A message from the president...

“The Maine State Chamber is here to help!”

by Dana Connors

As you are well-aware, the situation related to Coronavirus changes hourly. We are in unprecedented and uncertain times, on the front lines of history perhaps! Mainers come from tough stock and excel at working together in times of crisis. The Maine State Chamber of Commerce and Maine’s regional and local chambers of commerce are closely monitoring the COVID-19 situation.

The staff of the Maine State Chamber will be reaching out to check in with our members in the coming weeks, to better understand the impact and issues before us, and to better address your needs and concerns in the months ahead. We have also created a clearinghouse of information and resources for you on our website, www.mainechamber.org/covid19, and plan to use social media and email blasts regularly to make sure you have everything you need as we weather this pandemic together.

Aggressive action to fight the spread of COVID-19 is critical to the health and safety of all Maine people. The chamber of commerce community is working together (see page 5) and with state and local officials, under the leadership of Governor Janet Mills, to also mitigate the impact of the virus on businesses to ensure the health of Maine’s economy. I’d also like to express my appreciation to the 129th Maine Legislature for focusing on the issues before them—passing the emergency package in the supplemental budget, recognizing the pandemic’s impact on our education system, and setting aside money for pandemic recovery efforts and the Budget Stabilization Fund, as well as allotting funds for infrastructure bonds for transportation/broadband needs, which will be sent to voters for approval in an upcoming election.

The governor’s office and the Maine Center for Disease Control and Prevention (CDC) continue to encourage employers to limit non-essential travel and meetings and events. Wherever possible, employees are urged to work remotely. Many Maine businesses are already taking these precautions.

Additionally, many businesses are adapting to new ways to deliver goods and services by offering delivery, curbside, and takeout options, amidst curfews and gathering notices. These local businesses need our support! Many of them do not

Coronavirus’ impact reaches the legislative process

Session finished at an accelerated pace

Like much of the rest of the country, and the world, Maine is grappling with the impact of the spreading COVID-19, or the Coronavirus. As of this writing, Maine has more than 107 confirmed cases for the virus and will likely see more in the days and weeks to come. The virus has disrupted the lives of hundreds of millions of people from coast to coast and around the globe, and the confirmation of Maine’s initial case was the first domino to fall here.

Like other states and countries, events, mass gatherings, conferences, even smaller meetings here in Maine have been postponed to a later time or cancelled outright. For those of us who work in Augusta, and specifically in the Statehouse complex, given the nature of the public process, “social distancing” was made the end of session problematic during the past few days. And therefore, the Legislature was forced to adapt and compress its normal timeline.

Had things been normal, the second session of any legislative session would have ended by mid-April. This session, the statutory adjournment date was Wednesday, April 15. However, COVID-19 changed all that. Instead, the legislature was forced to compress its remaining workload in a single day, Tuesday, March 17.

Visit www.mainechamber.org or connect with us on one of these social media outlets:
We're here for you...  
(Continued from Page 1...)  

have the ability to work remotely and currently are making decisions as to how they can continue to serve their customers and clients while prioritizing everyone’s health and safety. Please consider taking some of the following steps to support local businesses and small business owners:  

- Utilize take out and curbside to-go services.  
- Buy gift cards (many businesses have gift cards available on their websites) and class-passes (for yoga studios/gyms) to help small-business owners to continue to pay their employees and contractors while shut down temporarily.  
- Purchase your bulk orders now (from a food co-op, for example). See if the business offers curbside pickup or delivery.  
- Purchase merchandise from your favorite1 Mainers helping Mainers – specifically ways that businesses are helping their communities and their employees. We hope you will share your story with us too, by emailing them to melanieb@mainechamber.org.  
- And lastly, remember to be diligent and vigilant about social distancing, your hand-washing routine, and symptom monitoring.  

The entire Maine chamber community, more than 30 of whom met via conference call on Monday, is hard at work compiling resources and information aimed at helping Maine employers make sound and well-informed decisions for their operations, employees and customers. Maine CDC for Business (www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response) and 211Maine (211maine.org) are excellent immediate resources. Local and regional chambers are also working to identify creative solutions (see page 6) to help support Maine businesses until the COVID-19 pandemic is resolved.  

The State Chamber and regional and local chambers will continue to regularly update members on pertinent developments. Today, we’d like to share these items with you:  

- The U.S. Small Business Administration (SBA) has approved Governor Mills’ application for SBA Economic Injury Disaster Loans (see page 10) to help Maine businesses overcome any temporary loss of revenue due to the novel coronavirus, otherwise known as COVID-19. Maine is one of the first states in the country to be approved, and Maine small business owners can now begin applying for these loans at www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources.  
- The Maine State Chamber has launched a comprehensive website for Maine business – www.mainechamber.org/covid19.html. As we continue to develop and update the content, we are very interested in the many stories of Mainers helping Mainers – specifically ways that businesses are helping their communities and their employees. We hope you will share your story with us too, by emailing them to melanieb@mainechamber.org.  
- And lastly, remember to be diligent and vigilant about social distancing, your hand-washing routine, and symptom monitoring.  

It is critical that Maine people and employers prepare, not panic, during this time, and that the business community comes together to support one another and all Maine people. Our state has been tried before and we have proven our resilience. We are incredibly heartened by the generous contributions many companies are already making to help our citizens and communities during the COVID-19 pandemic. These businesses are a ray of light and we are proud to serve them.  

Wishing you good health in uncertain times,  
Dana Connors, President and CEO  
Maine State Chamber of Commerce  

For the most current information, visit www.mainechamber.org
Legislative Update...
(Continued from Page 1...)

In its effort to enforce social distancing, all members of the public were denied access to the Statehouse this week and going forward. This means that other than legislators, their staff, the media, and members of the Mills administration, no one was able to attend the last day of session – including any members of the lobby.

The primary focus of Tuesday was to pass emergency legislation in order to address the COVID-19 crisis. Usually the definition of “emergency” in these cases tend to be conditional, but in the case of Tuesday, the legislature kept to a tight understanding of what needed to be done. Furthermore, to their credit, they did so in an overwhelmingly bipartisan manner.

While a number of bills were finally enacted, the most important were passage of the supplemental biennial budget adjustments; LD 2126; and, a bond package in the form of LD 2134, which will authorize a bond package that consists of $105 million for transportation infrastructure improvements and $15 million for broadband expansion. The bond question will appear on the June ballot.

**LD 2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency**, is sponsored by Senate President Troy Jackson (D-Aroostook). This Governor’s bill represents an omnibus bill giving the governor and state broad authority to respond to COVID-19 in Maine.

Some provisions of the law are sponsored by Senate Leader Mark Dion (D-Lincoln), who is Wisconsin’s acting governor. LD 2167 is the establishment of a short-term loan program targeting individuals and sole proprietors. Administered under the Finance Authority of Maine (FAME), the loan program is designed to provide short-term financial relief for individuals who are laid off and unable to find work. The loans are accessed through your local financial institution – banks or credit unions – and are designed to be an economic bridge between an individual’s take home pay and any UI benefits they may be receiving. Individuals will have access for up to three months of loans, to a maximum amount of $5,000 per month. They will be interest free for 90 days and have up to nine months to pay the loan amount back. It is important to note that this loan program should be considered as a last back stop of financial assistance. Before applying for this loan, individuals should seek other options at their financial institutions. Again, more information can be found on the Maine State Chamber website at www.mainechamber.org/covid19.

A second important provision of the law is that a publicly-owned utility, and allow private practice attorneys to pursue wage-and-hour violations on behalf of the state, to name but a few.

For employers, benefits associated with UI payouts during this period of emergency will not be charged against an employer’s experience rating when calculating UI taxes going forward. Additional and more in-depth information can be found on our website at www.mainechamber.org/covid19.

Some of these bills – the overtime threshold, packaging bill, and taxation issues, in particular – would send Maine in the wrong direction from the Chamber’s perspective. All these bills would increase the cost of doing business here and would do so in a time of great uncertainty for the business community. If, or when, the legislature returns, the Maine State Chamber will be on the third floor of the Statehouse advocating for the defeat of these harmful bills. We will also need you to continue to be engaged through email or phone calls, to urge legislators to reject these proposals.

It is hard for all of us to assimilate all that has happened in our state and nation in the past week or so. It is even harder to imagine where we might be in another week or month. We share your anxiety in coping with all the unknowns in our personal lives and with our businesses. The best way for all of us to quell these anxieties is to communicate and be informed.

**Continued on Page 4...**

**IMPACT SCHEDULE CHANGE...**

In the days following the first announced case of COVID-19, the Maine Legislature worked hard toward adjournment, dealing with the state budget as well as other significant pieces of legislation. At this time, the 129th Legislature is adjourned. It remains unclear if, or when, they will return for a special session. While legislative leadership is figuring that out, our Advocacy team will begin to develop our annual Final Legislative Summary edition of Impact. After the Final Summary is produced, Impact will then resume its monthly distribution schedule until the legislature resumes in January 2020.

