit this year and Penobscot County claiming almost double the amount of inmates that they have the space for. At least three other counties are less worried about their ship sinking. Aroostook County has indicated its intent to live within the confines of the law passed last year. Somerset County recognizes its residents cannot bear additional property tax increases. Franklin County's Sheriff testified that his jail is perfectly operational as-is.

One line of questioning from committee members revealed that Cumberland County's boarding fees may be the source of Oxford County's shortfall, not normal operational costs. Under an agreement between the two counties, Cumberland County is charging \$50 per prisoner per day. That per diem appears to conflict with the *Act to Reverse Jail Consolidation*, which prohibits counties from charging boarding fees when the state provides the level of funding it has. When asked about the charge, Oxford County Administrator Scott Cole explained that the law is contradictory in parts and, having prisoners who must be boarded beyond the Oxford jail's 72-hour limit, he was not in a position to dicker.

Another head-scratcher came via York County's statement that 30 percent of its inmates are out-of-state residents, and at least 60 percent are awaiting trial. The York County Commissioners would prefer to reduce the population but do not have the authority to do so, so their only option is to look at staffing reductions. Further reducing staff, however, would break the state mandated staff-to-inmate ratio.

When questioned why the Maine Sheriffs Association (MSA) is seeking to remove the property tax cap when the Maine

County Commissioners Association is not, MSA president Sheriff Joel Merry of Sagadahoc County did not provide specifics, answering only that jails would function much better with a removal of the tax cap. Because the Sheriffs Association's 2015 annual report, made public the night prior to the work session, contained little in the way of financial impact data, several committee members have asked the counties and sheriffs to return with the numbers that would justify their request. Those figures are expected to be presented at another work session scheduled for this Monday morning, Feb. 8, at 11:00 a.m.

The table on page 3 describes the property tax impact in those counties that have enacted new budgets since the *Act To Reverse Jail Consolidation* became law in 2015.

Federal Tax Code (cont'd)

year and into the future federal bonus depreciation deductions, and (3) allows for an itemized deduction for tuition related expenses.

The minority report extends the proposed income tax benefits for tax year 2015 and 2016, resulting in approximately \$19 million of lost income tax revenue in FY 2016 and another \$19 million in lost income tax revenue in FY 2017. As proposed, the lost income tax revenues are replaced in large part over the FY 2016-2017 biennium with:

- \$9.5 million transfer from the Tax Relief Fund for Maine Residents, as in the majority report.
- \$13.5 million in unexpended state employee salary plans savings.
- \$1.5 million by repealing the recently enacted Fund for the Efficient Delivery of Local and Regional Services.
- \$1.5 million by repealing the recently enacted Fund for Efficient Delivery of Educational Services.
- And, nearly \$1.5 million by diverting casino revenue that would otherwise be used to fund K-12 education.

Normally MMA does not take a position on tax conformity legislation. Changes to the state's income tax code

(continued on page 4)

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*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: www.memun.org

Editorial Staff: Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

FY 2015-2016 County Budget Changes

County	Assessment for Jail Operations	Percent Increase Overall County Assessment	Percent Increase in Non-Jail Sheriff's Dept. Budget	Applicable County LD 1 Property Tax Levy Limit
Androscoggin	FY 15 – \$4,287,340 FY 16 – \$4,416,371 <i>3.01% Increase</i>	2.38%	5.27%	4.61%
Aroostook	FY 15 – \$2,316,666 FY 16 – \$2,386,666 <i>3.02% Increase</i>	8.23%	6.50%	4.52%
Hancock	FY 15 – \$1,670,136 FY 16 – \$1,696,524 <i>1.58% Increase</i>	1.03%	4.14%	Unknown
Kennebec	FY 15 – \$5,588,343 FY 16 – \$5,755,993 <i>3% Increase</i>	2.94%	2.13%	3.38%
Knox	FY 15 – \$3,188,700 FY 16 – \$3,284,361 <i>3% Increase</i>	5.11%	3.75%	3.41%
Lincoln	FY 15 – \$2,879,800 FY 16 – \$2,877,228 <i>(0.09%) Decrease</i>	3.82%	0.84%	1.20%
Oxford	FY 15 – \$1,228,757 FY 16 – \$1,265,620 <i>3% Increase</i>	2.68%	5.58%	2.18%
Penobscot	FY 15 – \$5,919,118 FY 16 – \$6,096,692 <i>3% Increase</i>	3.28%	2.61%	4.41%
Piscataquis	FY 15 – \$878,940 FY 16 – \$902,408 <i>2.67% Increase</i>	1.14%	0.40%	2.67%
Waldo	FY 15 – \$2,832,353 FY 16 – \$2,832,353 <i>No Increase</i>	County Still Calculating FY 16 Assessment	8.17%	0.94%
Washington	FY 15 – \$2,000,525 FY 16 – \$2,000,525 <i>No Increase</i>	0.95%	9.06%	3.36%

