



by Opinion Contributor
November 27, 2020

Credit: George Danby / BDN

It's time for innovation in the Maine State House

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Richard A. Bennett of Oxford was elected to the Maine Senate earlier this month. He served as president of the Senate in 2001-02 when the chamber had an equal number of Democrats and Republicans and one Independent.

As the Maine Legislature convenes, we will face many challenges. Whether it is holding sessions at the Augusta Civic Center, convening hybrid committee meetings by Zoom, or inviting testimony digitally, there is no question that the 130th Legislature will be forced to innovate.

This is not a bad thing — in fact it is long overdue. For years, the Maine Legislature has wallowed in dysfunction, wasting the precious time and talent of its members — and the public. As a consequence, it has

always played second fiddle in policymaking to the executive branch, regardless of which party is in charge.

As a former Senate president returning to office after a career reforming business, I have thoughts about how we might fix legislative dysfunction. Before we pass the stale, old rules that govern our operations (as is typically done in opening hours of the new Legislature), let's pause and consider new approaches.

Appropriations process

The Legislature relies on three senators and 10 representatives, constituted as the Appropriations Committee, to decide spending for nearly the entire state government. With the state budget shortfall **projected at \$1.4 billion**, we should consider expanding the committee to 21 — five senators and 16 house members to broaden the expertise and help build consensus before the budget is sent to the House and Senate for consideration.

Executive oversight

At the same time, we should take the first four to six weeks of the legislative session to meet only in committees to perform an essential legislative task that in Maine is done very poorly — oversight of the executive branch. Let each policy committee learn deeply about the agencies and programs it oversees, hearing not just from the executives but those affected by the programs and policies administered. Legislators ought to get insights about what programs are working well, what need improvement and what can be eliminated. Done right, this will improve the lawmaking process immensely, and help the budgeting process.

Cloture

Traditionally, all legislators must file all their ideas for policy changes for the next two years by mid-December (cloture), just six weeks after their election and before they serve a real day in office. In theory, this is to cut down the number of bills and ensure legislative staff is not overwhelmed throughout the session. It doesn't work. Faced with the deadline, legislators submit every idea imaginable, even those they may come to regret.

Let's allow committee members to put in bills after they have a chance to learn about what's working and not in state government. Perhaps one senator and two House members on a given committee ought to be allowed to generate a bill after cloture. And maybe all members ought to be given a reprieve from cloture entirely, with the danger that late filed ideas may simply run out of time for consideration.

Bill reference

The Secretary of the Senate and the Clerk of the House, based on established guidelines, recommend which committee a given bill should be referred to, but the Legislature takes up valuable time formally approving these recommendations. We should simply trust these two elected officers to make the right choice. Or we can have the secretary and clerk post their intentions, and legislators can be given a couple days to object so they can fight out reference on the floor.

Scheduling floor debates

If there is one complaint heard from citizens trying to participate in lawmaking more than any other, it is not knowing when the matter that they care about is going to be taken up, either in committee work session or on the floor. People who have other things to do with their precious time than hang around the State House for days should know that, say, the last week in March is the time the House and Senate will take up workers compensation bills, or sales tax exemptions, or education funding changes. Scheduling debate will put the Legislature back in the forefront of policymaking, allow optimal public input when it matters most, focus lawmakers' attention, and give the media the chance to report in a timely fashion about important issues.

This one does not require rule changes; the Senate President and the House Speaker can do it on their own, but it requires the will to tell their colleagues as well as powerful lobbyists that this is the way it is.

Below the State House dome, these ideas may seem outrageously bold — even heretical. But they are not radical. Indeed, some of these ideas are reflected in a 1999 memo penned by former Sen. Peter Mills, the governor's brother.

The pandemic has forced us all to change the way we live and work. Now is a good time to innovate at the Maine Legislature too.

SP 9

STATE OF MAINE

In Senate _____

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 215, subsection 1 to read:

1. Calling of United States Constitutional Convention. An item requesting the calling of a United States Constitutional Convention requires a 2/3 majority vote of the members present in each chamber;

SPONSORED BY: _____

(Senator BENNETT, R.)

COUNTY: Oxford

SP10

STATE OF MAINE

In Senate _____

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 208 to read:

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days, unless an alternative period is set jointly by the presiding officers, to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

~~When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. Except as otherwise provided in this Joint Rule, this method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, by joint standing committees or joint select committees or pursuant to law or statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft.~~

The Revisor of Statutes shall prepare in concept form a bill submitted pursuant to the Maine Revised Statutes, Title 5, ~~section 1666~~ chapter 149 that proposes to make unified appropriations and allocations for the expenditures of state government for the biennium or supplemental appropriations and allocations, and shall include an Internet address at which may be found the text of the draft unified budget bill or supplemental budget bill submitted to the Revisor of Statutes by the Governor.

SPONSORED BY: _____

(Senator BENNETT, R.)

COUNTY: Oxford

SP11

STATE OF MAINE

In Senate _____

ORDERED, the House concurring, that the Joint Rules be amended by striking out all of Joint Rule 202.

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 205 to read:

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator, a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 ~~or~~ 203 or 204.

ORDERED, the House concurring, that the Joint Rules be amended by striking out all of Joint Rule 207 and inserting the following:

Rule 207. Disclosure of Titles of Bills and Resolves Submitted by Governor.

The titles of requests for bills and resolves submitted by the Governor are considered public information upon filing. The Governor may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed.

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 208, first paragraph to read:

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days, unless an alternative period is set jointly by the presiding officers, to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. Drafts prepared by an outside source must be filed in final form ~~by the appropriate cloture date.~~

SPONSORED BY: _____

(Senator BENNETT, R.)

COUNTY: Oxford



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Suggested Changes to the Joint Rules Before the Joint Select Committee on Joint Rules

Senator Jackson, Representative Terry, and distinguished members of the Joint Select Committee on Joint Rules, our Joint Rules desperately need to be updated. These changes would prioritize transparency and accessibility for Maine's citizens.

To start, I suggest removing the cloture rule and allowing members to introduce legislation throughout the session. Today's meeting is prompted by the use of "concept drafts" or "placeholders," and I believe eliminating the deadline for submitting legislation would eliminate the need for bills to be introduced without accompanying text and cut down on the overall number of bills introduced.

If there is no appetite for completely removing the cloture deadline, moving it later into the session would still be greatly beneficial, especially after freshman legislators have become oriented and settled into their committees.

Secondly, I propose that the text of a concept draft or a sponsor's amendment must be posted on our Legislature's website on the day of the public hearing. During the last session, the public often couldn't track which version of legislation was being considered by a committee. There were often significant differences between the introduced version and what was presented at a public hearing. Requiring drafts to be updated online would greatly enhance accessibility and transparency for the public.

Lastly, I recommend allowing legislatively passed initiatives (such as bonds, Constitutional Amendments, and statutes) to bypass the Appropriations table. Currently, even the minimal cost of printing ballots is subject to this process, which can unnecessarily politicize the issue.

Thank you for your work on this committee and for considering my proposed changes to the Joint Rules.



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July 18, 2024

Testimony of Rep. Jan Dodge proposing Changes to the Legislature's Joint Rules Before the Joint Rules Committee

Good morning, Senate President Jackson, Representative Terry and honorable members of the Committee on Joint Rules. My name is Jan Dodge, and I represent House District #39, Belfast, Northport and Belmont. Thank you for this opportunity to speak to you!

I am before you today to support measures you may take to ensure timely public access to complete information regarding concept drafts, to support limiting the number of bills legislators may submit, and to suggest some additional rules you might amend to improve efficiency in the 132nd Legislative Session.

To that end, please consider the following:

Section #206, Section #2 – Sponsorship - Please make it standard practice to combine similar bills, assign primary sponsorship to the legislator with the lowest bill number or earliest filing date, and offer to add the other legislator as an automatic co-sponsor.

Section #208 - the aforementioned concept draft change

Section #304 – Procedures for Public Hearings and Work Sessions - Amend to include language to expand training and increase consistency in hearing procedures across committees. (use of time clock, confirmation hearings)

Section #309 – Notice to Report and Completing of Committee Business and Section #310 – Deadline for Reports – In the last section, please consider consequences such as eliminating bills not reported out by deadlines, with, perhaps, a caveat of one extension.

Section #310, subsection 5 – I would ask that all committees be held to the standard of not taking votes after 10:30 PM and before 7:30 AM. I believe this is crucial for transparency for not only the public, but fellow legislators and especially relevant to the Appropriations and Financial Affairs Committee. I ask that you remove the phrase “unless authorized by the presiding officers.”

Section #312 – Please consider if the Office of Fiscal and Program Review (OFPR) is sufficiently staffed to prepare fiscal notes on the large number of amendments often proposed in

the last days of session. I would support the hiring of additional nonpartisan staff to support the work of OFPR.

