



LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLVII No. 1 • JANUARY 24, 2025

Updates to General Assistance

Since the last bulletin article about General Assistance (GA), published on April 5, 2024, the related statutes have been updated to reflect program changes from legislation enacted in the 131st Legislature as PL 2023, chapter 575, the drastically amended LD 1732, originally drafted by MMA, and chapter 643, the FY 2024-2025 supplemental General Fund budget.

Additionally, on November 6, 2024, the Department of Health and Human Services posted a notice of proposed agency rulemaking for General Assistance Rule #26 to reflect the new statutory amendments.

The draft rules proposed updates to deliver the changes mentioned above and include limitations on the time administrators may exceed maximum level of assistance limits for housing individuals in a hotel, motel or other lodging place. Additionally, the proposed rule incorporates the requirements for the delivery of GA services that are trauma informed and culturally and linguistically appropriate, extends the timeframe of responsibility when a client is sent to another community for certain services, increases training requirements, and provides direction for the implementation of a statewide database.

However, an additional limitation, not directed by any legislation, was also included.

In the process of providing aid to an applicant residing in an emergency shelter, current rules allow a municipality to consider the actual costs authorized by ordinance and the maximum levels of assistance authorized by statute. While this broad allowance could potentially, however unlikely, result in inflated reimbursement requests, the solution proposed in the draft rules limits shelter amounts to the “0-Bedroom-Heated” maximum. This new limitation attempts to apply a one size fits all requirement and completely disregards the family shelter concept and the increased cost of operating facilities under that model.

Additionally, although the proposed rules are considered “routine technical” under the Maine Administrative Procedures Act, the language could be construed as “major substantive” as it includes changes that will create a fiscal impact. MMA’s comments on the proposed rule raised

concern that the additional language had not been reviewed or approved by the legislature, as neither Public Law 2023, chapters 575 or 643 authorized the placement of limitations on the costs of utilizing emergency shelters. The advancement of mandated costs via state agency rulemaking, without proper legislative vetting, is a slippery slope.

Departments and agencies must adopt proposed rules within 120 days of the comment deadline, which for the rule described above, is on or before April 4, 2025.

Finally, the release of Governor Mills’ FY 2025 supplemental General Fund budget, printed as LD 209, includes additional limitations on the aid GA administrators are authorized to provide. Part S of the budget language limits housing assistance under the General Assistance program, except for temporary housing and emergency shelters, to a maximum of three months in a 12-month period per household. The proposal also prohibits municipalities from exceeding the maximum levels of assistance for all non-housing-related assistance to no more than 30 days in a

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New Rules: Maine’s Makeover for Concept Drafts

Rules. You can either love them or hate them, but rules are necessary to establish order—and order is particularly vital as legislators convene to efficiently conduct the people’s business. On January 6, 2025, during a meeting of the Joint Select Committee on Joint Rules, members considered changes to the rules in place to guide the operations of the 132nd Maine State Legislature. One topic up for discussion was the use of concept draft bills.

The concept draft approach was introduced in the 118th Legislature and has since been used in a variety of situations, but most often as placeholder legislation for a proposal that is not fully developed. Some describe concept drafts as the intersection of ambition and procrastination, which has caused a stir since the tool allows a legislator to submit a proposed bill, with little to no specifics, while letting the details get worked out later.

(continued on page 4)

Updates to General Assistance...cont'd

12-month period.

The Appropriations and Financial Affairs Committee held a joint public hearing with the Health and Human Services (HHS) Committee on Thursday afternoon for the sections of the supplemental budget overseen by the Department of Health and Human Services. During the department's presentation of the proposed budget initiatives, Deputy Commissioner Mann stated that, the "department recognizes that General Assistance is a critical temporary support for Maine people, but reforms are needed to ensure the long-term sustainability of the program and to preserve its core mission of supporting basic needs for a short period. If these changes are not implemented, based on current projections, the Department would need an additional \$10 million General Fund appropriation, annually, \$20 million over the coming biennium, to support the program starting in FY 2026."

It is worth noting that the annual \$10 million appropriation for GA has not increased in over a decade.

