

MAINE STATE LEGISLATURE

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128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**128th Legislature
Legislative Council
March 22, 2018
1:30 PM
REVISED AGENDA**

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	CALL TO ORDER	
	ROLL CALL	
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16	• Fiscal Report (Mr. Nolan)	Information
	REPORTS FROM COUNCIL COMMITTEES	
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	• State House Facilities Committee No report	
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20	Item #1: Consideration of Tabled Bill Requests – from October and November	Roll Call Vote
❖ 22	Item #2: Council Actions Taken by Ballot (No Action Required)	Information
	NEW BUSINESS	
❖ 23	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote
27	Item #2: Acceptance of Study of Conserved Lands Owned by Nonprofit Organizations	Acceptance

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
February 27, 2018**

CALL TO ORDER

Speaker Gideon called the February 27, 2018 meeting of the Legislative Council to order at 3:13 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Mason, Senator Volk, and Senator Jackson and Senator Libby

Representatives: Speaker Gideon, Representative Herbig, Representative Golden, and Representative Espling

Absent: Representative Fredette (arrived late)

Legislative Officers: Heather Priest, Secretary of the Senate
Robert Hunt, Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director
Jackie Little, Human Resources Director
Suzanne Gresser, Revisor of Statutes
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Chris Nolan, Director, Office of Fiscal and Program Review
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

Speaker Gideon convened the meeting at 3:13 p.m. with a quorum of members present.

SUMMARY OF JANUARY 25, 2017 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for January 25, 2017 be accepted and placed on file. Motion by Senator Jackson. Second by Representative Golden. **Motion passed unanimous (8-0-0-2, with Senator Libby and Representative Fredette absent).**

Legislative Council Chair Gideon asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to **Old Business, Item 1.**

OLD BUSINESS**Item #1: Consideration of the Tabled Bill Requests for Introduction in the Second Regular Session of the 128th Legislature – from October and November**

The Legislative Council proceeded to consider eleven (11) tabled bill requests in accordance with the adopted protocol. The Legislative Council failed to authorize one (1) bill for introduction in the Second Regular Session, and the Council took no action on the remaining ten requests. The Legislative Council's action on the bill requests is attached.

Item #2: Council Actions Taken by Ballot**Requests for Introduction of Legislation:****LR 2882 An Act Regarding the Penalties for Hunting Deer over Bait**

Submitted by: Senator Paul Davis, Sr.
Date: January 25, 2018
Vote: 10-0 Passed

LR 2888 An Act to Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations

Submitted by: Senator Roger Katz
Date: January 30, 2018
Vote: 8-1-1-0 Passed (with Representative Espling opposed and Representative Fredette abstained)

LR 2895 An Act to Amend the Anson and Madison Water District Charter

Submitted by: Representative Bradlee Farrin
Date: February 5, 2018
Vote: 10-0 Passed

LR 2844 JOINT RESOLUTION Memorializing the President of the United States and the United States Congress to Exclude the State of Maine from Offshore Oil and Gas Drilling and Exploration Activities, Including Seismic Airgun Blasting

Submitted by: Representative Michael Devin
Date: February 7, 2018
Vote: 7-3-0-0 Passed (with Senator Mason, Representatives Fredette and Espling opposed)

LR 2899 An Act to Authorize the Treasurer of State to Facilitate the Establishment of ABLE Accounts for Qualified Persons

Submitted by: Representative Matthew Pouliot
Date: February 13, 2018
Vote: 7-3-0-0 Passed (with Senator Mason, Representatives Fredette and Espling opposed)

LR 2910 An Act to Increase Transparency in the Direct Initiative Process

Submitted by: Representative Louis Luchini
 Date: February 13, 2018
 Vote: 10-0 Passed

LR 2920 An Act to Authorize a Prerelease Facility in Washington County

Submitted by: Senator Joyce Maker
 Date: February 13, 2018
 Vote: 8-2-0-0 Passed (with Representatives Fredette and Espling opposed)

NEW BUSINESS**Item #1: Consideration of After Deadline Bill Requests for Introduction in the Second Regular Session of the 128th Legislature**

The Legislative Council proceeded to consider and vote on thirty-six (36) after deadline bill requests. The Legislative Council authorized eleven (11) bills for introduction in the Second Regular Session, six (6) bills failed, two (2) bills tabled, three (3) bills were withdrawn by the sponsor and the Council took no action on the remaining fourteen (14) bill requests. The Legislative Council's action on the bill requests is attached.

The Legislative Council then returned to the other items on its agenda.

OLD BUSINESS**Item #3: Task Force on Health Care Coverage Funding Update**

Mr. Pennoyer updated the Legislative Council as to the status of the funding for the Task Force on Health Care Coverage for All Maine. Based on the current available balance and expenditure projections, the Task Force has sufficient funding available to hold up to four interim meetings.

Motion: That the Legislative Council authorizes the Task Force on Health Care Coverage for All of Maine to hold up to four meetings after the Second Regular Session based on the outside funding contributed to date. If an additional meeting is required, the task force must seek prior approval and must have sufficient balances from this outside funding remaining after the four meetings to fund the projected costs of the additional meeting. Motion by Representative Herbig. Second by Representative Golden. **Motion passed unanimous (7-0-0-3, with Senators Jackson and Libby and Representative Fredette absent).**

NEW BUSINESS**Item #2: Presentation of Annual OPEGA Report**

Ms. Ashcroft, Director of the Office of Program Evaluation and Government Accountability, presented OPEGA's Annual Report to the Legislative Council. OPEGA completed 5 projects

including the Maine State Lottery and 3 projects involving Tax Expenditures, and worked on 7 others. Out of the 239 cumulative total recommendations OPEGA has made to date, 146 have been implemented or affirmatively addressed, 42 are in progress, and 51 have not been addressed most of which OPEGA is no longer doing active follow-up on. OPEGA also stayed within budget again in 2017.

