



LEGISLATIVE BULLETIN

A publication of the Maine Municipal Association • Vol. XLVI No. 9 • MARCH 1, 2024

Law Enforcement is Wednesday's Child

The phrase “Wednesday’s child is full of woe” is part of a centuries old, traditionally oral, nursery rhyme first recorded in Bray’s 1838 *Traditions of Devonshire*. Children born on a Wednesday are associated with a great amount of empathy and compassion. They are thought to be a bit gloomy and moody, and “full of woe” because they feel empathy and sadness for others. Wednesday’s children carry the weight of the world on their shoulders.

On Wednesday this week, the Criminal Justice and Public Safety Committee held work sessions on several bills seeking different paths to adequately support the woe experienced by all law enforcement related agencies statewide that, until recently, has largely been shouldered in silence amidst hostile political voices. Two bills worked this week took very different approaches to addressing acute woes around recruitment and rural staffing shortages.

LD 2094, *Resolve, to Require the Establishment of a Stakeholder Group to Examine and Improve the Recruitment, Retention and Wellness of Law Enforcement Officers*, sponsored by Senate President Troy Jackson of Aroostook County, received a public hearing on January 29 and an initial work session February 7.

As originally drafted, the bill was opposed by the Department of Public Safety (DPS) who would need to use already thinly stretched resources to analyze a comprehensive list of factors present in recruiting, retaining, and attracting individuals to law enforcement jobs in all agencies. Additionally, during the public hearing on the proposed bill, both the Maine County Commissioners Association (MCCA) and MMA questioned the constituency of the study group as originally drafted, which did not involve the stakeholders charged with advocating for and ultimately responsible to sell any proposed solutions to the legislative body tasked with approving budgets across the wide spectrum of agencies both municipal and county. More problematic, the original draft included private security companies that have no stake in publicly funded policing services.

An amended version of the bill was presented during Wednesday’s work session to address the resource concerns of the Maine State Police (MSP) with a much paired down study task list, but still did not include any of the budget stakeholders. Instead, the amended version would assemble a stakeholder group constructed of law enforcement union representation, a mental health professional specializing in first responder health, and three members

of law enforcement leadership from the Department of Public Safety, Maine Chiefs of Police, and Maine Sheriff’s Association (MSA) along with a representative from the Maine Criminal Justice Academy (MCJA) and a lone community college system representative charged not only with studying law enforcement needs statewide, but also with reporting to the committee next session with possible solutions.

Without including the budget masters in the discussions to have buy in before the proposals are formed, the group may be challenged to address any identified needs with legislation alone. However, because the Legislature only controls the budget

(continued on page 2)

Q & A with GA

Regarding the changes proposed to the General Assistance (GA) program, through both legislator initiatives and the proposals found in Governor Mills’ supplemental budget, MMA answers some of the questions that continue to be raised to help clarify any confusion regarding the real-world implications of these proposals. Read on for a crash course in GA reforms.

Q. What bills remain in play for General Assistance?

A. Two bills, LD 1664, *An Act to Increase Reimbursement Under the General Assistance Program*, sponsored by Sen. Marianne Moore of Washington County, and LD 1732, *An Act to Expand the General Assistance Program*, sponsored by Rep. Michele Meyer of Eliot, plus one initiative found in Part OO of Governor Mills’ supplemental budget (LD 2214) are up for consideration this session. Although both LD 1664 and LD 1732 were advanced on behalf of MMA’s Legislative Policy Committee, as detailed in the February 16 edition of the Legislative Bulletin, amendments to LD 1732 have led MMA to withdraw its support for the measure as a standalone bill. MMA continues to strongly support LD 1664.

Q. Do any of these bills propose additional funding to towns and cities?

A. Yes. LD 1664, if passed, would increase the municipal reimbursement from 70% to 90%. This bill currently sits on the appropriations table with an \$8 million fiscal note.

Q. Are any of the administrative requests from municipal

(continued on page 5)

Law Enforcement is Wednesday's Child cont'd

of the Department of Public Safety, including local government appropriators in the discussion from the beginning could lead to faster changes outside the biennial budget.

As such, the bill received a divided report. While the committee supported the amended version, which would charge the Maine Sheriff's Association with duties to convene the group, it would still require MSP to draft the final report. The minority report would change the stakeholder group to include members representing new Mainers, marginalized communities, and a student of criminal justice, as well as a member from the American Civil Liberties Union.