Section #314, Section 2 – Subcommittee; Appointment- Liaisons to the Appropriations and Financial Affairs Committee are to be notified “in a timely manner prior to any subsequent deliberations on budget items relative to that policy committee’s jurisdiction. Each policy committee through its subcommittee shall advise the Joint Standing Committee on Appropriations and Financial Affairs of its respective policy committee’s recommendations regarding budget items relative to that committee’s jurisdiction and through its subcommittee may participate in all subsequent deliberations of the Joint Standing Committee on Appropriations and Financial Affairs on these budget items.” My request here is not so much a rule change but a request to please expand training of committee chairs and members on this and encourage utilization of this rule for all legislative committees. I believe this will help members of the Appropriations and Financial Affairs Committee to be better informed on the nuances and impacts of budget decisions for each committee of jurisdiction.

Section #314, Section 3 – Membership of this subcommittee appointed in Section 2 must be published in the Advance Journal and Calendar. I believe this will improve budget discussions and communication between legislators, committees and AFA.

Section #314, Section 7 – List of Priorities - In the second session of the 131st Legislature, there were varying interpretations of confirming committee priorities, amending the priorities to take into account bills heard in the final weeks of committee work and the timeframe, method and deadlines for communicating updated committee priorities to the Appropriations and Financial Affairs Committee. These guidelines were specifically called into question, requested to be confirmed and shared and were applied differently among committees. I believe this process should be consistent across all legislative committees.

Thank you very much for listening and for the work you will do to help improve our legislative process!

I will be happy to try answer any questions you have of me!



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Thursday, July 18, 2024

*Testimony of Rep. Dan Ankeles
Before the Joint Standing Committee on Rules*

President Jackson, Leader Terry and honorable members of the Rules Committee, thank you for the opportunity to testify, though I regret that I am unable to appear before you in person due to a family commitment. I am Rep. Dan Ankeles and I serve House District 100, the central part of Brunswick. It's an honor to share feedback regarding potential changes to the Joint Rules in the 132nd Legislature.

As with many legislators, my experience with the joint rules during the second regular session of the 131st Legislature was a particularly painful one. Let me just say that rules are important. By and large, they keep our institutions healthy and functional, and they provide consistency that is extremely important in a legislative environment.

But rules can't always prevent a crisis. Sometimes the circumstances are too unique. Sometimes the rules can't withstand our internal disagreements. Sometimes the rules cease to serve their intended purpose.

I'm sure many of my colleagues want this committee to address concept drafts and duplicative bills. Yes, both of those things were a problem over the last two years, but they weren't the thing that instantly vaporized 83 AFA table bills.

The one thing I am asking this committee to fix above all else, is the issue of deadlines and adjournment dates. The legal ticking clock to remain in session that we all operated under this year put an enormous amount of pressure on staff, on AFA Committee members and on leadership.

We need safety valves in the event of a deadline crisis and the ability as a Legislature to be in control of our own destiny. We need a set of joint rules that prevent the misuse or weaponization of deadlines and of table bills so that our work isn't overly rushed and the quality of our legislating doesn't collapse. We need to protect nonpartisan legislative staff from burnout, and we need to ensure perfectly good pieces of legislation don't simply die because of a constitutional technicality.

Over the years, majority control is likely to flip back and forth, so I have no doubt that it will benefit all of us to come up with a modest fix that doesn't amount to a license to keep ourselves in session indefinitely.

But before I conclude, I want you to think back and remember what it was like to leave work behind. And I'm not talking about bills that were sitting on Unfinished Business because they didn't have the votes, the money wasn't there or the politics were fraught. I'm talking about viable bills where interested parties

had either arrived at or were fast approaching a consensus. When that happened to us this year, I felt sick to my stomach. I felt like I had let my fellow Mainers down. I felt like I had failed citizen-advocates who were counting on me to fight for them. I never want to feel that sense of pointlessness again. I want rules that protect our work, that give lawmakers some grace and that guarantee us the time to get everything done if we are working in good faith.

I am happy to attempt to answer questions or seek out answers. It is in the interest of all to learn from this past year and bring about positive change. This is yet another moment when we must say to ourselves that doing nothing is not an option.

Thank you for the opportunity to testify.

Group of 8
Pres. Rep. MALDON



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July 18, 2024

Senator Jackson, Representative Terry and honorable members of the Joint Rules Committee:

Today we write to you as current members of the House Democratic Caucus to offer recommendations on the proposed Joint Rules for governing Maine's 132nd legislative session. We know reviewing and drafting these rules each session requires an unparalleled level of reflection, nuance, detail, and balance and we appreciate the opportunity to offer our feedback based upon our experiences over the course of our combined terms in office.

We understand that the Joint Rules are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the Legislature and they govern the transaction of business by both chambers, between the chambers, and by members of both chambers, including many of the activities of joint legislative committees. With that in mind, here are the items we wish to address:

1. Allowance of concept drafts

We recommend that concept drafts continue to be allowed, but that language for such pieces of legislation be submitted one week before the public hearing and shall be posted online so the public has easy access to the full language of the bill. We also recommend that while allowed, concept drafts shall generally not be considered a usual practice, but instead a tool to be utilized sparingly. We acknowledge this last point is subjective, but believe it should be noted.

2. Combination of similar/identical pieces of legislation

The leadership of both chambers shall delegate authority to the Revisor's Office to combine similar pieces of legislation. This may be accomplished by accepting the bill with the lowest LR number and offering mandatory cosponsorship to the sponsors of related bills. In the case of similar but not identical bill language, sponsors and mandatory cosponsors shall be offered the opportunity to discuss the differences and negotiate amendments under a deadline set by the Revisor's Office.

3. Limitation on the number of bills introduced per legislator

Our group found this issue particularly difficult and complicated. We believe it would be helpful to the conversation to determine a three-year average of total bills submitted while also calculating the median number of bills submitted, given that some legislators introduce a higher number of bills. Regardless of the metrics, it still may seem arbitrary and imprecise to set a firm limit. If the committee were to set a limit, and that limit were higher (say 30), the Legislature could manage the workload by being very strict about accepting carry-over bills and second-session emergency requests. In addition, we believe that departmental/Governor's bills, etc. should be considered separate from the individual limit on legislators.

Bill management may be enhanced through additional training for chairs and increased interaction with leadership, although we realize those are strategies outside the purview of this committee.

4. Submission of after-deadline bills

The submission of after-deadline bills shall require consultation with the Clerk of the House or Secretary of the Senate to determine the committee to which the legislation may be referenced. Sponsors shall then seek the approval of both the chairs of that committee and a majority of members of the Legislative Council before the legislation is accepted.

5. Staffing and funding of non-partisan offices

While we understand that the Joint Rules Committee does not have the authority to increase staffing levels or budgets for non-partisan offices, we do wish to be on the record as having advocated for such increases. We have witnessed firsthand the burnout that staff in OPLA, OFPR, and the Revisor's Office experience when those offices are not funded or staffed at appropriate levels, in addition to the decrease in efficacy and efficiency of the Legislature as a whole.

We again thank the Joint Rules Committee for their time and effort in reviewing the current Joint Rules to make adjustments for the new legislative session. We hope the feedback we have provided will help to further strengthen our current processes. We are eager to hear what other recommendations come from the public input process and offer ourselves as a resource as you consider the possibilities before you.

Sincerely,

Rep. Michael Brennan, HD 115

Rep. Kristen Cloutier, HD 94

Rep. Drew Gattine, HD 126

Rep. Marc Malon, HD 133

Rep. Anne Marie Mastraccio, HD 142

Rep. Michele Meyer, HD 150

Rep. Matt Moonen, HD 117

Rep. Dan Shagoury, HD 55



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July 18, 2024

***Testimony of Rep. Cheryl Golek
Before the Joint Select Committee on Joint Rules***

President Jackson, Representative Terry and distinguished members of the Joint Rules Committee, my name is Cheryl Golek and I represent House District 99, which consists of the town of Harpswell and part of Brunswick.

Today, I want to discuss the crucial need to improve our rules so that we may further involve our constituents in the rule-making process and suggest some changes to create a more consistent schedule for lawmakers and staff within the State House. My suggestions aim to ensure the full participation of all stakeholders in our legislative process, constituents and legislators alike.

First, we must change how we handle legislative concept drafts. As a first-term representative, I have seen members of the public often feel alienated from the law-making process by the existence of concept drafts. On more than one occasion, constituents have expressed their frustration because no bill language was made available until after it was presented during committee. There is no doubt that concept drafts are essential. In fact, I have utilized a concept draft for one of my bills. Yet, how they are handled now has unintended consequences that disenfranchise the public's ability to engage in our law-making process thoroughly.

