

# MAINE STATE LEGISLATURE

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130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**Organizational Meeting**

**December 3, 2020**

**1:30 P.M.**

**AGENDA**

<b><u>Page</u></b>	<b><u>Item</u></b>	<b><u>Action</u></b>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
	<b>ELECTION OF OFFICERS FOR THE LEGISLATIVE COUNCIL OF THE 130<sup>TH</sup> LEGISLATURE</b>	<b>Election</b>
<b>1</b>	<b>ADOPTION OF LEGISLATIVE COUNCIL RULES OF PROCEDURE FOR 130<sup>th</sup> LEGISLATURE</b> <ul style="list-style-type: none"><li>• Proposed Rules of Procedure for Legislative Council</li></ul>	<b>Decision</b>
<b>4</b>	<b>SUMMARY OF THE NOVEMBER 5, 2020 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Decision</b>
	<b>OLD BUSINESS</b> None	
	<b>NEW BUSINESS</b>	
<b>10</b>	Item #1: Summary of Legislative Council Authority and Duties	<b>Information</b>
<b>❖41</b>	Item #2: Establishment of Salaries for Constitutional Officers and State Auditor	<b>Decision</b>
<b>❖43</b>	Item #3: Establishment of Salaries for Secretary of the Senate and Clerk of the House	<b>Decision</b>
<b>44</b>	Item #4: Appointment of Office of the Revisor of Statutes Director as recommended by the 129 <sup>th</sup> Legislative Council Personnel Committee	<b>Decision</b>
<b>❖45</b>	Item #5: Legislative Council Policy on Processing Closely Related Legislator Bill Requests (Ms. Gresser)	<b>Decision</b>
<b>47</b>	Item #6: Legislative Council Policy on Legislator Attendance	<b>Decision</b>

<b>49</b>	Item #7: Proposed COVID-19 Prevention Policy	<b>Decision</b>
<b>52</b>	Item #8: Proposed electronic interactive option for the in-person harassment training for the First Regular Session of the 130 <sup>th</sup> Legislature	<b>Decision</b>
<b>53</b>	Item #9: Legislative Council meeting schedule for 2021	<b>Decision</b>
<b>54</b>	Item #10: Acceptance of Committee To Study the Feasibility of Creating Basic Income Security report	<b>Acceptance</b>

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**



**130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL**

**MAINE LEGISLATIVE COUNCIL  
130<sup>th</sup> LEGISLATURE**

**RULES OF PROCEDURE**

1. **Organizational Meeting:** The President shall call the biennial organizational meeting of the Legislative Council into session in December following the convening of the new Legislature and shall preside until the election of the chair of the Legislative Council.
2. **Chair:** At its organizational meeting, the Legislative Council shall elect a chair, who shall preside at all meetings of the council when he or she is present. The position of Legislative Council chair must alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Therefore, for the 130<sup>th</sup> Legislature, the chair must be a Representative.
3. **Vice Chair:** The Legislative Council shall elect a vice-chair who shall serve as chair in the absence of the chair. The vice-chair may not be a member of the same chamber of the Legislature as that of the chair.
4. **Quorum/Action:** The Legislative Council may conduct business only when a quorum of members is present, which consists of six (6) members. Any action of the council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The meeting schedule for the Legislative Council is determined by the call of the chair for the 130<sup>th</sup> Legislature or by a majority vote of the council. The council shall meet on a regular schedule.
6. **Meeting Room and Location:** The official meeting location of the Legislative Council is the Legislative Council Chamber, Room 334, in the State House, and the chair shall convene all meetings there unless an alternative location is specified in the call of the meeting. Meetings of the Legislative Council or its committees take precedence over all other functions in the Legislative Council Chamber.

The Legislative Council Chamber may not be used for press conferences or other media events; however, the chair of the Legislative Council or the Executive Director, if

delegated by the chair, may authorize an exception when the chair determines that such use is appropriate and will not interfere with legislative activities.

7. **Meeting Notice:** The chair or designee shall issue written calls for all regular and special meetings of the Legislative Council. The call must give the date, time, and place of the meeting and such other information as the chair directs.
8. **Public Meetings:** All meetings of the Legislative Council are public meetings except for executive sessions; the council may not take any final action in an executive session.
9. **Council Committees:** The chair shall make all appointments to committees established by the Legislative Council. Each committee must include at least three council members and must have representation from each of the two major political parties. At a minimum, the council shall establish the committees of Personnel, State House Facilities and the Legislative Budget Subcommittee.
10. **Approval of Step Increases:** All step increases that require a vote of the Legislative Council during the 130<sup>th</sup> Legislature are approved for the term of this council if, after review, a majority of the Personnel Committee approves the step increases.
11. **Council Agenda and Records:** The Executive Director of the Legislative Council shall prepare, in consultation with the chair, meeting notices and a council agenda in advance of each meeting. The executive director shall also maintain an accurate, permanent public record of all meetings, proceedings and votes of the Legislative Council.
12. **Order of Business:** The regular order of business of the Legislative Council is:
  1. Call to Order
  2. Roll Call
  3. Summary of Previous Council Meeting
  4. Reports from the Executive Director and Staff Office Directors
  5. Reports from Council Committees
  6. Old Business
  7. New Business
  8. Announcements and Remarks
  9. Adjournment

Items not on the Legislative Council's agenda may be considered only by leave of the council's presiding officer or by a majority vote of the Legislative Council.

13. **Circulation of Ballots:** The chair and the vice-chair, jointly, may authorize a ballot to be circulated for Legislative Council action when they determine that the matter to be voted on must be decided before the next regular meeting of the council. The executive director shall prepare all ballots authorized for circulation among council members and shall certify votes taken by ballot. Each member of the Legislative Council must be presented with the ballot and given an opportunity to vote on the ballot. If a member is unable to vote on a ballot by virtue of his or her absence from the State House, the member may authorize the Executive Director to record and attest to his or her vote. Voting may also

take place electronically via email through the Executive Director or designee. Upon certification of the votes on a ballot, the executive director will report the results of the voting to the members of the Legislative Council. In addition, actions taken by Legislative Council ballot must be reported at the next or following regular meeting of the council.

14. **Roll Call Votes:** Votes requiring a roll-call shall be made by the executive director calling the roll, a showing of hands or by electronic tabulation as long as the matter being voted on, how each member voted and the results of the vote are accurately determined and recorded. The executive director shall announce the vote following a roll-call. All decisions of the Legislative Council regarding the introduction of bills or other measures must be by a roll-call vote.
15. **Statements to News Organizations:** Only the chair of the Legislative Council, executive director or persons specifically authorized by the chair may make official statements to news organizations or to the public on behalf of or representing the Legislative Council.
16. **Rules of Order:** The Legislative Council's presiding officer shall conduct the proceedings of the council in accordance with Robert's Rules of Order except as otherwise specified in the council's own rules or by law.
17. **Amendments to Rules:** The Legislative Council may amend these rules, with the exception of Rules 2 and 4, upon a two-thirds vote of the Council members present and voting, provided that a vote to amend is by at least six affirmative votes. Rules 2 and 4 may not be amended during the term of the 130<sup>th</sup> Legislative Council unless otherwise changed by law.
18. **Decisions Affecting Capitol Park:** Any action affecting Capitol Park, be it a temporary or permanent alteration or change in use, must be approved by a majority of the Council, consistent with these rules and 3 MRSA §162(17). Prior to a final decision on any proposal affecting Capitol Park, the Council or its executive director shall consult with the State House and Capitol Park Commission.

Adopted by the Legislative Council of the 130<sup>th</sup> Maine Legislature on December 3, 2020 at Augusta, Maine.

By: \_\_\_\_\_  
Suzanne M. Gresser, Executive Director of the Legislative Council

SEN. TROY D. JACKSON  
CHAIR

REP. SARA GIDEON  
VICE- CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



129<sup>TH</sup> 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  
November 5, 2020**

**CALL TO ORDER**

Speaker Gideon called the November 5, 2020 meeting of the 129<sup>th</sup> Legislative Council to order at 10:41 am in the House Chamber.

**ROLL CALL**

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

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

Legislative Officers: Darek Grant, Secretary of the Senate  
Robert Hunt, Clerk of the House  
Grant Pennoyer, Executive Director  
Suzanne Gresser, Revisor of Statutes  
Jackie Little, Human Resources Director  
Chris Nolan, Director, OFPR  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Nik Rende, Director, Office of Legislative Information Technology  
Dawna Lopatosky, Legislative Finance Director  
Danielle Fox, Director, OPEGA  
Isabel Mullin, Senate Democratic Office

Speaker Gideon convened the meeting at 10:41 am with a quorum of members present.

Speaker Gideon opened the meeting with the first item of order, to accept the minutes of the last meeting on February 27<sup>th</sup>.

## SUMMARY OF 27, 2020 MEETING OF THE LEGISLATIVE COUNCIL

**Motion:** That the Meeting Summary for February 27, 2020 be accepted and placed on file.  
Motion by Representative Fecteau. Second by Representative Dillingham. **Motion passed unanimously (10-0-0-0)**

Speaker Gideon stated that, in order to expedite the meeting and in recognition of Legislature's Covid-19 safety protocols, the office directors would not be asked to present their reports, and indicated that the reports may be found in the packet.