Committee Supports Addressing Broadband with General Fund Resources

On Tuesday this week, the Energy, Utilities and Technology Committee (EUT) voted 9-4 in favor of passage of LD 826, *An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet*. This bill, sponsored by Rep. Robert Saucier of Presque Isle, is supported strongly by the Aroostook and Washington County agricultural communities among others. As developed out of a "concept draft," LD 826 originally sought to promote additional broadband infrastructure development by increasing the tax rate on landline telephone services that is currently used to fund the ConnectME Authority. In an effort to avoid an increase in ratepayer bills while still supporting the aim of the legislation, LD 826 was amended by the Committee to appropriate \$1 million annually from the state's General Fund, instead of increasing the assessment on landline connections, for the Connect Maine Authority to support its mission of facilitating the universal availability of broadband to all Mainers. If enacted into law, the majority of these funds will presumably be utilized to increase the Authority's broadband planning and implementation grants.

Six years ago, a generous infusion of federal resources helped create Maine's "Three Ring Binder" infrastructure, which is the foundation of fiber installed in wide rings along the north-to-south spine of the state. A host of obstacles have inhibited the expansion of "last mile" connections to the Binder. In an attempt to address the last mile challenge, MMA's Legislative Policy Committee included expanded access to reliable high-speed internet in its 2015-2016 legislative platform. That proposal, carried over to this session as LD 68, advances a \$10 million bond issue, the proceeds of which would also be directed to the ConnectME Authority, to expand the pool of resources to be leveraged by and

augment municipal investments.

Since introducing this bond, two significant broadband funding developments have taken place. The first was the Federal Communication Commission's infusion of an \$80 million, six-year federal grant awarded to FairPoint Communications for the purpose of expanding the reach of broadband capacity. The second was the Legislature's enactment of LD 1063 (PL 2015, chapter 284) expanding the scope of the ConnectME Authority's mission and directing that agency to make planning grants available to communities interested in developing their own broadband infrastructure in rural areas where a low return-on-investment has inhibited private sector service development. That law did not provide any additional money to ConnectME to accomplish their expanded task, stretching the Authority's current level of funding even thinner.

With Tuesday's vote, a majority of the EUT Committee signaled a strong interest in financially backing the initiatives

it had put in motion last year. It should be noted that another conversation developed during the LD 826 work sessions after several committee members questioned why the existing tax on landline telephone services should not be broadened to wireless phone services as well. Doing so would generate an estimated additional \$600,000 in revenues for the ConnectME Authority each year. That question will now be saved for a future legislature to answer.

The minority of the Committee that voted against the bill cited their reluctance to prioritize general fund resources for broadband deployment before addressing other pressing needs. Ultimately, if LD 826 is approved by both the House and Senate, the decision on the merits of broadband funding in relation to other legislative priorities with fiscal notes attached to them will be made by the Appropriations Committee. That Committee is also charged with determining whether or not to advance MMA's bond proposal, LD 68, to the voters this November.

Federal Tax Code (cont'd)

are generally the business of the Legislature, even when those changes could negatively impact municipal revenue sharing (as is the case with both Committee reports). However, the proposals in the minority report to repeal both the Fund for the Efficient Delivery of Local and Regional Services and the Fund for the Efficient Delivery of Educational Services, and divert revenue otherwise dedicated to K-12 education, causes municipal officials to take notice.

The Legislature's track record with the local/school governmental efficiency fund programs is abysmal. As a result, a new proposal to raid those fledging accounts is simultaneously disappointing and not surprising. Since the inception of the Local Government Efficiency Fund in 2004, as advanced by Maine's municipal leaders and adopted by Maine's voters,

the legislative response has been 100% negative. In summary, the efficiency fund programs were raided by the Legislature every year of their existence until repealed in 2009. That the latest revival of the program - recommended by the Governor and funded by the Legislature - would be repealed before being implemented, is confoundingly predictable. The recommended funding sources to pay for these income tax benefits was apparently advanced to the Committee by the Department of Administrative and Financial Services, the same agency that has just reestablished the Efficiency Fund review panel and requested and received at least 9 proposals for providing municipal services more efficiently. It's mystifying.