To combat this, I want to offer some suggested changes. First, a concept should not receive an LD number until it has wording that has been published for at least one week. This change ensures fairness and transparency, providing the public with a clear understanding of the legislative process. Additionally, a concept draft should not receive a hearing date until its LD number has been published for at least one week. These two changes will give the public a guaranteed minimum of two weeks to view the proposed law, further reinforcing the fairness of the process.

After hearing that we had more concept drafts than ever in the 131st Legislature, only a limited number should be allowed per representative. We all understand the importance of concept draft bills, but how they are handled leaves many without a seat at the table.

We must create a better system for concept draft bills that works better for us as legislators and the staff who put these drafts together. This requires a collaborative effort. We must also ensure

that the changes we make encourage the full involvement of the people of our state, whom we all represent.

The second issue I would like to address is the need for a more consistent and forgiving schedule. As a first-term legislator, I have noticed a trend in individuals choosing to leave their roles within this system due to our inconsistent schedule. Many in the Legislature have full-time jobs and families while maintaining the rigorous schedule it takes to be a lawmaker. This inconsistency affects our personal lives and our ability to serve our constituents and effectively contribute to the legislative process.

Upon entering office, I learned quickly that the only predictability is the day and time we must be here, which can even change at a moment's notice. We can do better. We have not only lost great legislators to this unpredictability, but we have also lost fantastic staff. This committee has the opportunity to create a more consistent schedule. For instance, the decision could be made not to hold sessions during public school breaks or on recognized holidays. This alone will allow people to plan ahead of time.

Looking back to last session, the low attendance during April speaks for itself. That, coupled with late calendar changes, which resulted in us having to work during holidays such as Patriot's Day, limited the work we could conduct.

I want to stress that I love what I do. I am honored to represent my district at the State House, but I am able to do so primarily because of my financial privilege and flexibility as a business owner, which allows me to participate fully. I want to see our government be a more representative government, where all can have the means and opportunity to run for office in our state. Creating more consistency in our legislative and staff schedules will help us open more doors to creating a more diverse and equitable government than the one we have today. This, in turn, will lead to better decision-making and more effective governance, benefiting all residents of our state.

Thank you for your time.



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July 17, 2024

Testimony regarding S.P. 937, Joint Order, Requiring Suggested Committee Amendments to Concept Drafts to Be Filed Before Their Committee Hearings

Senator Jackson, Representative Terry, and members of the Joint Select Committee on Joint Rules

I would like to offer brief testimony regarding the current rules governing concept drafts and propose establishing a cap on bills submitted prior to the first legislative session.

Firstly, I believe the proposed amendment on concept drafts does not go far enough. It merely sets requirements for filing a concept draft before presenting it to a committee for a public hearing. In my view, only fully formed and finalized bill texts should be permitted for submission for a public hearing before a committee, with appropriate notice. Concept drafts are inherently incomplete thoughts and ideas that require further work and consideration. After such work, some bill ideas may not be worthy of further action. Having committees shepherd concept drafts to full bills or having the public respond to incomplete bills are inefficient ways to legislate. These processes detract from the time available to address more meaningful matters. Eliminating concept drafts from committee consideration simply imposes the same restrictions on Legislators as already exist for all other entities drafting legislation.

Secondly, I recommend that the committee consider establishing a cap on the number of bills or resolutions any member can submit for the first regular session. Members could appeal the cap before the Legislative Council, using the same process for screening new bills submitted for the second regular session. Colorado limits the number of bills to 5. In Nevada limits are set based on the legislator's status. Incumbent senators can request up to 20 bill drafts, and Assembly members can request up to 10. Newly elected senators and Assembly members have lower limits of 12 and 6 bill drafts, respectively. I recommend a limit of 10 bills or resolves for each member, regardless of status.

There may be objections to these restrictions, but the current open-ended process allowing concept drafts to receive public hearings and unlimited bill submissions is unsustainable if our goal is quality lawmaking.

Thank you for your consideration.

A handwritten signature in black ink, reading "Gerry Runte". The signature is written in a cursive, slightly slanted style. The first name "Gerry" is written with a large, looped 'G' and a trailing 'y'. The last name "Runte" is written with a capital 'R' and a trailing 'e'.

Gerry Runte



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Thursday, July 18, 2024

Testimony of Rep. Anne Graham

Before the Joint Select Committee on Joint Rules

President Jackson, Leader Terry and honorable members of the Joint Select Committee on Joint Rules, I am Rep Anne Graham and I serve the communities of North Yarmouth and Gray, House District 105. Thank you for this opportunity to share feedback regarding potential changes to the Joint Rules in the 132nd Legislature.

I will keep my suggestions brief. I would like to see the number of bills permitted in the first session limited to ten bills per legislator.

Concept drafts must present more substantial wording in order to be accepted. A simple title should not be allowed. An explanation of the problem to be addressed should be included in the submission.

In the second session, more clearly defined rules must be established for what constitutes an emergency bill. These rules must be adhered to.

I recognize that these are basic recommendations but I look to the Joint Rules Committee, if they so choose, to expand on these suggestions. I appreciate the opportunity to share my thoughts.



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July 18, 2024

President Troy Jackson, Chair
Representative Mo Terry, Chair
Joint Select Committee on Joint Rules

Re: Recommended Joint Rules changes

President Jackson, Representative Terry, and members of the Joint Select Committee on Joint Rules, thank you for the opportunity to share input on potential changes to the Joint Rules that govern the work of the Legislature.

I am grateful for the shared recognition that we as an institution can do a much better job of providing a more structured, more predictable, and more efficient process for legislators, staff, and the public. To further this goal, I offer the following suggested changes to the Joint Rules:

1. The rules should set a total number of bills to be considered during the First Regular Session based on the total number of bills that can be reasonably processed and thoroughly considered by the statutory adjournment date. This number should then be divided equally among members. Any legislator who does not choose to submit their allowed number of bills could transfer their unused number of bills to other legislators within the same chamber. For example, House members could share their unused allotment with other House members.

To limit the total number of bills considered during the Second Regular Session, the rules should include a working definition and description of "legislation of an emergency nature," as referenced in the Constitution, that both members and Legislative Council will rely on and adhere to when determining second session bill submissions and approvals.

2. Joint Rule 206 should be amended to specify that the policy on duplicate and closely related bill requests requires that the first person to file a bill title with a complete bill description will be the primary sponsor of the bill. Any legislators who file duplicate requests will be cosponsors.

3. The rules should require that proposed amendments to concept drafts must be published online and publicly accessible no later than the day on which the public hearing for the concept draft bill is publicly noticed.
4. The rules should put guardrails around after-deadline bill requests. Specifically, we should set a deadline to submit after-deadline bill requests well in advance of statutory adjournment. I hope the committee will also consider ways to improve the after-deadline bill approval process. This could include setting a timeframe in which requests must be voted by Legislative Council and increasing the number of affirmative votes required for approval.
5. The Joint Rules should clarify that the statutory adjournment date identified by law encompasses one 24-hour day running from 12 a.m. to 11:59 p.m. on the date identified.
6. Similarly, the rules should clarify that the "Veto Day" allowed by the Constitution is also one 24-hour day running from 12 a.m. to 11:59 p.m. The rules should also clearly outline what exactly can be considered on Veto Day.

Thank you for your consideration of these suggestions. If I can be helpful in any way with this process, please let me know.

SENATE

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ELOISE A. VITELLI, DISTRICT 24
MATTHEW POULIOT, DISTRICT 15

DANIELLE FOX, OPLA DIRECTOR
STEVEN LANGLIN, LEGISLATIVE ANALYST
MARIANNE MACMASTER, COMMITTEE CLERK



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**STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
JOINT SELECT COMMITTEE ON HOUSING**

TO: Senate President Troy D. Jackson, Chair
House Majority Leader Maureen Terry, Chair
Members, Joint Select Committee on Joint Rules
131st Maine Legislature

FROM: Senator Teresa Pierce, Chair *TP*
Representative Traci Gere, Chair *Traci*
Joint Select Committee on Housing

DATE: July 18, 2024

RE: Proposal to establish a Joint Standing Committee on Housing

Attached please find a letter and supporting information which we present to you as chairs of the 131st Legislature's Joint Select Committee on Housing proposing the committee be established as a permanent joint standing committee in the Joint Rules.

We are grateful for the opportunity to offer our recommendation and look forward to participating as you move forward with this important work.

We intend to make ourselves available for questions and ongoing discussion. Please don't hesitate to reach out to us if we can be of assistance or provide additional information.