Motion: That the OPEGA Annual Report be accepted and placed on file. Motion by Representative Herbig. Second by Senator Volk. **Motion passed unanimous (6-0-0-4,** with Senators Jackson and Libby and Representatives Golden and Fredette absent).

Item #3: State Audit Findings, Office of the State Auditor

The Office of the State Auditor submitted to the Legislative Council a report of its findings from the State Audit for the year ended June 30, 2017.

Motion: That the report from the Office of the State Auditor be accepted and placed on file. Motion by Senator Mason. Second by Representative Herbig. **Motion passed unanimous (6-0-0-4,** with Senators Jackson and Libby and Representatives Golden and Fredette absent).

Item #4: Acceptance of the Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services

The Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services submitted its report for acceptance by the Legislative Council.

Motion: That the report from the Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services be accepted and placed on file. Motion by Senator Mason. Second by Representative Herbig. **Motion passed unanimous (6-0-0-4,** with Senators Jackson and Libby and Representatives Golden and Fredette absent).

Item #5: Acceptance of the Commission to Streamline Veterans' Licensing and Certification Report

The Commission to Streamline Veterans' Licensing and Certification submitted its report for acceptance by the Legislative Council.

Motion: That the report from the Commission to Streamline Veterans' Licensing and Certification be accepted and placed on file. Motion by Senator Mason. Second by Senator Volk. **Motion passed unanimous (6-0-0-4,** with Senators Jackson and Libby and Representatives Golden and Fredette absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

1. Bill Production System Replacement Project

The first phase of the project to replace the MELD bill production system is reaching its conclusion. This phase included an intensive review process to lay out detailed requirements

for the new system starting with an in-depth review of the current process. Also included in this phase will be a refined cost estimate for the remaining work required to implement the new system based on the much more detailed requirements developed as part of the first phase. Tallan's updated estimated cost of the remaining portion of this project is \$3.249 million, which is slightly less than the RFP estimate and without the substantial separate contingency budget of the RFP estimate. We are currently working with Tallan to finalize contract language and develop a scope of work for the remaining project. The scope of work document includes a timeline that plans to fully implement the new bill production system for the Second Regular Session of the 129th Legislature.

2. Harassment Training Update

Jackie Little, Human Resources Director, has provided training for the four major caucuses. She has scheduled a training session for the Independents and Green Independents today and an additional training session for the House Republican Caucus on March 1st. Not counting the pending session, she has trained 115 Legislators and will be scheduling training sessions for any remaining Legislators that missed the training sessions conducted in caucus meetings. Ms. Little has also provided this important training to all Legislative Staff.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, presented the following report.

1. General Fund Revenue Update

Total General Fund Revenue - FY 2018 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$325.4	\$367.6	\$42.3	13.0%	\$323.7	13.6%
FYTD	\$2,070.7	\$2,152.5	\$81.8	4.0%	\$2,052.9	4.9%

General Fund revenue was over budget by \$42.3 million (13.0%) for the month of January and over budget by \$81.8 million (4.0%) for the fiscal year to date. Individual income tax revenue was over budget by \$36.6 million for the month and \$58.0 million for the fiscal year to date. Income tax withholding and estimated payments were the major contributors to this positive variance, with estimated payments over budget by \$19.6 million for the month. It is likely the early January estimated payment receipts were a carryover from taxpayers paying their January 15th estimated payment in calendar year 2017 in anticipation of the Tax Cuts and Jobs Act (TCJA) cap on federal deductions for state and local taxes beginning in 2018. Sales tax revenue (December sales) was under budget by \$1.0 million for the month but over budget by \$4.3 million for the fiscal year to date. The cold temperatures and snow likely affected December sales. BETR transfers continue to lag behind budgeted estimates. This category was over budget (less reimbursed than budgeted) by \$9.1 million for the fiscal year to date. It is still likely this could be a timing issue. This and all revenue lines will be reviewed for the March revenue forecast.

2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2018 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$26.1	\$28.2	\$2.0	7.8%	\$27.0	4.1%
FYTD	\$194.3	\$199.3	\$4.9	2.5%	\$198.3	0.5%

Highway Fund revenue was over budget by \$2.0 million (7.8%) for the month of January and over budget by \$4.9 million (2.5%) for the fiscal year to date. Motor vehicle registrations and fees, in particular long-term trailer registration fees and title fees, were the main driver of this overage to date. Fuel taxes also showed a positive variance in January and for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for January was \$1,200.5 million, significantly up from December's average of \$1,084.7 million and well above both last year's average balance for December and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in January (last done in April of 2016). The average Highway Fund balance of \$8.3 million in January was essentially unchanged from December. December is usually the low point in the year after the annual payment to the Local Road Assistance program.

Mr. Nolan also provided an overview of the preliminary recommendations of the Revenue Forecasting Committee that met earlier in the day to update the revenue forecast for the March 1st reporting deadline. He noted that the Revenue Forecasting Committee increased projections of General Fund revenue by \$128.5 million for the current biennium. He also noted that the increase in projections of Highway Fund revenue of \$1.9 million for the biennium would bring the Highway Fund back into balance.

Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, presented the following report. The majority of the studies have completed their work. The ACF Study of Conserved Lands Owned by Nonprofit Conservation Organizations has just sent its report to the printers. A few of the studies will have work ongoing such as the Task Force on Health Care Coverage for All of Maine, the Maine Bicentennial Commission and the Citizen Trade Commission.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report.

2. State House Facilities Committee

No report.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 5:05 p.m.

