



LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLVI No. 11 • MARCH 15, 2024

The Ides of Pi(e), Et Tu, Augusta?

What do International Pi Day and the Ides of March both have in common? Both eating pie and Shakespearian warnings of ancient patrician dissent involve knives. In Augusta this week, the theme was a whole lotta slicing of the revenue pie with appropriation discussions centering on who was getting what slice of the seemingly abundant state funding, and which initiatives and stakeholders might find themselves on the wrong end of the fiscal scalpel.

EMS Pie

On Monday, the Appropriations and Financial Affairs Committee placed the Commissioner of Public Safety in the hot seat to provide information on how department initiatives would address several public safety concerns. One of those initiatives included plans to improve the safety of legislators in committee rooms and expand current public security screening to include both the Cross and the State Capital buildings. Currently, the Cross building is less than “Ides of March” safe, and nearly on par with municipal public facility realities, including council and select board meeting rooms, except that municipalities cannot prohibit, let alone screen, for dangerous weapons.

After all, Julius Ceasar was hardly a member of the Comitia Tributa, tribal assemblies open to all citizens, that approved decisions on local matters, had some judicial powers, but only had authority to levy fines. He was stabbed by his patrician mates in the Senate, who probably had a security fast pass.

Next the committee grilled the newest director of MaineEMS with just a couple days into his role, trying to understand why \$31 million appropriated to the department in the last session had not reached the emergency medical services (EMS) it was intended to save from imminent collapse. With an October 24, 2023, date of official enactment, and the need to hire staff only recently filled, the new program director and three contracted grant management positions have received 147 applications from services that amount to \$8.4 million of the \$12 million designated from the fund to stabilize EMS operations.

The commissioner advised that eight checks amounting to about \$500,000 are in the mail with another 20 in the hopper for later this month. Pointing to the need for educating EMS

services around the financial material to back up the request, such as profit and loss statements and basic budgets, he reported that process required them to work nights and weekends to walk applicants through the fiduciary needs and as a result should make future sustainability funding applications faster to process.

The second grant round will focus on regional training of EMS personal and mental health resiliency of providers, and better regional coordination of interagency transport. Committee members asked to what extent the mental health provision intended in that initiative crossed over into an MMA-backed

(continued on page 2)

GA, The Elusive Unicorn

On Tuesday, in an unexpected and, quite frankly, surprising twist, the Committee on Health and Human Services (HHS) laid out its overwhelming support for the General Assistance (GA) program. During the work session on the previously tabled items from Governor Mills’ supplemental budget, the committee rejected both the proposed language and appropriation initiatives. The crowd couldn’t have been more shocked if a unicorn had pranced through the room.

As has previously been reported, the Governor’s supplemental budget proposed new language that would restrict a GA administrator’s use of emergency funding that exceeds the maximum levels of assistance to only one 30-day period within twelve months. The opposition to this initiative during the joint public hearing between HHS and the Committee on Appropriations and Financial Affairs (AFA) was fierce, from advocates for community support organizations, economists, local officials, and MMA. The administration included the language to limit the use of hotels as emergency housing and as an offset, proposed a \$16 million appropriation for housing assistance through the Maine State Housing Authority.

The Department of Health and Human Services (DHHS) testified that the continued allowance of maximum overages

(continued on page 5)

The Ides of Pi(e), Et Tu, Augusta? cont'd

bill, LD 1857, *Resolve, to Establish a Public Safety Health and Wellness Grant Pilot Program*, Sponsored by Rep. Lynn Copeland of Saco, which is currently sitting on the Appropriations table. The new EMS director advised this was intended to bolster regional peer support networks under a state supported regional model which will consolidate down from the existing six regions, provide better support to licensees through a four-region model, and shift medical direction to the state rather than the regional level.

Under the current system, Ceasar may have been beyond basic EMS help but depending on where he was in the state, he may get faster response calling an Uber.