SENATE

TERESA PIERCE, DISTRICT 26, CHAIR
ELOISE A. VITELLI, DISTRICT 24
MATTHEW POULIOT, DISTRICT 16

DANIELLE FOX, OPLA DIRECTOR
STEVEN LANGLIN, LEGISLATIVE ANALYST
MARIANNE MACMASTER, COMMITTEE CLERK



HOUSE

TRACI GERE, KENNEBUNKPORT, CHAIR
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GRAYSON B. LOOKNER, PORTLAND
DREW GATTINE, WESTBROOK
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RICHARD T. BRADSTREET, VASSALBORO
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STATE OF MAINE ONE HUNDRED AND THIRTY-FIRST LEGISLATURE JOINT SELECT COMMITTEE ON HOUSING

July 18, 2024

Senate President Troy D. Jackson, Chair
House Majority Leader Maureen Terry, Chair
Members, Joint Select Committee on Joint Rules
131st Maine Legislature

Dear President Jackson, Representative Terry and members of the Joint Select Committee on Joint Rules,

When the 131st Session of the Maine Legislature convened on December 7, 2022, both the House and the Senate passed H.P. #3, establishing the Joint Select Committee on Housing. Cited in the preamble, is the fact that the number of existing homes in Maine is below average and the median house price is *unaffordable* for the median income household in 15 of Maine's 16 counties. The preamble further states that the number of unhoused residents in Maine has reached an all-time high and that the lack of affordable housing is exacerbating the workforce shortage. The members of the 131st recognized that in order to address the housing crisis, it was necessary for the Legislature to alter its approach and concentrate efforts within one policy committee. The Joint Select Committee on Housing (HOU), which we had the privilege to chair, considered 68 bills and enacted 20 into law. Additionally, the committee developed important initiatives which were incorporated into the biennial or supplemental budget including Housing First, eviction prevention, rental assistance for students at risk of homelessness, expansion of affordable housing programs like the Low-Income Housing Tax Credit (LIHTC) and Rural Affordable Rental Housing (RARHP), and funding for emergency shelters which were incorporated into the biennial and supplemental budgets. With a concerted effort, we accomplished much. However, there is still more to be done.

Housing is a central policy issue

Housing is central to the well-being of the people of the State of Maine and our future economic health. It is a core need which justifies a serious, continuous and coordinated legislative focus. The housing crisis grew over a period of decades. According to the State of Maine Housing Production Needs Study, we must remedy the effects of historic underproduction (38,500 units) and develop between 37,900 and 45,800 new housing units by 2030 to meet future demands - a total of up to 84,300 homes. Supporting creation of housing at this scale cannot be resolved in one biennium and cannot be done in a piecemeal fashion. The executive branch has recognized this fact as evidenced by the establishment of the Office of Community Affairs, which among

other goals, will work to oversee and coordinate providing resources and planning assistance to municipalities and tribal governments related to housing. As the executive branch takes steps to focus its resources, we, the Legislature, should ensure that we provide appropriate and ongoing oversight of that consolidated administration effort.

Committee jurisdiction and oversight responsibility

Prior to the establishment of HOU, matters critical to housing policy were scattered across many committees in terms of jurisdiction. Subdivision law was considered either by the Joint Standing Committees on Environment and Natural Resources (ENR), State and Local Government (SLG) or Agriculture Conservation and Forestry (ACF). Growth management and other land use planning matters sometimes went to ACF while other times to SLG. Oversight of the programs administered by Maine State Housing Authority and manufactured housing laws happens in Labor and Housing. Issues related to landlord tenant relationships are most recently all within the jurisdiction of the Judiciary Committee. Programs administered by the Department of Economic and Community Development related to housing goals and local grants received oversight and consideration from Innovation, Development, Economic Advancement and Business. An issue so central to the lives of Maine people should not be decentralized within the branch of government established to represent them. It is essential to continue to prioritize the creation of housing by maintaining a legislative focus to meet our housing needs and protect the state's future economic health.

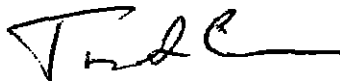
Recovering from the housing crisis is unilaterally identified as a policy objective for the Legislature by our constituents, organizations representing businesses, local officials and by nearly every elected member regardless of district or party affiliation. The way in which we organize our work should reflect this. It is for this reason and those stated above that we, as chairs of the Joint Select Committee, believe it is in the best interest of the people of the State of Maine and the Legislature that the Joint Rules of the 132nd Legislature establish a Joint Standing Committee on Housing.

Thank you for your time and consideration of our recommendation.

Sincerely,



Teresa Pierce, Senate Chair



Traci Gere, House Chair

enc: HOU bills enacted into law plus budget initiatives
Executive Summary – State of Maine Housing Production Needs Study

**Titles of the Maine Revised Statutes Annotated affected by HOU enacted LDs
and budget initiatives**
MRSA Title 5, 10, 13, 14, 22, 30-A, 33

HOU initiatives included in the biennial or supplemental budget	
Housing First (see LD 2)	\$11 million (ongoing self-funded)
Low-income Housing Tax Credit and Rural Affordable Rental Housing Program (see LD 226)	\$70 million
Student Homelessness Prevention Pilot Program (see LD 1609)	\$3 million
Housing Subsidy for Students (see LD 1422)	\$2 million
Emergency Housing Relief Fund (see LD 2136)	\$13.5 million
> for low barrier shelters	\$7.5 million
Eviction Prevention Program (see LD 1540)	\$18 million

HOU LDs Enacted by the 131st Legislature

LD Number	Title	Enacted	Chapter
337	An Act to Amend the Law Governing the Regulation of Manufactured Housing to Increase Affordable Housing	PL	552
470	An Act to Support Lead Abatement in Older Residential Properties	PL	435
492	An Act to Repurpose Vacant Shopping Mall and Retail Space to Mixed-use Housing and Retail	PL	490
611	Resolve, Establishing a Working Group to Maximize Eligibility for Energy Efficiency Programs for Low-income Homeowners	RESLV	74
654	Resolve, Directing the Office of Policy Innovation and the Future to Study Methods to Encourage the Development of Accessory Dwelling Units	RESLV	107
724	An Act to Increase Opportunities for the Development or Preservation of Low-income Housing	PL	218
772	An Act to Limit Retroactive Application of Land Use Ordinances to Pending Permit Applications That Propose Housing	PL	598
774	An Act to Require the Maine State Housing Authority to Report to the Legislature on the Housing Opportunities for Maine Fund	PL	251
1289	An Act to Facilitate Property Redevelopment and Encourage Affordable Housing by Allowing the Conveyance of Unfinished Commercial Condominium Units	PL	198
1294	An Act Regarding the Ordinances Governing Residential Units Located in Buildings in a Location Zoned for Commercial Use	PL	536
1505	An Act to Amend the Maine Cooperative Affordable Housing Ownership Act	PL	513

1673	Resolve, Establishing a Working Group to Coordinate Collaboration Among State Agencies for the Purpose of Promoting Smart Growth and Development in High-use Corridors	RESLV	156
1706	An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units	PL	192
1721	Resolve, to Establish a Plan to Provide Transitional Housing and to Support the Growth of Maine's Workforce	RESLV	136
1844	An Act to Support Emergency Housing Construction and Renovation Statewide by Creating a Matching Grant Program	PL	479
1931	An Act to Foster Stable and Affordable Home Ownership in Mobile Home Parks by Amending the Laws Relating to the Sale of Mobile Home Parks	PL	378
2158	Resolve, to Improve the Housing Voucher System and Reduce the Number of Voucher Expirations	RESLV	159
2169	Resolve, Directing the Office of Policy Innovation and the Future to Recommend Proposals to Support the Development of Attainable Housing	RESLV	162
2209	An Act to Increase the Cap on Bonds Issued by the Maine State Housing Authority to Reflect Current Housing Production Needs in the State	PL	559
2277	Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale the Interests of the State in 3 Properties Located in Biddeford, Sanford and York	RESLV	166