**Legislative Council Action Taken on
Tabled Pre Cloture Bills Requests
From October and November 2017
February 27, 2018**

SPONSOR: Sen. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2650	An Act To Close Loopholes in Election Laws and Ban the Use of Leadership Political Action Committees for Personal Profit	Tabled 11/30/17 Tabled 1/26/18

SPONSOR: Sen. Andre E. Cushing III

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2754	Resolve, To Study Methods for Better Transportation for Students and Workers in Maine	Tabled 11/30/17 Tabled 12/14/17

SPONSOR: Rep. Karen A. Gerrish

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2492	An Act To Create a Full-time Drug Interdiction Unit within the State	Tabled 11/30/17 FAILED

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2506	An Act To Support Funding for Workforce Development in Maine	Tabled 10/26/17

SPONSOR: Sen. Brian D. Langley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2783	An Act To Extend Secondary Student Eligibility in the Competitive Skills Scholarship Program	Tabled 11/30/17 Tabled 12/14/17

SPONSOR: Sen. Nathan L. Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2761	Resolve, To Require the Department of Labor To Receive Federal Workforce Innovation and Opportunity Act Funds	Tabled 10/26/17

SPONSOR: Rep. Wayne R. Parry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2562	An Act To Waive Income Restrictions for Supplemental MaineCare Coverage for Children Diagnosed with Cystic Fibrosis	Tabled 11/30/17

SPONSOR: Rep. Anne C. Perry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2523	An Act To Ensure Federal Funding for Job Training Services	Tabled 10/26/17

SPONSOR: Rep. Harold L. Stewart III

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2472	An Act To Prevent Human Trafficking, Protect Children and Finance the Victims' Compensation Fund	Tabled 11/30/17

SPONSOR: President Michael D. Thibodeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2605	An Act To Amend the Laws Restricting Firearms on Public Lands	Tabled 11/30/17

SPONSOR: Rep. Dustin Michael White

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2551	An Act To Increase the Bottle Redemption Rate To Counterbalance Increases in the Minimum Wage	Tabled 11/30/17

**128th Maine State Legislature
Legislative Council Action Taken on
Requests to Introduce Legislation
Second Regular Session
February 27, 2018 REVISED**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2911	An Act Regarding the Placement of Children in Foster Care	PASSED

SPONSOR: Rep. Louis J. Luchini

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2910	An Act To Increase Transparency in the Direct Initiative Process	Processed by Ballot

SPONSOR: Rep. Colleen M. Madigan

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2909	An Act To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children	PASSED

SPONSOR: Sen. David R. Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2907	An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable Television Operators	FAILED

SPONSOR: Rep. Matthew G. Pouliot

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2899	An Act To Authorize the Treasurer of State To Facilitate the Establishment of ABLE Accounts for Qualified Persons	Processed by Ballot

SPONSOR: Rep. Deborah J. Sanderson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2913	An Act Regarding the Membership of the Board of Directors of the Hallowell Water District	TABLED

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2836	Resolve, To Require the Public Utilities Commission To Adopt Rates for Regulated For-profit Utilities Based on the Reduction in the Federal Corporate Income Tax Rates	Tabled 1/25/18

SPONSOR: Rep. Owen D. Casas

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2795	RESOLUTION, AMENDING THE CONSTITUTION OF MAINE TO ALLOW FOR RANKED-CHOICE VOTING	Tabled 12/14/17

SPONSOR: Sen. Andre E. Cushing III

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2866	An Act To Allow Individuals To Obtain Feline Rabies Vaccine To Vaccinate Feral Cats	Tabled 1/25/18

SPONSOR: Rep. Jessica L. Fay

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2841	An Act To Ensure Fuel Delivery during Emergencies	Tabled 1/25/18 WITHDRAWN

SPONSOR: Rep. Ryan M. Fecteau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2796	An Act To Improve Efficiency in the Delivery of Workforce Training	Tabled 12/14/17

SPONSOR: Rep. Aaron M. Frey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2885	An Act Regarding Financial Orders Requested by the Attorney General	Tabled 1/25/18 In Ballot Process

SPONSOR: Speaker Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2822	An Act To Restore Net Neutrality Protections to Consumers in Maine	Tabled 1/25/18
2875	An Act To Discourage Sexual Harassment and Assault in the Workplace	Tabled 1/25/18

SPONSOR: Rep. Scott M. Hamann

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2792	An Act To Prohibit the Purchase and Possession of Bump Stocks	Tabled 12/14/17 FAILED

SPONSOR: Rep. Gary L. Hilliard

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2794	An Act To Educate the Public Concerning Health and Safety Matters Relating to the Use of Marijuana	Tabled 12/14/17

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2846	Resolve, Directing the Public Utilities Commission To Give Final Approval for a Long-term Contract for Electricity from Experimental Floating Turbines	Tabled 1/25/18

2884	An Act Concerning Commercial Vehicle Weight Limit Exemptions That Are Advantageous to Canadian Truckers	Tabled 1/25/18
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SPONSOR: Sen. Nathan L. Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2837	An Act To Require Annual In-person Sexual Harassment Training for Legislators, Legislative Employees, Constitutional Officers and Liaisons and Registered Lobbyists	Tabled 1/25/18

2848	An Act To Provide Reasonable Exemptions from the Work Requirements for MaineCare for Persons Who Are Elderly or Disabled	Tabled 1/25/18
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SPONSOR: Sen. Joyce A. Maker

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2876	An Act To Include Operating a Motor Vehicle in a Parking Area to the Law Regarding Operating after Habitual Offender Revocation	Tabled 1/25/18 PASSED

SPONSOR: President Michael D. Thibodeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2819	An Act To Require Annual Sexual Harassment Training for Legislators, Employees of the Legislature and Registered Lobbyists	Tabled 12/14/17 WITHDRAWN

