

MAINE STATE LEGISLATURE

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SEN. TROY D. JACKSON
CHAIR

REP. SARA GIDEON
VICE- CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. NATHAN L. LIBBY
SEN. ELOISE A. VITELLI
SEN. DANA L. DOW
SEN. JEFFREY L. TIMBERLAKE
REP. MATTHEW W. MOONEN
REP. RYAN M. FECTEAU
REP. KATHLEEN R.J. DILLINGHAM
REP. HAROLD TREY STEWART III

**LEGISLATIVE COUNCIL
MEETING SUMMARY
December 19, 2019
Approved January 23, 2020**

CALL TO ORDER

President Jackson called the December 19, 2019 meeting of the 129th Legislative Council to order at 2:09 pm in the Legislative Council Chamber.

ROLL CALL

Senators: President Jackson, Senator Libby, Senator Vitelli, Senator Dow and Senator Timberlake

Representatives: Speaker Gideon, Representative Moonen, Representative Fecteau, Representative Dillingham

Absent: Representative Stewart (Arrived Late)

Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Clerk of the House
Suzanne Gresser, Revisor of Statutes
Dawna Lopatosky, Legislative Finance Director
Jackie Little, Human Resources Director
Chris Nolan, Director, Office of Fiscal and Program Review
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Nik Rende, Director, Office of Legislative Information Technology

President Jackson convened the meeting at 2:09 pm. with a quorum of members present.

President Jackson, Welcomed back Executive Director Grant Pennoyer.

Legislative Council Chair Jackson asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to New Business.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

The Legislative Council proceeded to consider and vote on twenty-nine (29) after deadline bill requests. The Legislative Council authorized eighteen (18) bills for introduction in the Second Regular Session, tabled three (3) bill requests and declined to authorize six (6) bill requests. Two (2) bill requests were withdrawn by the sponsor prior to the Legislative Council's vote. The Legislative Council's action on these after deadline bill requests is attached.

OLD BUSINESS:

Item #1: Council Actions Taken by Ballot:

Legislative Council Decisions:

Motion: That the Legislative Council approves the request from the Blue Ribbon Commission to Study and Recommend Funding Solutions for the State's Transportation Systems to hold a meeting on December 16th and to extend its reporting deadline beyond the deadline of December 15, 2019.

Motion by: President Jackson Second by: Speaker Gideon
Date: December 6, 2019
Vote: 10-0-0 Passed

Motion: That the Legislative Council approves the request from the Task Force on Changes to the Maine Indian Claims Settlement Implementing to extend the reporting deadline beyond December 15, 2019 and to hold its final meeting on December 18, 2019

Motion by: President Jackson Second by: Speaker Gideon
Date: December 19, 2019
Vote: 8-2-0-0 Passed (with Reps. Dillingham and Stewart opposed)

Motion: That the Legislative Council approves the request from the Blue Ribbon Commission to Study and Recommend Funding Solutions for the State's Transportation Systems to hold a meeting previously scheduled for December 16, 2019 on December 18, 2019 and to extend its reporting deadline to no later than December 31, 2019.

Motion by: President Jackson Second by: Speaker Gideon
Date: December 16, 2019
Vote: 10-0-0-0 Passed

Item #2: Consideration of Tabled Bill Requests for Introduction in the Second Regular Session of the 129th Legislature – from October 23rd and December 6th Legislative Council Meeting

The Legislative Council proceeded to authorize three (3) bills tabled from the December 6, 2019 Legislative Council Meeting. The Legislative Council’s action on the tabled bill requests is attached.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director’s Report

No Report

Fiscal Report

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

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2020 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$278.1	\$291.3	\$13.2	4.7%	\$256.4	13.6%
FYTD	\$1,637.9	\$1,682.7	\$44.8	2.7%	\$1,594.9	5.5%

General Fund revenue was over budget by \$13.2 million (4.7%) for the month of November and by \$44.8 million (2.7%) for the fiscal year to date. These positive variances do not reflect the December 2019 revenue forecast, which increased budgeted General Fund revenue by \$52.7 million for FY 2020.