The messaging from Augusta could hardly be more mixed.

Updates from the State House

Considering that approximately 100 new bills will be introduced in the second session of the 127th Maine Legislature, it comes as no surprise that most Committees are working and hearing less than a dozen bills each week. Although from time-to-time a bill is tabled for further study and discussion, the norm has been to move the bills out of committee as soon as possible. If committees continue to process bills and paper at this pace, the Legislature may complete its work in advance of its April 20, 2016 statutory adjournment date.

What follows are brief updates on three bills of municipal relevance that were heard or worked this week.

Firefighter Training. On Monday of this week, the Criminal Justice Committee voted by a margin of 11 to 2 in support of an amended version of LD 655, *Resolve, To Study the Feasibility of a State Firefighter Training Facility*.

As amended by a majority of the Committee, the bill's title is changed to *Resolve, To Provide the Engineering Study and Planning Needed for a Statewide Centrally Located Emergency Services Training Facility and Several Regional Training Facilities*, in an effort to clarify how the \$200,000 general fund appropriation that finances the resolve will be spent.

To that end, the resolve specifies seven items to be identified by the study and directs the Maine Fire Protection Services Commission to contract with an independent consultant to complete the initial planning needed for a statewide, centrally located training facility to be used for both fire and non-fire related emergency services training. Planning would also address the maintenance of existing, and perhaps construction of new, regional emergency services training facilities. Once built, each facility would be designated as a branch of the Maine Emergency Services Institute.

If the resolve is enacted, the Commission will be required to submit a report based on the results of the engineering study to the Criminal Justice and Public Safety Committee by the start of the next legislative session.

Simplifying Homestead Reim-

bursement. On Wednesday this week, the Taxation Committee held a public hearing on LD 1551, *An Act to Make Additional Technical Changes to Recently Enacted Tax Legislation*. Advanced at the request of Maine Revenue Services, LD 1551 seeks to implement several "house-keeping" related changes to Maine's tax laws. A bill of this nature is introduced nearly every session in order to ensure that the tax laws are implemented as the Legislature intended.

Among the half dozen technical changes advanced in LD 1551, one of particular interest to municipal tax assessors would simplify the calculation of state reimbursement under the Homestead Exemption program starting with the 2017 tax year.

Last session, the Legislature adopted a biennial General Fund budget (FY 2016–FY 2017) that included a measure incrementally increasing the value of the Homestead property tax exemption provided to Maine resident homeowners. As enacted, the value of the exemption granted increases from \$10,000 in 2015 to \$15,000 beginning on April 1, 2016. The value of the exemption increases again to \$20,000 in 2017 and subsequent tax years.

In addition to increasing the value of the exemption, the state's obligation to reimburse municipalities for the lost property tax revenue associated with the exemption was also increased. For 2016, the reimbursable value of the \$15,000 exemption remains at 50%. A 50% increase in the value of the Homestead exemption, all other factors remaining neutral, will result in a modest uptick in the municipality's tax rate. In 2017, however, a spilt reimbursement formula is applied. Starting with the tax year beginning on April 1, 2017, the state is required to reimburse municipalities for 50% of the lost tax revenue for the first \$10,000 of the exemption and at 75% for the remaining \$10,000 of exempt value.

As proposed in LD 1551, the formula utilized to calculate the municipal property tax assessment impact under the state's Homestead Exemption program is amended. Beginning on April 1, 2017 the state share of the lost property tax

revenue is increased to a flat 62.5% rate.

MMA supported the Homestead Exemption program elements of LD 1551 as a means for simplifying the calculation and relieving some of the burdens placed on Maine tax assessors and Maine Revenue Services personnel associated with administering the bifurcated reimbursement formula.

The work session on LD 1551 is scheduled for next Wed., Feb. 10.

MaineCare Ambulance Reimbursement Rates. Also on Wednesday this week, the Health and Human Services Committee convened to discuss and vote on LD 1465, *An Act To Require the State To Adequately Pay for Emergency Medical Services*. As proposed by Rep. Michael Lajoie of Lewiston, the reimbursement rate for ambulance services provided to MaineCare recipients would increase to the average allowable rate authorized under the federal Medicare program. Currently, the state is reimbursing just 65% of that rate.

As reported in the Jan. 15, 2016 edition of the Legislative Bulletin, public and private emergency services providers from all corners of the state participated in the public hearing. The message from the public safety community was uniform. Simply stated, the reimbursement rates provided under MaineCare are insufficient to appropriately support the services provided.