SPONSOR: Sen. David Woodsome

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2812	An Act Regarding the Use by Fire Departments of Recertified Self-contained Breathing Apparatus	Tabled 12/14/17

JOINT RESOLUTIONS

SPONSOR: Sen. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2850	JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXEMPT MAINE FROM THE NEW OFFSHORE DRILLING RULES PROPOSED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR	Tabled 1/26/18

SPONSOR: Sen. Geoffrey M. Gratwick

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2653	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ESTABLISH A NATIONAL REVENUE-NEUTRAL FEE ON CARBON-BASED FOSSIL FUELS	Tabled 12/14/17
2818	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR	Tabled 12/14/17 WITHDRAWN

**128th Maine State Legislature
ADDENDUM – REVISED
Legislative Council Action Taken on
Requests to Introduce Legislation
Second Regular Session**

Actions Taken After February 9, 2018

SPONSOR: Sen. Eric Brakey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2952	An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff to Carry a Concealed Handgun on School Property while Acting in Their Official Capacities	FAILED

SPONSOR: Rep. Owen D. Casas

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2950	Resolve, To Require the Office of the Attorney General To Temporarily Stay Disconnection Actions and Adverse Credit Reports Related To Billing Disputes with Central Maine Power Company	TABLED

SPONSOR: Rep. Richard M. Cebra

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2938	An Act To Improve the Safety of Maine Students	FAILED

SPONSOR: Rep. Patrick W. Corey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2937	An Act To Strengthen School Security	PASSED

SPONSOR: Sen. Mark N. Dion

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2943	An Act To Create a Community Protection Order	PASSED

SPONSOR: Speaker Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2916	An Act To Clarify the Dispensing of Naloxone Hydrochloride by Pharmacists	In Ballot Process

SPONSOR: Rep. James R. Handy

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2946	An Act To Enhance and Increase the Availability of Mental Health Providers in Maine	PASSED

2947 An Act To Increase Educator, Student, Parent and Community Awareness of Mental Health Issues That May Lead to Harm of a Person or Oneself PASSED

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2925	An Act Regarding Permits for Burial of Cremated Remains	PASSED

SPONSOR: Sen. Rebecca J. Millett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2944	An Act To Require the Department of Education To Report to the Legislature Annually Incidents Involving Firearms in Schools and To Make This Information Available to the Public Online	FAILED

2949 An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund PASSED

SPONSOR: Rep. Heather B. Sanborn

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2945	An Act To Prohibit High-capacity Magazines	FAILED

LATE-FILED MAJOR SUBSTANTIVE RULES

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2948	Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education	PASSED

2951	Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education	PASSED
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JOINT RESOLUTIONS

SPONSOR: Sen. Benjamin M. Chipman

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2927	JOINT RESOLUTION CONDEMNING THE VIOLENCE IN CHARLOTTESVILLE, VIRGINIA, EXPRESSING THE COMMITMENT OF THE LEGISLATURE TO UPHOLD CONSTITUTIONAL RIGHTS AND URGING CONGRESS TO STRENGTHEN LAWS AGAINST MASS VIOLENCE AND DOMESTIC TERRORISM	In Ballot Process

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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Executive Director's Report March 22, 2018

1. Copper Reuse Artwork Installed at the State House

The first of the two Copper Reuse Artworks was installed on Friday, March 16th, above the door of the Law and Legislative Reference Library. More information about the Copper Reuse Project and the related artwork will be posted to the Executive Director's website. The second piece of art using the copper will be installed on the exit hallway wall at the main entrance in June. Word has been spreading among the art community about the copper and the remaining sheets of rough copper available after these two works have been starting to sell quickly. If you know someone who is interested in some of this copper, they should act quickly and contact the Executive Director's Office.

2. Harassment Training Update

Jackie Little, Human Resources Director, has provided training for the four major caucuses and the Independents and Green Independents. A final training session for the House Republican Caucus is planned for Tuesday, March 27th. Not counting the pending session, she has trained 149 Legislators. Ms. Little will be scheduling additional small group training sessions for any remaining Legislators that missed the training sessions conducted in caucus meetings.

3. Blood Drive on April 11th

There will be a blood drive on Wednesday, April 11th from 9:30 am - 2:30 pm in the Capitol Complex. It will be conducted using the large Red Cross Bloodmobile, which will be parked near the green space between the State House, Cultural Building and the Cross Office Building. Online registration is open now. Registrations to date are already at 40% of their goal for this drive.

4. Updated Emergency Information Distributed

Updated emergency information packets were distributed to each office based on updated employee information. In addition, those offices that were affected by the recent revisions in the State House evacuation plan were provided with updated evacuation sheets specific to their office. The packet regarding the new House Chamber evacuation route out the north entrance was also distributed to the House members on their desks.

Fiscal Briefing

March 22, 2018

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2018 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$160.3	\$157.7	(\$2.6)	-1.6%	\$155.4	1.5%
FYTD	\$2,231.0	\$2,310.3	\$79.2	3.6%	\$2,208.4	4.6%

General Fund revenue was under budget by \$2.6 million (1.6%) for the month of February but over budget by \$79.2 million (3.6%) for the fiscal year to date. These variances do not reflect the March 2018 revenue forecast, which increased budgeted revenue by \$38.9 million for FY 2018. Individual income tax revenue was under budget by \$8.6 million for the month but over budget by \$49.4 million for the fiscal year to date. Most of this February variance was a timing issue related to income tax refunds. The IRS did not open the 2017 filing season until the end of January, and as a result, very few refunds were made in January but instead made in February. Sales and use tax revenue (January sales) was over budget by \$2.4 million for the month and \$6.8 million for the fiscal year to date.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2018 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$25.5	\$27.0	\$1.5	5.8%	\$25.3	6.4%
FYTD	\$219.8	\$226.2	\$6.4	2.9%	\$223.6	1.2%

Highway Fund revenue was over budget by \$1.5 million (5.8%) for the month of February and over budget by \$6.4 million (2.9%) for the fiscal year to date. These positive variances do not reflect the March 2018 revenue forecast, which increased budgeted revenue by \$1.6 million for FY 2018. The gasoline tax, long-term trailer registration fees and title fees were the main drivers of the positive variance to date.