During the pandemic, we will issue Impact daily to keep you updated on COVID-19-related resources, information, and news. If you have any questions or important information to share, please contact us by emailing melanieb@mainechamber.org.
Governor Mills: We have risen to the challenges of our times before, and we are rising to the challenges before us now

On Friday, March 20, Governor Janet Mills released the following video message to the people of Maine:

“You know my parents used to tell me that we cannot control everything that happens to us, but what we can control – and what we must control – is how we react to what happens to us. I know you are concerned, even scared, about your health and that of your loved ones. I know you are thinking about where your next paycheck will come from, or your next bag of groceries. I know that anxiety and concern for the unknown fill the air right now. When your child or grandchild tells you that they are scared, tell them: it’s okay to be scared. Anxiety is normal. The future is uncertain.

But, remind them always: we have each other. We are all family. Tell them we have been here before, in one way or another. We fought wars together. We survived blizzards, ice storms, and attacks on our nation. We have risen to the challenges of our times before and we are rising to the challenges before us now.

I want to assure you that medical professionals and Maine CDC experts are working around the clock to mitigate the spread of the coronavirus and to keep you all healthy and safe.

My Administration has worked with the Legislature. We’re working with Maine’s Congressional Delegation, with other governors and businesses and health care providers, to support small businesses, their employees, and those who are self-employed who been impacted by the coronavirus. I am proud of that work, but what I am even prouder of is what I see in communities across Maine:

• I see businesses that are partnering with local nonprofits to make lunches and dinners for those in need.
• I see teachers conducting classes online and school staff delivering homework packets and meals to children at home.

• I see fitness instructors offering online classes to keep people active, and parishes live-streaming faith services and hosting online prayer gatherings.
• I see Maine people simply reaching out to one another to ask “How are you, how can I help?”

Fred Rogers (Mr. Rogers) said, “When I was young and I would see scary things on the news, my mother would say, ‘Look for the helpers. You will always find people who are helping.’”

Maine people are helpers, and they are everywhere. They are our doctors, nurses, EMS, firefighters, police officers, grocery store clerks, gas station attendants, child care workers, government employees. They are you, they are your neighbor, they are your loved ones. They are Maine people.

While I know times are difficult and uncertain, let us remember what we can control, what we can do, not just what we cannot. Remember what we can control — ourselves, our love for another, and our love for this shared state we are so lucky to call home.

Today, we go outside and enjoy the state parks, go to a beach, climb a mountain — whether it’s Bald or Battie or Bradbury — enjoy the outdoors, keeping your social (physical) distance. Today, we keep our distance from one another so that tomorrow we can come together again.

When people look back on us years from now, they will say that Maine did sacrifice but Maine stood strong. They will say:

• Maine people were tough,
• Maine people hung together.
• Maine provided the helpers.
• Maine people survived, and
• Maine rose again better than ever.

This is Governor Janet Mills and thank you for listening. God bless you and yours, and God bless the State of Maine.
State, regional and local chambers of commerce continue efforts to support Maine businesses during COVID-19 pandemic

Chambers are working together to advocate for businesses, sharing resources available to businesses, and promoting ideas to help small businesses

Maine state, regional and local chambers of commerce continue to work together to support Maine businesses during the COVID-19 pandemic. Chambers are hearing serious concerns from Maine employers about their ability to endure the pandemic. The chamber community is working closely with state, local and federal officials on efforts to mitigate the impact of the pandemic on businesses and is hard at work updating employers and sharing resources aimed at helping businesses survive this challenging time. While prioritizing public health, chambers are also promoting ways every Mainer can help businesses, especially small businesses, continue to sell goods and services during the pandemic and its associated curfews and restrictions, including the executive order announced on Wednesday, March 18 by Governor Janet Mills.

Resources, emergency financial assistance and additional efforts include:
- The U.S. Small Business Administration has approved Governor Janet Mills’ request to provide disaster assistance to Maine small businesses. Businesses can apply, find more information, and download applications here. The deadline to apply for assistance is December 16, 2020. Applicants may also call SBA’s Customer Service Center at (800) 659-2955 or email disastercustomerservice@sba.gov for more information. Individuals who are deaf or hard-of-hearing may call (800) 877-8339. Completed applications should be mailed to U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.
- Governor Mills has signed an emergency omnibus package that establishes a consumer loan guarantee program through the Finance Authority of Maine (FAME), in partnership with financial institutions, to provide low- or no-interest loans for eligible people in Maine. Sole proprietors can now apply for FAME loans up to $5,000 with 3 chances to apply for a total of $15,000.
- State legislation was passed to make our Unemployment Insurance system more flexible for both employees and employers.
- For employees: The usual one week waiting period for eligibility will be waived in the event of a Covid-19 related layoff.
- For employers: Layoffs associated with COVID-19 will not count against an employer’s experience rating for UI tax purposes.
- At the federal level, Congress and the Trump administration are taking actions to blunt the impact of the pandemic on the nation’s economy. Rescue proposals are nearing a trillion dollars in aid. Among federal legislation being considered is Sen. Susan Collins’ “Keeping Workers Paid and Employed Act,” which would provide cash-flow assistance quickly to employers. This cash-flow assistance could be as much as the employer needs to stay in operation without lay-offs. Funds are required to be used to pay employees.

Chambers across the state are urging individuals to support local and small businesses in a variety of ways including:
- Encouraging Mainers to use delivery, take-out and curbside services at their local businesses.

For the most current information, visit www.mainechamber.org
Maine business groups and community partners launch #PayItForwardMaine campaign

Campaign encourages all who are able to support local businesses and organizations in need as our state responds to the COVID-19 pandemic

As Maine businesses and their employees weather unprecedented challenges posed by the COVID-19 pandemic, the Portland Regional Chamber of Commerce, Maine Department of Economic and Community Development (DECD), Maine State Chamber of Commerce, and the Retail Association of Maine are partnering with several organizations in our state to launch a campaign to support our community: #PayItForwardMaine.

“In this unprecedented time, we know everyone is feeling the financial impact, especially our small businesses - who make up 99% of our business community in the state,” stated Quincy Hentzel, CEO of the Portland Regional Chamber of Commerce. “We want to make sure that when we get to the other side of this pandemic, our local businesses are still there for us. So, we need to be there for them now. This campaign will allow our community to rally, as they always do in times of crisis and hardship, and to discover ways they can still support their favorite establishments over the next few months.”

The #PayItForwardMaine campaign asks individuals, businesses, and organizations to continue supporting local businesses and their employees in our new world of closed storefronts and social distancing. Your favorite local businesses have been there for you through thick and thin. Now it’s time for all of us to come together and return their service and support, with a new twist.

This effort is supported by several Chambers of Commerce and community partners. Some of those partners offered their perspective on the need for #PayItForwardMaine:

“Maine people count on small businesses every day, not just for goods and services, but for the contributions they make to our economy and our communities,” said Deb Neuman, president & CEO of the Bangor Region Chamber of Commerce. “One thing we all share is our commitment to supporting one another with a sense of optimism and confidence that despite the hits Maine businesses are taking now, we will make it through to the other side of this pandemic.”

“It is important all Maine employers know assistance and resources are coming together to help them weather this unprecedented pandemic,” said Maine State Chamber of Commerce President Dana Connors. “We are all in this together, we are stronger together, and the chamber of commerce community is committed to helping find ways to mitigate the effects of the COVID-19 pandemic on businesses, their employees and consumers, and Maine’s economy.”

Local/Regional Chambers...
(Continued from Page 5...)

- Paying vendors such as caterers now for events that have been postponed due to the virus.
- Buying gift cards to retailers, restaurants, shops, and movie, concert and theatre venues.
- Purchasing class passes for fitness studios, gyms and more.
- Purchasing merchandise online from retailers, breweries, restaurants, etc., including shirts, hats, books, signs, and more.

Many chambers are surveying member businesses for feedback on how best to support them. Several chambers are offering virtual events for members, sharing their video-conferencing capabilities with members at no charge, and holding social media contests to help support local businesses.

“Maine businesses and chambers of commerce are working closely together and with state and federal officials to advocate for businesses and to make sure employers are aware of and can access all resources available to help them get through this tough time,” said Tom Peaco, president & CEO of the Penobscot Bay Regional Chamber of Commerce. “These resources offer real assistance that we hope somewhat allay the stress businesses and individuals are facing in this difficult and uncertain time.”

“Every community’s needs are different, and we are reaching out to area businesses to help identify their needs and seek solutions,” said Deb Neuman, president & CEO of the Bangor Region Chamber of Commerce. “One thing we all share is our commitment to supporting one another with a sense of optimism and confidence that despite the hits Maine businesses are taking now, we will make it through to the other side of this pandemic.”

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Pay It Forward, Maine...
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Dana Connors, president and CEO of the Maine State Chamber of Commerce. “Our local businesses and their employees and families need our support now more than ever. Think of the impact if we all take action to #PayItForwardMaine.”

“The Department of Economic and Community Development and the entire Administration are continually working to ensure Maine businesses and employees have the resources they need as we all respond to the unprecedented challenges posed by the COVID-19 Pandemic,” said Maine Department of Economic and Community Development Commissioner Heather Johnson. “I am pleased to see the work being done by several partner organizations with the launch of the #PayItForwardMaine campaign – an effort that looks to Maine’s collaborative spirit to help your neighbor, friend, and local business owner. I hope to see Mainers participate in this effort and help to see our economy through this challenging time.”