Rural Policing Pie

Next the committee drilled down into the expansion of Maine State Police (MSP) with the request for 32 additional troopers. While trying to manage finite resources with ever expanding demands, State police found themselves in hot water with county sheriffs when trying to adjust call sharing agreements to better allocate dwindling and overworked resources to focus on immediate core needs. Call sharing came into play in the late 1990s when it became clear calls filtered through different communication centers in rural areas found deputies passing troopers heading in opposite directions to handle calls that could have been managed faster by alerting the closest law enforcement officer. At that time each individual county worked with the state police to divide up the geographic regions in 16 different ways, which ultimately reduced redundant services. Nine agreements still exist, with six still having an element of call sharing either by day, time, or geographic coverage.

To maintain the call sharing agreements as they exist, MSP needs to add 32 troopers to the ranks of 177 state law enforcement officers currently assigned to rural patrol; a workforce number that has not increased in over 30 years. To put the need into context, last year the State's Major Crimes unit, the second largest MSP division with 60 members, is less than the staffing level of one of the only two other agencies able to investigate homicide in the state yet was responsible for 96% of the record number of homicide investigations statewide.

One of the more interesting questions posed to the commissioner was how the state should be looking at policing differently, specifically inquiring as to whether every municipality should be forced to pay for an individual officer if they did not have one. Somewhat ducking the question, the commissioner advised that state leaders probably wouldn't design the system as it has been. However, since Maine is a local control state it has been developed with available resources in mind, which is why call sharing agreements do not exist in a number of counties though the agency still provides services to those communities through the major crimes paths, and has created shared task

forces through drug enforcement, computer crimes affiliate programs, and even K-9 handling.

One of the more problematic statements came in the form of a concern flagged by some rural communities who contract with county sheriffs hinting that should the MSP receive an increased compliment of sworn officers, municipalities will just shirk their duty to provide public safety by either avoiding to contract with the county or abolish their police services as they can get policing services for free through the state.

Really? That's why agencies are collapsing?

Say Ceasar arrives at the ER in an Uber stabbed 23 times by his mates and we treated the surgeon's ability to save him the way we view the much lower paid, but highly specialized law enforcement officer. You can bet the surgeon would rethink her career when the day after her 12-hour unsuccessful surgery, the press showed up on her door playing "Monday morning quarterback" on her skills, with her children and spouse also enduring public humiliation, while waiting for the autopsy to confirm it was the Senate that actually killed him.

All municipalities pay into county budgets, regardless of receiving any policing resources from them and regardless of having their own law enforcement agency. All municipalities receive resources from the state police regardless of their own law enforcement agency because only MSP investigates homicides, including police involved shootings, have a bomb detection team, evidence recovery team, standing dive team or fatal accident reconstruction expertise, as standard. Only MSP receives revenue in part generated from the impact felt locally from the 35 million visitors to Maine annually.

To use Latin, the system of policing is very "quid pro quo" amongst all services. Egos around budgets and territory aside, they all show up when needed and no one is submitting a bill because they will always get paid back by support at a later date.

Disaster and Resilience Pie

On International Pi Day, the Appropriations committee stuck their fingers in the rocky road of infrastructure needs expressed through LD 2225, *An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events*, sponsored by Speaker Rachel Talbot Ross of Portland.

During the discussion, the committee learned that revenues would be transferred from the ironically named "rainy day fund" to address the growing financial needs of coastal and inland communities reeling from the extensive damage due to recent storms. The financial transfer that would be directed to the infrastructure adaptation fund would not only be shared by the state and municipalities, but also help support the recovery efforts of private entities that are regionally important in coastal economies.

One of the bigger issues around adaptation for future storm

(continued on page 4)

HEARING SCHEDULE

For the week of March 18, 2024

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. It is not uncommon at this time of the session to have a bill printed one day and a public hearing within a couple of days. Weekly schedules for hearings and work sessions can be found on the Legislature's website at: <http://legislature.maine.gov/calendar/#Weekly/>.