In an interesting turn of events, committee members questioned if the

department would be opposed to transferring the GA initiative to the biennial budget instead. Deputy Commissioner Mann confirmed that the department was not opposed and further admitted that the language could have been introduced in either budget document. The inclusion of the proposed change in the supplemental, as opposed to the FY 2026-2027 biennial General Fund budget, was likely because emergency legislation would become law immediately upon receiving the governor's signature, thereby resulting in savings in both the current and subsequent fiscal years.

One legislator questioned this speculation by asking whether an emergency exists and further sharing the opinion that it didn't entirely seem like it. The department confirmed that the language did not need to be enacted in FY 2025 but clarified if the proposal was moved to the biennial budget and then subsequently didn't pass, additional appropriations would be needed. The presentation concluded with the department confirming the desire to "right-size" the program.

Since MMA's Legislative Policy

Committee will not hold their first meeting until January 30, and has not adopted an official position on the initiative, staff testimony simply recognized the need for a responsible and balanced state budget and noted that the changes would certainly reduce state and local costs. But the underlying question remains, at what human cost?

A handful of municipal officials and several community advocates attended the hearing and testified in opposition to the Part S language, citing increased housing instability, imminent homelessness, unattainable enforcement and devastating unintended consequences as factors in their positions.

The HHS committee will hold a work session on the supplemental budget on Tuesday, January 28 at 1 p.m. Deferring the GA language to the governor's biennial budget instead of forcing it through the supplemental would provide time for additional conversations on how the proposed changes may impact the day-to-day operations for GA administrators and would provide municipal officials additional time to share those stories with legislators.

IN THE HOPPER

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

Agriculture, Conservation & Forestry

LD 124 *An Act to Protect the Right to Food* (Sponsored by Sen. Hickman of Kennebec Cty.)

Of municipal interest, this bill creates the Maine Vegetable Garden Protection Act, designed to protect an individual's constitutional authority to cultivate vegetable gardens on a person's property or, with permission, on the property of another person, in any political subdivision, including municipalities, plantations and

counties, which cannot prohibit or regulate vegetable gardens, permaculture, edible landscaping, food forests or community gardens in a way that is inconsistent with the act. The garden protection proposal also authorizes political subdivisions to develop and implement programs to promote permaculture and establish edible landscaping, food forests and community gardens in public spaces and further authorizes entities to seek and accept funds from public and private sources to support those efforts. The bill also amends the Food Sovereignty Act by: (1) adding to the list of the Department of Agriculture, Conservation and Forestry duties the responsibility to protect the constitutional right to food; (2) defining the terms consumer, food producer, food sovereignty and traditional foodways; (3) establishing six principles to further preserve rural life and values and to protect the right to food, including focusing on people, valuing producers, localizing food systems, promoting local control, building knowledge and skills and working with nature; and (4) extending the authority of municipalities to adopt food sovereignty related ordinances to

HEARING SCHEDULE

For the week of January 27, 2025

Note: 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/>.

MONDAY, JANUARY 27

Criminal Justice & Public Safety
Room 436, State House, 1:00 p.m.
Tel: 287-1122

LD 42 *An Act Regarding the Bind-over and Detention of Juveniles*

LD 97 *An Act to Facilitate the Improvement of Credit Scores of Residents of Department of Corrections Facilities*

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

LD 65 *An Act to Update the Definition of "Coastal Wetlands" Under the Natural Resources Protection Act*

12:00 p.m.

LD 92 *An Act Regarding the Management of the Waste Components of a Solar Energy Development upon Decommissioning*

LD 138 *An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections*

Inland Fisheries & Wildlife
Room 206, Cross Building, 2:30 p.m.
Tel: 287-1338

LD 95 *An Act to Amend and Simplify Certain Wildlife Laws*

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

LD 13 *An Act to Provide Funds Necessary for the Production and Delivery of Election Materials by the Secretary of State and to Reconvene the Working Group to Study Polling Places at Schools*

TUESDAY, JANUARY 28

Agriculture, Conservation & Forestry
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1312