3. Cash Balances Update

The average balance in the cash pool for February was \$1,203.9 million, up from January's average of \$1,200.5 million, and above both last year's average balance for February and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in February (last done in April of 2016). The average Highway Fund balance of \$14.8 million in February was up from January's average balance of \$8.3 million.

General Fund Revenue
Fiscal Year Ending June 30, 2018 (FY 2018)

Updated 3/14/18

February 2018 Revenue Variance Report

Revenue Category	February '18 Budget	February '18 Actual	February '18 Var.	Fiscal Year-To-Date					FY 2018 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	86,829,125	89,236,237	2,407,112	985,020,386	991,775,769	6,755,383	0.7%	5.4%	1,405,048,328
Service Provider Tax	5,160,466	4,756,737	(403,729)	41,049,332	39,975,826	(1,073,506)	-2.6%	-0.9%	62,224,469
Individual Income Tax	51,800,000	43,195,992	(8,604,008)	1,000,550,000	1,049,989,626	49,439,626	4.9%	6.5%	1,523,504,704
Corporate Income Tax	(250,000)	2,303,512	2,553,512	79,085,000	83,575,645	4,490,645	5.7%	-1.3%	171,924,242
Cigarette and Tobacco Tax	8,758,684	9,879,372	1,120,688	83,715,633	85,515,294	1,799,661	2.1%	-6.9%	129,032,000
Insurance Companies Tax	1,244,657	1,806,422	561,765	16,632,173	14,398,061	(2,234,112)	-13.4%	-16.0%	74,150,000
Estate Tax	1,025,000	897,925	(127,075)	8,296,000	9,967,644	1,671,644	20.1%	-12.7%	12,416,710
Other Taxes and Fees *	9,078,624	8,479,515	(599,109)	85,421,540	88,266,630	2,845,090	3.3%	-4.1%	135,581,313
Fines, Forfeits and Penalties	1,874,839	2,223,995	349,156	12,583,400	12,127,411	(455,989)	-3.6%	2.8%	19,317,146
Income from Investments	396,780	593,917	197,137	3,011,142	3,454,688	443,546	14.7%	81.6%	4,549,680
Transfer from Lottery Commission	4,143,413	4,713,598	570,185	36,254,863	42,176,428	5,921,565	16.3%	12.5%	54,900,000
Transfers to Tax Relief Programs *	(5,250,000)	(5,025,653)	224,347	(63,550,000)	(55,607,887)	7,942,113	12.5%	4.5%	(64,768,101)
Transfers for Municipal Revenue Sharing	(6,239,580)	(6,982,010)	(742,430)	(45,373,770)	(47,089,221)	(1,715,451)	-3.8%	-6.6%	(68,585,604)
Other Revenue *	1,752,611	1,653,971	(98,640)	(11,651,167)	(8,261,706)	3,389,461	29.1%	-93.4%	7,453,037
Totals	160,324,619	157,733,530	(2,591,089)	2,231,044,532	2,310,264,207	79,219,675	3.6%	4.6%	3,466,747,924

* Additional detail by subcategory for these categories is presented on the following page.

General Fund Revenue
Fiscal Year Ending June 30, 2018 (FY 2018)

Updated 3/14/18

February 2018 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2018 Budgeted Totals
	February '18 Budget	February '18 Actual	February '18 Var.	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	12,220,827	12,220,827	(0)	0.0%	6.3%	14,312,702
- Real Estate Transfer Tax	990,919	1,265,239	274,320	10,908,752	11,247,432	338,680	3.1%	-11.5%	14,951,635
- Liquor Taxes and Fees	1,793,552	1,554,153	(239,399)	13,766,935	15,570,171	1,803,236	13.1%	3.8%	19,086,688
- Corporation Fees and Licenses	783,821	528,230	(255,592)	2,572,436	2,709,475	137,039	5.3%	-4.8%	9,538,649
- Telecommunication Excise Tax	0	0	0	0	3,256	3,256	N/A	-92.4%	6,250,000
- Finance Industry Fees	2,196,000	2,591,250	395,250	18,107,998	19,177,515	1,069,517	5.9%	-0.5%	26,891,990
- Milk Handling Fee	500,101	386,689	(113,412)	2,650,175	2,408,610	(241,565)	-9.1%	-31.2%	4,408,442
- Racino Revenue	658,396	585,485	(72,911)	5,746,900	5,411,861	(335,039)	-5.8%	-2.8%	8,535,038
- Boat, ATV and Snowmobile Fees	283,503	250,713	(32,790)	2,493,029	2,196,397	(296,632)	-11.9%	-2.5%	4,523,561
- Hunting and Fishing License Fees	1,113,412	569,174	(544,238)	11,024,460	11,319,292	294,832	2.7%	-4.4%	15,882,295
- Other Miscellaneous Taxes and Fees	758,920	748,583	(10,337)	5,930,028	6,001,794	71,766	1.2%	-19.6%	11,200,313
Subtotal - Other Taxes and Fees	9,078,624	8,479,515	(599,109)	85,421,540	88,266,630	2,845,090	3.3%	-4.1%	135,581,313
Detail of Other Revenue:									
- Liquor Sales and Operations	2,280	5,500	3,220	19,095.00	29,014	9,919	51.9%	24.1%	28,500
- Targeted Case Management (DHHS)	209,590	0	(209,590)	972,282	454,779	(517,503)	-53.2%	-64.0%	1,750,000
- State Cost Allocation Program	1,264,225	1,333,158	68,933	11,687,929	11,617,438	(70,491)	-0.6%	-10.3%	17,807,410
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	7,500,000
- Tourism Transfer	0	0	0	(16,076,775)	(16,076,758)	17	0.0%	-10.2%	(16,076,775)
- Transfer to Maine Milk Pool	(1,229,224)	(1,603,678)	(374,454)	(8,860,268)	(9,165,698)	(305,430)	-3.4%	20.5%	(13,346,310)
- Transfer to STAR Transportation Fund	0	0	0	(8,900,000)	(8,899,944)	56	0.0%	-12.5%	(8,900,000)
- Other Miscellaneous Revenue	1,505,740	1,918,990	413,250	9,506,570	13,779,464	4,272,894	44.9%	-11.1%	18,690,212
Subtotal - Other Revenue	1,752,611	1,653,971	(98,640)	(11,651,167)	(8,261,706)	3,389,461	29.1%	-93.4%	7,453,037
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	2,404	2,404	0	6,095	6,095	N/A	-10.2%	0
- BETR - Business Equipment Tax Reimb.	(2,000,000)	(4,740,542)	(2,740,542)	(26,300,000)	(19,957,327)	6,342,673	24.1%	22.9%	(26,800,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(3,250,000)	(287,515)	2,962,485	(37,250,000)	(35,656,655)	1,593,345	4.3%	-10.2%	(37,968,101)
Subtotal - Tax Relief Transfers	(5,250,000)	(5,025,653)	224,347	(63,550,000)	(55,607,887)	7,942,113	12.5%	4.5%	(64,768,101)
Inland Fisheries and Wildlife Revenue - Total	1,496,208	921,387	(574,821)	14,295,782	14,351,877	56,095	0.4%	-3.0%	21,497,968