Individual income tax revenue was over budget by \$0.9 million for the month and by \$16.7 million for the fiscal year to date. Individual income tax withholdings were over budget by \$4.9 million while refunds were under budget (more refunded than budgeted) for the month by \$2.5 million. Corporate income tax revenue was over budget by \$1.1 million for the month and by \$2.9 million for the fiscal year to date. Sales and use tax revenue (October sales) was over budget for the month by \$4.5 million and by \$18.8 million for the fiscal year to date. The Revenue Forecasting Committee had access to preliminary November data in preparing the December 2019 revenue forecast.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2020 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$32.1	\$34.4	\$2.3	7.1%	\$33.5	2.8%
FYTD	\$151.8	\$156.5	\$4.7	3.1%	\$153.4	2.0%

Highway Fund revenue was over budget by \$2.3 million (7.1%) for the month of November and by \$4.7 million (3.1%) for the fiscal year to date. These positive variances do not reflect the December 2019 revenue forecast, which increased budgeted Highway Fund revenue by \$3.1 million for FY 2020.

Fuel taxes and motor vehicle registrations were both slightly under budget for the month. Other revenue was over budget for the month by \$2.4 million. Most of this variance was attributed to a transfer to the Highway Fund related to the municipal excise tax reimbursement program.

3. Cash Balances Update

The average balance in the cash pool for November was \$1,616.1 million, a decrease from October's average of \$1,666.5 million but above both last November's average balance and the ten-year average for the month. The average Highway Fund balance of \$0.9 million in November was down from October's average of \$12.1 million. This significantly reduced Highway Fund balance is the result of increased expenditures for construction season spending and delays in the availability of federal reimbursements.

Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, submitted the written studies report found in the agenda packet.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

No Report

State House Facilities Committee

No Report

SUMMARY OF DECEMBER 6, 2019 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for December 6, 2019 be accepted and placed on file.

Motion by Representative Fecteau. Second by Representative Stewart. Motion passed unanimous (10-0-0)

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:41 pm

Legislative Council
Tabled Bill Requests
From October 23, 2019 and December 6, 2019

SPONSOR: Rep. Kent Ackley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2723	An Act To Allow Municipalities To Set Below-market Interest Rates for Senior Citizen Property Tax Deferral Programs	Tabled 12/06/19

SPONSOR: Rep. Michael F. Brennan

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2847	An Act To Promote Justice for Victims of Sexual Abuse by Suspending the Statute of Limitations	Tabled 10/23/19

SPONSOR: Sen. Ned Claxton

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2944	An Act To Minimize Potentially Objectionable License Plates	Tabled 12/06/19
2946	Resolve, Directing the Department of Education To Amend Its Certification Requirement Rules	Tabled 10/23/19

SPONSOR: Sen. Scott Wynn Cyrway

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2610	An Act To Require Warning Labels Regarding the Danger of Psychosis from the Consumption of Marijuana Products	Tabled 12/06/19

SPONSOR: Rep. Matthea Elisabeth Larsen Daughtry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3058	An Act To Protect Independent Contractors from Sexual Harassment	Tabled 10/23/19
3065	An Act To Properly Fund Early Childhood Education and Postsecondary Grant Opportunities	Tabled 10/23/19
3066	An Act To Require Transparency in Postsecondary Institutions with Regard to Sexual Assaults	Tabled 10/23/19

SPONSOR: Rep. John C. DeVeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2805	An Act To Provide Additional Supplemental Funding to the Veterans' Homelessness Prevention Coordination Program	Tabled 12/06/19

SPONSOR: Rep. Justin J. Fecteau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2849	An Act To Protect Students from Individuals Convicted of Sex Crimes	Tabled 10/23/19

SPONSOR: Sen. Geoff Gratwick

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2691	An Act To Restrict the Use of Chlorpyrifos in Farming	Tabled 10/23/19
2692	An Act To Codify Rules Regarding Firearms in Child Care Facilities, Nursery Schools and the Facilities of Home-based Child Care Providers	Tabled 10/23/19 TITLE REVISED