LD 24 *Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey Public Land Parcels in Lincoln Plantation and Sandy River Plantation*

Health Coverage, Insurance & Financial Services
Room 220, Cross Building, 1:00 p.m.
Tel: 287-1314

LD 107 *An Act to Require Health Insurance Coverage for Biomarker Testing*

LD 123 *An Act Regarding Licensure of Emergency Medical Services Persons*

Taxation
Room 127, State House, 1:30 p.m.
Tel: 287-1552

LD 68 *An Act to Amend the State Tax Laws*

IN THE HOPPER (cont'd)

those regulating traditional foodways and further providing that the law does not require municipalities to adopt a specific form or framework in the process of adopting traditional foodways or direct producer-to-consumer transactions. As defined in the bill, "traditional foodways" are cultural, social and economic practices related to the production and consumption of food, including the conveyance of knowledge regarding food production, preservation, preparation and presentation.

Appropriations & Financial Affairs

LD 209 *An Act Making Unified Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2025 (Emergency) (Governor's Bill)*

This is the Governor's proposed FY 2025 supplemental General Fund budget. Of municipal interest, Part S of the emergency bill limits GA eligibility for housing to three months in a 12-month period, except for the aid provided for temporary or emergency shelters, as well as the assistance for applicants with severe and persistent mental or physical conditions or an applicant with a pending Social Security Administration decision. The bill also

provides that maximum levels of assistance for other non-housing related support can only be exceeded for 30 days in 12-month period. The bill also: (1) transfers \$3 million to the Disaster Recovery Fund to fund the state's share of disaster recovery costs (Part F); (2) transfers \$750,000 to upgrade the Cony Road facility in Augusta (Part I); (3) provides \$250,000 in one-time funding to the Animal Welfare Fund program to assist with extraordinary animal seizure costs (Part T); and (4) provides \$2 million in one-time funding to address the early intervention and management of Spruce Budworm.

Environment & Natural Resources

LD 138 *An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections* (Sponsored by Sen. Bennett of Oxford Cty.)

This bill exempts the property of an airport from protections for state endangered and threatened species that may require special management considerations or protection guidelines and from restrictions on state and municipal approval of projects that may significantly impact state endangered and threatened species habitats.

Maine's Makeover for Concept Drafts...cont'd

In response to the concerns raised with the use of concept draft legislation, the rules committee spent time generating and debating the merits of suggested improvements to the process. The recommendations were varied and included a proposal to completely ban the use of concept drafts, as well as suggestions prohibiting concept drafts from being carried over between sessions, imposing a variety of deadlines—including those placed on the development of a bill's details and to provide adequate public notice—and eliminating cloture, which is the deadline for the submission of legislation.

Considering the myriad of suggestions shared, a robust discussion was held on the perceived pros and cons of concept draft bills, a debate which benefited from feedback offered by nonpartisan office staff.

Danielle Fox, the Director of the Office of Policy and Legal Analysis (OPLA), discussed how the suggested amendments would affect their workloads and issues related to some suggestions regarding information sharing due to current confidentiality limitations. Director Fox also shared the logistical problems associated with proposed amendments to concept drafts, by pointing out that OPLA analysts work only on committee amendments and not individual sponsor amendments,

further emphasizing the time involved when a committee works on a concept draft proposal.

Most committee members agreed there are legitimate reasons for advancing concept draft bills but also recognized the need to establish parameters so that information can be made publicly available in a reasonable amount of time. Sen. Richard Bennett (Oxford County) and Sen. Trey Stewart (Aroostook County) were strong proponents of eliminating the use of concept drafts, except for model acts and the budget, but noted that if that wasn't the will of the full committee, significant changes or limits should at least be considered.

Sen. Teresa Pierce (Cumberland County) shared that carrying over a concept draft should be the exception and not the norm and opined that deadlines are an important motivator to keep the legislative process moving. For example, if cloture was open-ended, it could potentially lead to a slew of bills being introduced at the end of session.