“Maine’s retailers, restaurants, and other small businesses have been hit with a once in a century economic storm,” said Curtis Picard, president of the Retail Association of Maine. “But we are standing together with chambers and business associations to help our local businesses survive. Let’s ‘Pay It Forward, Maine.’”

#PayItForwardMaine is encouraging everyone to consider these ways to show your support (including through simply spending your time and effort), and to share posts, photos, and actions with the hashtag #PayItForwardMaine. The campaign is also encouraging people to tag family, friends, and followers and challenge them to do the same. Among the suggested ways to contribute are:

- **Buy a gift card, gift certificate, class pass, etc.** – this may be the simplest and most effective way to continue supporting local businesses throughout this crisis. Think of a business you would have visited that day/week/month and buy a gift card instead!
- **Utilize take-out and curbside to-go services** (websites like Portland Food Map are keeping updated lists of restaurants offering these services). Always call first and consider tipping more than usual!
- **Purchase merchandise from the business’ website** – obviously retail locations, but many businesses and organizations in all industries offer merchandise such as clothing, hats, glassware, posters, and more. Buy online and have it shipped to your door!
- **See if your service providers offer virtual options**: Tax accountants, business coaches, yoga instructors, etc.
- **If you can’t afford to show monetary support**, share the website or social media account of your favorite business or organization and encourage others to support them.
- **Offer up to help in any way you can…**
  - Help deliver products to those in need;
  - Volunteer your time to help feed the hungry;
  - Put together packets for school children;
  - Provide child-care for those still working (especially those in health care and medical fields) and in need of a helping hand; and,
  - Post a video of teaching others about a favorite skill or technique.

While we anticipate others to join once campaign is launched, our initial partners include the Portland Regional Chamber of Commerce; the Maine Department of Economic & Community Development; the Maine State Chamber of Commerce; the Retail Association of Maine; the Bangor Chamber of Commerce; the Bar Harbor Region Chamber of Commerce; the Bethel Area Chamber of Commerce; the Biddeford + Saco Chamber of Commerce and Industry; the City of Portland; the Damariscotta Region Chamber of Commerce; the Ellsworth Area Chamber of Commerce; the Fort Kent Area Chamber of Commerce; the Franklin County Chamber of Commerce; the Greater Bangor Convention and Visitors Bureau; the Greater Freeport Chamber of Commerce; the Greater Portland Council of Governments; HospitalityMaine; the Institute for Family Owned Business; the Katahdin Area Chamber of Commerce; the Kennebec Valley Chamber of Commerce; the Kennebunk, Kennebunkport and Arundel Chamber of Commerce; the Lewiston Auburn Metropolitan Chamber of Commerce; the Machias Bay Area Chamber of Commerce; the Maine Association of Chamber of Commerce Executives; the Maine Grocers and Food Producers Association; the Mount Desert chamber of Commerce; the Ogunquit Chamber of Commerce; the Old Orchard Beach Chamber of Commerce; the Penobscot Bay Regional Chamber of Commerce; the Piscataquis Chamber of Commerce; Portland Buy Local; Portland Downtown; the River Valley Chamber of Commerce; Scarborough Buy Local; the Saco Lakes Region Chamber of Commerce; the Skowhegan Regional Chamber of Commerce; the Southern Midcoast Maine Chamber; and, Visit Portland.

Learn more about Pay It Forward Maine by visiting PayItForwardMaine.com or PortlandRegion.com/payforwardmaine.htm. For specific questions, please contact Quincy Hentzel at the Portland Regional Chamber of Commerce by calling (207) 233-9151; Kate Foye at the Maine Department of Economic and Community Development by calling (207) 441-1597; Jen Webber representing the Maine State Chamber of Commerce by calling (207) 939-0213, and Curtis Picard of the Retail Association of Maine by calling (207) 240-7377.
Senator Collins unveils plan to preserve jobs and protect small businesses during Coronavirus pandemic

On Tuesday, March 17, 2020, U.S. Senator Susan Collins, a senior member of the Appropriations Committee and a member of the Health Committee, unveiled a legislative proposal today that would help prevent Americans from losing their jobs and keep small businesses from going under as a consequence of the coronavirus pandemic.

“I have been working with Secretary Steven Mnuchin and a group of my Senate colleagues, including Small Business Committee Chairman Marco Rubio, on legislation to address an issue facing small businesses in Maine and throughout the nation,” said Senator Collins. “Our plan will address the cash flow problem that small businesses are facing through no fault of their own by providing guaranteed federal loans to be used to pay their workers. An example is the hospitality industry in my state, where we have numerous restaurants, hotels, and B&Bs, that are being affected already due to the cancellation of graduations, conferences, and other events. As long as the business does not lay off any of its employees, the loan would be forgiven when it matures.”

“The purpose of this bill is to help workers keep their jobs and make sure that businesses that were thriving prior to the recent outbreak will be able to remain open once the crisis has passed,” Senator Collins continued.

Specifically, Senator Collins’ bill would:

- Provide cash-flow assistance quickly to employers who agree not to lay-off their workers. This cash-flow assistance could be as much as the employer needs to stay in operation without lay-offs. The cash-flow assistance must be used to pay employees.
- When the crisis passes, the cash-flow assistance would be forgiven, so long as the employer keeps their workers employed and paid.
- This cash-flow assistance would be structured as federally-guaranteed loans made available through any lender qualified to make SBA 7(a) or 504 loans, and also FINTECH lenders approved by the Secretary.
- Terms would match those of SBA’s Economic Injury Disaster Loans (EIDL), except that the loans would be fully forgiven if the employer keeps its workers employed through the crisis.
- The amount loaned could either be drawn from a line of credit as needed, or the employer could estimate up front the amount it needs to cover lost revenue needed to make payroll during the crisis.
- If the employer draws more than is needed, the employer could repay the excess without penalty when the crisis is over. Alternatively, and if the employer otherwise qualifies, the excess could be converted to a loan on standard terms.
- Loans would be available for the duration of an “emergency period” beginning on March 1 and ending June 30, unless extended through December 30. Loan forgiveness would accrue over the same period.

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Maine DHHS acts to ensure access to health care, food, and basic necessities while protecting the health of the public and employees

On Tuesday, March 17, the Maine Department of Health and Human Services (DHHS) took immediate steps to ensure access to critical services and benefits for Maine people while protecting the health of employees and the public in response to the 2019 novel coronavirus, or COVID-19.

“We are acting swiftly to maintain Maine people’s access to health care coverage, nutritious food, and support for basic necessities in the face of COVID-19, while also safeguarding their health and the health of our valued employees,” said DHHS Commissioner Jeanne Lambrew.

These steps include supporting MaineCare members through the implementation of emergency rules effective Wednesday, March 18 that will:

- Waive all copays for prescriptions, office visits, emergency department visits, radiology and lab services;
- Allow early refills of prescriptions;
- Allow providers to extend 34-day supply maximums on brand prescriptions (MaineCare already allows 90-day supplies of generic prescriptions);
- Waive initial prior authorization requirements for asthma and for immune-related drugs;
- Lengthen the period that prior authorization applies for prescription medications;
- Lengthen the period that prior authorization applies for certain durable medical equipment, such as home oxygen therapy, glucose test strips, and Continuous Positive Airway Pressure (CPAP) supplies for individuals diagnosed with COVID-19, those with pending test results who are in self-isolation, and those in a high-risk category for infection; and,
- Extend the amount of time that home health providers have to submit plans of care from within five business days to within 30 business days from the start of services.

In addition to these changes, the department made an immediate change on Tuesday to its telehealth policy through emergency rule, to allow for prescribing through telehealth. This change is effective immediately.

MaineCare telehealth policy already allows providers and members to meet any face-to-face requirements for services through telehealth, when medically appropriate and when it will result in comparable quality of service. For services that traditionally have not been considered medically appropriate or of comparable quality via telehealth, such as Intensive Outpatient Treatment or Home and Community-Based Treatment, providers are encouraged to consider alternative treatment options that could be more appropriately delivered via telehealth (such as one-on-one counseling visits).

Additionally, DHHS has made two changes effective immediately that do not require emergency rulemaking. First, to the greatest extent allowable under federal law, DHHS will accept eligibility verification by self-attestation to facilitate efficient processing of MaineCare applications and recertifications. Second, we will waive premiums for MaineCare services, such as the Working Disabled, Cub Care, Katie Beckett, and Special Benefit programs. Failure to pay those premiums will not result in case closure.

DHHS is also acting to support social distancing in our 16 regional offices, without disrupting critical benefits and services. In line with guidance from the U.S. Centers for Disease Control and Prevention, DHHS is limiting its interactions with the public to accepting paperwork for drop-off. Clients are being encouraged to fill out and submit applications and reviews for programs, including Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), and MaineCare online through My Maine Connection. Paperwork may be submitted via fax, email or postal carrier. The toll-free number is 1 (855) 797-4357 and agents are available from 7:00 a.m. to

For the most current information, visit www.mainehealth.org

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FAME to partner with SBA and Maine lenders to provide special financing for Maine businesses affected by COVID-19

The Finance Authority of Maine (FAME) is partnering with the U.S. Small Business Administration (SBA) and local Maine lenders to offer special, limited-time loans and loan insurance to eligible Maine businesses affected by COVID-19.