Another divided report was received on LD 2109, *An Act to Maintain State Police Rural Patrol Services at 2020 Staffing Levels*, sponsored by Sen. Jeff Timberlake of Androscoggin County. In an attempt to back fill county call sharing agreements, the bill would require MSP to maintain all agreements and drop staffing levels no further than the 2020 level. Unfortunately, in 2020, staffing levels were still well below the need to provide rural patrol services and had not increased in over 30 years despite a significant growth in population and complexity of response needs. During the January 3 public hearing, MSP, MMA, MSA and MCCA all testified that the 2020 levels were arbitrary and not suitable to address the resource deficit experienced by the only agency statutorily required to provide law enforcement services to every community in Maine, regardless of their local coverage.

The growth in significant public safety incidents where coordinated, highly specialized and properly equipped responses are necessary has highlighted this interdependency. They also serve as touchstones for municipal officials to ask where the burden of the risk for such technical response belongs; on the community experiencing the incident, or with the state that can invest in maintaining critical high-risk response skills and has a dedicated legal office to mitigate risk.

On Wednesday, the bill's sponsor listened to stakeholders and requested an amendment to the bill which would increase the employee count requested in the Governor's supplemental budget to include a call sharing agreement with Androscoggin County for rural policing services. Like the previous initiative, this received a divided report in favor of the amended language.

A bill to address the recruitment conundrum in Emergency Medical Services (EMS) which has been explored by two separate Blue Ribbon Commissions (BRC), also received a divided report and led to an interesting interpretation of what the purpose, intent, and effect of a mandate preamble on legislation implies. While the original bill, LD 1515, *An Act to Fund Delivery of Emergency Medical Services*, sponsored by Speaker Rachel Talbot Ross of Portland, was supported by officials across the board, the amended language proposed to implement the recommendations of the EMS BRC would be a challenge for an official to locate by searching the LD number which only provides for an appropriation of \$70 million.

One recommendation in the amended language would require that all municipalities develop and submit a plan for ambulance response to the Maine EMS board annually so that the agency

that licenses all ambulance services could know where those ambulances are providing services. Without municipal reporting, EMS providers advise, it's impossible to understand where there is service coverage, either by contract or mutual aid agreements.

During the discussion around if such a provision was a mandate on local government, which currently is not required to provide police, fire or EMS response services, the resounding answer was yes. Perhaps more concerningly, the analyst advised that mandates are interpreted as political, and if they cannot be overridden by a two-thirds majority vote of both bodies, it would be up to the court to decide if or how they would be applied.

Unfortunately, that is a very poor read of the Maine Constitution, let alone statute.

If an identified mandate on a local unit of government is not overridden by a two-thirds majority vote, the expense for performing the additional duties MUST be funded at 90% of their cost or the provision of the new service is entirely VOLUNTARY for the local unit of government. Current practice may be for the legislature to ignore that obligation and rely on the overwhelming sense of duty municipalities feel to meet the letter and spirit of the law, however this blatant disregard of a constitutional provision merits an attitude adjustment in this new light.

Ultimately, the committee struck other language of concern to stakeholders and changed the language of the municipal mandate from "shall" to "may" mirroring the reality for a legislature that doesn't desire to fund a priority left to their neighbor's property tax with a two-thirds vote.

Thursday's Child Has Far To Go

While the House and Senate debated bills on the floor Thursday morning, law enforcement from around the state, Maine Chiefs of Police, DPS, and MMA were holding a press conference at MSP headquarters. The event unveiled a joint effort established with Husson University students to target and recruit highly qualified individuals from other states with a passion for public service and a desire for a better quality of life to bring their public safety career to Maine.

In a typical municipal boot strapping way, and using a student capstone project at Husson University, New England School of Communications (NESCOM) program directed by Professor Franklin Welch, Falmouth Police Chief, John Kilbride and MMA staff commissioned a video to highlight all available criminal justice opportunities in Maine from corrections and communications to patrol in a wide variety of locations and roles.

Filming daily activities with MSP, Maine Sheriffs, county and state corrections, communications and municipal agencies, the video will be used to entice professionals to bring their career to Maine and lift all recruitment boats landing on a single job opening page to draw applicants to agencies. Informed by MCJA metrics on where out of state candidates have already proven their academy standards are on par with Maine's, MMA will support promotion of the video and provide the job board landing page that all agencies may use to cross post their vacancies.

