Updates from Augusta

With a directive from leadership to complete public hearings and work sessions sooner rather than later, the legislative pace is picking up and committees of jurisdiction are meeting with increasing frequency. What follows are updates on bills of municipal interest.

Supplemental Budget.

This week Governor Mills unveiled her FY 2020 – FY 2021 supplemental General Fund budget, which includes funding for two local government programs.

The budget increases from $50,000 to $100,000 the state funded benefit provided to beneficiaries of law enforcement officers, firefighters and emergency medical services providers who die in the line of duty.

The budget also includes a $77 million increase in the state’s share of K-12 education. $2.37 billion is calculated by the Essential Programs and Services (EPS) model, including the normal cost of teacher retirement, as necessary to fund K-12 education in FY 2021. The state’s proposed contribution to those costs is $1.23 billion, accounting for 52% of total expenditures.

For FY 2021, the minimum local share for the cost of funding K-12 education is $1.14 billion and the mil rate expectation is 8.18.

Unfunded Actuarial Liabilities.

On Wednesday the members of the Education and Cultural Affairs Committee voted by a margin of 7 to 5 to support an amended version of

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Under existing law, total K-12 public school expenditures are calculated in two ways. One calculation defines total expenditures as the amount necessary to fund education under the Essential Programs and Services (EPS) model, including the normal cost of teacher retirement benefits. The second calculation adds unfunded actuarial liabilities (UAL) of the Maine Public Employees Retirement System - a debt incurred as a result of legislative funding priorities and decisions - to the mix. The second calculation accelerates the state’s progress toward funding 55% of the cost of K-12 education. For example, in FY 2021 under the calculation that excludes UAL the state’s proposed share of K-12 education is 52%, while under the UAL calculation it is 56%.

The amended version of the bill supported by a majority of the committee removes UAL from the calculation of the state’s portion of total K-12 education, and for purposes of maintaining a historical record, includes the contribution to UAL as a separate line in the state’s education budget.

Right to Strike.

A final vote on LD 900, An Act To Expand the Rights of Public Employees under the Maine Labor Laws, which extends the right to strike to certain non-essential public employees, was tabled by the members of the Labor and Housing Committee pending review of the language of a proposed amendment.

The three part amendment presented by the bill’s sponsor, Rep. Michael Sylvester of Portland, would: (1) during a strike authorize employers to call back to work employees necessary to resolve a public safety emergency; (2) allow called back employees to grieve the decision of the employer under collective bargaining; and (3) open the list of employees authorized to strike to future negotiations.

A work session on LD 900 has been scheduled for Feb. 12 at 1 p.m.

Tax Lien Foreclosure.

The Taxation Committee voted unanimously “ought not to pass” on LD 451, An Act To Repeal the Recently Enacted Changes to the Law Governing Tax Lien Foreclosure, sponsored by Sen. Marianne Moore of Washington County. The law, enacted in the final year of Governor LePage’s tenure, amended the tax lien foreclosure process for residents meeting certain age, asset and income standards.

At the time, the need for the legislation was predicated on the mischaracterization of a foreclosure that took place in the Town of Albion, and on the basis of evidence that never materialized. With respect to the Albion case, after a decade of working with the homeowners to get back taxes paid - going so far as to forgive the owed taxes for two years - municipal officials decided that in the interests of all other property taxpayers, it was time to foreclose on the property. In that particular case, the process adopted in the community to dispose of tax acquired property was precisely implemented and executed.

It was a hard fought and contentious two year debate, during which the integrity of municipal officials charged with administering the foreclosure process was repeatedly questioned.

Prior to the vote on LD 451 Rep. Ryan Tipping of Orono observed that there were better ways to help homeowners avoid tax lien foreclosure than assigning blame on municipalities. Ongoing support for revenue sharing funding, as well as the adoption of the state’s senior property tax deferral program would help to keep Maine’s most vulnerable residents out of foreclosure process. In addition, Rep. Amy Arata of New Gloucester expressed sympathy for the mistreatment of the people of her hometown of Albion.

Freedom of Access Training.

Finally, on Tuesday of this week the Judiciary Committee greenlighted a recommendation from the Right To Know Advisory Committee to amend the list of public employees subject to Freedom of Access Training requirements. The bill extends training requirements to code enforcement officers, town managers, planning board members as well as deputies in the clerks, treasurers, managers, assessors and code enforcement positions.
Transporting Tiny Homes (cont.)

regulations in order to be registered by the bureau. In contrast, tiny homes are regulated under the Maine Uniform Building and Energy Code (MUBEC), but not under federal highway safety standards.

Municipal officials believe that instead of amending the motor vehicle laws to allow vehicle registration, the state might benefit from further study and the implementation of solutions that allow these homes to be safely transported to a permanent location in a community and through promotion of zoning changes and exploration of other policy impacts.

During the committee’s work session this week, Sen. Carpenter and the bureau presented an amendment to LD 1981 which: (1) provides a limited registration to allow transport between the point of origin and destination in order to move the home following a sale, service or repairs, occasional seasonal movement or relocation; (2) defines the property to clarify it is not a recreational vehicle, camp trailer, trailer or semi-trailer, motor home or manufactured housing; and (3) creates a titling option in relevant statutes through the new definition.

The committee unanimously voted to support the amendment, added an emergency preamble to the legislation, which will make the law effective the day it is signed by the governor, and agreed to send a letter to interested parties encouraging the creation of a stakeholder group to examine tiny home related building, safety, zoning and assessment issues.

The future of affordable housing may be “tiny,” but the regulatory challenges small mobile buildings create are expansive.