SPONSOR: Rep. Sheldon M. Hanington

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2658	An Act To Impose Penalties for the Failure of Municipalities To Keep the Grave Sites of Veterans in Public Burying Grounds in Good Condition and Repair	Tabled 10/23/19

SPONSOR: Rep. Henry Ingwersen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2884	Resolve, Directing the Department of Environmental Protection To Investigate Potential Sources of High-level Per- and Polyfluoroalkyl Substances Contamination of Land and Drinking Water	Tabled 10/23/19

SPONSOR: Pres. Troy Dale Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2657	An Act To Allow Day Students at the Maine School of Science and Mathematics	Tabled 10/23/19
2713	An Act To Provide Tax Credits for Employers Who Employ Qualified Apprentices	Tabled 10/23/19
2714	An Act To Ensure Equitable Pricing for Fuel Delivered to Energy Markets	Tabled 10/23/19

2737 An Act To Ensure Access to Affordable Prescription Drugs Tabled 10/23/19

2985 Resolve, To Establish Guidelines for the Creation of Offshore Wind Projects That Include the Protection of Fisheries and Wildlife and the Creation of High-quality Local Jobs Tabled 10/23/19

SPONSOR: Sen. Lisa Keim

LR # Title Action
2760 An Act To Provide MaineCare to Disabled Veterans Tabled 10/23/19

SPONSOR: Rep. MaryAnne Kinney

LR # Title Action
2625 An Act To Protect the People of Maine from Drug Overdoses Tabled 10/23/19

SPONSOR: Rep. Scott Landry

LR # Title Action
3060 An Act Relating to Energy Storage Tabled 10/23/19

SPONSOR: Sen. Nate Libby

LR # Title Action
2855 Resolve, To Ensure Appropriate Case Management under the Behavioral Health Home Program and for Adults with Human Immunodeficiency Virus Infection Tabled 10/23/19

SPONSOR: Rep. Jay McCreight

LR # Title Action
2968 An Act To Maintain and Enhance the Behavioral Health Workforce in Maine Tabled 10/23/19

SPONSOR: Sen. Dave Miramant

LR # Title Action
2718 An Act To Amend the Laws Governing Aquaculture Leases Tabled 10/23/19

SPONSOR: Sen. Marianne Moore

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2746	An Act To Clarify the Rights of Parties in Certain Foreclosure Actions	Tabled 12/06/19

SPONSOR: Rep. Tina Riley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3079	An Act To Promote Renewable Energy Resources	Tabled 10/23/19 PASSED 12/19/19

SPONSOR: Rep. Stephen Sullivan Stanley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2808	An Act To Remove the Tax Cap on County Jail Funding	Tabled 10/23/19

SPONSOR: Rep. Scott W. Strom

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2709	An Act To Prohibit the Collection of Campaign Contributions within a Voting Place	Tabled 10/23/19

SPONSOR: Rep. Rachel Talbot Ross

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2603	An Act To Enact the Maine Fair Chance Employment Act	Tabled 10/23/19 PASSED 12/19/19

SPONSOR: Rep. Nathan J. Wadsworth

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2966	An Act To Provide Funding to the Maine Quality Centers within the Maine Community College System	Tabled 10/23/19
2967	An Act To Support Maine's Workforce Initiatives within the Maine Community College System	Tabled 10/23/19

SPONSOR: Rep. Charlotte May Warren

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2854	An Act To Reclassify Certain Offenses To Increase the Efficiency of the Criminal Justice System	Tabled 10/23/19 PASSED 12/19/19

SPONSOR: Sen. David Woodsome

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2684	An Act To Provide Veterans with Educational Benefits	Tabled 10/23/19
2686	An Act To Ensure Maine Cable Service Franchises Are Nonexclusive	Tabled 12/06/19
2704	An Act To Establish Common Law Marriage in Maine	Tabled 12/06/19
2873	An Act To Remove Barriers to Entry to the Profession of Dental Therapy and Expand Access for the Underserved Dental Patient Population	Tabled 12/06/19

**129th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
Second Regular Session**

AFTER DEADLINE BILL REQUESTS

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3105	Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands	PASSED

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3103	An Act To Stabilize Water Utility Funding and Reduce Financial Burdens Created by Regulation	PASSED