MONDAY, MARCH 18

Environment & Natural Resources
Room 216, Cross Building, 1:00 p.m.
Tel: 287-4149

LD 1960 (as amended) – An Act to Support Farming in Maine by Excluding Certain Agricultural Products from the Law Governing the Presence of Perfluoroalkyl and Polyfluoroalkyl Substances in Products

LD 2266 – An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems

TUESDAY, MARCH 19

State & Local Government
Room 214, Cross Building, 1:00 p.m.
Tel: 287-1330

LD 2264 – An Act to Further Clarify the Meaning of “Private Road” and “Public Easement” in Certain Provisions of Maine Law

WEDNESDAY, MARCH 20

Environment & Natural Resources
Room 216, Cross Building, 1:00 p.m.
Tel: 287-4149

LD 2261 – An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules

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.

Energy, Utilities & Technology

LR 3169 (no LD #) – An Act to Require Public Safety Answering Point and Dispatch Center Reporting and to Direct the Formation of a Staffing and Recruiting Stakeholder Group (Committee bill reported straight to the floor)

The Energy, Utilities and Technology committee voted by a majority to report this bill which will have no LD number straight to the floor and without a public hearing or work session. The bill requires public safety answering points and dispatch centers to annually report the costs incurred by the public safety answering point or dispatch center for the provision of enhanced 9-1-1 services, under rules established by the Emergency Services Communications Bureau. The bill also requires the bureau to contract with a 3rd party vendor using the revenues from the E-9-1-1 fund to provide quality assurance reviews of emergency medical dispatch services and the answering of fire 9-1-1 calls by public safety answering points and authorizes the bureau to hire one additional staff member. Lastly, the bill requires the bureau to convene a stakeholder group to develop a coordinated 9-1-1 staffing and recruiting effort for all public safety answering points and ensure there is stakeholder representation from state, county and municipal public safety answering points.

Environment & Natural Resources

LD 2261 – An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules (Sponsored by Rep. Soboleski of Phillips)

This after deadline bill would retroactively to May 22, 2023, require any rules adopted by the Department of Environmental Protections regarding new motor vehicle emissions standards, including rules to establish zero-emission requirements, to be major and substantive rules. The rules established by the Board of Environmental Protection on or after January 1, 2024, to incorporate the requirements of California's Advanced Clean Cars II and Advanced Clean Trucks regulations as major and substantive, requiring legislative review before adoption.

State & Local Government

LD 2264 – An Act to Further Clarify the Meaning of “Private Road” and “Public Easement” in Certain Provisions of Maine Law (Reported by Sen. Nangle of Cumberland Cty. for the Committee on State & Local Government)

This committee bill enacts recommendations from the Abandoned and Discontinued Roads Commission which recommended changes to the definition in statute of the term “Private Way” to “Public Easement” and impacts a number of sections of statute where the term “private way” was previously used. The bill also adds a definition of “private road” to mean a privately owned way over which there is no public right of access. Under 23 M.R.S.A §3101 - §3104 the bill

The Ides of Pi(e), Et Tu, Augusta? cont'd

events is the imminent need to repair current damage and restrictions around FEMA funding for repair of that infrastructure. Currently, federal regulations limit the use of funds exclusively to return damaged infrastructure to pre-storm event condition, therefore not allowing the use of revenue to build future storm resilient infrastructure.

While communities can apply for a separate pot of federal money later in the year to build more resiliency into existing infrastructure, it's important to note that the federal grant application process is far more onerous than that for state grants, which are already a challenge for many recently impacted communities. Although the current funding proposed under LD 2225 cannot be used for the state match portion of federal grants, the state has set aside a limited pool for the federally required 15% state match for repair projects, which also requires a local 10% contribution. As highlighted last week, that would be approximately \$200,000 of local revenue required for a single \$2 million culvert replacement project.

Despite the \$30 million and \$20 million allocated from Other Special Revenue Funds and the \$50 million from the Maine Budget Stabilization Fund allocated to the fund, on behalf of the Departments of Marine Resources and Transportation, Hannah Pingree, director of the Governor's Office of Policy Innovation

and the Future, indicated the needs and requests for this funding will far outstrip its appropriation, including the needs of important cultural tourist spots, such as devastated lighthouses. She cautioned that while it is a great deal of money, state agencies know it will be important that the reimbursement program narrowly define the term "working waterfront," because the generous allocation was simply not enough to meet the known need.