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

#### Bill Production System Update

The Legislature has finished User Acceptance Testing of the new custom-built, \$3.5 million Bill Production System and has accepted the new system from the vendor after three years of planning, production and testing. We also negotiated an extension of the warranty period so that the vendor will be available to address any technical issues that arise as the Office of the Revisor of Statutes (ROS) uses this new system to produce bills and amendments for the 130<sup>th</sup> Legislature and the update of the statutes after the 130<sup>th</sup>, 1<sup>st</sup> Regular Session. This wonderful new system has already been used to update the statutes and convert laws from the 129<sup>th</sup> Legislature. It will be a major improvement in the efficiency of bill and amendment production and statute update. Unlike the system which it is replacing, this new system was designed specifically by our vendor, Tallan, to meet Maine's unique needs in this area. I would like to thank the ROS and the Office of Legislative Information Technology (LIT) for their dedication and extra-effort and time spent to see this new system through to this recent acceptance. In particular, we owe much praise and thanks to Ed Charbonneau, ROS Deputy Director and the Lead Representative for the Legislature on this project, who has sacrificed so much over the last three years to keep this project advancing as successfully as it did.

### Fiscal Report

#### Fiscal Briefing

November 5, 2020

Prepared by the Office of Fiscal & Program Review

### 1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
September	\$386.9	\$432.7	\$45.8	11.8%	\$424.0	2.0%
FYTD	\$952.5	\$1,020.6	\$68.1	7.1%	\$1,055.0	-3.3%

General Fund revenue was over budget by \$45.8 million (11.8%) for the month of September and over budget by \$68.1 million (7.1%) for the fiscal year to date. September revenue exceeded September revenue from last year by 2.0% but revenue to date through the first quarter of FY 2021 was 3.3% less than the first quarter of FY 2020.



Individual income tax revenue was over budget by \$30.8 million for the month and over budget by \$48.0 million for the fiscal year to date. Withholding and estimated payments were both significantly over budget for the month and fiscal year to date. Corporate income tax revenue was under budget by \$1.5 million for the month but over budget by \$4.5 million for the fiscal year to date.

Sales and use tax revenue (August sales) was over budget for the month by \$13.8 million and by \$23.9 million for the fiscal year to date. Total taxable sales for the month of August were 1.6% higher than August of last year.

## 2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
September	\$25.9	\$26.2	\$0.3	1.3%	\$31.2	-16.0%
FYTD	\$82.9	\$86.2	\$3.4	4.1%	\$95.8	-10.0%

Highway Fund revenue was over budget by \$0.3 million (1.3%) for the month of September and over budget by \$3.4 million (4.1%) for the fiscal year to date. September revenue was 16.0% less than September revenue from last year and 10.0% less through the first quarter of FY 2021 than the first quarter of FY 2020.

Fuel taxes were over budget by \$2.1 million for the month and by \$3.4 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$1.3 million for the month and by \$3.3 million for the fiscal year to date. Other Highway Fund revenue were under budget by \$3.4 million for the month with most of this negative variance attributable to the timing of municipal truck excise tax reimbursements.

## 3. Cash Balances Update

The average balance in the cash pool for September was \$2,879.1 million, an increase from August's average of \$2,858.2 million. The cash balance for September includes an average cash balance of \$958.4 million from the federal Coronavirus Relief Fund (CRF) payment of \$1,250 million that Maine received in mid-April. Without this CRF cash balance, the average balance in the cash pool for September would have been \$1,920.7 million. The average Highway Fund balance in September was \$38.3 million, an increase from August's average of \$25.0 million.

## 4. Economic and Revenue Forecast Meetings Scheduled

The Consensus Economic Forecasting Commission (CEFC) met on October 23<sup>rd</sup> to review and update the economic forecast for its November 1<sup>st</sup> report. Overall, the Commission reaffirmed its assessment of the economic and public health conditions made in the July 2020 CEFC off-cycle forecast, noting continued concern about the unprecedented, uncertain and rapidly changing nature of these conditions. Of particular note, the CEFC forecast for personal income was revised upward for the forecast period, including an increase for 2020 from 3.9% in July to 5.3% in the current forecast to reflect a stronger rebound in middle- and high-income jobs. A summary of the major CEFC changes follows. The Revenue Forecasting Committee (RFC) is scheduled to meet November 23<sup>rd</sup> to review and update the revenue forecast to comply with its statutory reporting date of December 1<sup>st</sup>.

## July 2020 vs. November 2020 CEFC Forecast

Calendar Years	2019	2020	2021	2022	2023	2024	2025
<b>Wage &amp; Salary Employment (Annual Percentage Change)</b>							
CEFC Forecast 02/2020	0.9%	0.5%	0.2%	0.1%	0.0%	0.0%	0.0%
CEFC Forecast 07/2020	0.9%	-8.0%	4.0%	2.0%	0.0%	0.0%	0.0%
CEFC Forecast 11/2020	0.9%	-8.0%	4.0%	2.0%	0.1%	0.1%	0.1%
Difference 11/20 vs. 7/20	0.0%	0.0%	0.0%	0.0%	0.1%	0.1%	0.1%
<b>Personal Income (Annual Percentage Change)</b>							
CEFC Forecast 02/2020	4.7%	4.1%	4.0%	3.7%	3.5%	3.5%	3.5%
CEFC Forecast 07/2020	4.6%	3.9%	-1.2%	3.7%	3.5%	3.6%	3.6%
CEFC Forecast 11/2020	4.2%	5.3%	-0.5%	3.9%	3.9%	3.9%	4.0%
Difference 11/20 vs. 7/20	-0.4%	1.4%	0.7%	0.2%	0.4%	0.3%	0.4%
<b>Wage and Salary Income (Annual Percentage Change)</b>							
CEFC Forecast 02/2020	4.5%	4.1%	3.7%	3.4%	3.2%	3.2%	3.2%
CEFC Forecast 07/2020	4.6%	-5.0%	2.0%	3.0%	3.0%	3.0%	3.0%
CEFC Forecast 11/2020	4.9%	-1.5%	3.0%	4.0%	4.0%	4.0%	4.0%
Difference 11/20 vs. 7/20	0.3%	3.5%	1.0%	1.0%	1.0%	1.0%	1.0%
<b>CPI (Annual Percentage Change)</b>							
CEFC Forecast 02/2020	1.8%	1.9%	2.0%	2.0%	2.0%	2.0%	2.0%
CEFC Forecast 07/2020	1.8%	0.9%	1.5%	1.7%	2.0%	2.0%	2.0%
CEFC Forecast 11/2020	1.8%	1.3%	2.2%	2.2%	2.1%	2.1%	2.1%
Difference 11/20 vs. 7/20	0.0%	0.4%	0.7%	0.5%	0.1%	0.1%	0.1%

From CEFC October 23, 2020 Meeting

### Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, submitted a summary of authorized legislative studies for the 2020 interim.

Before moving on to next the next agenda item, Speaker Gideon took a moment to recognize, on behalf of the Council, two esteemed and beloved nonpartisan office directors on the occasion of their retirement from the Legislature: Grant Pennoyer, Executive Director of the Legislative Council; and Marion Hylan Barr, Director of Office of Policy and Legal Analysis. President Jackson, on behalf of the entire Legislative Council, presented a legislative sentiment to Grant Pennoyer recognizing his 36 years of service to the Maine State Legislature. Speaker Gideon, on behalf of the entire Legislative Council, presented a legislative sentiment to Marion Hylan Barr recognizing her 28 years of service to the Maine State Legislature.

### REPORTS FROM COUNCIL COMMITTEES

#### Personnel Committee

The Personnel Committee met on Thursday, October 1, Thursday, October 8 and Tuesday, October 27, 2020 to consider the following matters:

## **1. Recruitment of Executive Director**

As outlined more thoroughly in the memo on Page 22 of your packet, the Committee interviewed candidates and reached consensus on its recommendation of Ms. Suzanne Gresser for the position of Executive Director of the Legislative Council.

**President Jackson made the motion:** That, upon the consensus recommendation of the Personnel Committee, the Legislative Council approve the appointment of Suzanne Gresser to the position of Executive Director of the Legislative Council effective November 9, 2020 at Step 11 in Salary Range 15

**The motion was seconded by Senator Libby.**

Prior to the vote, Speaker Gideon expressed her approval of the recommendation of Ms. Gresser to the position of Executive Director and expressed her confidence in and gratitude for Ms. Gresser's ability to take on this position in a time of a pandemic.

**Vote: Unanimous 10-0-0-0**

## **2. Recruitment of Director for the Office of Policy and Legal Analysis**

As outlined more thoroughly in the memo on Page 23 of your packet, the Committee interviewed candidates and reached consensus on its recommendation of Ms. Danielle Fox for the position of Director for the Office of Policy and Legal Analysis.

**President Jackson made the motion:** That upon the consensus recommendation of the Personnel Committee, the Legislative Council approve the appointment of Danielle Fox to the position of Director of the Office of Policy and Legal Analysis effective November 30, 2020 at Step 8 in Salary Range 14 and that Ms. Fox receive a retroactive step increase for the period between the Monday following her anniversary and November 27, 2020 from Step 8 to Step 9 in Salary range 13 for the period for which she was eligible for a step increase in her position of Director of the Office of Program Evaluation and Government Accountability.

**The motion was seconded by Representative Dillingham**

Prior to the vote, Speaker Gideon recognized Ms. Fox for her knowledge and the help she gave members from the time of her role as analyst in OPLA, to her transition to OPEGA for the good of the legislature and recognized that as a trademark of her dedication.

**Vote: Unanimous 10-0-0-0**

## **State House Facilities Committee**

No Report

## **OLD BUSINESS:**

Council Actions Taken by Ballot (No Action Required)

## **NEW BUSINESS:**

**Item #1:** Proposed Document Service Fee Schedule for the 130<sup>th</sup> Legislature, First Regular Session (Hon. Robert Hunt)

Motion: President Jackson  
Seconded by: Senator Libby

**Vote:** Unanimous 10-0-0-0

**Item #2:** Proposed electronic interactive option for the in-person harassment training for the remainder of the 129<sup>th</sup> Legislature.