FAME and participating lenders will make special terms available to Maine-based businesses that have experienced interruption or hardship due to COVID-19. Various benefits include loans up to $50,000 offered at reduced interest rates; interest-only payments; up to 75% pro-rata loan insurance on loans up to $100,000; and, interim financing in conjunction with the SBA wherein FAME makes loan proceeds available while approved SBA borrowers await federal funding.

As it has in the past, FAME is partnering with the U.S. Small Business Administration (SBA) to provide interim loan funding since, following approval from the SBA, additional documentation from the borrower may be required prior to full disbursement of the SBA loan. To allow access to those funds immediately, FAME will provide an interim loan to be paid-off with the SBA loan funds.

Governor Janet Mills recently announced that the SBA has approved Maine’s application for loans to help eligible businesses impacted by COVID-19. SBA’s Economic Injury Disaster Loans will offer up to $2 million in assistance for a small business. These loans can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing. To learn more about the process for accessing this lending, please visit www.sba.gov/about-sba/sba-newsroom/press-releases-media-advisories/sba-provide-disaster-assistance-loans-small-businesses-impacted-coronavirus-covid-19.

“The SBA wants to thank Governor Mills and her team at the Department of Economic and Community Development for their hard work, and immediately reaching out to small businesses in Maine to quantify the impact and gather the required documentation allowing SBA to issue this Economic Impact Disaster Declaration. We’d also like to recognize the quick action of the Finance Authority

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Health Care Availability...
(Continued from Page 9...)

4:30 p.m. Monday through Friday.

DHHS offices remain open at this time, and clients can fill out applications in person if they prefer. If clients need assistance, they will be encouraged to call the toll-free number to speak with an agent.

DHHS also issued an emergency rule effective Friday, March 13 allowing all TANF application and annual review interviews, which are required to determine eligibility, to be held by telephone rather than in person. TANF orientations, which are completed during the application process, also will be held by phone rather than through visits to one of the Department’s vendor locations, also known as Fedcap Opportunity Centers. Fedcap is limiting in-person contact for ASPIRE participants, encouraging and facilitating remote participation.

DHHS also will limit in-person interviews for fraud investigations and quality control audits and will hold all administrative hearings by telephone.

DHHS has requested approval from the federal government as needed to allow for additional flexibility, including extending annual review periods for TANF, SNAP and MaineCare for up to three months.

These preliminary steps will help to streamline access to essential benefits and DHHS will continue to implement additional strategies as they become available.
FAME / SBA Financing.. 
(Continued from Page 10...)

of Maine in immediately reaching out to partner with the SBA to ensure funds get into the hands of small businesses as quickly as possible” said New England Regional Administrator Wendell Davis, “Maine small businesses can now access and apply for Economic Impact Disaster Loans at www.sba.gov/disaster. Our toll-free line has been established to answer questions at 1-800-659-2955.”

Additionally, the Legislature recently enacted emergency legislation related to COVID-19, and it includes a new consumer loan guarantee program, the COVID-19 Relief Consumer Loan Program, to be administered by FAME in partnership with Maine lending institutions. It will provide a limited number of no-to-low-interest consumer loans through a loan guarantee program involving Maine’s banks, credit unions, and FAME. Interested borrowers should first contact their local bank or credit union to see if the lender is offering this program and to apply. Loans of up to $5,000 (minus any unemployment benefits received by borrower) may be available and up to three loans to any one borrower can be applied for, one per each 30-day period.

The FAME COVID-19 business response programs are outlined in greater detail at FAME’s website, www.FAMEmaine.com, and in general below:

• COVID-19 Relief Loan Insurance for Lenders: In partnership with lending institutions, FAME will approve ANY Online Assistance (OLA) loan submitted electronically and deemed “COVID-19” at a 50% insurance rate. Some will be eligible using our current standards (and be assessed decreased fees) for 75% coverage. Lending partners will share the risk with FAME and may obtain approval for their loan in an expedited manner. Interested borrowers should contact their local bank or credit union first to see if the lender is offering this program and to apply.

• COVID-19 Relief Interim SBA Finance Loan Program: The SBA has initiated their disaster relief loan into “designated” disaster areas, and Maine recently has been designated as such an area. FAME will provide interim direct loan funding up to $100,000 since, following approval from the SBA, additional documentation from the borrower may be required prior to full disbursement of the SBA loan. FAME will obtain an assignment of the loan proceeds from the SBA and pre-fund the loan so the money is available to Maine businesses sooner.

• COVID-19 Relief Business Direct Loan Program: To be utilized when a borrower cannot obtain a loan or OLA from a lending partner. Offers loans up to $50,000 and a decreased interest rate and decreased fee schedule for Maine-based businesses that experience interruption or hardship due to COVID-19.

“FAME exists to take increased risk for public benefit. During this extraordinary time, we are pleased to step-up in partnership with the SBA, DECD, and our lending partners to provide some relief to affected Maine businesses,” stated Bruce Wagner, FAME’s chief executive officer.

Funds for the above programs will be limited. FAME anticipates setting aside up to $10 million of its reserves for the loan insurance program and up to $5 million for the direct loan program. FAME estimates that the above programs could help to provide $15 million in economic support for approximately 300 small to mid-sized businesses in the state. FAME will make every effort to work with borrowers on special accommodations for their loans, especially during this challenging time.

“We are continuing our work to find ways that we can support both Maine businesses and Maine workers during this challenging time,” said Department of Economic and Community Development Commissioner Heather Johnson. “DECD and the Administration are committed to finding solutions and to partnering with FAME and other entities that can offer support to ensure that there are resources available for businesses impacted by the changes in the market as a result of the Coronavirus. I am grateful to the FAME staff and board members for being able to quickly provide these important services to Maine’s businesses.”

Continued on Page 12...
Emergency bill offers new flexibility in Maine’s unemployment insurance program

On Thursday, March 19, 2020, Maine Department of Labor (MDOL) will begin to implement new flexible unemployment insurance (UI) measures that will benefit both workers and businesses thanks to emergency legislation from Governor Janet Mills that was enacted by the Legislature on Tuesday, March 17. These temporary measures will help relieve the financial burden of temporary layoffs, isolation, and medically-necessary quarantine by making unemployment benefits available to individuals whose employment has been impacted by COVID-19.

“If workers do not have access to employer-provided paid time off or leave, this legislation can provide an important partial wage replacement,” Labor Commissioner Laura Fortman said. This helps not only the individual but allows employers to retain their workforce and stabilize local economies.

Individuals who would otherwise be able and available to work and who maintain contact with their employer may now be eligible for UI. Anyone who has filed for unemployment benefits on or after March 15th will be reviewed under these new temporary measures. The legislation temporarily revises eligibility requirements to provide unemployment coverage in situations not typically covered, such as:

• An employer temporarily ceases operation due to COVID-19;
• An individual is quarantined with the expectation of returning to work once the quarantine is over; or,
• An individual must take a leave of absence to care for a dependent who is affected.

The legislation is not intended to provide sick leave or short-term disability payments. The legislation waives the work search requirement for individuals still connected to their employer and waives the one-week waiting period so that benefits will be available sooner. Important for businesses, any benefits paid under these provisions would not affect the employers.

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FAME / SBA Financing...
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FAME’s Commercial Loan Insurance Program insures a portion of a loan to a business made by a participating financial institution or investment firm. For a business, it may mean the difference between obtaining a loan or never getting the opportunity to start a business.

The FAME Direct Loan offers reduced interest rate loans to businesses that may not have been able to secure financing through traditional lenders. This program helps new or existing business with flexible gap financing directly from FAME.

Chris Pinkham, president of the Maine Bankers Association, stated: “This new lending program announced by FAME compliments other services currently available at your bank. We hope all businesses or consumers will reach out to their local financial institution if they are facing financial challenges as a result of illness and/or business interruption. Maine banks are prepared to assist consumers and businesses as we all work through these unprecedented times.”

Todd Mason, president and CEO of the Maine Credit Union League, stated: “Maine credit unions recognize the financial toll the coronavirus pandemic is having on our state’s small businesses. These local companies and their employees are the backbone of Maine’s economy, and we offer our full support for programs that provide much-needed assistance during this challenging time. It is in everyone’s best interest to ensure our state’s small business community has the resources it needs to continue contributing to Maine’s economy and keep hardworking Mainers on their payroll.”

FAME CEO Bruce Wagner added: “The health and welfare of our associates, customers, and the state as a whole are of the utmost importance to us. Thankfully, during the past two years FAME has been reviewing and updating our business continuity plans to ensure our programs continue to operate smoothly in a situation such as this. Additionally, during the past several years, we have taken steps to invest in technology and systems that allow us to care for our employees and customers in a way that enables us to remain in operation and provide financial solutions to Maine’s students and businesses.”

The Finance Authority of Maine (FAME) is a quasi-independent state agency that provides innovative financial solutions to help Maine citizens pursue business and educational opportunities. FAME helps to lead the creation of good paying jobs for Maine citizens by working at the nexus between economic and workforce development. To learn more about FAME, please visit www.famemaine.com.