Highway Fund Revenue
Fiscal Year Ending June 30, 2018 (FY 2018)

Updated 3/14/18

February 2018 Revenue Variance Report

Revenue Category	February '18			Fiscal Year-To-Date					FY 2018 Budgeted Totals
	Budget	Actual	Var.	Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,339,238	15,983,446	644,208	139,613,482	142,376,445	2,762,963	2.0%	2.0%	201,172,900
- Special Fuel and Road Use Taxes	3,805,281	4,182,293	377,012	29,648,844	29,383,846	(264,998)	-0.9%	-9.1%	46,206,300
- Transcap Transfers - Fuel Taxes	(1,397,947)	(1,532,651)	(134,704)	(12,464,003)	(12,683,398)	(219,395)	-1.8%	0.2%	(18,176,136)
- Other Fund Gasoline Tax Distributions	(379,617)	(399,698)	(20,081)	(3,507,349)	(3,565,132)	(57,783)	-1.6%	-1.4%	(5,030,731)
Subtotal - Fuel Taxes	17,366,955	18,233,391	866,436	153,290,974	155,511,761	2,220,787	1.4%	-0.2%	224,172,333
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	4,473,086	4,637,477	164,391	41,237,262	41,881,667	644,405	1.6%	-0.3%	67,095,787
- License Plate Fees	238,261	265,673	27,412	2,090,927	2,282,129	191,202	9.1%	1.3%	3,458,710
- Long-term Trailer Registration Fees	950,699	1,478,234	527,535	5,259,361	7,809,129	2,549,768	48.5%	24.7%	9,884,523
- Title Fees	750,968	916,032	165,064	8,115,274	9,159,492	1,044,218	12.9%	5.5%	13,366,264
- Motor Vehicle Operator License Fees	652,166	627,548	(24,618)	5,379,157	5,326,868	(52,290)	-1.0%	-7.3%	8,886,689
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(7,703,656)	(8,058,395)	(354,739)	-4.6%	-1.2%	(15,570,414)
Subtotal - Motor Vehicle Reg. & Fees	7,065,180	7,924,964	859,784	54,378,325	58,400,890	4,022,565	7.4%	2.5%	87,121,559
Motor Vehicle Inspection Fees	352,451	133,114	(219,338)	2,242,518	2,298,675	56,157	2.5%	-1.8%	3,202,500
Other Highway Fund Taxes and Fees	81,701	78,916	(2,785)	830,470	914,992	84,522	10.2%	3.4%	1,293,729
Fines, Forfeits and Penalties	52,822	40,793	(12,029)	507,632	502,296	(5,336)	-1.1%	-2.2%	739,039
Interest Earnings	1,876	8,568	6,692	223,701	168,165	(55,536)	-24.8%	-17.1%	98,168
Other Highway Fund Revenue	553,762	532,089	(21,673)	8,317,834	8,413,899	96,065	1.2%	21.6%	10,502,160
Totals	25,474,747	26,951,835	1,477,088	219,791,454	226,210,677	6,419,223	2.9%	1.2%	327,129,488

Legislative Council
Tabled Pre Cloture Bills Requests
From October and November 2017
March 22, 2018

SPONSOR: Sen. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2650	An Act To Close Loopholes in Election Laws and Ban the Use of Leadership Political Action Committees for Personal Profit	Tabled 01/26/18

SPONSOR: Sen. Andre E. Cushing III

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2754	Resolve, To Study Methods for Better Transportation for Students and Workers in Maine	Tabled 12/14/17

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2506	An Act To Support Funding for Workforce Development in Maine	Tabled 10/26/17

SPONSOR: Sen. Brian D. Langley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2783	An Act To Extend Secondary Student Eligibility in the Competitive Skills Scholarship Program	Tabled 12/14/17