Speaker Ryan Fecteau (Biddeford) offered a solution that would require the primary sponsor of a concept draft bill to produce a proposed amendment that contains sufficient details to inform the public of the intended effects of the initiative at least two businesses days prior to the bill's public hearing. If this is not done, the public hearing is

automatically cancelled, and the bill is filed with an "ought not to pass" report. Committee members seemed to favor this proposal and ultimately decided that it would provide the guardrails necessary to ensure the public has the information needed to properly weigh in on a proposed amendment to a concept draft.

While concept draft bills can give lawmaking a choose-your-own-adventure type of vibe, for the 2025-2026 session, sponsors of concept draft bills will need to prepare and submit a detailed proposal no later than three business days before the public hearing.

The amendment must also be posted on the committee's testimony page no later than two business days before the public hearing. Failure to comply with the deadlines renders the bill automatically and immediately withdrawn and put in legislative files; that is, the dead files. Furthermore, nonpartisan staff will now be authorized to consult with committee chairs on the status of a concept draft amendments but are still prohibited from disclosing the content of the amendment.

Although some might argue that these rules are an open invitation for a legislator to submit an idea that is still in its infancy, the rules aim to keep the whole legislative process on track and to implement solutions that balance the need to provide ample time to develop well thought-out proposals with the ability for the public to provide comments on fully developed legislation.

In addition to adopting a reasonable solution to the concerns raised with the use of concept draft legislation, the ability of the committee to work collaboratively on a compromise approach bodes well for the remainder of the session. The best public policy outcomes are achieved when all the interested parties work together on crafting mutually beneficial solutions. Hopefully, this practice is embraced by all committees.

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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IN THE HOPPER (cont'd)

Health Coverage, Insurance & Financial Services

LD 123 *An Act Regarding Licensure of Emergency Medical Services Persons* (Sponsored by Sen. Cyrway of Kennebec Cty.)

This bill amends the law governing the minimum requirements for licensing and relicensing of emergency medical services persons by removing the requirement that a person seeking licensing or relicensing must have successfully completed the practical evaluation of emergency medical treatment skills approved by the Emergency Medical Services' Board and replacing it with a requirement that the person must have successfully completed an assessment of emergency medical treatment skills approved by the board.

Judiciary

LD 83 *An Act Concerning the Filing of Marriage Licenses and the Recording of Intentions as Part of the Electronic Vital Records System* (Sponsored by Rep. Kuhn of Falmouth)

This bill amends the laws regarding the management of marriage licenses by requiring: (1) completed applications to

be attached to the marriage record stored in the State Register of Vital Statistics' electronic system; (2) in situations where licenses have been erroneously issued and the couple as not yet married, the state register or municipal clerk to inform parties that they cannot marry until the judge of probate approves the marriage; and (3) marriage licenses returned later than 90 working days following the marriage be marked as delayed in filing. The bill also repeals the provision in statute requiring the municipal clerk to provide applicants of a marriage license a Department of Health and Human Services brochure concerning the effects of alcohol and drugs on fetuses.

Labor

LD 60 *An Act to Allow Employees to Request Flexible Work Schedules* (Sponsored by Rep. Roeder of Bangor)

This bill requires employers, including public employers, to consider an employee's request for a flexible work schedule and in the process of considering the request determine if it can be granted in a manner that is consistent with employer operations. Such considerations include the cost to the employer, impacts on employee morale, ability to meet consumer demands, and ability to reorganize work among existing employees, to name a few.

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IN THE HOPPER (cont'd)

Employers must inform an employee, in writing, of the decision, and if denying the request, specify the reasons for the denial. If the request is granted, the employee and employer must mutually agree on the duration, time and terms of the flexible work schedule. With as much notice as possible, the employer can rescind the flexible work schedule when deemed necessary. An employer that takes action to prevent or penalizes an employee for requesting a flexible work schedule is subject to a civil penalty between \$100 to \$500 payable to the Department of Labor. The bill further provides that a collective bargaining agreement may provide employees with more expansive flexible work schedule rights.