You may watch the video and see the current openings by visiting www.mainelawenforcement.com which currently directs

HEARING SCHEDULE

For the week of March 4, 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 4

Health & Human Services
Room 126, State House, 10:00 a.m.
Tel: 287-1317

LD 2237 – An Act to Strengthen Public Safety, Health and Well-being by Expanding Services and Coordinating Violence Prevention Resources

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

LD 40 – An Act to Amend the Cannabis Laws

TUESDAY, MARCH 5

Health & Human Services
Room 209, Cross Building, 1:00 p.m.
Tel: 287-1317

LD 2223 – Resolve, to Direct the Department of Health and Human Services to Amend Rules and Establish a Study Group Related to Funding and Reimbursement for Mental Health Crisis Resolution Services

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

LD 227 – An Act Regarding Health Care in the State

Judiciary
Room 438, State House, 11:30 a.m.
Tel: 287-1327

LD 2086 – An Act to Amend the Law Governing the Disposition of Forfeited Firearms

Transportation
Room 126, State House, 1:15 p.m.
Tel: 287-4148

LD 2229 – An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and to

Change Certain Provisions of the Law Necessary to Ending June 30, 2024 and June 30, 2025

WEDNESDAY, MARCH 6

Appropriations & Financial Affairs
Room 228, State House, 1:15 p.m.
Tel: 287-1635

LD 2225 – An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events

Education & Cultural Affairs
Room 208, Cross Building, 1:00 p.m.
Tel: 287-3125

LD 2231 – Resolve, to Promote Access to Education and Workforce Development by Transferring Ownership of the Hutchinson Center Property in Belfast to the City of Belfast

Veterans & Legal Affairs
Room 437, State House, 1:00 p.m.
Tel: 287-1310

LD 332 – An Act to Amend the State's Election Laws

THURSDAY, MARCH 7

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

LD 2233 – Resolve, Regarding Legislative Review of Chapter 255: Workers' Compensation Fronting Companies, a Late-filed Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

Judiciary
Room 438, State House, 11:30 a.m.
Tel: 287-1327

LD 2224 – An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System

LD 2238 – An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

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

LD 2239 – Resolve, to Rename a Bridge in the Town of Mechanic Falls the Bill Dunlop Memorial Bridge

SUBMITTING TESTIMONY AFTER THE PUBLIC HEARING:

Legislative committees are currently working through several concept draft 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, the public can submit written testimony and comments on proposed language to concept drafts. For directions on how to submit, see the January 5 edition of the Legislative Bulletin.

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

Q & A with GA cont'd

officials being considered?

A. Yes. LD 1732 makes changes to the municipality of responsibility statutes; requires administrators to participate in Department of Health and Human Services training within 120 days of appointment; requires municipalities to accept non-emergency applications during the town or city's regular business hours; and requires the department to create a statewide database for administrator use.

Q. Are there additional administrative burdens created by these bills?

A. Yes. LD 1732 would require municipalities to provide "trauma informed" and "culturally and linguistically appropriate" services. The department is directed to provide training to administrators for these additional, unfunded, services, at no cost to the municipality and in a manner that allows administrators to comply with the training mandate either in-person, remotely or by viewing a prerecorded session.

Q. What about funding in the supplemental budget?

A. The supplemental budget appropriates an additional \$5 million to cover the current 70% reimbursement obligation to towns and cities. This appropriation will provide the funds necessary to correct the current reimbursement shortfall.

Q. Are program language changes included in the supplemental budget?

A. Yes. Language is included to reduce the reliance on hotels for the emergency housing of GA applicants. The budget language proposes that an applicant is only eligible to receive 30-day emergency approval for GA, for which the maximum levels of assistance are exceeded, once within a twelve-month period. Administrators will no longer be able to issue assistance that exceeds the maximum levels of assistance for multiple 30-day periods.

Q. What does all this mean for GA administrators and applicants?

A. The total impact on the GA program is difficult to estimate without knowing the final fate of each initiative. Even without the added administrative burdens, any interruption in ongoing funding could financially cripple even the smallest community.

If the funding increase in the reimbursement bill, LD 1664, doesn't make it off the appropriations table, and no other administrative changes are passed, then the program isn't any worse off than before. However, it certainly isn't any better either.