For the most current information, visit www.mainechamber.org
How to activate your ReEmployME email address in order to reset your password...

To reset your own password, you will need to activate the email address associated with your ReEmployME account. Activating your email will also allow you to receive notifications via email when new information is added to your account, such as forms and decisions.

If you have not yet activated your email address, or are not sure if you have, please do the following:
1. Log in to your ReEmployME account.
2. Navigate to Benefits Maintenance > Update Claimant Profile > Verify E-mail.
3. On the next screen either enter your Verification Code received at the email address on file to activate your email or click on the word ‘here’ to have a new code generated and sent to the email address on file. (If you need another verification code, click ‘here’. An email will be sent to you with a new verification code.)
4. If a new verification code is sent to you, go back to step 2 on the same screen and enter the code to complete the activation process.

You are now ready to reset your own password should you forget it. Remember to only try entering your password twice, or you will be locked out and require staff assistance to unlock your account!

NOTE: As last resort, if an individual needs to have a password reset (the usual reason for being “locked out” of an account), the best route is to call the CareerCenter staff in Augusta, Bangor, Northern Kennebec Valley, Lewiston CareerCenter, Presque Isle, Portland and Rockland to help with the resetting. For phone numbers, visit www.mainecareercenter.gov.

For more information and frequently asked questions about UI and Covid-19 measures, visit https://www.maine.gov/labor/covid19.

Unemployment Insurance...

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experience rating record.

UI claims can be filed online or by phone at https://reemployme.maine.gov or 1-800-593-7660. The MDOL provides unemployment filing free of charge; individuals should never be asked to pay a fee to file a claim.

For more information and resources, visit the Departments COVID-19 page: www.maine.gov/labor/covid19, and follow the Maine Department of Labor on Facebook (@MElabor) and Twitter (@maine_labor).

How to avoid being locked out of your unemployment account...

One of the most common issues reported is being locked out of a benefit account due to failed password attempts. Currently you have two attempts available to enter your password correctly. If you fail to provide the correct password a third consecutive time, your account will be locked and can only be unlocked by an unemployment representative. We recommend that if you have entered your password incorrectly twice that you use the “forgot password” or “forgot username” links provided.

As long as you have activated the email address associated with the account when the account was created, you can click on the “Forgot Password” link underneath the login boxes to have a new temporary password generated and sent to the email address on file. Refer to the section below for instructions on how to activate your email if you have not done so already. You will be able to use this temporary password to log in and will be prompted to set up a new password, personal to you, at that time. For more information, please visit the ReEmployME login information page at www.maine.gov/unemployment/remelogin.
Unemployment Insurance FAQs regarding COVID-19 from the Maine Department of Labor

Governor Janet Mills has introduced, and on March 17 the Legislature passed, emergency legislation to support workers and businesses economically impacted by COVID-19, the novel coronavirus. This legislation enhances the flexibility of the Unemployment Insurance (UI) program. These temporary measures will help relieve the financial burden of temporary layoffs, isolation, and medically-necessary quarantine by making unemployment benefits available to individuals whose employment has been impacted by COVID-19. This helps not only individuals, but also employers by helping them retain their workforce and stabilizing local economies.

The legislation temporarily revises eligibility requirements to include situations not typically covered, such as an employer temporarily ceases operation due to COVID-19 or an individual is quarantined with the expectation of returning to work once the quarantine is over.

Please note, the legislation is not intended to provide sick leave or short-term disability payments. The legislation also waives the work search requirement for individuals still connected to their employer and waives the one-week waiting period so that benefits will be available sooner. In addition, any benefits paid under these provisions would not affect the employer’s experience rating record.

FAQs for Employees...

Q. What if I am asked by a medical professional or public health official to quarantine as a result of COVID-19, but I am not sick?

A. If you are following guidance issued by a medical professional or public health official to isolate or quarantine yourself as a result of exposure to COVID-19 and you are not receiving paid sick leave from your employer, you may be eligible to receive unemployment benefits. If you are expected to return to your job as soon as your isolation or quarantine is lifted, you will not need to search for work. You must be able and available to accept any work offered by your employer that would not cause you to break isolation or quarantine, and you would need to make sure that your employer has your current contact information.

Q. My boss just announced that my business has to temporarily close and that everyone will be laid off until it reopens. Can I collect unemployment benefits, and do I have to look for work until we reopen?

A. If the business is being temporarily closed as a result of the impact of the COVID-19 virus and you are expected to return to work once the business reopens, you may be eligible for unemployment benefits. You would not have to look for work as long as you remain able and available to work for your employer and make sure your employer has your current contact information.

Q. The place I work at just closed down due to the impact of the COVID-19 virus and I’ve been laid off. I just completed a claim for unemployment benefits. Will unemployment benefits start right away? I’ve filed a claim in the past and I had to serve a waiting week before I could start collecting.

A. If a business or part of the business is shut down due to the impact of the COVID-19 virus, you will not be required to serve a waiting week before you can start receiving unemployment benefits.
Unemployment Insurance...

(Continued from Page 14...)

Q. My boss is allowing me to take an unpaid temporary leave of absence because I am considered high-risk of the COVID-19 infection if I stay at the office, even though I am not sick now. Would I be able to collect unemployment benefits until I am able to go back to work?

A. You may be eligible for unemployment benefits during a temporary, unpaid leave of absence if you are expected to return to your job at the end of the leave, and provided you remain able and available to work for your employer and make sure that your employer has your current contact information.

Q. What if my employer goes out of business permanently as a result of COVID-19?

A. You may be eligible for unemployment benefits during a temporary, unpaid leave of absence if you are expected to return to your job at the end of the leave, and provided you remain able and available to work for your employer and make sure that your employer has your current contact information.

Q. What is Work Share?

A. WorkShare is an unemployment option that helps businesses retain their workforce during a temporary slowdown in work. The program allows employers to voluntarily reduce the hours of staff in lieu of layoffs. Employees of the business are allowed to collect a partial unemployment benefit to help them offset the loss of income. See www.maine.gov/unemployment/workshare for more information.

For the most current information, visit www.mainechamber.org
Majority of Labor committee approves paid FMLA study bill

According to the Legislature’s website, as of March 17, 2020, LD 1410, An Act To Create Paid Family and Medical Leave Benefits, was carried over, in the same posture, to any special session of the 129th Legislature pursuant to Joint Order SP 788. Democrats on the Joint Standing Committee on Labor and Housing had given their approval to a proposal that would set up a stakeholder taskforce to study the feasibility of implementing a paid family medical leave program in Maine.

Appearing to be approved along party lines, with Republicans on the committee opposing and Democrats approving, the committee amended LD 1410, sponsored by Speaker Sara Gideon (D-Freeport), from a full-fledged proposal to fund and implement such a program, to a study group with report back requirements of January 2022. Submitted last session (2019), LD 1410 proposed to establish a new state agency, not unlike the current Unemployment Insurance Division within the Maine Department of Labor, for the purposes of administering a paid FMLA program. The details of the proposal include providing up to 12 weeks of maternity or paternity leave, and up to 20 weeks of leave for a serious health condition – either your own, or that of a broadly defined definition of “family member.” The funds used to provide the leave are the result of a new 0.75% payroll tax on all employees in Maine. It was not clear if the intent is to include LLC and S-corps as “employees” for the purposes of taxation, however we interpreted it as applying to these entities.

The Maine State Chamber opposed the initial proposal, along with several other business associations. While our concerns were numerous, one of our more overarching issues was the lack of any actuarial study on the soundness of the program as defined in the bill. Specifically, an extensive actuarial study to ensure it is properly financed and will remain fiscally solvent into the future. While only a few states have elected to institute paid FMLA, a number of those that have used an existing State short- or long-term disability insurance program to do so. Maine does not have such a program – we’d be starting from scratch. In no other universe should this legislature or state government, authorize the startup of a short- or long-term disability insurance company without ensuring its long-term viability.

As amended, the bill will set up a stakeholder group or commission, composed of 11 members and appointed by the Governor, Speaker of the House, and President of the Senate. The commission consists of legislators from both bodies and both parties, representatives from the large and small business communities, organized labor, elder care, and maternity care. The committee is charged with looking at what other states have done in this area with respect to equity, funding, state partnerships/consortiums, education and outreach, technology needs, oversight and structure of the program, and the interaction of state government and private employers participating in the program.

After doing so, they are to develop a paid FMLA proposal, as well as contract for an actuarial study that is tasked with looking at start-up costs, ongoing costs, the economic impact of the program on our state, and the contribution levels needed to maintain the solvency of the program.

While taking the time to find out the actual costs associated with implementing such a program – before putting it in place – is a step in the right direction, the problems with a paid FMLA program are more acute than just financing and opera-

Continued on Page 17...
More than 40 organizations joined in strong opposition to making Maine’s overtime threshold one of the highest in the nation

LD 402 would devastate Maine’s economy and employers, hindering job growth and new opportunities

On Wednesday, March 11, more than 40 organizations representing thousands of Maine employers joined together in strong opposition to LD 402, An Act To Restore Overtime Protections for Maine Workers, proposed legislation that would make Maine’s overtime threshold one of the highest in the nation – and the highest in New England. LD 402 and any artificial increase in Maine’s overtime threshold would hinder job growth and new opportunities in Maine and undermine essential goals in the 10-year economic growth plan for Maine recently announced by Governor Janet Mills.

