

**Testimony by Lisa Miller in Support of L.D. 1523,  
An Act to Establish the Trust for a Healthy Maine**  
Joint Standing Committee on Health and Human Services  
February 9, 2022

Good afternoon, Senator Claxton, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services. My name is Lisa Miller, I live in Somerville, and I am speaking as a member of Public Health Reimagined.

I am a former state legislator (122<sup>nd</sup> to 124<sup>th</sup> legislatures) and former member of the Health and Human Services and Appropriations and Financial Services Committees. As such, I have first-hand experience of the challenges of ensuring our tobacco settlement funds are used appropriately and to their best purpose within the Fund for a Healthy Maine.

I know what it's like to try to fund much-needed health programs with fewer and fewer settlement funds and more and more ideas about how to spend them—to balance the budgetary pressures from the General Fund and the needs of our hard-working neighbors for affordable health insurance and medical care. Moreover, it is impossible to be experts on everything that gets proposed: lead poisoning, school lunches, vaping, substance use treatment.

Frustrations with diversions and supplantations from the Fund are also not new. Many of you may remember the 2003 proposal to protect the Fund for a Healthy Maine with a constitutional amendment. Despite the high hurdle of a 2/3 majority to pass, the proposal failed to pass by only a handful of votes. At that point we had seen tens of millions of tobacco settlement dollars diverted to the General Fund, and we had yet to imagine that supplantation would be the ultimate undoing of the Fund's sustainability.

LD 1523 is part of a long, thoughtful research process that began in 2016, with modest funding from the Bingham Program, a Maine health philanthropy. The funds enabled the Maine Public Health Association and collaborative consultants to look at the history of Fund for a Healthy Maine, the waxing and waning of revenues over the years, other Maine structures that manage special funds (such as the Efficiency Maine Trust), and the decision processes that other states have used to distribute (or divert!) their settlement funds.

As described in earlier testimony, the persistent flaws in the Fund for a Healthy Maine are now made more urgent by the structural gap in the Fund for Healthy Maine account, which will make current funding levels for both public health and medical care impossible to maintain in future biennia.

The Fund for Healthy Maine was a very workable structure for many years, but it is aging and dated. This is an opportunity to look at the structure critically and prepare for the next 20 years. Legislators are often frustrated by the basic fact that one legislature cannot bind the next. Well, this is your moment to break the shackles of two-year cycles, be more forward-thinking, and create a funding structure that is more nimble, data-driven and accountable.

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