No motion was made.

Vote: Unanimous 10-0-0-0

## **ANNOUNCEMENTS AND REMARKS:**

In closing, Speaker Gideon recognized each member of the Legislative Council and thanked them for their service as leaders during the 129<sup>th</sup> Legislature. Speaker Gideon wished the very best to those members who were returning to the serve in the 130<sup>th</sup> Legislature and acknowledged the challenges ahead. She specifically recognized and extended her best wishes to Representative Moonen and Senator Dow, both of whom will also be departing the Legislature at the close of the 129<sup>th</sup> Legislature.

## **ADJOURNMENT:**

With no other announcements, a motion was made to adjourn.

**Motion:** Representative Moonan  
**Second:** Representative Dillingham

**Vote:** Unanimous 10-0-0-0

With no other business or further announcements, the Legislative Council meeting was adjourned at 11:10 a.m.

## Title 3, Chapter 7: LEGISLATIVE COUNCIL

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#### **Subchapter 1: GENERAL PROVISIONS**

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- 3 §162. Authority (./title3sec162.html)
- 3 §162-A. Salaries subject to adjustment by Legislative Council (./title3sec162-A.html)
- 3 §162-B. Salaries of constitutional officers (./title3sec162-B.html)
- 3 §163. Executive Director of the Legislative Council; duties (./title3sec163.html)
- 3 §163-A. Nonpartisan legislative staff services (./title3sec163-A.html)
- 3 §164. Director of Legislative Research; functions and duties (REPEALED) (./title3sec164.html)
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- 3 §167. Legislative Finance Officer; duties (REPEALED) (./title3sec167.html)
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- 3 §168-A. Legislative Youth Advisory Council (REPEALED) (./title3sec168-A.html)
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- 3 §169. Constituent Service Officer; functions and duties (REPEALED) (./title3sec169.html)
- 3 §170. Partisan employees; restricted activities (./title3sec170.html)
- 3 §170-A. Use of legislative equipment and resources (./title3sec170-A.html)
- 3 §170-B. Required training regarding harassment (WHOLE SECTION TEXT EFFECTIVE UNTIL 12/01/20) (./title3sec170-B-1.html)
- 3 §170-B. Required training regarding harassment (WHOLE SECTION TEXT EFFECTIVE 12/01/20) (./title3sec170-B-2.html)

#### **Subchapter 2: LAW AND LEGISLATIVE REFERENCE LIBRARY**

- 3 §171. Declaration of policy (./title3sec171.html)
- 3 §172. State Law Librarian (REPEALED) (./title3sec172.html)
- 3 §172-A. State Law Library; administration (./title3sec172-A.html) 3 §173.
- State Law Library; services (./title3sec173.html)
- 3 §174. Administrative provisions (REPEALED) (./title3sec174.html)

**CHAPTER 7****LEGISLATIVE COUNCIL****SUBCHAPTER 1****GENERAL PROVISIONS****§161. Legislative Council**

**1. Establishment; membership.** The Legislative Council, consisting of 10 members, 5 of whom are members of the Senate and 5 of whom are members of the House of Representatives, is established. The members of the Legislative Council are:

- A. The President of the Senate; [PL 2015, c. 102, §1 (NEW).]
- B. The Speaker of the House of Representatives; and [PL 2015, c. 102, §1 (NEW).]
- C. The majority and minority leaders and assistant leaders of the 2 political parties with the greatest number of members in each body. [PL 2015, c. 102, §1 (NEW).]

Only a person who holds an office specified in paragraph A, B or C may be a member of the Legislative Council and is a member only during the term of the Legislature in which that office is held. The Legislative Council shall elect a chair from within its own membership.

The Legislative Council shall exercise such powers and duties as may be delegated by law or by rule of the Legislature. Any action by the Legislative Council requires the affirmative votes of a majority of the members.

The Legislative Council shall meet at least once monthly when the Legislature is not in session, unless the chair determines that a meeting is not necessary, and at such other times as the membership or the chair determines necessary.

[PL 2015, c. 102, §1 (NEW).]

**SECTION HISTORY**

PL 1965, c. 425, §§2-B (AMD). PL 1973, c. 590, §3 (RPR). PL 1979, c. 127, §5 (AMD). PL 2015, c. 102, §1 (RPR).

**§162. Authority**

The Legislative Council shall have the authority: [PL 1973, c. 590, §4 (RPR).]

**1. Legislative budgets.** To prepare and approve all legislative budgets; [PL 1973, c. 590, §4 (RPR).]

**1-A. Budget requests.** To authorize the Executive Director of the Legislative Council to prepare and submit a tentative consolidated legislative budget request and other budget requests necessary for the operation of the legislative branch and other additional information, as requested, directly to the State Budget Officer on or before September 1st of the even-numbered years prior to review by the Legislative Council. The Legislative Council shall review the tentative budget submission developed by the executive director, altering, revising, increasing or decreasing the items as may be determined necessary. Upon final approval of the full legislative budget request, the Legislative Council shall submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs outlining any differences from the tentative legislative budget submission;

[PL 1997, c. 24, Pt. FF, §1 (NEW).]

**1-B. Office of Program Evaluation and Government Accountability budget.** To present the budget request of the Office of Program Evaluation and Government Accountability to the State Budget Officer as provided in Title 5, section 1665. If the budget presented pursuant to subsection 1-A differs from the budget request submitted by the Office of Program Evaluation and Government Accountability pursuant to this subsection, the Legislative Council shall simultaneously submit a report to that office and to the State Budget Officer explaining why the Legislative Council's budget request differs from the budget request of the Office of Program Evaluation and Government Accountability. [PL 2001, c. 702, §1 (NEW).]

**2. Legislative employee salary and benefit schedules.** To establish salary schedules for all employees of legislative agencies, departments and offices, except as otherwise provided by law, to develop relatively uniform salary schedules for House and Senate employees and officers and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees. Every publication that states the salary of an employee or a position must also include a statement of the dollar value of the fringe benefit package provided; [PL 1995, c. 37, §1 (AMD).]

**3. Joint committees.** When the Legislature is not in session, to assign bills, resolves and studies for consideration by the joint standing committees and joint select committees of the Legislature, to request reports, studies and legislation from said joint standing committees and to convene meetings of said joint standing committees and joint select committees and to exercise supervision over them; [PL 1973, c. 590, §4 (RPR).]

**4. Oaths, subpoenas and depositions.** To administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, it is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify in that court. Each witness, other than a state officer or employee, is entitled to receive for that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chair of the council; [PL 2019, c. 475, §18 (AMD).]

**5. Legislative improvements.** To assess ways and means to improve the legislative operation and to make improvements in the legislative organization, procedures, facilities and working conditions, and to make periodic reports to the Legislature concerning its findings. Changes in the organization of the legislative staff offices shall require the approval of two-thirds of the membership of the Legislative Council before they may take effect; [PL 1985, c. 501, Pt. B, §1 (AMD).]

**6. Appointment of directors and office directors.** By a vote of no fewer than 8 members present at a public meeting of the Legislative Council, to appoint an Executive Director of the Legislative Council, a State Law Librarian and such other office directors as the council considers necessary. Each director must be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of the office. The Executive Director, the State Law Librarian and the office directors appointed pursuant to this subsection serve at the pleasure of the Legislative Council and may be removed from office only by a vote of no fewer than 8 members present at a public meeting of the Legislative Council; [PL 2015, c. 102, §2 (AMD).]

**6-A. Transition.**

[PL 2015, c. 102, §3 (RP).]

**7. Legislative agency operating policy.** To establish operating policies for each legislative agency and office;

[PL 1973, c. 590, §4 (RPR).]

**8. Oversight of legislative appropriations and accounts.** To oversee the appropriations and other financial accounts, including position control, of the Legislature and of all legislative agencies, departments and offices and to comply with provisions of Title 5, Part 4 determined by the Legislative Council as relevant and applicable to the legislative branch and necessary for maintaining proper accounting controls and reporting. Appropriations for carrying out the purposes of this chapter must be made annually by the Legislature. All appropriations or allocations by the Legislature, including appropriations or allocations for specific studies to be carried out by the joint standing committees or joint select committees, may not lapse but must be carried forward and expended for the purpose for which the appropriation or allocation was made. The balance of any appropriation or allocation for such studies that is not fully expended must be refunded to the Legislature;

[PL 2005, c. 12, Pt. LL, §1 (AMD).]

**8-A. Sale of publications.** If the Legislative Council determines it advisable for the effective dissemination of statutory information or other information of general interest to the public, to fix the price, sell and deliver publications and materials produced by legislative agencies;

[PL 1991, c. 1 (NEW).]

**9.**

[PL 1975, c. 770, §4 (RP).]

**10. Intergovernmental, interstate and interlegislative organizations.** To coordinate and oversee intergovernmental relations programs on behalf of the Legislature, and to recommend to the Legislature participation by the Legislature and its members in interstate and inter-legislative organizations; and to apply for, receive and administer all grants and appropriations for these purposes;

[PL 1973, c. 590, §4 (RPR).]

**11. Legislative equipment and supplies.** To provide necessary furniture, stationery and other supplies and equipment for the use of the members, committees, agencies and offices of the Legislature;

[PL 1973, c. 590, §4 (RPR).]