According to the Legislature’s website, as of March 17, 2020, LD 402 was carried over, in the same posture, to any special session of the 129th Legislature pursuant to Joint Order SP 788. At the end of session, a draft amendment was supposed to be under consideration by the Joint Standing Committee on Labor and Housing before the session ended abruptly due to the pandemic. It proposed to raise the minimum yearly salary threshold for overtime pay to over $57,000. This is a 58% increase over the current level and 140% over the salary threshold when the increases began, with annual adjustments beginning in 2023. These figures are based on a two-percent annual increase to the minimum wage (national CPI rate assumed by the Maine Consensus Economic Forecasting Commission).

Currently Maine is one of only six states that set their own salary thresholds above the federal level for overtime payment. Maine’s existing overtime law, in combination with the minimum wage that will be indexed for inflation beginning in January 2021, already sets a salary threshold that increases each year as the indexed minimum wage increases. Despite the new salary threshold established last year by federal Department of Labor rulemaking, Maine’s overtime threshold for 2020 is higher. Maine’s threshold is already set to increase automatically in 2021, 2022, 2023 and beyond as the state minimum wage increases.

“LD 402 would create new barriers and seriously undermine economic growth and new opportunities in Maine in many ways, including incentivizing existing and prospective employers to look elsewhere to grow and locate their businesses and jobs,” said Maine State Chamber of Commerce Executive Vice President Peter Gore.

“Thousands of Maine employers, especially small businesses and nonprofits that are already struggling with other higher wage expenses, will be among the hardest hit by these costly increases in the overtime salary threshold,” said NFIB Maine State Director David Clough.

“LD 402 would result in a straight-up loss of jobs, not to mention the unforeseen consequences that will occur including poor morale, lost productivity, and a move to more part-time employees,” said Greg Dugal of HospitalityMaine.

“The impact of LD 402 on businesses and their employees and families would be harsh, if not devastating, and is the exact opposite of what Maine’s economy and people need,” said Curtis

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...international issues. The impact on the workplace would and could be significant.

If finally implemented, LD 1410 will create a new, employee-funded entitlement program for the purposes of providing paid FMLA leave. Employers have expressed concern that, if the leave continues to be funded through a mandatory tax versus a voluntary opt-in tax on all Maine workers, employees will rightfully feel entitled to access leave for which they have paid. Obviously, this means higher utilization, creating greater absenteeism. Absenteeism in the workplace is a very real problem today, both because of workforce shortages and call outs.

As noted earlier, just because an employee goes out on leave, paid or unpaid, that the work of the business stops – it doesn’t. Services must continue to be provided; products pushed out the door; and, widgets manufactured. That means finding a replacement, if available, for the absent employee. If replacements cannot be found, the work is transferred to another other worker. Businesses report that this is a less-than-ideal solution, as the increased workload results in resentment within the workplace.

In addition, the program could place reporting requirements and tracking regarding leave, payroll deductions and calculations on every business of every size in the state. Also of note, those businesses with fewer than 15 employees operating here have never dealt with FMLA leave before, because they have not had to do so. LD 1410 could possibly change that. Most of Maine’s small employers have less than 15 employees, and many, if not most, lack an HR department to help them administer this program should it reach fruition.

For additional information or questions regarding FMLA, please contact Peter Gore by calling (207) 623-4568, ext. 107, or by emailing pgore@mainechamber.org. □

For the most current information, visit www.mainechamber.org

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Picard, president and CEO of the Retail Association of Maine.

The list of organizations strongly opposed to LD 402 in any form are the Maine State Chamber of Commerce; NFIB Maine; HospitalityMaine; the Retail Association of Maine; Associated General Contractors of Maine; Associated Builders & Contractors of Maine; the Bangor Region Chamber of Commerce; Golf Maine; the Home Care & Hospice Alliance of Maine; the Kennebec Valley Chamber of Commerce; the Lewiston-Auburn Metropolitan Chamber of Commerce; the Maine Ambulance Association; the Maine Association of Broadcasters; the Maine Association for Community Service Providers; the Maine Association of Insurance Companies; the Maine Auto Dealers Association; the Maine Bankers Association; Maine Beer & Wine Distributors; the Maine Campground Owners Association; the Maine Energy Marketers Association; the Maine Farm Bureau Association; the Maine Forest Products Council; the Maine Grocers & Food Producers Association; the Maine Health Care Association; the Maine Hospital Association; the Maine Independent Colleges Association; the Maine Insurance Agents Association; the Maine Jobs Council; the Maine Motor Transport Association; the Maine School Boards Association; the Maine School Superintendents Association; the Maine Staffing Association; the Maine State Golf Association; the Maine Tourism Association; the Maine Youth Camping Association; the Manufacturers Association of Maine; the Mid-Maine Chamber of Commerce; Pathways of Maine; the Penobscot Bay Regional Chamber of Commerce; the Portland Regional Chamber of Commerce; the Retail Lumber Dealers Association of Maine; Ski Maine Association; and, the Skowhegan Regional Chamber of Commerce.

An emergency bill, LD 2136 seeks to prohibit political speech concerning a referendum question

Senator Luchini, Representative Schneck, and members of the Joint Standing Committee on Veterans and Legal Affairs: Thank you for the opportunity to testify on LD 2136, An Act To Prohibit Contributions, Expenditures and Participation by Foreign Nationals To Influence Referenda (Emergency). My name is Gerald F. Petruccelli, from Petruccelli, Martin & Haddow in Auburn, Maine. I am here today on behalf of the Maine State Chamber of Commerce. I understand that many members of this committee are co-sponsors of the bill under consideration. I hope that, after hearing my testimony and reading the more complete testimony I will submit to the committee, you will consider the Chamber’s concerns about this legislation and reconsider your approach to this issue.

Introduction...

The bill explicitly seeks to prohibit political speech concerning a referendum question. It is the settled constitutional jurisprudence that prohibitions or restrictions on political speech, if constitutional at all, may be justified only under a standard of strict scrutiny demonstrating that the legislation is narrowly tailored to protect or advance a compelling state interest. It is therefore essential to identify the problem to be solved and to devise a solution that achieves the objective with minimal harm to constitutionally guaranteed liberty.

Supreme Court decisions and opinions of the Federal Election Commission have wrestled with these kinds of issues under existing federal law. This legislation is not content to incorporate the existing federal definitions and reinforce existing federal prohibitions. This bill substantially expands the definition of foreign national to sweep within it an American state doing business only in the United States, if a true foreign national is indirectly the beneficial owner of 51% of the equity interest in the company. The mathematical consequence of this overbroad definition is that the 49% equity ownership in American hands is barred from participating in a referendum election that may substantially adversely affect the fortunes of the company. This is the antithesis of narrow tailoring, even assuming that the bill is in the service of a compelling state interest.

Nor is this legislation in any fair sense of the term an emergency. Failure to enact this legislation would not imperil the public peace, the public health, or the public safety. It would simply leave in place the rules governing initiated referendum elections.

Analysis...

There is already an abundance of state law governing the referendum election process and, if any additional legislation restricting the participation by foreign owners of Maine businesses is both constitutional and prudent, the legislature would be wise to stop at the federal definition of foreign national and not expand it to any enterprise in which the ultimate indirect beneficial ownership is 51% foreign held.

The bill would prevent a “foreign national” or a legal entity in which the foreign national holds/controls 50% or more of the total equity from contributing – directly or indirectly – to influence a referendum. Federal election law already prohibits contributions made by foreign nationals, but this legislation goes further to bar local companies that are majority owned by foreign parent companies or shareholders from the debate on referendum questions that may affect their abili-
ty to conduct business in Maine.

Federal elections law already addresses the importance of protecting the election process and provides sufficient protection from foreign interference. For example, a foreign entity with a U.S. subsidiary must not interfere with, contribute funds to, or direct the political efforts/speech of its U.S. subsidiary. See, e.g., 22 U.S.C. § 611(c); 11 CFR §110.4. Subsidiaries that are separately incorporated are considered separate legal entities for purposes of analyzing campaign contributions. So long as the entity establishes a separately segregated fund (SSF) into which no foreign money is contributed and no direction from a foreign entity is received, a local corporation can and should be allowed to participate in the legislative process, including initiating legislative proposals, through issue advocacy.

Federal law does not talk about ownership percentages when determining if an entity is a foreign principal. It looks at where the principal place of business is located and where the organization was created. See, id. See also, FEC AO 1985-3 (“Under 22 U.S.C. 611(b), a corporation organized under the law of any state within the United States whose principal place of business is within the United States is not a foreign principal and, accordingly would not be a 'foreign national' under 2 U.S.C. 441e.”)

Because that definition was enacted by Congress, the default interpretation of the word “person” includes “corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals…” 1 U.S.C. § 1.