Finally, if the administrative initiatives pass but funding doesn't, the local property taxpayers will be left holding the bag to fund a state mandated program. If the budget language limiting the ability of administrators to exceed the maximum level of assistance no more than once in a 12-month period passes, GA clients desperate for help may be left out in the cold.

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.

Health & Human Services

LD 2237 – *An Act to Strengthen Public Safety, Health and Well-being by Expanding Services and Coordinating Violence Prevention Resources* (Sponsored by Speaker Talbot Ross of Portland)

This bill proposes to provide funding and enacts several provisions of law to enhance delivery of mental health resources statewide.

Part A provides funding to strengthen and expand mental health crisis intervention mobile response services to provide services 24 hours a day, 7 days a week. It requires the Department of Health and Human Services (DHHS) to provide for the incorporation of specific types of mental health and crisis intervention experts into the existing crisis services response system. It also provides funding for ancillary services for mobile response services, including necessary travel and telephone conferences with clients. Part A also requires DHHS, by January 30, 2025, in coordination with the Department of

Public Safety, to ensure the coordination of services under the State's E-9-1-1 system and the State's 9-8-8 mobile crisis services system. By January 30, 2026, the DHHS must submit a status report related to the coordination of services, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters, and the joint standing committee may submit a bill relating to the report to the Second Regular Session of the 132nd Legislature.

Part B directs the DHHS to establish crisis receiving centers across the State to support individuals dealing with behavioral health, mental health or substance use issues. It establishes that at a minimum, a crisis receiving center must be established in Androscoggin, Aroostook, Oxford, Penobscot, Washington, and York counties. The bill further requires crisis receiving centers to provide culturally sensitive trauma-informed care defined as "care that acknowledges, respects and integrates the cultural values, beliefs and practices of individuals and families" and allows the department to seek federal and other funding beyond the initial \$9 million appropriation to establish six crisis receiving centers.

Part C establishes the Office of Violence Prevention within the Maine Center for Disease Control and Prevention to coordinate and promote effective efforts to reduce violence in the State, including gun violence, and related trauma and promote

Another Week, Another Tax Update

The Taxation Committee held three work sessions this week for bills of municipal interest and in a surprising twist, showed a glimmer of support for a local option sales tax initiative.

A local option sales tax bill comes up during every legislative session and is no exception for the current Legislature. LD 1298, *An Act to Allow a Local Option Sales Tax on Short-term Lodging to Fund Affordable Housing*, sponsored by Rep. Charles Skold of Portland would allow municipalities to opt-in, by local referendum, to a 1% local sales tax on the rentals of short-term lodging. Any proceeds from the tax would have to be utilized to support affordable housing initiatives within the community. Maine Revenue Services (MRS) shared several technical concerns with the sponsor, mostly surrounding the logistics of implementation, which were addressed through an amended version of the language keeping the original intent of the bill.

During prior hearings, MRS stated that Governor Mills is unlikely to support a local option tax for primarily constitutional reasons. Article 1, Section 22 of the Maine Constitution states that, “No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.” However, at this work session, a deputy attorney general stated that the legislature’s delegation of the taxation authority to a municipality would be defensible in court. The crowd was left hanging without a full committee vote at the conclusion of the work session, however after the two-day allowable voting period, the bill was voted out as “ought to pass as amended.”

While it’s still unlikely that a local option bill will pass through the chambers, and even less likely to be signed by the Governor. Could this be the year for a local option tax after all?

Municipal officials from Wiscasset and representatives from Maine Yankee were on hand for the work session on LD 2027, *An Act to Clarify the Property Tax Exemption for Air Pollution Control Facilities*, presented by Sen. Cameron Reny of Lincoln County, which would clarify that a nuclear storage facility is not an air pollution control facility and therefore would not qualify for any exemption.

Robust committee discussion bounced back and forth between whether the committee was debating science terminology or tax policy, with particular focus on the bill’s summary which includes the words “qualify as an air pollution control facility,” and concludes that sentence with, “for the purposes of a property tax exemption.” Although some committee members expressed discomfort with changing definitions and regulatory matters under the jurisdiction of the Department of Environmental Protection (DEP), other members were adamant that the bill effect was tax policy and not science.