All roads may lead to Rome, but one of the enduring lessons of Shakespeare's end of life take on the infamous general turned ruler Julius Ceasar's end just may be ignore the plebs at your peril but beware of smiling patricians. They are most certainly trying to cut local government a smaller piece of the all-in revenue pie, while expecting local leaders to keep public safety high quality, fast, and fully staffed, with roads in good repair— regardless of perfect storms.

Hopefully, the Legislature's appropriators will look at the comparative local government track record of service delivery and at least contribute the whipped cream to the rocky road pie. However, the cherry may be a bridge too far.

SUBMITTING TESTIMONY AFTER THE PUBLIC HEARING

(particularly for carryover and supplemental budget bills)



POTHoles & POLITICS

"Potholes & Politics: Local Maine Issues from A to Z" is a podcast about municipalities in Maine and the people and policies that bring local government to your doorstep. Check out our episodes:

MMA: <https://www.memun.org/Media-Publications/MMA-Podcast>

Spotify: <https://open.spotify.com/show/1LR5eRGG1gS2gu5NRoCUS1>

Apple Podcasts: <https://podcasts.apple.com/us/podcast/potholes-politics-local-maine-issues-from-a-to-z/id1634403397>

As many of you have likely noticed, legislative committees are currently working through several concept drafts bills that have already had public hearings but were carried over into the Second Regular Session to allow more time for bill sponsors to develop the language necessary to advance the initiative. Even after a public hearing, members of the public can submit written testimony and comments on proposed language to a concept draft. This can be done online at <https://www.mainelegislature.org/testimony/>. When you get to the webpage, select "public hearing," then select the committee, for example, "Criminal Justice and Public Safety." From here, you will need to find the date of the original public hearing for the bill you wish to comment on (not the new work session date). Once you find the date, click on it and you will see a list of bills that had public hearings on that day, and you can select the bill from that list. The committee clerks, as well as MMA staff, do our best to get written materials into the hands of committee members prior to work sessions. And of course, when a work session allows for public comment members of the public may also show up in person to speak or request a zoom link from the committee clerk.

GA, The Elusive Unicorn cont'd

would cost the state an estimated \$20 million, annually. The supplemental budget also proposed a \$5 million appropriation to continue the 70% reimbursement to municipalities for delivery of GA services at the local level. While almost all the testimony was in support of this funding, many, including MMA, asserted that the current base funding level for the program, as well as the maximum levels of assistance, are simply inadequate and unsustainable.

Outside of the supplemental budget, three bills remain in motion to complete the GA service package that the HHS committee proposed in February. Two bills waiting in the wings come from MMA's 2023-2024 legislative platform.

LD 1664, *An Act to Increase Reimbursement Under the General Assistance Program*, sponsored by Sen. Marianne Moore of Washington County, would increase state reimbursement for the direct aid provided under the GA program from 70% to 90%. LD 1732, *An Act to Expand the General Assistance Program*, sponsored by Rep. Michele Meyer of Eliot, would make programmatic and administrative changes to the program at both the state and local levels (check out the March 1 edition of the Legislative Bulletin for the *Q&A with GA* article that includes all the specifics of LD 1732). Those two bills in conjunction with LD 1540, *Resolve, to Establish an Eviction Pilot Program*, sponsored by Rep. Rebecca Millett of Cape Elizabeth, which was voted out of the Housing Committee, created the HHS general assistance trifecta. However, by the February work session, LD 1732 had been amended by the committee in such a way that MMA no longer supported its own measure as a stand-alone bill. With two of the three bills languishing on the appropriations table, the packaged deal is far from wrapped up.

Let's get back to Tuesday.

It's rare, especially at the end of session, for a committee's entire membership to be present. After a long wait, during which the House remained in session, the entire HHS committee gathered to finalize decisions on several items that had been tabled.

Despite a last-ditch outreach effort by MMA staff, and a mysterious, "just wait and see," wink from behind the horseshoe, hopes were not high.

Senator Joseph Baldacci of Penobscot County, started the GA discussion by plainly stating that the budget policy language needed to "go away." In response, Rep. Samuel Zager of Portland proposed alternate language, directed specifically at the usage of hotels, giving municipalities the authority to, "refuse to grant assistance to a hotel, motel or other lodging place that is in excess of 150% of the applicable payment standard under the program, provided that the requirements of the General Assistance program can be met elsewhere." After discussion, the committee voted to remove the administration's proposed language from the budget and to accept Rep. Zager's language instead.