HOU LDs that died in the 131st

LD	Comm	Title	FinalDisposition
107	LTW	An Act Regarding Municipal Efforts to Avert Evictions and Heating Shut-offs During Winter	Leave to Withdraw Pursuant to Joint Rule 310
214	ONTP/OTP-AM	An Act to Amend the Laws Regarding Zoning and Land Use Restrictions to Limit Certain Requirements to Municipalities with a Population of More than 10,000	Accepted Majority (ONTP) Report
250	LTW	An Act to Improve Housing by Increasing Housing Options	Leave to Withdraw Pursuant to Joint Rule 310
314	LTW	An Act to Establish the Permanent Commission on the Status of Housing in Maine	Leave to Withdraw Pursuant to Joint Rule 310
356	LTW	An Act to Invest in Construction Industry Workforce Development	Leave to Withdraw Pursuant to Joint Rule 310
387	LTW	An Act to Promote Affordable Housing by Providing a Tax Exemption for Housing Choice Vouchers	Leave to Withdraw Pursuant to Joint Rule 310
388	ONTP/OTP-AM	An Act to Require the State and Municipalities to Reimburse Landlords for Unpaid Rent During Eviction Moratoriums	Accepted Majority (ONTP) Report
462	ONTP	An Act to Assist Persons Experiencing Homelessness in Areas of High Rent by Seeking a Waiver from the Federal Government	Ought Not to Pass Pursuant to Joint Rule 310
554	LTW	An Act to Continue the Rural Affordable Rental Housing Program	Leave to Withdraw Pursuant to Joint
638	LTW	Resolve, Directing the Maine State Housing Authority to Study Strategies for Improving Abandoned Properties and Developing Housing Infrastructure	Leave to Withdraw Pursuant to Joint Rule 310
665	ONTP	An Act to Extend the Date by Which Compliance is Required for Affordable Housing Development, Increased Numbers of Dwelling Units and Accessory Dwelling Units	Ought Not to Pass Pursuant to Joint Rule 310
705	LTW	An Act Concerning the Housing Opportunities for Maine Fund and Expenditures by the Maine State Housing Authority	Leave to Withdraw Pursuant to Joint Rule 310
721	LTW	An Act to Preserve Historic Buildings and Promote Affordable Housing	Leave to Withdraw Pursuant to Joint Rule 310
801	ONTP	An Act to Require Municipalities to Obtain Housing Units for Residents Experiencing Homelessness	Ought Not to Pass Pursuant to Joint Rule 310
885	ONTP	An Act to Help First-time Home Buyers in Maine	Ought Not to Pass Pursuant to Joint Rule 310

887	ONTP	An Act to Amend the Regulation of Mobile Home Parks	Ought Not to Pass Pursuant to Joint Rule 310
1134	ONTP	An Act to Improve Housing Affordability by Amending the Definition of "Subdivision" Under the Site Location of Development Laws	Ought Not to Pass Pursuant to Joint Rule 310
1154	ONTP	An Act Regarding Accessory Dwelling Units and Municipal Zoning Ordinances	Ought Not to Pass Pursuant to Joint Rule 310
1257	ONTP	An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands	Ought Not to Pass Pursuant to Joint Rule 310
1265	ONTP	An Act to Make Adjustments to Affordable Housing Requirements	Ought Not to Pass Pursuant to Joint Rule 310
1293	ONTP	An Act to End Chronic Homelessness by Creating the Housing First Fund	Ought Not to Pass Pursuant to Joint Rule 310
1310	ONTP	An Act to Establish a State Emergency Rental Assistance Program	Ought Not to Pass Pursuant to Joint Rule 310
1358	ONTP	An Act to Clarify Density Requirements for Affordable Housing Developments	Ought Not to Pass Pursuant to Joint Rule 310
1437	ONTP	An Act to Address Poverty by Increasing Access to Energy Efficiency and Weatherization Programs	Ought Not to Pass Pursuant to Joint Rule 310
1593	ONTP/OTP-AM	An Act to Increase Affordable Housing Development	Accepted Majority (ONTP) Report
1672	ONTP	An Act to Establish an Affordable Housing Permitting Process	Ought Not to Pass Pursuant to Joint
1864	ONTP	An Act to Increase Maine's Housing Supply by Prohibiting Certain Zoning Requirements in Areas Where Public Sewer and Water Infrastructure Are Available and in Designated Growth Areas	Ought Not to Pass Pursuant to Joint Rule 310
1901	ONTP	An Act to Improve Affordability and Opportunity for Maine Renters and Landlords	Ought Not to Pass Pursuant to Joint
1905	ONTP	An Act to Create a Residential Rental Unit Registry	Ought Not to Pass Pursuant to Joint
1940	ONTP	An Act to Promote Consistent Policies within Growth Management Programs in Order to Increase Food Security and Economic Resiliency in Local Communities	Ought Not to Pass Pursuant to Joint Rule 310
2138	ONTP	Resolve, to Improve Funding for Homeless Shelters	Ought Not to Pass Pursuant to Joint

HOU LDs with another disposition in the 131st

LD	Comm Action	Title	Disposition upon adjournment of R2
2	OTP-AM/OTP-	An Act to Address Chronic Homelessness by Creating the Housing First Fund	Included in biennial budget
1609	OTP-AM	Resolve, Directing the Department of Education to Develop a Pilot Program to Help Maine Students Avoid Homelessness	Included in biennial budget
1422	OTP-AM	An Act to End Homelessness and Assist Students Who Are Homeless by Establishing a Rental Subsidy Program	Included in supplemental
1540	OTP-AM/OTP-	Resolve, to Establish an Eviction Prevention Pilot Program	Included in supplemental
2136	OTP-AM	An Act to Provide Financial Support for Shelters for Unhoused Individuals and Establish a Stakeholder Group to Develop a 10-year Plan to Address the Root Causes of Homelessness	Included in supplemental budget
226	OTP-AM	An Act to Address Maine's Affordable Housing Crisis	Carried over
602	OTP-AM/ONTP	An Act to Provide Regional Support to Deliver State and Federal Programs to Municipalities in the State	Carried over
853	ONTP/OTP-AM	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to Housing	Carried over
1710	OTP-AM/ONTP	Resolve, to Establish the Commission to Improve Tenant-Landlord Relationships and Maximize the Use of Housing Vouchers	Held by Governor
1752	OTP-AM	Resolve, to Prepare Preapproved Building Types	Carried over
1787	OTP-AM	Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Statutes	Held by Governor
1867	OTP-	An Act to Establish the Community Housing Production Program	Carried over
1976	OTP-	An Act to Update the Growth Management Program Laws	Held by Governor

State of Maine Housing Production Needs Study

Homes to support Mainers and Maine businesses,
now and in the future.

Executive Summary
October 2023



GOVERNOR'S OFFICE OF
Policy Innovation
and the Future



Department of
Economic &
Community Development



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Acknowledgements

The State of Maine Housing Production Needs Study is the result of a joint effort between MaineHousing, the Governor's Office of Policy Innovation & Future (GOPIF), the Maine Department of Economic and Community Development (DECD), and a broad group of stakeholders. We thank the following individuals and organizations for their invaluable contributions to conceptualizing, informing, refining, and otherwise offering direct input to this Study. This Study was prepared by HR&A Advisors.

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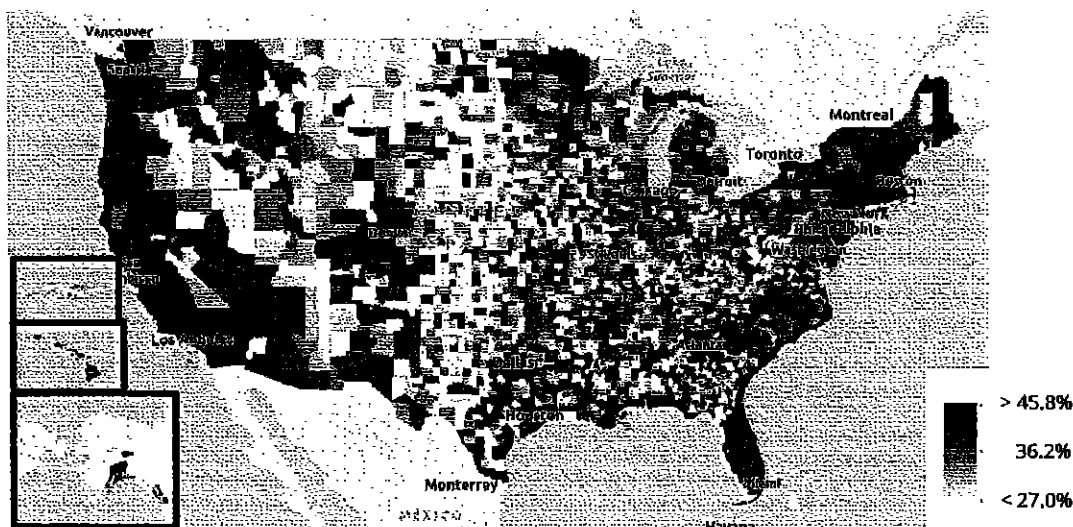
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Maine Immigrants' Rights Coalition
WishRock Housing Group

Executive Summary

Introduction

In response to a national housing crisis accelerated by the Covid-19 pandemic, policy makers are increasingly asking, *how many and what kind of homes are needed to meet the needs of our constituents and improve affordability?* The scale and nature of housing challenges varies significantly across regions and places but is driven by a primary underlying cause: housing production dropped precipitously after the Great Recession, leading to a nationwide undersupply of homes, especially at low and moderate income price points.¹ These trends were exacerbated by the pandemic through materials and labor shortages just as some places—Maine in particular—experienced a sudden influx of residents due to an increase in remote workers seeking a higher quality of life and an increase in international immigration. What was once primarily a problem for coastal cities has become a national one; almost every county in America now has significant rates of renter cost burden, among other housing challenges (Figure 1).