**12. Physical facilities for Legislature.** To ensure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the State House and, notwithstanding Title 5, section 1742, subsection 18, to control and assign the use of all rooms in the State House, except the immediate offices occupied by the Governor and the Governor's staff in the west wing of the State House. The Legislative Council shall ensure that the Governor and the Governor's staff occupy sufficient and appropriate office space within the State House.

The Legislative Council has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the physical facilities assigned to the Legislature, as long as the work to be performed is consistent with the official plan for the preservation and development of the aesthetic and historical integrity of the State House as described in section 902, subsection 1;

[PL 1997, c. 671, §1 (AMD).]

**12-A. Reserve Fund for State House Preservation and Maintenance.** To administer the Reserve Fund for State House Preservation and Maintenance, established and maintained as provided in this subsection. The State Controller at the close of each fiscal year and at the request of the Legislative Council shall transfer from unexpended balances of General Fund appropriations to the Legislature to the Reserve Fund for State House Preservation and Maintenance available amounts up



to \$250,000 a year until a maximum of \$1,500,000 is achieved. The State Controller is further authorized to transfer from the Reserve Fund for State House Preservation and Maintenance to the Blaine House Renovations and Repairs Fund the amounts recommended by the Legislative Council. The Reserve Fund for State House Preservation and Maintenance may also receive and accept allocations, appropriations, grants and contributions of money to be held, used or applied to carry out this subsection, subject to the conditions upon which these allocations, appropriations, grants and contributions are made. Expenditures from the Reserve Fund for State House Preservation and Maintenance are subject to legislative allocation, may be made only for major repairs and renovations to the State House, must be reviewed and recommended by the State House and Capitol Park Commission and must receive a majority vote of the Legislative Council. Funds allocated or appropriated to the Reserve Fund for State House Preservation and Maintenance may not lapse but must be carried forward;

[PL 2001, c. 358, Pt. E, §1 (AMD).]

**13. Transfers within the legislative appropriation.** To approve any transfers within the legislative appropriation;

[PL 1975, c. 770, §5 (RPR).]

**14. Council procedures.** To establish published rules of procedure for the conduct of the business of the council;

[PL 1973, c. 590, §4 (RPR).]

**15. Other duties and responsibilities.** To perform such other duties and responsibilities as may be assigned to the council from time to time by the 2 Houses;

[PL 1989, c. 410, §2 (AMD).]

**16. Funds from State, Federal Government and private sources.** To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source;

[PL 1991, c. 622, Pt. L, §1 (AMD).]

**16-A. Intellectual property.** To use, manage or administer on behalf of the Legislature any copyright held by the Legislature or license to use copyrighted materials and to manage the copying, use and dissemination of copies of copyrighted materials in which the Legislature holds the copyright or a license;

[PL 1999, c. 1, §2 (NEW).]

**17. Approve plans to preserve and develop the State House and the immediate grounds.** To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council also has authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The exercise of this authority with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the Pressley firm in 1990. The Legislative Council has the power to enter into contracts and other powers necessary to implement this subsection and chapter 31;

[PL 2001, c. 468, §1 (AMD).]

**18. Out-of-state travel report.** To submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Legislature. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and

[PL 1997, c. 43, §2 (AMD).]

**19. Legislative information available through the Internet.** To make the following information available through the Internet: legislative documents, committee hearing schedules, work session schedules, status of legislation, voting records of Legislators, the laws of Maine, study reports and

reports of other study groups established by the Legislature and any other information designated by the Legislative Council.

[PL 1997, c. 43, §3 (NEW).]

#### SECTION HISTORY

P&SL 1973, c. 220, §3 (AMD). PL 1973, c. 590, §4 (RPR). PL 1975, c. 657 (AMD). PL 1975, c. 770, §§3-5 (AMD). PL 1979, c. 541, §§A7,A8 (AMD). PL 1981, c. 702, §R (AMD). PL 1983, c. 2, §1 (AMD). PL 1983, c. 584 (AMD). PL 1983, c. 824, §V (AMD). PL 1985, c. 501, §§B1-3 (AMD). PL 1989, c. 410, §§1-4 (AMD). PL 1991, c. 1 (AMD). PL 1991, c. 622, §§L1-3 (AMD). PL 1993, c. 415, §J1 (AMD). PL 1995, c. 37, §1 (AMD). RR 1997, c. 2, §4 (COR). PL 1997, c. 24, §§FF1,2 (AMD). PL 1997, c. 43, §§1-3 (AMD). PL 1997, c. 671, §1 (AMD). PL 1999, c. 1, §2 (AMD). PL 2001, c. 358, §E1 (AMD). PL 2001, c. 468, §1 (AMD). PL 2001, c. 702, §1 (AMD). PL 2005, c. 12, §LL1 (AMD). PL 2015, c. 102, §§2, 3 (AMD). PL 2019, c. 475, §18 (AMD).

#### **§162-A. Salaries subject to adjustment by Legislative Council**

Notwithstanding any other provisions of law, the salaries of the following legislative officials are at the salary ranges indicated in this section. Except as provided below, at the time of initial appointment the salary of each of these officials may be set at Step A or Step B, but no higher than Step B, of their respective ranges, except that any employees of the office of the Secretary of the Senate or the office of the Clerk of the House of Representatives at the time of initial appointment must have their salary set at a step within their respective salary range so that no loss of gross pay is experienced by those employees. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [PL 1993, c. 6, Pt. J, §1 (AMD).]

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials. [PL 1987, c. 349, Pt. K, §1 (NEW).]

**1. Range 14.** The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and

Clerk of the House of Representatives.

[PL 1987, c. 349, Pt. K, §1 (RPR).]

**2. Range 9.**

[PL 1993, c. 707, Pt. FF, §1 (RP).]

**3. Range 86.**

[PL 1983, c. 862, §4 (RP).]

**4. Range 88.**

[PL 1983, c. 862, §4 (RP).]

**5. Range 89.**

[PL 1983, c. 862, §4 (RP).]

#### SECTION HISTORY

PL 1981, c. 702, §X11 (NEW). PL 1983, c. 853, §A§3-5 (AMD). PL 1983, c. 862, §§2-4 (AMD). PL 1987, c. 349, §K1 (RPR). PL 1987, c. 769, §A2 (AMD). PL 1993, c. 6, §J1 (AMD). PL 1993, c. 707, §§FF1 (AMD).

#### **§162-B. Salaries of constitutional officers**

Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of the Secretary

of State and the Treasurer of State shall be set at the Step C of the official's respective range. At the time of initial appointment, the salaries of the Attorney General and the State Auditor shall be set at Step E of their salary ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions. [PL 1983, c. 862, §§5, 6 (NEW).]

**1. Range 88.** The salary of the following state officials and employees shall be within salary range 88, but shall not be less than Step C in that range:

A. Secretary of State; and [PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

B. Treasurer of State. [PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]  
[PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

**2. Range 89.** The salary of the State Auditor shall be within salary range 89, but shall not be less than Step E in that range.

[PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

**3. Range 91.** The salary of the Attorney General shall be within salary range 91, but shall not be less than Step E in that range.

[PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

## SECTION HISTORY

PL 1983, c. 862, §§5,6 (NEW). PL 1989, c. 501, §§07,22 (AMD). PL 1989, c. 596, §C8 (AMD). PL 1991, c. 824, §§B13,14 (AFF).

### §163. Executive Director of the Legislative Council; duties

The duties of the Executive Director of the Legislative Council are: [PL 2003, c. 673, Pt. QQQ, §1 (AMD).]

**1. Executive officers.** To act as executive officer of the Legislature when it is not in session and unless the Legislature otherwise orders, the Executive Director shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit state departments to use legislative property. The Executive Director may sell, in accordance with procedures established by the Legislative Council, unneeded legislative equipment and materials and, with the approval of the President of the Senate and the Speaker of the House of Representatives, dispose of obsolete or unusable equipment and materials through the Bureau of General Services' surplus property program. Proceeds from the sale of unneeded equipment and materials must be credited to the legislative account. The Executive Director has the authority to enter into contracts authorized by the Legislative Council and shall approve accounts and vouchers for payment. A perpetual inventory of

all legislative property must be maintained under the supervision of the Legislative Council and an accounting of the inventory must be made to the Legislature upon its request.

[PL 2003, c. 673, Pt. QQQ, §2 (AMD).]

**2. Supervision.** To coordinate, direct and oversee, subject to the control of the Legislative Council, the activities of the nonpartisan legislative staff offices and to direct and supervise the administrative functions of legislative staff offices in accordance with the policies and procedures established by the Legislative Council. The Executive Director does not have any supervisory authority with respect to any persons employed pursuant to chapter 1 or section 168;

[PL 2015, c. 102, §4 (AMD).]

**2-A. Appointment of nonpartisan legislative staff.** To appoint, upon recommendation of the appropriate office director and subject to the approval of the Legislative Council and in accordance with the policies and procedures established by the council, qualified persons to nonpartisan legislative staff positions based solely on their ability to perform their duties and without regard to party affiliation. The general duties and compensation of these positions must be established under the direction of the council and in accordance with organizational and performance objectives established by the council. These nonpartisan legislative staff positions are unclassified and not subject to the civil service law.

[PL 2015, c. 102, §5 (AMD).]

**3. Vehicle for requests.** To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the council their budget requests, personnel and supply requirements and to assist the council in the orderly disposition of these requests.

[PL 1973, c. 590, §5 (RPR).]

**4. Policy implementation.** To be responsible for implementing policy resulting from decisions of the council.

[PL 1973, c. 590, §5 (RPR).]

**5. Reports.** To prepare such reports as are required of the council and maintain minutes of the regular meetings of the council.

