



Rachel Talbot Ross
Senator, District 28

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Rachel Talbot Ross introducing
**LD 1959, “An Act to Prohibit the Department of Health and Human Services from
Reducing General Assistance Maximums for Payment of Costs of Providing
Emergency Shelter”**

Before the Joint Standing Committee on Health and Human Services
May 19, 2025

Senator Ingwersen, Representative Meyer, and esteemed members of the Health and Human Services Committee, my name is Rachel Talbot Ross. I proudly represent Senate District 28, which includes part of my hometown of Portland and Peaks Island. Thank you for the opportunity to present LD 1959, “An Act to Prohibit the Department of Health and Human Services from Reducing General Assistance Maximums for Payment of Costs of Providing Emergency Shelter.”

This bill seeks to remedy a recently adopted DHHS Rule — General Assistance #26A. That rule, promulgated as a routine technical rule, made major substantive changes to the GA program, including but not limited to reducing emergency shelter reimbursement by 50%.

At the end of October 2024, DHHS published proposed Rule 26 and characterized it as a “routine technical rule” under the Administrative Procedures Act. Routine technical rules are those rules that “establish standards of practice or procedure for the conduct of business with or before an agency.” Rule 26 proposed, among many other changes, to reduce the maximum reimbursement rate for emergency shelter by 50%. That reduction, as noted in public testimony to DHHS, will result in the City of Portland losing at least \$4.4 million annually for the emergency shelter services it currently provides for GA recipients.

In addition, it was noted that this annual loss of revenue will be borne directly by the taxpayers in the City of Portland. Despite this direct and substantial impact on both municipalities and taxpayers, DHHS proceeded with routine technical rule-making and adopted the rule on April 1, 2025, with the statement that “[t]his rule will not have an adverse impact on municipalities or small businesses.”

I bring this issue before you today because DHHS clearly exceeded its authority by making these changes without engaging in major substantive rulemaking. As a reminder, major substantive rules are rules that the Legislature determined are “reasonably expected to result in a significant increase in the cost of doing business or services...the loss or significant reduction of government benefits or services, the imposition of state mandates on units of local government...or other serious burdens on the public or units of local government.” 5 MRS Section 8071(2)(B)(2). The Legislature expressly identified those rules as rules that were so impactful that they required legislative review and approval before adoption.

There is simply no straight-faced argument that the changes made in Rule 26 do not have a significant impact on the City of Portland, GA recipients, municipal taxpayers, and businesses who rely on the services provided by the City to operate. These new rules mandate that municipalities continue to provide



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emergency shelter at such a reduced rate as to create shortfalls which could only be covered through property tax increases. There should be no question that rules with that level of significant impact must be done through the major substantive rulemaking process, as adopted and directed by this Legislature. That is why this legislation asks you to reset the GA rules to the rules in effect prior to the GA Rule 26 adoption. The process of changing those rules was unlawful and exceeded DHHS's authority to enact such significant policy changes. A reset is the only fair way to ensure DHHS is not able to overreach and set GA policy, which is under the sole authority of this Committee and the broader Maine Legislature.

Finally, it's my understanding that DHHS believes that, based on the adoption date of the GA statute, any and all GA rulemaking is allowed to be done through routine technical rules. I would encourage this Committee to make a clear statement to DHHS that general assistance rulemaking, which meets the criteria for major substantive rulemaking, must be conducted as such.

Thank you for your time and consideration today.