Figure 1: Percentage of Cost Burdened Renters by County



Source: American Community Survey 5-Year 2021

While Maine has historically had a relatively affordable homeownership market, this changed in the years leading up to the pandemic and has worsened since 2020.² Maine is also faced with an aging housing stock, leading more of the state's existing homes to sit vacant in need of reinvestment. These trends have led to a range of housing challenges for Mainers, including reduced housing quality, limited options to age in place, increased homelessness, and rising housing costs. All these issues are important to study further. However, at the most basic level, aligning housing production with population and economic growth is the foundation of a healthy housing market that offers quality homes at a price affordable to

¹ Betancourt, Gardner and Palim. (2022). Housing Insights: The U.S. Housing Shortage from a Local Perspective. Fannie Mae. <https://www.fanniemae.com/media/45106/display>

² MaineHousing Affordability Index. (2023). MaineHousing. <https://mainehousing.org/data-research/housing-data/housing-affordability-index>

residents. **The first step is to understand how many homes are needed to support broad affordability and availability, which lays the foundation to adopt policies to create those homes.**

Addressing housing supply challenges in Maine will require a comprehensive approach that considers both the **local regulatory changes** needed to increase housing supply through new construction and the **funding** needed to reinvest in Maine's aging homes and create new homes that are affordable to those with lower incomes, including seniors on fixed incomes, households waiting for federal work authorization, and others. Further, strategies to overcome other barriers, such as the capacity of the development and construction industry in Maine and environmental challenges, will all be necessary as part of a comprehensive approach to increase supply.³ While this will require both local and state-wide strategies, the historic hyper-local response to what is ultimately a regional problem has been one of the primary barriers in Maine and nationwide to building enough homes.

In recognition of this, the State of Maine has taken the lead on a strategy to **build new homes and reinvest in existing homes state-wide** through the passage of LD 2003 and over \$280,000,000 in affordable housing production funding since 2019. LD 2003 requires municipalities to permit a wider range of housing types and commits State financial and technical assistance for municipalities to support local and regional production targets, including through measuring regional housing production needs. LD 2003 recognizes that a data-informed approach to measuring regional and statewide housing production needs is key to a broader state-wide planning effort to increase housing production.

This Study is a key step in this process, and it aims to answer the question, **how many homes are needed in Maine now and in the future to support Mainers to have access to the homes they need, in a location that promotes economic opportunity, and at a price that ensures a high quality of life?** This Study is focused on measuring that need in alignment with the State's specific demographic and economic conditions as well as goals to ensure that Maine can sustain and grow its economy over time. This Study measures "homes" as housing units in any building type, including single family, attached housing and multifamily housing. Building and reinvesting in a diverse range of housing types to meet different household needs and price points will be crucial to meeting Maine's housing supply needs.

This Study, conducted by HR&A Advisors, was overseen by a Steering Committee representing MaineHousing, the Governor's Office of Policy Innovation and the Future (GOPIF), and the Department of Economic and Community Development (DECD), together the "Study Team", which met regularly to coordinate research planning, data collection, and priority areas of analysis.

The Study Team also solicited feedback from a Technical Working Group composed of representatives from the Department of Labor (DOL), the Maine State Economist, the Greater Portland Council of Governments, the Maine Association of Realtors, the Maine Municipal Association, and other experts.

Approach

Maine has a set of broad policy priorities that inform this Study's approach to measuring how many homes need to be built or reinvested in. The first is to have **enough homes overall to accommodate the existing demand for homes**. When there is an insufficient supply of homes, competition for the limited number of homes available drives up prices to levels that are unaffordable to many existing

³ Sturtevant and Curtis. (2023). Availability of Workforce Housing in Maine. University of Maine.

<https://usm.maine.edu/shaw-innovation-fellows/wp-content/uploads/sites/406/2023/05/Workforce-Housing-in-Maine-Sturtevant-Curtis-Shaw-Innovation-Fellowship-8-May-2023-1.pdf>.

Mainers. A healthy housing market—one that has enough homes to accommodate existing demand across income groups—has a portion of homes that are vacant and available at any given time⁴. These available homes allow households to move about the state as they change jobs, move out of homes to start their own family, or otherwise need to relocate because of changes in their life. Right now, there are portions of the state where there are simply no homes available for a household to move into.

The second policy priority is to have enough homes **affordable, available and in the right locations to support the workforce necessary to sustain and grow Maine's economy**. The State's Economic Development Strategy focuses on the need for a workforce to support Maine's long-standing industries and to foster growth and innovation in new areas. To achieve these goals, Maine's economy requires workers to fill open positions as an increasing number of Mainers reach retirement and room for new workers to fill positions created as local businesses and the economy grow. Without enough homes for workers filling open job positions, businesses will continue to struggle and at times fail—harming the prosperity of all Mainers.

With these two goals in mind, this Study calculates both the number of additional homes needed currently to remedy **Historic Underproduction** and, by 2030, the **Future Need** to meet these policy priorities. In recognition of Maine's regional economies, Historic Underproduction and Future Need are calculated for three economic regions: the Coastal Region, comprising Cumberland, Hancock, Knox, Lincoln, Sagadahoc, Waldo, and York Counties, the Northeastern Region, comprising Aroostook, Penobscot, and Washington Counties; and the Central Western Region, comprising Androscoggin, Franklin, Kennebec, Oxford, Piscataquis, and Somerset Counties.

Other studies have quantified the need for homes in Maine, particularly for affordable rental homes. For example, the National Low Income Housing Coalition (NLIHC) has estimated a shortage of 22,300 affordable and available rental homes for households making at or below 50% of Area Median Income (AMI) and mostly for extremely low income households. While the State of Maine Housing Production Needs Study considers housing need at the lowest income levels, the primary focus is on measuring overall production needs for both renters and homeowners across the income spectrum in Maine, incorporating the demand for seasonal homes, the need for additional workers, and the recent influx of higher income households to Maine, all of which significantly impact the availability and price of homes in Maine. Different approaches can be used together to understand different elements of housing need in the state.

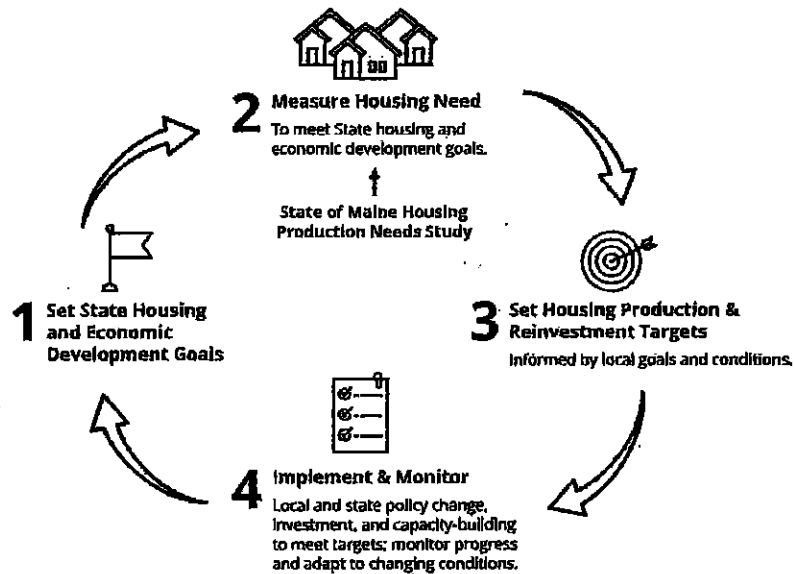
This Study does not, however, detail the specific physical typologies of homes needed to support different populations including the elderly, asylum-seekers and refugees, those experiencing homelessness, and different household types more broadly. It is important for the State and municipalities to take into account local population needs and make regulatory and funding decisions accordingly, including by reducing regulatory barriers to building the types of homes that households need and securing funding for homes that can support populations with the highest need. Local planning should consider how different housing types, including single family, attached and multifamily rental and for-sale homes, can support availability at the price points needed while also considering local context.

Ultimately, setting production targets is a process that will need to account for regional variation in demographic trends, economic development needs, and existing constraints on housing development.

⁴ Vacant and available homes do not include vacant homes that are not currently available for full-time residence, whether due to disrepair, seasonal use, foreclosure, or other factors.

This Study provides analysis to help guide that process (Figure 2). As local planning follows, local adjustments to these targets should be balanced with the likely impact on the availability and affordability of homes for existing Mainers and the economic health of the state. These production targets will also need to be monitored over time as economic and demographic conditions change and as municipalities take steps to meet these targets. For more information about the Study approach, see report page 12.