[PL 1983, c. 590, §5 (RPR).]

**6. Staff assistants.**

[PL 1983, c. 2, §3 (RP).]

**7. Other duties.** To undertake such other duties as are assigned by the council.

[PL 1973, c. 590, §5 (RPR).]

**SECTION HISTORY**

PL 1965, c. 341, §§1,2 (AMD). PL 1965, c. 412, §4 (AMD). PL 1965, c. 425, §§2-D (AMD). PL 1965, c. 465 (AMD). PL 1967, c. 357 (AMD). PL 1967, c. 476, §§1,2 (AMD). PL 1969, c. 8, §2 (AMD). PL 1969, c. 504, §§2,3 (AMD). PL 1969, c. 527 (AMD). PL 1971, c. 298 (AMD). PL 1973, c. 14, §3 (AMD). PL 1973, c. 590, §5 (RPR). PL 1973, c. 625, §7 (AMD). PL 1973, c. 788, §3 (AMD). PL 1983, c. 2, §§2,3 (AMD). PL 1985, c. 501, §B4 (AMD). PL 1985, c. 785, §B4 (AMD). PL 1989, c. 410, §5 (AMD). PL 2003, c. 673, §§QQQ1,2 (AMD). PL 2015, c. 102, §§4, 5 (AMD).

**§163-A. Nonpartisan legislative staff services**

Nonpartisan legislative staff shall provide the following services under the direction of the Executive Director: [PL 2015, c. 102, §6 (AMD).]

**1. Bill drafting.** To furnish to the members of the Legislature the assistance of expert drafters qualified to aid the Legislature in the preparation of bills for introduction into the Legislature;

[PL 2015, c. 102, §6 (AMD).]

**2. Revision.** Upon request, to assist any agency appointed to revise the statutes of the State or any portion of the statutes and, at the direction of such agency, to consolidate, revise and clarify the statutes of the State;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

**2-A. Engrossing.** To engross all bills passed by the Legislature;

[PL 1987, c. 816, Pt. KK, §2 (NEW).]

**3. Session laws.** To prepare and index for printing as promptly as possible, after the adjournment of each session, the session laws, which compilation includes all Acts and resolves that the Legislature has adopted during the session and that have received the approval of the Governor, when such approval is necessary, and any other material of a general nature that the Executive Director may determine;

[PL 2015, c. 102, §6 (AMD).]

**4. Copy of public laws.** After each session of the Legislature, to cause the public laws enacted at that session to be printed on good paper and in suitable type and to distribute the same within the State to all citizens making a request for those laws;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

**5. Pocket supplements.** After each session of the Legislature, to cause to be published cumulative pocket supplements of the volumes of the Revised Statutes, and any replacement or recompiled volumes, which must contain an accurate transcription of all public laws, the material contained in the next preceding pocket supplement, complete and accurate annotations to the statutes, appendix and other material accumulated since the publication of the next preceding pocket supplement and a cumulative index of that material;

[PL 2015, c. 102, §6 (AMD).]

**6. Continuing revision.**

[PL 2015, c. 102, §6 (RP).]

**7. Committee assistance.** To provide research, analysis and bill drafting assistance for joint standing or select committees, including, but not limited to, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and other legislative agencies;

[PL 2015, c. 102, §6 (AMD).]

**8. Reports and legislation.** To prepare narrative reports on matters referred to joint standing committees for review or study and prepare legislation to be introduced pursuant to those reports;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

**9. Research services.** To provide a comprehensive research service for Legislators, legislative joint standing or select committees and commissions and the Legislative Council;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

**10. Collection of fiscal information.** To collect and assemble factual information concerning the fiscal affairs of the State for the use of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs in formulating its proposals for appropriations and to collect and assemble fiscal information concerning other revenue funds for the use of any joint standing committee in formulating proposals for allocation acts;

[PL 2015, c. 102, §6 (AMD).]

**11. Appropriation requests.** To examine all requests for appropriations made by the various agencies of State Government and attend any hearings necessary to obtain complete information;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

**12. Statement of cost.** To prepare statements pertaining to the existence of cost or the amount of cost to municipalities or counties for implementing or complying with a proposed law. The statement of cost is made within the limits of information provided to the office designated by the Legislative

Council as having responsibility for financial analysis. The statements must be furnished to the appropriate committee for the information of its members and for inclusion in bills that receive an ought to pass report when reported by the committee. A statement is not necessary for any bill that has no cost to municipalities or counties; and  
[PL 2015, c. 102, §6 (AMD).]

**13. Other duties.** To undertake such other duties as are assigned by the Executive Director.  
[PL 1985, c. 501, Pt. B, §5 (NEW).]

#### SECTION HISTORY

PL 1985, c. 501, §B5 (NEW). PL 1987, c. 816, §KK2 (AMD). PL 2015, c. 102, §6 (AMD).

#### **§164. Director of Legislative Research; functions and duties**

**(REPEALED)**

#### SECTION HISTORY

PL 1969, c. 8, §1 (AMD). PL 1971, c. 480, §4 (AMD). PL 1973, c. 46 (AMD). P&SL 1973, c. 220, §4 (AMD). PL 1973, c. 590, §§6,7 (AMD). PL 1973, c. 788, §4 (AMD). PL 1979, c. 396, §7 (AMD). PL 1983, c. 2, §4 (AMD). PL 1985, c. 501, §B6 (RP).

#### **§165. Joint committees, authority**

The Legislature may by rule establish such joint standing committees and joint select committees as it deems necessary. Such committees shall have the authority, both when the Legislature is in session and when it is not in session: [PL 1973, c. 590, §8 (NEW).]

**1. Collect information.** To collect information concerning the government and general welfare of the State as related to assignments received from the council;  
[PL 1973, c. 590, §8 (NEW).]

**2. Information and reports provided.** To assist the Legislature in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which are assigned by the Legislative Council which information may be obtained by independent studies or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;  
[PL 1973, c. 590, §8 (NEW).]

**3. Quorum.** A majority of the members of a committee shall constitute a quorum, and a majority thereof shall have the authority to act in any matter falling within the jurisdiction of the committee. A committee may hold either public or private hearings and may hold executive sessions, excluding all except members of the committee;  
[PL 1973, c. 590, §8 (NEW).]

**4. State department to furnish information.** Each state department shall furnish to a committee such documents, material or information as may be requested by a committee;  
[PL 1973, c. 590, §8 (NEW).]

**5. Minutes.** A committee shall keep minutes of matters considered and votes taken at its meetings and shall make reports to the Legislature on all matters which come before the committee, the actions taken thereon and the progress made in relation thereto;  
[PL 1973, c. 590, §8 (NEW).]

**6. Reports to Legislature and public.** Reports of a committee may be made from time to time to members of the Legislature and to the public;  
[PL 1973, c. 590, §8 (NEW).]

**7. Other subpoenas, etc.** When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. When the Legislature grants this power to a joint standing committee or joint select committee, such committee functions as an investigating committee and is subject to the provisions of chapter 21. No appropriation or allocation may be made for a specific study unless the Legislative Council has first approved a budget adopted by the joint standing committee that is to conduct the study. No appropriation or allocation may be made for the operation of any joint select committee unless the Legislative Council has first approved a budget adopted by the joint select committee. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, it is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify in that court. Each witness, other than a state officer or employee, who appears before a committee by its order or subpoena is entitled to receive for that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chair of the committee;

[PL 2019, c. 475, §19 (AMD).]

**8.**

[PL 1975, c. 750, §2 (RP).]

**SECTION HISTORY**

PL 1973, c. 590, §8 (NEW). PL 1975, c. 593, §§1,2 (AMD). PL 1975, c. 623, §3 (AMD). PL 1975, c. 750, §2 (AMD). PL 1975, c. 770, §6 (AMD). PL 1985, c. 377, §1 (AMD). PL 2019, c. 475, §19 (AMD).

**§166. Director of Legislative Assistants**

**(REPEALED)**

**SECTION HISTORY**

PL 1973, c. 590, §9 (NEW). PL 1975, c. 770, §7 (AMD). PL 1983, c. 2, §5 (RPR). PL 1985, c. 501, §B7 (RP).

**§167. Legislative Finance Officer; duties**

**(REPEALED)**

**SECTION HISTORY**

P&SL 1973, c. 220, §5 (AMD). PL 1973, c. 590, §10 (NEW). PL 1979, c. 406 (AMD). PL 1979, c. 541, §A9 (AMD). PL 1983, c. 2, §6 (AMD). PL 1985, c. 501, §B8 (RP).

**§168. Staff assistants to legislative leadership**

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives each have the authority to appoint, at each legislative leader's discretion, a personal staff assistant, or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times as might be necessary, with the approval of the Legislative Council. [PL 2019, c. 475, §20 (AMD).]

**SECTION HISTORY**

PL 1973, c. 590, §11 (NEW). PL 1975, c. 623, §§3-A (AMD). PL 1975, c. 770, §8 (AMD). PL 1977, c. 564, §§11-A (AMD). PL 1983, c. 32, §H (AMD). PL 2019, c. 475, §20 (AMD).

**§168-A. Legislative Youth Advisory Council**

**(REPEALED)**

**SECTION HISTORY**

PL 2001, c. 439, §PPPP1 (NEW). PL 2001, c. 439, §PPPP4 (AFF). PL 2003, c. 20, §§F2,3 (AMD). PL 2003, c. 481, §§1,2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 414, §§1,2 (AMD). PL 2005, c. 616, §§A1,B1-4 (AMD). PL 2007, c. 679, §§1, 2 (AMD). PL 2009, c. 623, §1 (RP).