At Wednesday's work session on this issue, the members of the Health and Human Services Committee unanimously voted to support an amended version of LD 1465. The Committee's version of the bill includes short-term and long-term solutions.

With respect to the immediate remedy, the Committee's report recommends increasing the reimbursement rate from 65% to 70% of the average allowable reimbursement rate under Medicare.

Two long-term solutions are also included in the amended report. The first directs the Department of Health and Human Services to undertake a study and implement a rate structure change that more adequately reflects the costs of providing vital emergency services to

(continued on page 8)

General Assistance and Immigrants – What are the Rules?

The Legislature enacted a bill last year expressly establishing General Assistance eligibility for certain non-U.S. citizens. The effective date of that law was July 1, 2015. The Department of Health and Human Services is in the process of promulgating the rules the municipalities will have to follow in order to be compliant with the law. If all the deadlines established in Maine’s Administrative Procedures Act that guide the promulgation of state agency rules are maximized, it is possible that the necessary guidance will not be made available to municipalities until June 1, 2016, nearly a year after the law became effective. In the meantime, the communities that are required to administer the law are operating in the regulatory dark.

What follows is a summary of the recently enacted legislation and the progress, such as it is, being made on the rulemaking process.

The Enabling Legislation. In the final days of the 2015 session the Legislature enacted LD 369, *An Act to Clarify the Immigration Status of Noncitizens Eligible for General Assistance*. The legislation was necessary for Maine to conform with the federal *Personal Responsibility and Work Opportunity Reconciliation Act* of 1996 if Maine’s GA program is to continue to provide assistance to non-U.S. citizens, including persons seeking asylum in the United States. As provided in that federal regulation, state and local resources can be used to provide assistance to certain non-U.S. citizens only if expressly authorized by state law.

As provided in LD 369, since July 1, 2015 municipalities have been required to distribute GA benefits and are presumably entitled to receive state-share reimbursement for the assistance issued to a non-U.S. citizen provided that the non-U.S. citizen applying for GA is:

1. Lawfully present in the United States; or
2. Pursuing a lawful immigration relief process; and
3. Meets all other eligibility standards; and

4. Has not yet reached a 24-month GA benefit lifetime limit.

The Proposed Rule. In December of 2015, the Maine Department of Health and Human Services (DHHS) made available for public comment proposed rules guiding the implementation of that law. The Department’s rules are designed to guide municipal administration of the legislative directive in four ways.

1. Defining lawfully present individuals. As proposed by DHHS, the federal definition of a lawfully present individual (found at 8 U.S.C. §1621(a), sub-§§1-3) would be adopted into Maine rules. As defined in the federal immigration relief regulations, a “qualified alien” includes members of both the refugee and asylum seeking populations. While both refugees and asylum seekers come to the U.S. for protection from race-based, religious or political persecution in their home countries, there are differences between the two classes of non-U.S. citizens. The most significant difference is that a refugee must secure “refugee” status before coming to the United States, while an individual seeking asylum can apply for protection within a year of arriving in the U.S.

Under the terms of the federal law, prior to the enactment of LD 369 a refugee in Maine was eligible for GA assistance without any need for a special state law authorizing eligibility and without any time-based limitation. In contrast, an asylum seeker was not automatically eligible to receive any assistance under the state/municipal program unless state law expressly authorized it. Under the Department’s proposed rules, following the language of LD 369, both refugees and asylum seekers are lumped into the same category and would now be subject to the 24-month GA lifetime limit.

2. Defining a lawful process of immigration relief. Under federal regulations non-U.S. citizens may undertake either an affirmative or defensive immigration relief process. An “affirmative process” is voluntary or preemptive in nature, while a “defensive process” occurs when legal status is requested in response

to being detained or apprehended by immigration officials. As proposed in the Department’s rules, only asylum seekers engaged in an affirmative process would be eligible for 24-months of GA benefits. This affirmative-defensive distinction is not referenced in the law enacted by the Legislature.

3. Establishing the process for state reimbursement. As proposed in the rule, municipalities would be eligible for state reimbursement provided program administrators strictly adhere to the Department’s policies. In order to qualify for state reimbursement for the GA provided, administrators would be required to: (1) use federal documentation to verify that an applicant is legally present or pursuing a lawful and affirmative immigration relief process and to retain those verification documents for at least three years; (2) track and document the number of “assistance months” each applicant receives; and (3) provide the Department with the names, “alien numbers”, and number of assistance months for all applicants included in any reimbursement request.