Figure 2: Setting Housing Production & Reinvestment Targets



Key Findings

While trends vary across the state, homes are becoming less affordable and harder to find in Maine. There are demand-side drivers, including sudden in-migration and declining labor force participation amongst Maine's aging population, and supply-side drivers, including low housing production and an aging housing stock, that are broadly driving these trends.

Demand-Side Drivers

Recent demand-side drivers, including **sudden in-migration** during the height of the Covid-19 pandemic and a **declining labor force from aging households**, are impacting the number of homes Maine needs. Maine experienced increased in-migration from out of state in recent years, concentrated in York and Cumberland Counties but distributed across the state. These in-migrants have higher incomes on average than existing Mainers and are able to pay more for homes. Maine has also experienced a surge in households seeking asylum, who generally have very low incomes in the short-term as they await federal work authorization.

At the same time, Maine's population is aging, resulting in a declining labor force. This impacts both the kinds of homes needed to accommodate a retiring population and homes needed to enable employers to attract more workers to the state to fill open job positions. Over the past decade, Mainers 55 and over have grown as a share of the population, and labor force participation among this group has significantly declined since 2017 as the group gets closer to retirement age. As a result, overall labor force

participation has not recovered post-pandemic as older workers retire, even as labor force participation amongst younger groups has remained steady.

In order to fill the job vacancies created by increased retirement, Maine will need to bring in workers from out-of-state, who will in turn require additional homes to live in.⁵ Maine currently has a very high share of unfilled job positions, with many parts of the state having more vacancies than available workers. Many of these jobs skew somewhat lower income, reflecting a growing mismatch between what many new workers could afford and the price of Maine's available homes.

Supply-Side Drivers

These demand-side drivers are exacerbated by supply-side challenges, namely Maine's **aging housing stock and low housing production** over the past decade.

As the housing stock ages, the share of homes that are unavailable to be occupied due to poor condition has increased. As these homes deteriorate over time, the inventory of homes can gradually decline through demolition. There is limited data to quantify the annual loss of homes through demolition or disrepair, however, individual towns and localities may have the information or begin to gather the information through demolition permits to track the loss of homes over time. Ultimately, this data will need to inform local production and reinvestment targets.

Maine has also had **low housing production relative to job growth across all regions**, but particularly in the Coastal Region, which is a key measure of housing supply issues. Both the Central Western and Northeastern regions have seen total housing inventory decline slightly since 2016. The state has also seen a decline in rental homes across all regions, which runs counter to the trend in almost every other housing market in America and is likely exacerbating Maine's workforce challenges, as workers in entry-level and lower wage positions often require rental housing options.

Finally, the consistently high demand for seasonal homes means that Maine has historically required a higher number of homes relative to the number of year-round residents and available jobs than states with lower seasonal demand.

Availability and Affordability

As a result of low production, reduced rental housing and an aging housing stock, the **availability of homes is declining and prices are increasing**, making it very difficult to access and afford homes and fill job openings in some parts of the state. Not all vacant homes in a housing market are available, as some vacant homes might be reserved as a seasonal home, in foreclosure, in disrepair or otherwise unavailable to the market for occupancy. True "availability" of the housing stock is defined as the vacant units that are ready and available for a household to move into. In a healthy housing market, typically about 5% of homes are vacant and available for use at any given time—allowing for housing choice flexibility and

⁵ Maine's 2020 – 2029 Economic Development Strategy also aims to increase the labor force participation rate of groups with historically lower participation, such as women and people with disabilities. However, the plan acknowledges that in order to support Maine's economic growth, additional workers will also have to come from out of state.

movement. Across Maine, the share of homes vacant and available has fallen to an average of 2.3% statewide.

Homeownership in Maine is becoming increasingly unaffordable. Under a standard definition set by the U.S. Department of Housing and Urban Development (HUD), homes are considered affordable if the rent or cost of ownership⁶ is less than 30% of household income. Until recently, the cost of purchasing a home in Maine was such that a household earning the median income could afford the mortgage on the median home value. In recent years, however, the demand- and supply-side drivers described above, in addition to macroeconomic trends such as rising interest rates, have caused a significant divergence between the income needed to purchase a home in Maine and the actual median income of Mainers; **households now need to make over \$100,000 annually to afford the median home price** As a result, buying a home in Maine now is not affordable for the majority of Mainers.

Renters in Maine are also facing affordability and availability challenges. Maine has seen a decline in renter-occupied units across the state since 2016, and the majority of renter households below 60% of Area Median Income (AMI)⁷ in Maine were **cost burdened** (paying over 30% of household income in rent) in 2021, with the highest rates of cost burden in the Coastal Region. Although renter cost burden rates remained relatively consistent from 2016-2021 (the most recently available data), rents and homes prices increased significantly in 2022 and 2023 and exceeded wage increases, which has likely increased cost burden rates since 2021.

Measuring Housing Need

To address these needs and meet the State's policy priorities, Maine needs approximately 38,500 homes to remedy historic underproduction and will need an additional 37,900 to 45,800 homes to meet expected population growth and household change by 2030 (Table 1). Maine can meet this goal both through the production of new homes and reinvestment in existing homes that are vacant or unavailable due to disrepair or foreclosure.

Table 1: Historic Underproduction and Future Need by Region

Region	Histbrie Underproduction	Future Need (2021 - 2030)	Total
Coastal	21,200	24,200 - 28,000	45,400 - 49,200
Central Western	13,000	9,700 - 11,700	22,700 - 24,700
Northeastern	4,300	4,000 - 6,100	8,300 - 10,400
Maine	38,500	37,900 - 45,800	76,400 - 84,300

Historic Underproduction: The Study Team defines historic underproduction as the deficit of available homes for the existing population (the availability deficit) plus the deficit of homes for workers needed to

⁶ Includes mortgage, property taxes, and insurance.

⁷ See Appendix Page 5 for explanation of Area Median Income calculations.

increase the workforce to support Maine's existing economy (the jobs : homes deficit)⁸. For more information about how the Study Team measured historic underproduction in Maine, see report page 40.

Future Need: The Study Team defines future need as the number of homes needed to support Maine's projected population and household change by 2030, while accounting for Maine's high demand for seasonal homes. For more information about how the Study Team measured future need in Maine, see report page 52.

To put this need in context, Maine's total housing inventory in 2021 was about 737,800 homes. Increasing the number of homes to meet historic underproduction alone (38,500 additional homes) would constitute about a 5% increase in total homes across the state. To meet both current and future need by 2030, Maine would need to add 8,500 to 9,300 homes each year (Table 2). Currently, about 4,800 homes are permitted per year in Maine, and meeting this annual need would require a 77% to 94% increase in the number of permits (with geographic variation). It is important to note that annual building permits are not an exact measure of housing production, as not all permitted homes are built. The necessary increase in housing production may be larger than current permitting suggests and will vary based on the annual loss of homes in different regions.

Table 2: Annualized Production Needs Compared to Annual Building Permits by Region

	<i>Total Annual Production Need</i>	<i>5-year average (2016 - 2021)</i>	<i>% Change in Permits</i>	<i>Net Change in permits</i>
<i>Coastal</i>	5,100 – 5,500	3,400	50% - 62%	1,700 – 2,100
<i>Central Western</i>	2,500 – 2,700	1,000	150% - 170%	1,500 – 1,700
<i>Northeastern</i>	900 – 1,100	400	128% - 175%	510 - 700
<i>Maine</i>	8,500 – 9,300	4,800	77% - 94%	3,700 – 4,500

The number of additional homes needed varies across Maine's regions. Much of it is concentrated in the Coastal and Central Western Regions, which together need 34,200 homes to make up for historic underproduction, and another up to 39,700 homes to meet future need. The Northeastern Region, by contrast, needs about 4,300 additional homes to make up for historic underproduction and meet the economic needs of the region and another 4,000 to 6,100 homes to meet future need by 2030.

Even in places where overall population is aging and declining, there is still need for housing production and reinvestment; in fact, household formation can increase in these circumstances (children of an aging population move into their own homes and some existing households split up). For example, while Aroostook, Piscataquis and Somerset Counties are all projected to see a modest total population decline by 2030, all of those counties will still see a net gain in households in that time period as well as a housing stock that continues to age, requiring additional homes and reinvestment. Further, as these regions face a declining workforce, new homes at affordable price points will be essential to attracting workers to the region and ensuring that existing younger households can stay.

⁸ The "availability deficit" measures the additional homes needed to create a healthy level of availability in the housing market, with "true availability" representing homes that are vacant and available to live in (defined as For Sale and For Rent in the American Community Survey).

Income Distribution

In addition to the number of homes that Maine needs to sustain and grow its economy, it is important to measure the price of homes needed to ensure that households hoping to work or age in place in Maine can afford them. The Study Team created a sample income distribution by allocating the availability deficit based on the income distribution of existing households (Table 3) and the jobs : homes deficit on the expected household income distribution of wages from open job listings (Table 4).