In addition to the new and overbroad characterization of what constitutes a foreign national for purposes of this legislation, it ought not to go unnoticed that this legislation alone singularly sets itself apart from the general provisions of 21-A M.R.S.A. § 1004. The maximum fine under § 1004 is $10,000. The maximum fine in this legislation is $100,000. Perhaps this singular sanction is intended to constitute evidence of narrow tailoring but conversely it sends the message that a political contribution by a company doing business in Maine that is 49% owned by Americans is ten times as bad as any other campaign violation within the general applicability of § 1004. As yet, there appears to be no evidence in any legislative record to support that legislative judgment.

**The Constitutional Issues...**

“Congress shall make no law ... abridging the freedom of speech, [or]... to petition the Government for a redress of grievances.” Amend. I, U.S. Const. See also Art. I, § 4, Maine Const.

Freedom of speech is a bedrock principle of our democracy. It is protected by the Supreme Court’s application of a strict scrutiny analysis when reviewing laws that attempt to curtail that speech. That analytical framework requires that the government “prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.”


Whether a law attempting to limit speech is narrowly tailored enough to survive strict scrutiny has been the subject of significant litigation. For example, The Supreme Court upheld a Tennessee law that prohibited campaigning within 100 feet of a polling place, because voter intimidation and voter fraud are so “difficult to detect” that creating the buffer zone was necessary to protect another fundamental right, “the right to cast a ballot in an election free from the taint of intimidation and fraud.” Burson v. Freeman, 504 U.S. 191 (1992). In contrast, the Supreme Court struck down a similar Massachusetts law that created buffer zones around abortion clinics, in part, because “[o]f[b]struction of abortion clinics and harassment of patients, by contrast, are anything but subtle” and there existed other, less restrictive options for protecting patients. McCullen

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Similarly, the Supreme Court struck down a North Carolina law that sought to regulate the pay and communications of professional fundraisers for non-profit organizations, because “even if the State had a valid interest in protecting charities from their own naivete or economic weakness, the Act would not be narrowly tailored to achieve it” because “more benign and narrowly tailored options are available.” Riley v. Nat’l Fed’n of Blind, 487 U.S. 781, 792, 800 (1988). In contrast, the Supreme Court upheld a restriction on judges directly soliciting financial donations because it was narrowly tailored to the purpose of ensuring public trust in the judiciary. Williams-Yulee v. Fla. Bar, 575 U.S. 433 (2015). The Court held that it was narrowly tailored such that it withstood strict scrutiny because though the law “prevented judges from personally soliciting funds, they were still allowed to discuss any topic publicly and could have their campaign committees solicit funds for them.”

Although freedom of speech covers a broad range of activities and courts have found that some restrictions are permissible, “[i]ssue advocacy is the classic heart of First Amendment protection and should be burdened as little as possible.” Nat’l Org. for Marriage & Am. Principles in Action v. McKee, 765 F. Supp. 2d 38, 46 (D. Me. 2011). And as regulations grow and additional requirements are added, it is possible “to ignore the burdensome effects on the speech of individuals and small organizations.” Id. Here, the bill presumably attempts to create a bright line rule, but for dozens of small and mid-size Maine companies who would need to ensure compliance with the rule, the prospect of administrative burdens to track down citizenship information for every shareholder or LLC that is a partial owner of the company would effectively curtail their speech. That deterrent effect in and of itself calls into question the bill’s constitutionality and is particularly offensive to First Amendment freedoms because it is aimed at issue advocacy. For example, when reviewing a California law that sought to limit the amount of contributions to a ballot measure committee to ensure only small donations, the Supreme Court struck it down, finding that the law “does not advance a legitimate governmental interest significant enough to justify its infringement of First Amendment rights.” Citizens Against Rent Control/Coalition for Fair Hous. v. Berkeley, 454 U.S. 290, 299 (1981). That Court found that whatever the State’s interest in regulating contributions to a candidate, that there was no similar interest in “curtailing debate and discussion of a ballot measure.” Id. at 299.

Although Citizens United is a controversial Supreme Court decision, we must analyze the proposed legislation within the framework of that case because it is the controlling law. The Supreme Court explained that “because speech is an essential mechanism of democracy—it is the means to hold officials accountable to the people—political speech must prevail against laws that would suppress it by design or inadvertence.” Citizens United v. FEC, 558 U.S. 310, 312 (2010). The Supreme Court noted that the weight of First Amendment protections is strong because it is “[p]remised on mistrust of governmental power,” and therefore it “stands against attempts to disfavor certain subjects or viewpoints or to distinguish among different speakers, which may be a means to control content.” Id. at 312.

If this proposed legislation were to be enacted, it would very likely draw Maine into litigation. And Maine would very likely lose the argument because it would be committing “a constitutional wrong” by identifying “certain preferred speakers” because there is “no basis for the proposition that, in the political speech context, the Government may impose restrictions on certain disfavored speakers.” Id. In this case, the “disfavored speakers” are Maine-based businesses with foreign parent companies or shareholders.

**Specific Impact on Maine Companies...**

Many of Maine’s companies – from large to small – have shareholders from other countries. A list is attached, and we think it is accurate but not necessarily complete. This legislation would have a negative impact on many businesses of every size already in operation within our borders. Additionally, this type of legislation would serve as a significant deterrent to those businesses that the Chamber and others are working so hard to attract, because what company would want to move operations to Maine if they would be silenced on a ballot question that could significantly and detrimentally impact their ability to maintain profitability here?

The Maine State Chamber of Commerce truly is the voice of Maine business. That is not merely a slogan. The Chamber speaks for approximately 5,000 business enterprises of all sizes and shapes in every corner of the State on issues important to business generally. The Chamber has also been diligently working to improve Maine’s business climate to make Maine a more attractive place for foreign investors to generate new economic activity for the benefit of all of Maine’s people. Very few things are more harmful to any business development strategy than instability, unpredictability, or uncertainty. If a company can diligently comply with all applicable rules from the inception of a project and then be silenced by this law when others seek to defeat their efforts by initiated referendum, a prudent potential investor will be less enthusiastic about the prospect of coming here.

Finally, emergency legislation is rightly limited to “only such measures as are immediately necessary for the preservation of the public peace, health or safety...” Maine Const. Art. IV, Part 3, § 16. The exceptions laid out to the normal legislative timeline are narrowly tailored and are intended for those issues that are clear cut and can be enacted without the necessity of significant research or input from the public. This bill does not appear to fall into any of those categories and is much too complicated a measure to be considered in an emergency legislation context. There are significant and yet-unexplored unintended consequences of the proposed legislation that should caution the Committee against the current course. The Chamber represents business owners at every level of the economic continuum in Maine and, based on the broad impact this could have on our constituents at every one of those levels, the Committee ‘ought not to pass’ this legislation.
Emera Maine takes action on COVID-19 response

Emera Maine is continuing to monitor COVID-19 response in order to make timely decisions that prioritize the health and safety of its employees and the public. As providers of an essential utility, it is critical that Emera Maine supports the delivery of electric service while it meets the needs of its employees.

The company understands that steps taken to deter the spread of COVID-19 may create financial or logistical barriers for its customers. Among other measures, Emera Maine will work to address these concerns by:

- Halting disconnection of service to residential and business customers for non-payment;
- Ceasing the application of late fees to overdue accounts; and,
- Continuing to set up realistic payment plans with customers to ensure electricity bills are manageable.

Emera Maine always works with customers who have a health concern or loss of income. Any customer who has a question or a concern about their bill is encouraged to call the Customer Contact Center at 1-855-363-7211 or (207) 973-2000. In addition to setting up payment plans, Emera Maine can help customers determine if they are eligible for low-income assistance or a debt forgiveness program and make referrals to other services.

Customers also are reminded that they can make a payment at any time over the phone or online at emeramaine.com.

Like other businesses, Emera Maine is following the recommendations of health officials, setting protocols, and directing employees to stay home if they are sick. The company is focused on helping employees stay healthy so they can continue serving customers. They are also working with contractors and service providers to ensure they take precautions that are equal to or greater than Emera Maine protocols.

In addition, Emera Maine will support United Way of Aroostook and United Way of Eastern Maine in efforts to provide resources to friends and neighbors. Anyone seeking assistance is urged to call 211 for options.

State regulators approve sale of Emera Maine

State regulators approved the sale of the dominant electric utility in eastern and northern Maine to a Canadian company on Tuesday, March 17, following a negotiated settlement that is expected to save customers over $30 million. The Maine Public Utilities Commission approved the acquisition of Emera Maine by the Canadian utility company Enmax Corp., a wholly-owned subsidiary of the city of Calgary, Alberta. The regulatory approval comes after a settlement was reached among Enmax, Emera Maine, the Maine Office of Public Advocate, and other parties. The $1.3 billion acquisition is expected to close within the next week. The settlement includes rate credits for customers totaling $8.1 million and a freeze on distribution rate increases until October 2021, which is expected to save customers up to $30 million. Also included is an additional $5 million in electric rate relief targeted to customers who are eligible for assistance from the Low-Income Home Energy Assistance Program. Enmax also agreed to upgrade grid reliability and customer service as part of the deal.

Emera Maine is committed to delivering safe, reliable electric service. As the state’s second-largest electric utility, the company delivers electricity to more than 159,000 residential, commercial and industrial customers across 10,400 square miles in five counties in eastern and northern Maine. Follow us on Twitter (@emerame) or on Instagram (emeramaine).