SPONSOR: Sen. Nathan L. Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2761	Resolve, To Require the Department of Labor To Receive Federal Workforce Innovation and Opportunity Act Funds	Tabled 10/26/17

SPONSOR: Rep. Wayne R. Parry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2562	An Act To Waive Income Restrictions for Supplemental MaineCare Coverage for Children Diagnosed with Cystic Fibrosis	Tabled 11/30/17

SPONSOR: Rep. Anne C. Perry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2523	An Act To Ensure Federal Funding for Job Training Services	Tabled 10/26/17

SPONSOR: Rep. Harold L. Stewart III

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2472	An Act To Prevent Human Trafficking, Protect Children and Finance the Victims' Compensation Fund	Tabled 11/30/17

SPONSOR: Pres. Michael D. Thibodeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2605	An Act To Amend the Laws Restricting Firearms on Public Lands	Tabled 11/30/17

SPONSOR: Rep. Dustin Michael White

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2551	An Act To Increase the Bottle Redemption Rate To Counterbalance Increases in the Minimum Wage	Tabled 11/30/17

**Legislative Council Actions
Taken by Ballot Since the
February 27, 2018 Council Meeting**

Requests for Introduction of Legislation:

LR 2885 An Act Regarding Financial Orders Requested by the Attorney General

Submitted by: Representative Aaron Frey
Date: February 27, 2018
Vote: 7-3-0-0 Passed (with Senator Mason, Representatives Fredette and Espling opposed)

LR 2916 An Act to Clarify the Dispensing of Naloxone Hydrochloride by Pharmacists

Submitted by: Speaker Sara Gideon
Date: March 6, 2018
Vote: 9-1-0-0 Passed (with Representative Espling opposed)

LR 2958 An Act to Protect Children from Abuse

Submitted by: Representative Ellie Espling
Date: March 6, 2018
Vote: 10-0-0-0 Passed

LR 2927 Joint Resolution Condemning the Violence in Charlottesville, VA, Expressing the Commitment to the Legislature to Uphold Constitutional Rights and Urging Congress to Strengthen Laws Against Mass Violence and Domestic Terrorism

Submitted by: Senator Benjamin Chipman
Date: March 6, 2018
Vote: 7-3-0-0 Passed (with Senator Mason, Representatives Fredette and Espling opposed)

LR 2956 An Act to Ensure the Continued Provision of Services to Maine Children and Families

Submitted by: Representative Pinny Beebe-Center
Date: March 6, 2018
Vote: 10-0-0-0 Passed

LR 2976 An Act to Amend the Laws Governing Affiliated Self-insurance Groups

Submitted by: Senator Amy Volk
Date: March 20, 2018
Vote: 8-2-0-0 Passed (with Representatives Fredette and Espling opposed)

**128th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
Second Regular Session
As of: 3/22/2018**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Sen. Shenna Bellows

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2977	Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds	

SPONSOR: Sen. Scott W. Cyrway

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2957	An Act To Deter School Violence by Imposing Responsibility on Parents for Costs of Investigation or Family Counseling	

SPONSOR: Rep. Jared F. Golden

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2959	An Act To Fund Ranked-choice Voting	

SPONSOR: Rep. Wayne R. Parry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2953	An Act To Allow a School To Hire as Security Personnel a Retired Full-time Police Officer Who Has Completed Necessary Training	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2836	Resolve, To Require the Public Utilities Commission To Adopt Rates for Regulated For-profit Utilities Based on the Reduction in the Federal Corporate Income Tax Rates	Tabled 01/25/18

SPONSOR: Rep. Owen D. Casas

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2795	RESOLUTION, AMENDING THE CONSTITUTION OF MAINE TO ALLOW FOR RANKED-CHOICE VOTING	Tabled 12/14/17
2950	Resolve, To Require the Office of the Attorney General To Temporarily Stay Disconnection Actions and Adverse Credit Reports Related To Billing Disputes with Central Maine Power Company	Tabled 02/27/18

SPONSOR: Sen. Andre E. Cushing III

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2866	An Act To Allow Individuals To Obtain Feline Rabies Vaccine To Vaccinate Feral Cats	Tabled 01/25/18

SPONSOR: Rep. Ryan M. Fecteau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2796	An Act To Improve Efficiency in the Delivery of Workforce Training	Tabled 12/14/17

SPONSOR: Speaker Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2822	An Act To Restore Net Neutrality Protections to Consumers in Maine	Tabled 01/25/18
2875	An Act To Discourage Sexual Harassment and Assault in the Workplace	Tabled 01/25/18

SPONSOR: Rep. Gary L. Hilliard

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2794	An Act To Educate the Public Concerning Health and Safety Matters Relating to the Use of Marijuana	Tabled 12/14/17

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2846	Resolve, Directing the Public Utilities Commission To Give Final Approval for a Long-term Contract for Electricity from Experimental Floating Turbines	Tabled 01/25/18
2884	An Act Concerning Commercial Vehicle Weight Limit Exemptions That Are Advantageous to Canadian Truckers	Tabled 01/25/18

SPONSOR: Sen. Nathan L. Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2837	An Act To Require Annual In-person Sexual Harassment Training for Legislators, Legislative Employees, Constitutional Officers and Liaisons and Registered Lobbyists	Tabled 01/25/18
2848	An Act To Provide Reasonable Exemptions from the Work Requirements for MaineCare for Persons Who Are Elderly or Disabled	Tabled 01/25/18

SPONSOR: Rep. Deborah J. Sanderson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2913	An Act Regarding the Membership of the Board of Directors of the Hallowell Water District	Tabled 02/27/18

SPONSOR: Sen. David Woodsome

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2812	An Act Regarding the Use by Fire Departments of Recertified Self-contained Breathing Apparatus	Tabled 12/14/17