4. Application of the Retroactive Clause. The coversheet that accompanied the proposed rule also referenced the Department’s intent to interpret the 24-month limit to include the months non-U.S. citizens received GA prior to the law’s passage; that is, DHHS intends to apply the time limit established by the new law retroactively to its enactment.

The Department held a public hearing on the proposed rules on December 17, 2015 and invited interested parties to submit written comments prior to the December 29, 2015 deadline.

Rulemaking Process – Next Steps. Maine’s Administrative Procedures Act guides the adoption of state agency rules. The rules adopted by state agencies have the force of law and for that reason require public participation, legal review and careful consideration of the impacts. In addition to providing public notice of the rulemaking process, making the contents of the rule publicly available, and devel-

(continued on page 7)

LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. For the Legislative Events Calendar, see the Legislature's web site at <http://www.mainelegislature.org/legis/calendar/>. If you wish to look up schedules by Committee, go to <http://www.mainelegislature.org/legis/bills/phwkSched.html>.

Monday, February 8

Veterans & Legal Affairs
Room 437, State House, 10:00 a.m.
Tel: 287-1310

LD 1574 – An Act To Protect Maine Voters from Intimidating Videotaping at the Polls.

Tuesday, February 9

Transportation
Room 126, State House, 1:00 p.m.
Tel: 287-4148

LD 1567 – An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway.

LD 1571 – Resolve, To Name a Bridge between Atkinson and Sebec the Captain John “Jay” Brainard Gold Star Memorial Bridge.

Wednesday, February 10

Criminal Justice & Public Safety
Rm. 436, State House, 10:00 a.m.
Tel: 287-1122

LD 1516 – An Act to Allow School Resource Officers To Have Jurisdiction at Off-site Events.

Environment & Natural Resources
Room 216, Cross State Office Building, 10:00 a.m.
Tel: 287-4149

LD 1566 – An Act Concerning the Establishment of Water Levels.

General Assistance and Immigrants (cont'd)

oping a rule factsheet, state agencies must accept public comments, respond to issues raised, and receive legal review prior to the final adoption of the rule.

With respect to rules governing General Assistance and non-U.S. citizens, the public hearing has been held and the written comment submission deadline has come and gone, but the process is far from over.

The Department has four months (120 days) from the comment deadline date of December 29, 2015 to respond to the questions raised by interested parties by articulating the reasons for adopting or failing to adopt the suggested changes. Once the Department has responded to comments and made any amendments to the rule, the proposal must be presented to the Attorney General's (AG's) office for a legal review.

The AG's office is required to respond within 30 days of receiving the rule from the state agency. Once the AG's office is satisfied that the proposal as presented

is legally valid, the rule is officially filed with the Secretary of State. The effective date of the rule, as dictated by state statutes, can be “no less than five days” after the date of filing with the Secretary of State.

If the AG fails to sign off on the rule as presented by the Department, the rule fails adoption and the Department must reengage in the process from soup to nuts.

DHHS has until April 27, 2016 to finalize the General Assistance rule and present it to the Attorney General. If the Department avails itself of the full 120 days, then the AG's office will have until May 27, 2016 to complete its legal review. When factoring the minimum five-day waiting period, it is entirely possible that the DHHS rules guiding the implementation of the state's newly adopted GA limit law will not take effect until June 1, 2016. All of this assumes that AG's office will certify the DHHS rule as legally valid, which is not guaranteed.

In the meantime, Lewiston and Port-

land, by far the two most impacted communities, await final adoption of the rule.

The GA administrators from both communities continue to provide assistance to the population of clients (i.e., refugees, asylees and asylum seekers) identified in the law according to the standards established in locally adopted ordinances. The Department has publicly stated that it will not provide guidance to the communities on how to track, record and report the assistance provided to refugees, asylees and asylum seekers until the rules are finally adopted. For that reason, the impacted communities are keeping careful records of their clients, the amount of assistance granted and number of months of assistance provided. The expectation is that once the rules are adopted, the Department will honor its financial commitments and reimburse municipalities for the state's share of the GA benefits the municipalities are obligated to issue in order to be compliant with Maine law.

Updates From the State House *(cont'd)*

MaineCare recipients. While the amendment does not dictate a report back date, Department officials believe that the study could be completed by July 1, 2017.

The second long-term solution directs the Department to work with the emer-

gency service provider and healthcare provider communities in efforts to move Maine toward a more “integrated healthcare” model. As designed, these models encourage interaction and ongoing communication among all healthcare provid-

ers – from paramedics to emergency room staff to primary care physicians – in efforts to provide more coordinated and less costly care.

LD 1465 as amended will soon be sent to the entire Legislature for consideration.