Charter to offer free access to Spectrum broadband and wi-fi for 60 days for new K-12 and college student households and more

Many Americans have been affected either directly or indirectly by COVID-19, and Charter is focused on serving and supporting its 29 million customers. Americans rely on high-speed broadband in nearly every aspect of their lives, and Charter is committed to ensuring its customers maintain reliable access to the online resources and information they want and need. To ease the strain in this challenging time, beginning Monday, March 16, Charter commits to the following for 60 days:

- Charter will offer free Spectrum broadband and wi-fi access for 60 days to households with K-12 and/or college students who do not already have a Spectrum broadband subscription at any service level up to 100 Mbps. To enroll, call 1-844-488-8395. Installation fees will be waived for new student households.

- Charter will partner with school districts to ensure local communities are aware of these tools to help students learn remotely.

- For eligible low-income households without school-aged children, Charter continues to offer Spectrum Internet Assist, a low-cost broadband program delivering speeds of 30 Mbps.

- Charter will open its wi-fi hotspots across its footprint for public use.

Continued on Page 22...
Charter/Spectrum...
(Continued from Page 21...)

- Spectrum does not have data caps or hidden fees.

As the country works collaboratively to contain this pandemic, broadband internet access will be increasingly essential to ensuring that people across the country are able to learn and work remotely, that businesses can continue to serve customers, and that Americans stay connected and engaged with family and friends.

Charter’s advanced communications network will ensure its more than 29 million customers – including government offices, first responders, health care facilities, and businesses – across 41 states maintain the connectivity they rely on. The network is built to sustain maximum capacity during peak usage, which is typically in the evenings, so a surge during the day would be well within the network’s capabilities to manage. Charter will continue to closely monitor this dynamic situation and is well-prepared to continue delivering reliable connectivity. Charter has extensive business and workforce continuity plans in place that will be adjusted as needed to best serve all its customers and employees.

About Charter: Charter Communications, Inc. (NASDAQ:CHTR) is a leading broadband connectivity company and cable operator serving more than 29 million customers in 41 states through its Spectrum brand. Over an advanced communications network, the company offers a full range of state-of-the-art residential and business services including Spectrum Internet, TV, Mobile and Voice. For small and medium-sized companies, Spectrum Business delivers the same suite of broadband products and services coupled with special features and applications to enhance productivity, while for larger businesses and government entities, Spectrum Enterprise provides highly customized, fiber-based solutions. Spectrum Reach delivers tailored advertising and production for the modern media landscape. The company also distributes award-winning news coverage, sports and high-quality original programming to its customers through Spectrum Networks and Spectrum Originals. More information about Charter can be found at corporate.charter.com.

Hannaford Supermarkets commits quarter million dollars to area foodbanks

On Friday, March 20, Hannaford Supermarkets announced its commitment to donate $250,000 to support area foodbanks that are experiencing increasing and unprecedented demand during the widening of the COVID-19 global pandemic. The monies will be distributed to foodbanks in Maine, New Hampshire, Massachusetts, Vermont, and New York.

Additionally, Hannaford is kicking off a register and store kiosk donation program at all Hannaford grocery stores that will make it easy for customers to donate toward hunger relief. Customers can donate to their community’s local food bank at the register with a $5 or $10 donation or with a cash donation at a kiosk located at the front of the store.

“During these times of uncertainty, it’s important that we all pull together to help one another,” said Mike Vail, president of Hannaford. “Hannaford has a long tradition of nourishing communities and this donation is just one way that we can help extend that care to those who need it the most.”

Hannaford Commitment:

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<tr>
<th>State</th>
<th>Foodbank</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Maine</td>
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<tr>
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<td></td>
<td>Greater Boston Foodbank</td>
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<td>New York</td>
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<td></td>
<td>Food Bank Central New York</td>
<td>$5,000</td>
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Customer Register and Kiosk Donation Recipients:

- Maine: Good Shepherd Food Bank
- New Hampshire: New Hampshire Food Bank
- Massachusetts: Worcester County Food Bank
- Vermont: Vermont Food Bank
- New York: Regional Foodbank of Northeastern New York

For those who prefer to make a donation directly, please visit the specific foodbank’s website.

About Hannaford Supermarkets: Hannaford Supermarkets, based in Scarborough, Maine, operates 182 stores in the Northeast. Stores are located in Maine, New York, Massachusetts, New Hampshire, and Vermont. Hannaford employs more than 26,000 associates. Additional information can be found at Hannaford.com.
Comcast announces comprehensive COVID-19 response to help keep Americans connected to the internet

Company opens Xfinity WiFi Network nationally for free, offers unlimited data for free, confirms its commitment to connecting low-income families

On March 13, on the heels of offering new, low-income Internet Essentials customers two months of free internet and raising the speed of that program’s service to 25/3 Mbps, Comcast announced additional steps to help ensure people stay connected to the internet as more schools suspend classes and companies encourage employees to work from home due to the Coronavirus.

“During this extraordinary time, it is vital that as many Americans as possible stay connected to the internet – for education, work, and personal health reasons,” said Dave Watson, Comcast Cable Chief Executive Officer. “Our employees also live and work in virtually every community we serve, and we all share the same belief that it’s our Company’s responsibility to step up and help out.”

Comcast is taking steps to implement the following new policies for the next 60 days, and other important initiatives:

- **Xfinity WiFi Free For Everyone:** Xfinity WiFi hotspots across the country will be available to anyone who needs them for free – including non-Xfinity Internet subscribers. For a list of available hotspots, visit www.xfinity.com/wifi. Once at a hotspot, consumers should select the “xfinitywifi” network name in the list of available hotspots, and then launch a browser.
- **Pausing Our Data Plan:** With so many people working and educating from home, we want our customers to access the internet without thinking about data plans. While the vast majority of our customers do not come close to using 1TB of data in a month, we are pausing our data plans for 60 days giving all customers Unlimited data for no additional charge.
- **No Disconnects or Late Fees:** We will not disconnect a customer’s internet service or assess late fees if they contact us and let us know that they can’t pay their bills during this period. Our care teams will be available to offer flexible payment options and can help find other solutions.
- **Internet Essentials Free to New Customers:** As announced yesterday, it’s even easier for low-income families who live in a Comcast service area to sign-up for Internet Essentials, the nation’s largest and most comprehensive broadband adoption program. New customers will receive 60 days of complimentary Internet Essentials service, which is normally available to all qualified low-income households for $9.95/month. Additionally, for all new and existing Internet Essentials customers, the speed of the program’s Internet service was increased to 25 Mbps downstream and 3 Mbps upstream. That increase will go into effect for no additional fee and it will become the new base speed for the program going forward.
- **News, Information and Educational Content on X1 and Flex:** For those with school-age students at home, we’ve created new educational collections for all grade levels in partnership with Common Sense Media. Just say “education” into your X1 or Flex voice remote. To help keep customers informed, we also have created a collection of the most current news and information on Coronavirus. Just say “Coronavirus” into your X1 or Flex voice remote.
- **24x7 Network Monitoring:** Underpinning all of these efforts, Comcast’s technology and engineering teams will continue to work tirelessly to support our network operations. We engineer our network capacity to handle spikes and shifts in usage patterns, and continuously test, monitor and enhance our systems and network to ensure they are ready to support customer usage. Our engineers and technicians staff our network operations centers 24/7 to ensure network performance and reliability. We are monitoring network usage and watching the load on the network both nationally and locally, and to date it is performing well.

For more information and updates from Comcast related to Coronavirus, please visit http://www.comcastcorporation.com/COVID-19.

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**About Comcast:** Comcast Corporation (Nasdaq: CMCSA) is a global media and technology company with three primary businesses: Comcast Cable, NBCUniversal, and Sky. Comcast Cable is one of the United States’ largest high-speed internet, video, and phone providers to residential customers under the Xfinity brand, and also provides these services to businesses. It also provides wireless and security and automation services to residential customers under the Xfinity brand. NBCUniversal is global and operates news, entertainment and sports cable networks, the NBC and Telemundo broadcast networks, television production operations, television station groups, Universal Pictures, and Universal Parks and Resorts. Sky is one of Europe’s leading media and entertainment companies, connecting customers to a broad range of video content through its pay television services. It also provides communications services, including residential highspeed internet, phone, and wireless services. Sky operates the Sky News broadcast network and sports and entertainment networks, produces original content, and has exclusive content rights. Visit www.comcastcorporation.com for more information.

For the most current information, visit www.mainechamber.org

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As you’d expect, the Maine State Chamber of Commerce and Maine’s regional and local chambers of commerce are closely monitoring the COVID-19 situation. We recognize that information is plentiful and fast-changing, but not always accurate or well-organized. With that in mind, we have developed a web-based clearinghouse of information – MaineChamber.org/covid19.html – to help you find answers to critical questions relating to this pandemic’s impact on Maine businesses. We are hopeful that this resource will assist you in taking care of yourself and your family, your employees, your business, and your community.

As always, we are here to answer your questions and to listen to your concerns – and to provide answers when we can. Please connect with us by emailing pgore@mainechamber.org or mellis@mainechamber.org with questions and concerns.