JOINT RESOLUTIONS

SPONSOR: Sen. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2850	JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXEMPT MAINE FROM THE NEW OFFSHORE DRILLING RULES PROPOSED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR	Tabled 01/26/18

128th Maine State Legislature
ADDENDUM
Legislative Council
Requests to Introduce Legislation
Second Regular Session

Actions Taken After March 16, 2018

SPONSOR: Rep. Richard S. Malaby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2989	An Act To Increase Safety for Maine Citizens	

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**STATE OF MAINE
128th LEGISLATURE
SECOND REGULAR SESSION**

**Study of Conserved Lands Owned by Nonprofit
Organizations**

February 2018

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**Sen. Paul T. Davis, Sr., Chair
Sen. Thomas B. Saviello
Sen. James F. Dill
Rep. Michelle Dunphy, Chair
Rep. Ralph Chapman
Rep. Roland Danny Martin
Rep. Margaret M. O'Neil
Rep. Russell J. Black
Rep. Carol A. McElwee
Rep. MaryAnne Kinney
Rep. Norman E. Higgins
Rep. Thomas H. Skolfield
Rep. Kent Ackley**

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Appendices

A. Authorizing Legislation

B. Members, Joint Standing Committee on Agriculture, Conservation and Forestry

Executive Summary

The Study of Conserved Lands Owned by Nonprofit Conservation Organizations was established by a provision in the General Fund Biennial Budget for 2018 and 2019 – Public Law 2017, chapter 284, Part TT, section TT-2 (Appendix A). The authorizing legislation in section TT-2 directs the Joint Standing Committee on Agriculture, Conservation and Forestry (ACF Committee) to “conduct a study of the financial and nonfinancial aspects of conserved lands owned by nonprofit conservation organizations, including property taxes paid, community benefits realized and value of lands to the State’s economy.” A list of ACF Committee members can be found in Appendix B.

The duties of the committee are set forth in Public Law 2017, chapter 284, Part TT, section TT-2 (Appendix A). The law directs the ACF Committee to review and evaluate for conserved lands owned by nonprofit organizations:

- A. The property tax payments nonprofit conservation organizations make on those conserved lands including property tax payments, payments in lieu of taxes and other similar payments;
- B. The economic impact of those conserved lands on other real property, including working farms and commercial forest land, and the access to those conserved lands for licensed Maine guides, commercial fishermen and marine shellfish and worm harvesters;
- C. The economic impact of those conserved lands on the public and Maine’s tourism economy, including opportunities to hunt, fish, hike, snowmobile, canoe and engage in other outdoor recreational activities. The ACF Committee is directed to determine the number of miles of trails and the number of water access sites and similar recreational infrastructure;
- D. The community benefits of those conserved lands owned by nonprofit conservation organizations, including education programs, downtown revitalization efforts, community gardens, youth sports activities and similar initiatives; and
- E. Other issues that the ACF Committee determines are related to the purpose of the study.

In addition, the ACF Committee was required to seek public input and to consult and collaborate with relevant stakeholders, including representatives of Maine’s nonprofit land trust community. The ACF Committee is required to submit a report, with findings and recommendations, including suggested legislation, to the public in February 2018.

Over the course of three meetings, the ACF Committee received information from stakeholders, both in support of the work that land trust organizations perform and the reduced tax or tax-exempt status they are provided and against the reduced tax and tax-exempt status of land trusts organizations because of a perceived burden it places on limited resources in some areas of the state. Recognizing that precise, unbiased data was unavailable to analyze, the ACF Committee still finds that land trusts are private entities that are providing a myriad of public benefits.

- 1. Nonprofit conservation organizations hold roughly 2.5 million acres in Maine, in fee ownership and conservation easements, and the overwhelming majority of these lands, 94.5%, are on the tax rolls.**
- 2. Nonprofit conservation organizations devote significant resources to the protection of natural resources that are integral to the State's fishing, farming and forestry industries.**
- 3. Nonprofit conservation organizations contribute significantly to the public and Maine's tourism economy by providing opportunities to hunt, fish, hike, snowmobile, canoe and engage in other outdoor recreational activities.**
- 4. Land trusts benefit local communities in a multitude of ways, including, but not limited to, education programs, downtown revitalization efforts, community gardens, youth sports activities and other initiatives.**
- 5. The ACF Committee has heard that the relationship between local communities and nonprofit conservation organizations has been mostly positive; however, for a handful of communities, the interaction with nonprofit conservation organizations has been negative.**

The ACF Committee recognizes that some communities in Maine, particularly those that are small and rural with little economic base, are struggling. In these communities the reduced tax or tax exempt status of land associated with land trust organizations combined with the reduced tax or tax exempt status of land owned by the State, federal government, other nonprofit entities, and private individuals may negatively impact these areas because a disproportionate amount of land is not subject to full taxation and other positive economic opportunities are absent.

The ACF Committee recommends that the Legislature reexamine current-use tax programs and how these tax programs may adversely affect certain communities. In addition, the ACF Committee also recommends that the Legislature review the four current-use tax programs and how each program treats the issue of public access. The ACF Committee believes that a certain level of public access to land should be a requirement in order for a property owner to be eligible for a reduced rate of property tax.

The ACF Committee recognizes that there is need for land trusts as they are providing a service to the people of the State that the government would otherwise have to provide. Nonprofit conservation organizations throughout Maine are private entities that are providing recreational opportunities, such as hunting, fishing, snowmobiling, and exploring Maine's natural beauty. Nonprofit conservation organizations partner with schools and other entities to provide programs for students and senior citizens and also play an important role in protecting water quality and other valuable natural resources. For these reasons, the ACF Committee finds that land trust organizations provide a great value to the people of Maine.