LD 61 *An Act to Regulate Employer Surveillance to Protect Workers* (Sponsored by Rep. Roeder of Bangor)

This bill requires employers, including public employers, to provide notice before initiating employee surveillance through electronic devices or systems, and further restricts the use of audiovisual monitoring in an employee's residence, personal vehicle, or on personal property. The bill provides an exception for the use of surveillance cameras for security or safety purposes or the use of global positioning system tracking or other safety devices on vehicles owned by the employer but operated by the employee. The bill also: (1) authorizes an employee to decline a request by an employer to install data collection or transmission applications on the employee's personal electronic devices; (2) requires an employer to notify prospective employees during the interview process that the employer engages in employer surveillance; (3) gives rule-making authority to the Department of Labor; and (4) creates a private right of action for persons aggrieved by a violation by an employer.

Taxation

LD 15 *An Act to Eliminate the Excise Tax on Camper Trailers* (Sponsored by Sen. Libby of Cumberland Cty.)

This bill eliminates the excise tax on camper trailers, which is assessed, collected and retained by municipalities.

LD 68 *An Act to Amend the State Tax Laws* (Sponsored by Rep. Cloutier of Lewiston)

Of municipal interest, this bill changes from April 1 to May 1, the date by which the owner of business equipment tax exemption (BETE) property files a report with the assessor describing the property for which an exemption is claimed and repeals the automatic 30-day extension for filing the report. Instead, the bill authorizes assessors who receive a written request for an extension before taxes are committed to grant, for good cause, additional time to file the report, provided the extension does not exceed three months. The bill also authorizes the State Tax Assessor to provide access to BETE applications, rather than provide copies of the applications.

LD 185 *An Act to Expand Opportunities to Invest Municipal Tax Increment Financing Revenues* (Sponsored by Rep. Mastraccio of Sanford)

This bill enables a municipality or plantation to maximize the use of tax increment financing revenue to renovate and construct municipal facilities that contribute to the community's economic development efforts, including facilities used as emergency shelters.

LD 237 *An Act to Increase the Percentage of Funds Provided to Municipalities Through State-Municipal Revenue Sharing* (Sponsored by Sen. Baldacci of Penobscot Cty.)

This bill increases the percentage of state sales and income tax revenues distributed through the state-municipal revenue sharing from the current 5% to 5.5% on January 1, 2026 and to 6% on January 1, 2027.

Veterans & Legal Affairs

LD 13 *An Act to Provide Funds Necessary for the Production and Delivery of Election Materials by the Secretary of State and to Reconvene the Working Group to Study Polling Places at Schools* (Sponsored by Sen. Hickman of Kennebec Cty.)

This bill creates the Product and Delivery of Election Materials



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IN THE HOPPER (cont'd)

Fund, a non-lapsing, interest bearing fund within the Department of the Secretary of State to support the production and delivery of election materials as required by state statutes. Beginning on September 30, 2025, and every September 30 thereafter, the bill directs the state controller to transfer \$266,000 from unappropriated General Fund surpluses to the election materials fund. Every two years, the amount transferred to the fund must be adjusted for inflation. The bill also directs the Secretary of State to reconvene the nine-member working group to study polling places at schools, which includes representatives from the Maine Town and City Clerks' Association and Maine Municipal Association. No later than December 15, 2025, the working group is further directed to submit its report and recommendations regarding student, staff and voter safety and practices around the use of school buildings for elections to the Joint Standing Committee on Veterans and Legal Affairs, which is authorized to report out legislation in 2026.

LD 158 *An Act to Direct the Secretary of State to Establish a Date Each Year for Voting by Absentee Ballot* (Sponsored by Rep. Parry of Arundel)

This bill directs the Secretary of State, no later than January 31, to establish the dates by which all municipalities must issue and accept absentee ballots for the regular elections of state and federal officers occurring in the election year.

LD 199 *An Act to Change the Limits on Candidates' Communications with Voters at the Polls* (Sponsored by Sen. Libby of Cumberland Cty.)

This bill amends limits on candidate interactions with voters at the polling place by repealing the current provision allowing candidates to greet voters at the polling place provided the name of the office the person is seeking is not mentioned or otherwise displayed, with a provision authorizing a candidate to orally state the name of office the person is seeking and political affiliation, as long as the candidate does not attempt to influence the voter.