**§168-B. Legislative Youth Advisory Council**

**(REPEALED)**

**SECTION HISTORY**

PL 2009, c. 623, §2 (NEW). PL 2015, c. 491, §1 (RP).

**§169. Constituent Service Officer; functions and duties**

**(REPEALED)**

**SECTION HISTORY**

PL 1973, c. 590, §12 (NEW). PL 1985, c. 501, §B9 (RP).

**§170. Partisan employees; restricted activities**

Partisan legislative employees who assume active roles in campaigns shall either limit their activities to evenings and weekends or take leave to pursue these activities if they occur during the Legislature's regular business day, which is 8 a.m. to 5 p.m. This includes fund raising for campaign efforts as well as other activities that are directly related to election or reelection efforts. [PL 1995, c. 100, §1 (NEW).]

**SECTION HISTORY**

PL 1995, c. 100, §1 (NEW).

**§170-A. Use of legislative equipment and resources**

Legislative employees are prohibited from at any time using the computer system, telephones, copying machines and other legislative equipment for work related to campaigns. [PL 1995, c. 100, §1 (NEW).]

**SECTION HISTORY**

PL 1995, c. 100, §1 (NEW).

**§170-B. Required training regarding harassment**

**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

**(WHOLE SECTION TEXT EFFECTIVE UNTIL 12/01/20)**

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10. [PL 2019, c. 41, §1 (AMD).]

**SECTION HISTORY**



PL 2017, c. 443, §1 (NEW). PL 2019, c. 41, §1 (AMD).

**§170-B. Required training regarding harassment**

**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

**(WHOLE SECTION TEXT EFFECTIVE 12/01/20)**

All Legislators, legislative staff, lobbyists and lobbyist associates shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" and "lobbyist associate" have the same meanings as in section 312-A, subsections 10 and 10-A, respectively. [PL 2019, c. 587, §2 (AMD); PL 2019, c. 587, §18 (AFF).]

**SECTION HISTORY**

PL 2017, c. 443, §1 (NEW). PL 2019, c. 41, §1 (AMD). PL 2019, c. 587, §2 (AMD). PL 2019, c. 587, §18 (AFF).

**SUBCHAPTER 2**

**LAW AND LEGISLATIVE REFERENCE LIBRARY**

**§171. Declaration of policy**

The Legislature declares that it is the policy of the State to provide a law and legislative reference library adequate to the informational needs of the Legislature, other branches of State Government and the citizens of Maine. [PL 1971, c. 480, §1 (NEW).]

**SECTION HISTORY**

PL 1971, c. 480, §1 (NEW).

**§172. State Law Librarian**

**(REPEALED)**

**SECTION HISTORY**

PL 1971, c. 480, §1 (NEW). P&SL 1973, c. 220, §6 (AMD). PL 1973, c. 590, §13 (AMD). PL 1975, c. 770, §9 (RP).

**§172-A. State Law Library; administration**

The Executive Director of the Legislative Council shall assign, direct and supervise, subject to the control of the council, the activities of the State law and legislative reference library. [PL 1985, c. 501, Pt. B, §10 (NEW).]

**SECTION HISTORY**

PL 1985, c. 501, §B10 (NEW).

**§173. State Law Library; services**

The State Law Library shall provide the following services: [PL 1985, c. 501, Pt. B, §11 (AMD).]

**1. Legislative reference service.** Provide a comprehensive reference service on legislative problems for all members of the Legislature and its committees, equally and impartially, and to the limits of its staff and facilities. Such reference services shall be available also to public officials and to citizens generally.

Collect, index and make available in the most suitable form information relative to governmental subjects which will aid the Legislature, other public officials and citizens to perform their duties in an enlightened manner.

[PL 1971, c. 480, §1 (NEW).]

**2. Law library.** Provide a law library for the use of all agencies of State Government, the judiciary, attorneys and citizens of Maine.

[PL 1985, c. 501, Pt. B, §11 (AMD).]

**3. Distribution, sale and exchange of law books.** Copies of the Revised Statutes, supplements to the Revised Statutes and session laws must be delivered by the printer to the State Law Librarian for distribution and sale in accordance with prices, policies and procedures established by the Legislative Council. All proceeds from such sales must be deposited to the credit of the General Fund.

A.

Copies must be sent, on an exchange basis, to the Library of Congress, secretary of the Maine State Bar Association, the Supreme Court Library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the Legislature must be given to each Member of the Legislature, the Secretary of the Senate, the Assistant Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House. [PL 2019, c. 475, §21 (AMD).]

B. [PL 1985, c. 501, Pt. B, §11 (RP).]

C. [PL 1985, c. 501, Pt. B, §11 (RP).]

The State Law Librarian may, in the librarian's discretion, sell surplus copies of volumes entrusted to the librarian or use them for exchange purposes to increase the usefulness of the library. Proceeds from all sales must be deposited to the credit of the General Fund.

[PL 2019, c. 475, §21 (AMD).]

#### SECTION HISTORY

PL 1971, c. 480, §1 (NEW). P&SL 1975, c. 147, §H1 (AMD). PL 1975, c. 771, §§12-14 (AMD). PL 1977, c. 506, §§1-3 (AMD). PL 1981, c. 48, §2 (AMD). PL 1985, c. 501, §B11 (AMD). PL 2019, c. 475, §21 (AMD).

#### §174. Administrative provisions

**(REPEALED)**

#### SECTION HISTORY

PL 1971, c. 480, §1 (NEW). PL 1975, c. 770, §10 (RPR). PL 1979, c. 396, §8 (AMD). PL 1983, c. 2, §7 (AMD). PL 1985, c. 501, §B12 (RP).

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## Title 5, Chapter 141: GENERAL PROVISIONS

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**CHAPTER 141****GENERAL PROVISIONS****§1501. Uniform fiscal year**

The fiscal year of the State Government shall commence on the first day of July and end on the 30th day of June each year. The fiscal year shall be followed in making appropriations and in financial reporting, and shall be uniformly adopted by all departments and agencies of the State Government.

**§1502. Federal funds**

The Governor and every state officer and department head who shall be intrusted with the expenditure of federal funds in this State shall file in the office of the State Controller a detailed report of all disbursements, including the purposes for which such disbursements were made and the persons to whom any money was paid, supported by proper vouchers, said report to be filed within 30 days after the entire fund has been disbursed.

Any state officer excepting the Governor, whether elected or appointed, and any department head who shall fail or neglect to file such report as provided shall be subject to removal from office by authority of the Governor, and if the Governor of the State shall fail or neglect to file such report, he shall be subject to impeachment in the manner provided in the Constitution of Maine, Article IX, section 5.

**§1502-A. Payment priority**

Payments made on behalf of the Department of Health and Human Services for Temporary Assistance for Needy Families and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract under 45 Code of Federal Regulations, Part 23. The Department of Administrative and Financial Services shall cooperate with other state agencies to accomplish priority payments. [PL 1991, c. 747, §2 (NEW); PL 1997, c. 530, Pt. A, §34 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

**SECTION HISTORY**

PL 1991, c. 747, §2 (NEW). PL 1997, c. 530, §A34 (AMD). PL 2003, c. 689, §B6 (REV).

**§1503. Allocations from the Construction Reserve Fund; balance**

**(REPEALED)**

**SECTION HISTORY**

PL 1969, c. 455, §2 (RP).

**§1504. Charging off accounts due State**

The State Controller shall charge off the books of account of the State or any department, institution or agency thereof, such accounts receivable, including all taxes for the assessment or collection of which the State is responsible, and all impounded bank accounts, as are certified to the State Controller as impractical of realization by or for the State, department, institution or agency. Such certification must be by the Attorney General, the Commissioner of Administrative and Financial Services and the head of the department, institution or agency responsible for such account, subject to the approval of the Governor. In each such case, the charging off of such accounts must be recommended by the head of the department, institution or agency originally responsible for such account. [PL 1991, c. 780, Pt. Y, §38 (AMD).]

**SECTION HISTORY**

PL 1973, c. 701, §3 (AMD). PL 1975, c. 771, §65 (AMD). PL 1985, c. 785, §A48 (AMD). PL 1991, c. 780, §Y38 (AMD).

#### **§1505. Petty Cash Funds**

A Petty Cash Fund must be allowed by the Commissioner of Administrative and Financial Services to each state department or agency that in the commissioner's opinion requires such a fund. The fund so established may be reimbursed only upon statements and bills audited by the State Controller. [PL 1991, c. 780, Pt. Y, §39 (AMD).]

#### **SECTION HISTORY**

PL 1985, c. 785, §A49 (AMD). PL 1991, c. 780, §Y39 (AMD).

#### **§1506. Return of working capital advances**

Whenever a working capital advance, or any part thereof, is no longer required for the purpose for which it was made, such amount must be returned to the state fund from which the advance was made. Such return may be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the Commissioner of Administrative and Financial Services and the Governor. [PL 1991, c. 780, Pt. Y, §40 (AMD).]

#### **SECTION HISTORY**

PL 1975, c. 771, §66 (AMD). PL 1985, c. 785, §A50 (AMD). PL 1991, c. 780, §Y40 (AMD).

#### **§1507. Contingent Account**

The Governor may allocate from the State Contingent Account amounts not to exceed in total the sum of \$4,350,000. The Governor may allocate from such account amounts not to exceed in total the sum of \$300,000 in any fiscal year in accordance with the purposes specified in subsections 1, 2, 3, 4 and 4-A, an amount not to exceed \$1,000,000 in accordance with the purposes specified in subsection 5-A, an amount not to exceed \$1,000,000 in accordance with the purposes specified in subsection 5-B and an amount not to exceed \$2,000,000 in accordance with the purposes specified in subsection 5-C. [PL 2009, c. 213, Pt. OOO, §1 (AMD).]