3104	An Act To Make Changes in the So-called Dig Safe Law	WITHDRAWN
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3110	An Act To Require an Internet Service Provider To Provide a Pro Rata Credit When Service Is Cancelled by a Subscriber	PASSED
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SPONSOR: Rep. Anne Carney

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3112	An Act To Allow Crematories Using Chemical Dissolution Processes in Facilities Other Than Cemeteries	FAILED

3113	An Act To Allow a Maine Company To Operate an Alkaline Hydrolysis Crematorium on a Parcel of Land of Less than 20 Acres	FAILED
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3125	An Act To Ensure Proper Closure of Oil Terminal Facilities	PASSED
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SPONSOR: Sen. Michael E. Carpenter

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3134	An Act To Establish the Central Aroostook County Emergency Medical Services Authority	PASSED

SPONSOR: Sen. Scott Wynn Cyrway

<u>LR#</u>	<u>Title</u>	
3106	An Act To Amend the Law Governing Contracts for Pharmacy Services	TABLED
3111	An Act To Establish a Court Surcharge Fund To Support Professional Corrections Programs and Community Safety Initiatives throughout the State	FAILED
3114	An Act To Establish Requirements Governing the Disposition of Human Fetal Tissue	FAILED

SPONSOR: Sen. Susan Deschambault

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3121	An Act To Prohibit the Use of Cellphones in Schools by Students in Grades 9 and under	TABLED

SPONSOR: Spkr. Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3108	An Act To Permit the Expansion of the Municipal Membership of the Greater Portland Transit District	PASSED
3128	An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications	PASSED

SPONSOR: Sen. Geoff Gratwick

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3102	An Act To Improve School Safety	TABLED

SPONSOR: Sen. Erin Herbig

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3133	An Act Regarding the Experience Requirement for Accountants Working in the Office of the State Auditor Who Are Seeking Licensure as Certified Public Accountants	PASSED
3127	An Act Regarding Net Energy Billing Limits	PASSED

SPONSOR: Sen. Lisa Keim

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3109	An Act To Make March Maine's Childhood Cancer Awareness Month	PASSED

SPONSOR: Sen. Nate Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3116	An Act Regarding Rest Breaks for Employees Not Covered by Collective Bargaining Agreements	FAILED

SPONSOR: Rep. Jay McCreight

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3130	An Act To Change Decibel Level Limits for Airboats	PASSED

SPONSOR: Sen. Rebecca Millett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3126	An Act To Remove from the Calculation of the Cost of Education the Maine Public Employees Retirement System State Employee and Teacher Plan Unfunded Actuarial Liability	PASSED

SPONSOR: Sen. Marianne Moore

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3118	An Act Regarding Mobile Billboards	PASSED

SPONSOR: Rep. Sean Paulhus

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3120	An Act To Require Automated External Defibrillators in Large Stores	FAILED

SPONSOR: Rep. Tina Riley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3117	An Act To Require That Parking Lots for State Agencies Meet the Standards Set Forth in the Federal Americans with Disabilities Act	PASSED

SPONSOR: Rep. Rachel Talbot Ross

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3119	An Act To Establish a Criminal Records Review Committee	PASSED

SPONSOR: Sen. Jeff Timberlake

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3107	An Act To Ensure Fairness for Public School Athletes with Disabilities	WITHDRAWN

SPONSOR: Sen. David Woodsome

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3115	An Act Regarding the Sale of Information by the Secretary of State	PASSED

JOINT RESOLUTIONS

SPONSOR: Rep. John Andrews

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2908	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE ACCESS TO BANKING AND INSURANCE SERVICES TO LEGAL CANNABIS AND CANNABIS-RELATED BUSINESSES	PASSED

SPONSOR: Pres. Troy Dale Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3123	JOINT RESOLUTION MEMORIALIZING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REGARDING THE SAFETY OF MAINE'S LOBSTER INDUSTRY	PASSED

Table of Results

Total number of bills accepted: 18

Total number of bills tabled: 3

Total number of bills withdrawn: 2

Total number of bills declined: 6

Total number of bills considered: 29