Table 3: Allocation of Availability Deficit Based on Existing Household Income Distribution⁹

Household Income	Coastal	Central Western	Northeastern
Regional Totals	9,400	4,900	2,300
Less than 20K	1,100	780	420
20K - 35K	1,000	760	380
35K - 50K	1,000	730	320
50K - 75K	1,700	880	410
75K - 100K	1,400	650	290
100K - 150K	1,700	690	290
150K+	1,500	410	190

Table 4: Allocation of Jobs : Homes Deficit Based on Estimated Household Wages of Open Job Listings¹⁰

Household Income	Coastal	Central Western	Northeastern
Regional Totals	11,900	8,100	2,000
Less than 20K	70	50	10
20K - 35K	660	360	170
35K - 50K	1,230	640	210
50K - 75K	2,000	1,400	410
75K - 100K	2,300	1,600	380
100K - 150K	3,200	2,300	470
150K+	2,500	1,700	350

⁹ Income Distributions are allocated based on regional numbers and rounded to the tens for counts in the hundreds, and hundreds for counts over a thousand. Due to rounding, numbers may not sum exactly to regional or state numbers.

It is important to note that low- and moderate-income households are more constrained in their choices and more likely to pay more than they can afford for a home. **Because of that, policy makers should emphasize strategies to increase affordable housing production for low- and moderate-income households** in addition to strategies to increase the supply of homes more broadly. At the local level, this may include weighting the income distribution of needed homes more heavily towards low- and very low-income populations to account for this need.

Geographic Distribution

Across regions, individual jurisdictions are contributing more or less to housing demand based on job growth, demographic and migration trends, and other factors, including the existing inventory of available housing and the share of seasonal homes.

To measure local contributions to housing demand, the Study Team weighted the allocation of regional need to the county level by both population share and job share of each county. Weighting allocation by population and jobs helps ensure that housing to address the State's historic underproduction is being added in places where jobs are, both to support households in living close to where they work and also to ensure that towns and cities that are growing economically are also accommodating the population needed to support that growth. This avoids issues of decreasing affordability when housing is not provided where job growth exists, and unnecessary development in areas where there may not be as significant job or population growth.

There are many alternative ways to allocate housing to more granular geographies across Maine, many of which would incorporate unique criteria specific to certain areas of the State.

Setting Production Targets

Meeting this housing need will require Maine to **set housing production and reinvestment targets** that address both historic underproduction and disinvestment and account for future need. The next step in the process will be to set housing production and reinvestment targets at the local level and to consider the different housing typologies that can support housing production across the income spectrum. To move from the regional level to the local level will involve consideration of local obstacles such as available infrastructure, development capacity and other factors. It will also involve dialogue among communities about where and how to accommodate growth and target reinvestment within the region.

Ultimately, creating enough homes in Maine is foundational to the wellbeing of *all Mainers* and can only be achieved if the State and federal government, municipalities and the private sector work together on an ongoing basis. This will require **evaluating important metrics**, such as availability rate, housing production, cost burden, job availability, housing loss and others over time and **adjusting housing production and reinvestment targets** to adapt to changing conditions.

In order for stakeholders to monitor these changing conditions and track progress towards local housing production targets, the State will be providing an online data dashboard of baseline housing conditions at the state, county, and municipal level that will be updated on a periodic basis. Moving forward, improved collection of both building permitting and demolition data, as well as continuous tracking of vacancy trends, will also be critical for monitoring new development. For more information on evaluation and implementation, see report page 58.

Proposed addition to JR 208 (Bill Drafting) – Rep. Anne Perry

If a sponsor's bill is printed as a concept draft, and the chairs of the committee to which the concept draft bill is referred jointly determine that the information contained in the concept draft summary is insufficient to inform the public of the specifics of the proposal, the bill may not be scheduled for public hearing until the primary sponsor of the concept draft bill provides to the committee a proposed amendment that contains sufficient detail to inform the public of the specifics of the proposal. Upon submission by a concept draft bill's primary sponsor to the committee of reference of such a proposed amendment, the chairs of the committee may schedule the concept draft bill for a hearing, as long as notice of the hearing includes information regarding obtaining the language of the sponsor's proposed amendment.

**Testimony of Patrick Woodcock
Joint Select Committee on Joint Rules
Legislative Hearing
July 18, 2024**

Chair Jackson, Chair Terry, and Members of the Joint Select Committee on Joint Rules. Thank you for the opportunity to provide testimony today on the legislative joint rules. My name is Patrick Woodcock and I am the President and CEO of the Maine State Chamber of Commerce, which is Maine's largest community of businesses in the state and collectively represents over 5,000 Maine businesses in the state.

The Chamber appreciates the hearing today and welcomes a focus this year on improving the transparency and consistency of the legislative process across all Committees. I would start by highlighting that there are elements of the Maine Legislature that are uniquely positive. I have found the vast majority of legislators to be extremely accessible and I have been in committee hearings that can restore the faith in our democracy with a citizen bringing their own unique perspective to Legislature and being heard.

At the same time, the Chamber has increasingly been concerned about the efficiency of the Legislature, the volume of legislation and concept drafts, and the lack of transparency with specific legislative language. While many of these issues will require more substantive work of this Committee and the 132nd Legislature, we strongly support providing clear recommendations to the next Legislature from this Committee this year. Specifically, we do think it is imperative that legislative language be provided to the public at least 24 hours prior to a Committee hearing or work session. While this is a good practice with any subject, the issues that the Legislature has considered recently has become complex where specific language is essential to provide substantive comments to the Committee. A more transparent process will improve input from the public, ultimately avoid unintended consequences some the language, and enhance public confidence in this institution.

Maine should strive to be a beacon of the best practices of a legislative body in a representative democracy and the Maine Chamber of Commerce stands willing to partner with this Committee and all members in creating a consistent and transparent legislative process.

MAINE
S T A T E
CHAMBER
of
COMMERCE

The voice of Maine business

April 3, 2024

The Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, ME 04333

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, ME 04333

The Honorable Billy-Bob Faulkingham
Republican Leader
2 State House Station
Augusta, ME 04333

The Honorable Trey Stewart
Republican Leader
3 State House Station
Augusta, ME 04333

Dear Legislative Leaders,

I am writing to request that you prioritize reforms to the legislative rules to make public policy-making more transparent to and inclusive of the public.

The Maine State Chamber of Commerce has been raising concerns about the erosion of fundamental transparency in the legislative process for years, most recently at our Leadership Summit in February. Effectively, the historic courtesy of allowing legislators to introduce bills without precise legislative language is now being used with alarming frequency and in concerning methods. In a number of Committees, the time-honored process of public review and comment has been abandoned or limited. Specifically, there have been instances where committee votes have occurred for legislative proposals in which the public has been prevented from reviewing the exact language of the bill. Regardless of the motivations, the Maine Legislature has developed a basic transparency problem that must be addressed prior to the convening of the next Legislature.

It should be noted that some legislative committees have developed a template that could serve as a model for updated rules. Most notably, during this session the Judiciary Committee has undertaken a review of the state's consumer privacy laws that has been deliberative, transparent, inclusive and substantive. Each step of the way, over multiple public hearings and work sessions, amendments have been shared with the public well in advance, using electronic means. This process has enabled the public to weigh in effectively and in enough time for comments to be received and considered by the Committee. The Judiciary Committee has exemplified best practices in the public's work and should be instructive to the Legislature in consideration of rule changes applicable to all committees.

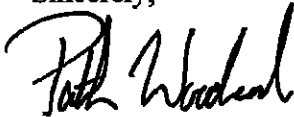
While the specific rule changes should similarly be subject to public hearing and public debate, the Maine State Chamber of Commerce believes the following should be considered in any rules package:

- **Language Transparency.** Require that legislative language be publicly released 72 hours prior to the public hearing or work session of a policy committee. Amendments should be required 24 hours prior to a work session and publicly available;
- **Bill Introduction Deadline.** Eliminate the current deadline for bill introductions to allow lawmakers more time to develop legislative ideas and text.
- **2nd Session Legislation.** Restrict legislative bills that are carried over to the next session to those with written legislative language.

These recommendations would not only improve public transparency, but would also increase legislative efficiency, as the disposal of the piles of conceptual legislative bills is a colossal waste of time taking away finite resources from staff, committees, and legislators. In addition to rule changes, tutorials and workshops for incoming Committee Chairs to ensure an understanding of protocols and best practices prior to the session, would create consistency across the Legislature.

The time for action is now and the Maine State Chamber of Commerce looks forward to collaborating on some commonsense governance reforms that improve transparency and efficiency.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Woodcock". The signature is stylized with a large, looped initial "P" and a cursive "W".

Patrick Woodcock
President and CEO
Maine State Chamber of Commerce