**1. Institutions.** The Governor may allocate funds from such account, when need exists and only upon the written request of the Commissioner of Health and Human Services and upon consultation with the State Budget Officer, to those institutions administered by the Department of Health and Human Services where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief can not be absorbed within regular legislative appropriations.

[RR 1995, c. 2, §4 (COR); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §§6, 7 (REV).]

**2. Construction.** The Governor may allocate funds from such account to provide funds for construction, repairs, equipment, supplies and furnishings, whenever:

A. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature; or [PL 1975, c. 771, §67 (RPR).]

B. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor. [PL 1975, c. 771, §67 (RPR).]

The Governor may make allocations for this purpose only upon the written request of an appropriate officer of the State and upon consultation with the State Budget Officer.

[PL 1975, c. 771, §67 (RPR).]

**3. Purchase of real estate.** The Governor may allocate funds from such account to provide funds in accordance with Title 1, section 814. Allocations may be made from this fund by the Governor only

upon the written request of the Director of the Bureau of General Services and upon consultation with the State Budget Officer.

[PL 2011, c. 691, Pt. B, §7 (AMD).]

**4. Emergencies.** The Governor may allocate funds from such account to meet any emergency expense necessarily incurred under any requirement of law or for the maintenance, in emergency conditions, of government within the scope existing at the time of the previous session of the Legislature or contemplated by laws enacted thereat, or to pay expenses arising out of an emergency requiring an expenditure or money not provided by the Legislature. The Governor shall determine the necessity for such allocations upon consultation with the State Budget Officer.

[PL 1975, c. 771, §67 (RPR).]

**4-A. Maine community colleges.** The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$100,000 in any fiscal year to provide funds for any unusual and unforeseen needs as may arise in the operation of the Maine community colleges. Allocations may be made from this fund by the Governor only upon the written request of the Board of Trustees of the Maine Community College System and after consultation with the State Budget Officer.

[PL 1989, c. 878, Pt. A, §11 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

**5. Promotion of Maine.** The Governor, upon consultation with the State Budget Officer, may allocate funds from such account in amounts not to exceed in total the sum of \$50,000 in any fiscal year for the promotion of Maine outside of the State, after ample evidence is presented that such funds will support such unusual and unforeseen needs as may arise in the promotion of specific projects that bear a direct positive effect on the economy of Maine and only when there is a written request to the Governor for such funds by a private group or by a state officer whose duties are related to such specific projects; and \$250,000 in any fiscal year for scientific, experimental and research projects designed to develop new industries, to enhance industrial productivity or to develop, test or transfer new technologies for which federal funding requiring a state match is available.

[PL 1991, c. 528, Pt. E, §6 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §6 (AMD).]

**5-A. Job development training.** The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor-intensive new or expanding industries. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with the Commissioner of Education, the President of the Maine Community College System and the director of the appropriate local workforce investment area designated pursuant to the federal Workforce Innovation and Opportunity Act, Public Law 113-128.

[PL 2017, c. 110, §1 (AMD).]

**5-B. Training fund for job retention.** The Governor may allocate funds from the account in amounts not to exceed in total the sum of \$1,000,000 to provide funds to assist with the training needs of stable businesses that utilize new technologies and work processes to remain competitive and would otherwise be reducing their workforce. Allocations for this purpose may be made from this fund by the Governor only upon written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with officials and training providers of the business.

[PL 1993, c. 410, Pt. QQQ, §2 (NEW).]

**5-C. Early childhood investments.** The Governor may allocate funds from the account in amounts not to exceed in total the sum of \$2,000,000 to provide funds to assist with the development of an early care and education infrastructure. Allocations for this purpose may be made from this fund by the Governor upon written request of the Commissioner of Education and the Commissioner of Health and Human Services and after consultation with the State Budget Officer.

[PL 2009, c. 213, Pt. OOO, §2 (NEW).]

**6. Claims.** The Governor shall allocate funds from the account for the payment of claims approved or partially approved by the State Claims Commission under section 1510-A.

[PL 2005, c. 683, Pt. A, §6 (AMD).]

**7. Procedure.** All allocations from the State Contingent Account must be supported by a statement of facts setting forth the necessity for the allocation. A copy of each order for an allocation, together with the statement of facts, must be provided to the Office of Fiscal and Program Review, the joint standing committee having jurisdiction over economic development matters, to the President of the Senate and to the Speaker of the House of Representatives when the allocation is made.

[PL 1993, c. 410, Pt. QQQ, §3 (AMD).]

The State Controller shall include in his official annual financial report at the close of each fiscal year a statement showing all transfers made from the State Contingent Account for the fiscal period.

[PL 1975, c. 771, §67 (RPR).]

After the close of each fiscal year, the Governor may request a General Fund appropriation from the next session of the Legislature in an amount as may be available to bring the total available in the State Contingent Account to a maximum of \$4,350,000 for the current fiscal year. [PL 2009, c. 213, Pt. OOO, §3 (AMD).]

At the close of each fiscal year, as the first priority transfer before any other transfer authorized by law, there must be transferred from the General Fund an amount as may be available from time to time until the maximum of \$350,000 is achieved to be used for the purposes specified in subsections 1 to 6.

[PL 2005, c. 519, Pt. VV, §1 (AMD).]

Notwithstanding any other provision of law, if the funds remaining in the State Contingent Account are not sufficient to address a purpose consistent with the purposes specified in subsection 4, the Governor may upon consultation with the State Budget Officer access any funds available to the State. The Governor shall identify by financial order the account, fund or other source from which payment is made. Funds accessed for this purpose may not exceed \$750,000. [PL 2005, c. 12, Pt. CC, §1 (NEW).]

## SECTION HISTORY

PL 1969, c. 455, §1 (RPR). PL 1975, c. 756, §1 (AMD). PL 1975, c. 771, §67 (RPR). PL 1977, c. 78, §16 (AMD). PL 1979, c. 602, §§1,2 (AMD). PL 1981, c. 493, §2 (AMD). PL 1985, c. 497, §1 (AMD). PL 1985, c. 737, §B6 (AMD). PL 1985, c. 759, §§1-3 (AMD). PL 1985, c. 814, §§E1-3 (AMD). PL 1987, c. 395, §A18 (AMD). PL 1987, c. 534, §§A5,A19 (AMD). PL 1987, c. 816, §§N1-N3 (AMD). PL 1989, c. 443, §§8,9 (AMD). PL 1989, c. 700, §A15 (AMD). PL 1989, c. 878, §A11 (AMD). PL 1989, c. 893 (AMD). PL 1991, c. 528, §E6 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E6 (AMD). PL 1993, c. 349, §7 (AMD). PL 1993, c. 410, §§QQQ1-4 (AMD). RR 1995, c. 2, §4 (COR). PL 1995, c. 464, §§1,2 (AMD). PL 1995, c. 464, §18 (AFF). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1997, c. 24, §C2 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 114, §1 (AMD). PL 2003, c. 689, §§B6,7 (REV). PL 2005, c. 12, §CC1 (AMD). PL 2005, c. 519, §VV1 (AMD). PL 2005, c. 683, §A6 (AMD). PL 2009, c. 213, Pt. OOO, §§1-3 (AMD). PL 2011, c. 691, Pt. B, §7 (AMD). PL 2017, c. 110, §1 (AMD).

## §1508. State funds eliminated

Unless the Legislature otherwise directs, the Commissioner of Administrative and Financial Services, with the approval of the Governor, has authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds and to merge the balance or balances of such fund or funds so discontinued with the General Fund. [PL 1991, c. 780, Pt. Y, §41 (AMD).]

#### SECTION HISTORY

PL 1975, c. 771, §68 (AMD). PL 1985, c. 785, §A51 (AMD). PL 1991, c. 780, §Y41 (AMD).

#### **§1509. Records; collections**

It shall be the duty of each department, institution or agency of the State to keep a record of all items of income accruing to it. Each department, institution or agency shall be solely responsible for collections of all accounts receivable accruing to it, including taxes levied by the State. In each instance of an item of income accruing to any department, institution or agency, such department, institution or agency shall immediately begin collection efforts and shall make such repeated collection efforts as may be necessary to promptly satisfy the amount owed to the State. Whenever there shall continue to exist items of income or taxes owed to the State which are not paid within 90 days, it shall be the duty of the department, institution or agency to whom such amount is owed to again attempt promptly to collect same. In cases of failure to pay, the department, institution or agency shall refer the account to the Attorney General for collection. [PL 1973, c. 701, §4 (NEW).]

#### SECTION HISTORY

PL 1973, c. 701, §4 (NEW).

#### **§1509-A. Payment by credit card**

State departments and agencies shall implement, with the approval of the State Controller and the State Treasurer, procedures for accepting payment for goods, services, fines, forfeitures or any other fees by major credit cards or other electronic means. Unless otherwise provided for in law as of the effective date of this section, any administrative expenses or credit card fees incurred in connection with this method of receiving funds must be absorbed within the existing budget of the department or agency as authorized by the Legislature. [PL 1999, c. 762, §1 (AMD); PL 1999, c. 762, §5 (AFF).]

#### SECTION HISTORY

PL 1997, c. 643, §U1 (NEW). PL 1999, c. 401, §E1 (AMD). PL 1999, c. 762, §1 (AMD). PL 1999, c. 762, §5 (AFF).