In exchange for removing the maximum policy language, and in response to DHHS' testimony, Senator Baldacci proposed, and the committee voted, that the meager \$5 million appropriation for continued municipal reimbursement be increased to \$25 million (not a typo).

An additional \$8 million appropriation was also proposed, in tandem with additional language, to fund the desired increase in municipal reimbursement from 70% to 90%.

The only thing that really bums the shimmer of this story is the fact that none of those five committee votes were unanimous and all along party lines. The false narrative that GA is knowingly and purposely administered to individuals who cannot prove that they are legally present in this country continues to float through the committee, a frustrating and disheartening reality that drives home the lack of confidence that some legislators have in the integrity of municipal officials.

The HHS committee's report back to the AFA was due by 5 p.m. on Wednesday. Pages 6-8 and 10-11 of that document, which is found here (<https://legislature.maine.gov/doc/10868>), outlines the committee's General Assistance related recommendations.

On Friday, as this bulletin arrives in your in-box, AFA will possibly review these recommendations from the HHS committee's report. They may vote, and if they accept the recommendations, we may even get a glimpse of this GA unicorn again. Wouldn't that just be magical?

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

207-623-8428 Website: www.memun.org

Editorial Staff: Kate Dufour, Rebecca Graham, Rebecca Lambert, Amanda Campbell and Laura Ellis of Advocacy & Communications.

Layout: Sue Bourdon, Advocacy & Communications





HOPPER cont'd

changes “private way to means a public easement not repaired or maintained year round by a municipality.” Under 23 MRSA §3105-A, the laws governing repairs and maintenance of public easements and private roads, the bill changes inhabitants to legislative body and clarifies that the legislative body of a town may plow, maintain and repair a public easement to the extent directed by the legislative body when the municipal officers or assessor consider it advisable in the best interest of the municipality for fire or police protection. Under 23 MRSA §3106, sub-§1 the bill changes the term “way” to “public easement” in the section of law that permits a municipality to appropriate funds to repair a private road, public easement, or bridge for stormwater runoff pollution from reaching a great pond, including those private ways maintained by a road association. The bill also repeals the definition of “public roadway” in 29-A MRSA §2322, the section of law governing bicycle and roller skis safety education act and amends the use of helmet law to apply to a “public way.”

Taxation

LD 2262 – An Act to Amend the Process for the Sale of Foreclosed Properties Due to Nonpayment of Taxes (Reported by Rep. Perry of Bangor for the Committee on Taxation)

This committee bill establishes the recommendation of the Working Group to Study Equity in the Property Tax Foreclosure process pursuant to Public Law 223, chapter 358. The bill amends the process following the foreclosure on a property by a municipality

for failure to pay property taxes and the return of excess fund by: (1) requiring a municipality to make 3 attempts to contract with a real estate broker for the sale of the subject property; (2) requiring a real estate broker to attempt to sell the property for 6 months before the municipality can sell the property in a manner authorized by the municipality’s legislative body; (3) eliminating the requirement that the former owner submit a written demand for the return of excess funds from the sale; (4) allowing a municipality to deduct from the proceeds of the sale additional costs authorized under the current law, fees incurred for advertising, mailing, and recording the property in addition to any expenses incurred in improving the property; (5) requiring a municipality to provide notice of intent to disburse any excess funds to the former owner to each record holder of an interest in the property by certified mail return receipt request at least 30 days prior to that disbursement; (6) requiring that if the municipality is unable to locate the former owner, they publish a notice in newspaper of general circulation in the county in which the property is located, specifying the former owner, a description of the property sold, the amount of the excess proceeds and the date by which the proceeds must be claimed; and (7) requiring the municipality to record in the registry of deeds a notice within 10 days of paying the excess proceeds to the former owner, their name, date of the payment and to whom it was made, a description of the property and a statement that by accepting the excess proceeds the former owner has waived the right to commence an action to dispute the taking of the property.