The committee entertained a friendly amendment among themselves managing to secure a majority consensus by adding language to clarify that this issue could not be revisited in the future, to exempt nuclear storage facilities from eligibility in the BETE program, and to identify that the tax committee has no intentions of stepping on DEP’s toes. The committee voted the measure out with a majority “ought to pass as amended”

and reserved the option to reconsider, hoping for a unanimous report. With an emergency preamble, and a new property tax year quickly approaching on April 1st, the committee recognized that prompt passage of this bill is essential for Wiscasset to include the former nuclear facility in the April 1, 2024 assessment and begin to recoup much needed property tax revenue.

The final work session was for LD 2048, *An Act to Amend the Content of Notices Provided with Respect to Tax Liens on Certain Property*, sponsored by Rep. Joseph Perry of Bangor. This bill would amend the municipal tax lien notices, sent out by local officials, by removing language directing taxpayers to the Bureau of Consumer Credit Protection (BCCP) for assistance in avoiding foreclosure.

Several stakeholders came together after the public hearing to discuss a possible alternative source for providing the services currently required of BCCP and language for the notices. The stakeholders’ proposed amendment suggested that the contact information could be updated each year to reflect community-based agencies available to offer assistance and posted on the BCCP website, thereby enabling municipalities to simply “copy and paste” the new language into their notices. It was clear that these community service groups were unaware of how those notices are created or that the process differs depending on whether a municipality uses an electronic system of tax collection or not.

Ultimately the committee agreed that removing the BCCP from the process was ideal and commended the stakeholders on their interim work to create an alternative notice for taxpayers. The bill was voted out of committee, unanimously, as “ought to pass as amended.” Municipal officials will have to wait and see how the notices will be updated in the future.

Only a few tax bills with municipal impacts remain to be considered by the committee.

Law Enforcement is Wednesday's Child cont'd

viewers to a segment of MMA’s job board filtered specifically for public safety. If your agency does not currently post its positions on MMA’s job board and you would like a login to be able to do so, please contact Rebecca Graham, Senior Legislative Advocate, at rgraham@memun.org.

While the other efforts in support of public safety health and wellness have far to go and continue to languish on the Appropriations Committee table competing for \$2 million in funding, equivalent to that of a single 20-foot stream crossing culvert, it’s a good time to celebrate how far such collaborative efforts have come. Thank you to all those agencies that contributed and attended, and a special thank you to Maine Chiefs of Police, Maine State Police, Maine Sheriff’s Association, Husson University, NE-SCOM, and the remarkable students who assisted with this effort.

Thursday’s road may be long and potholed, but as with all crisis responses, public safety and the officials who support them are “all in” until we get it done.



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

60 Community Drive
Augusta, ME 04330

Presorted
First-Class Mail
US Postage
PAID
Snowman Group

HOPPER cont'd

research regarding causes of and evidence-based responses to violence. The office is directed to increase the awareness of and educate the general public about laws and resources relating to violence prevention and conduct awareness and education campaigns. The office may establish and administer a grant program to award grants to organizations to conduct community-based violence intervention initiatives that are primarily focused on interrupting cycles of violence, trauma, and retaliation by providing culturally competent intervention services. The office is required to create and maintain a data hub of regularly updated and accurate materials and resources as a repository for data, research, and statistical information regarding violence in the State.

Part D provides \$6 million in funding to reduce waiting lists for and expand access to medication management services, including telehealth services employee recruitment and retention incentives, provided by the Office of Behavioral Health that are similar to the services provided under Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 65, Behavioral Health Services, to meet the timely access requirements under the consent

decree referenced in the Maine Revised Statutes, Title 34-B, section 1217.

Part E requires the Department of Public Safety to administer a gun shop project, which is a project to develop, create and distribute suicide prevention educational materials. It requires the Department of Public Safety, in partnership with DHHS, to develop and create written suicide prevention educational materials and an online training course. The written educational materials must be available on the department's publicly accessible website and made available to and for distribution through gun shops and other organizations determined appropriate by the department.

Part F requires the Commissioner of Public Safety to develop and implement procedures to notify the public, including the deaf and hard-of-hearing community, and federally licensed firearms dealers of active shooter situations. It also requires the commissioner to study issues concerning the development and how best to implement procedures to notify all federally licensed firearms dealers in the State regarding all statewide law enforcement alerts relating to persons determined to be dangerous or in mental health crisis.