#### **§1510. Certain claims against the State**

#### **(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 313 (NEW). PL 1975, c. 771, §69 (RPR). PL 1977, c. 591, §§1,2 (AMD). PL 1977, c. 624, §1 (RP).

#### **§1510-A. Certain claims against the State**

**1. Claims against state agency.** A state agency may hear and decide any claim of \$2,000 or less against it, or any of its agents, except a claim that may be submitted under the Maine Tort Claims Act, Title 14, chapter 741, or under another specific statutory provision. Any agency paying all or part of a claim heard under this subsection shall make payment as soon as practicable from currently available agency funds and, if no funds are then available, from agency funds from the following fiscal year. An agency deciding a claim under this subsection shall make its final decision, and reasons for the decision, in writing and shall, as soon as practicable, send a copy of that decision to the claimant by certified mail.



These claims include, but are not limited to, claims for damage or injury caused by patients, inmates, prisoners in the care or custody of the Department of Health and Human Services or of any institution administered by a department or by children in the custody of the Department of Health and Human Services.

[PL 1993, c. 468, §1 (AMD); PL 1995, c. 560, Pt. K, §82 (AMD); PL 1995, c. 560, Pt. K, §83 (AFF); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

**2. Claims against the State decided by the State Claims Commission.** A claim under this section may be submitted to the State Claims Commission and heard and decided by it, if:

A. The claim was submitted under subsection 1 to a state agency which refused to hear it; [PL 1977, c. 624, §2 (NEW).]

B. The claim was submitted under subsection 1 to a state agency and no final decision was made within 90 days of submission; or [PL 1977, c. 624, §2 (NEW).]

C. The claim cannot be submitted under a specific statutory provision other than subsection 1 because the claimant, as a result of an action or omission of a state agency or state agent, has not complied with time limits contained in that specific statutory provision. [PL 1987, c. 395, Pt. A, §19 (AMD).]

Any payment resulting from a decision of the State Claims Commission on a claim submitted to it under this subsection shall be paid as soon as practicable by the state agency or agencies found responsible by the State Claims Commission or, if there is no clearly identifiable responsible state agency, the payment shall be paid from the state contingent fund.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

**3. Appeal from departmental decisions.** Any claim disapproved in whole or part by a state agency hearing that claim under subsection 1 may be appealed to the State Claims Commission within 30 days from the disapproval or partial disapproval. The State Claims Commission shall hear de novo any claim so appealed.

Any payment resulting from a decision of the State Claims Commission on a claim submitted to it under this subsection shall be paid by the state agency or agencies found responsible by the State Claims Commission or, if there is no clearly identifiable responsible state agency, the payment shall be paid from the state contingent fund.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

**4. Appeal from State Claims Commission decision.** Any party aggrieved by an award of the State Claims Commission may appeal therefrom to the Superior Court within 30 days after the date of the receipt of the notice of the award. The appeal shall be taken by filing a complaint setting forth, as in other civil matters, substantially the facts upon which the case shall be tried. Service shall be made on the opposing party and the State Claims Commission by sending a true copy of the complaint by registered or certified mail within the time limit set out in this subsection. The complaint shall be filed in the Superior Court for the county where one or more of the parties reside or have their principal place of business or where the activity or property which is the subject of the proceeding is located. The court's determination shall be de novo and without a jury or, if all parties agree, by a referee or referees. [PL 1987, c. 395, Pt. A, §19 (AMD).]

**5. Jurisdiction over claims prior to January 4, 1977.** The jurisdiction of the State Claims Commission over claims subject to this section includes those claims which have arisen prior to January 4, 1977, unless they have been ruled upon by the Governor and Executive Council or by the Legislature prior to January 4, 1977.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

**6. Hearings.** Hearings on claims submitted under subsection 2 or appeals made under subsection 3 shall be held at a time and place which the State Claims Commission shall determine. The chairman

shall assign either one or 3 members to hear and determine each claim. Hearings on claims under this section which are properly submitted to the State Claims Commission shall be held in accordance with the Maine Administrative Procedure Act, chapter 375. The decision of the commission shall include the reasons for the findings.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

**7. Different procedures.** A claim submitted under this section shall not be disapproved solely because a claim based on the same facts was submitted under a different statutory procedure and was disallowed.

[PL 1977, c. 624, §2 (NEW).]

**8. Rules; report.** The commission may adopt rules to implement this section. The commission shall, on or before January 30th of each year, report to the Legislature on all claims filed pursuant to this section.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

#### SECTION HISTORY

PL 1977, c. 624, §2 (NEW). PL 1979, c. 672, §2 (AMD). PL 1983, c. 553, §2 (AMD). PL 1987, c. 395, §A19 (AMD). PL 1993, c. 468, §1 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV).

#### **§1510-B. No liability for wild animal damage**

The State is not liable for damage done by wild animals to beehives or livestock. Neither state agencies nor the State Claims Commission may accept claims for such wild animal damage. [PL 1987, c. 395, Pt. A, §20 (AMD).]

#### SECTION HISTORY

PL 1979, c. 672, §3 (NEW). PL 1981, c. 368, §1 (AMD). PL 1987, c. 395, §A20 (AMD).

#### **§1511. Loan Insurance Reserve**

The State Controller may, at the close of each fiscal year, as the next priority after the transfers authorized pursuant to section 1507, transfer from the Unappropriated Surplus of the General Fund to the Loan Insurance Reserve amounts as may be available from time to time, up to an amount of \$1,000,000 per year after the transfers have been made pursuant to section 1507. The balance of this reserve must be paid to the Finance Authority of Maine if such payment does not cause the balance in the reserve fund maintained by the authority, when added to amounts held in the Finance Authority of Maine Mortgage Insurance Fund that are not committed or encumbered for another purpose, to exceed \$40,000,000. Any balance in the Loan Insurance Reserve is appropriated for this purpose. [PL 2011, c. 657, Pt. F, §1 (AMD).]

#### SECTION HISTORY

P&SL 1975, c. 147, §C7 (NEW). PL 1981, c. 192, §1 (AMD). PL 1985, c. 512, §D (AMD). PL 1985, c. 714, §1 (RPR). PL 1987, c. 816, §O1 (AMD). PL 1991, c. 9, §E5 (AMD). PL 1991, c. 622, §JJ (AMD). PL 1993, c. 6, §B1 (AMD). PL 1993, c. 508, §G1 (AMD). PL 1993, c. 707, §G2 (AMD). PL 1995, c. 464, §3 (AMD). PL 2001, c. 559, §V1 (AMD). PL 2003, c. 451, §X1 (AMD). PL 2005, c. 2, §A1 (AMD). PL 2005, c. 2, §A14 (AFF). PL 2005, c. 519, §VV2 (AMD). PL 2011, c. 657, Pt. F, §1 (AMD).

#### **§1512. Payment of attorneys' fees awards**

Notwithstanding section 1543 or any other statute, attorneys' fees awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' fees without court award in these cases, may be paid from any funds available to the State. The Governor may identify by

financial order the account, fund or other source from which payment of the attorneys' fees award or settlement shall be made. [PL 1981, c. 417 (NEW).]

All property, assets and interests of the State are exempt from any attachment or execution sought for the enforcement of an award of attorneys' fees. [PL 1981, c. 417 (NEW).]

#### SECTION HISTORY

PL 1981, c. 417 (NEW).

#### **§1513. Maine Rainy Day Fund**

**(REPEALED)**

#### SECTION HISTORY

PL 1985, c. 448 (NEW). PL 1987, c. 349, §H4 (AMD). PL 1987, c. 788, §1 (AMD). PL 1987, c. 793, §A1 (AMD). PL 1989, c. 502, §§D1,D2 (AMD). PL 1991, c. 528, §UU1 (AMD). PL 1991, c. 528, §§UU3,RRR (AFF). PL 1991, c. 589, §2 (AMD). PL 1991, c. 591, §UU1 (AMD). PL 1991, c. 591, §UU3 (AFF). PL 1993, c. 6, §D1 (AMD). PL 1993, c. 410, §II1 (AMD). PL 1993, c. 707, §G3 (AMD). PL 1995, c. 489, §1 (AMD). PL 1995, c. 706, §1 (AMD). PL 1997, c. 455, §31 (AMD). PL 1997, c. 563, §B1 (AMD). PL 1997, c. 564, §1 (AMD). PL 1997, c. 565, §1 (AMD). PL 1997, c. 643, §§E1,2,GGG1 (AMD). PL 1997, c. 780, §1 (AMD). RR 1999, c. 1, §2 (COR). RR 1999, c. 2, §1 (COR). PL 1999, c. 4, §D1 (AMD). PL 1999, c. 127, §A4 (AMD). PL 1999, c. 401, §§GGG1,Z1 (AMD). PL 1999, c. 401, §GGG2 (AFF). PL 1999, c. 505, §A1 (AMD). PL 1999, c. 749, §§1,2 (AMD). PL 1999, c. 749, §3 (AFF). PL 2001, c. 356, §1 (AMD). PL 2001, c. 358, §§G1,X1 (AMD). PL 2001, c. 439, §§T1,CCCCC1 (AMD). PL 2001, c. 559, §E1 (AMD). PL 2003, c. 451, §§X2-4 (AMD). PL 2005, c. 2, §A2 (RP). PL 2005, c. 2, §A14 (AFF).

#### **§1513-A. Governor Baxter School for the Deaf Compensation Fund established**

**(REPEALED)**

#### SECTION HISTORY

PL 2001, c. 439, §T2 (NEW). PL 2003, c. 451, §X5 (RP).

#### **§1514. Tax Adjustment Reserve Fund**

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 4, §1 (NEW). PL 1987, c. 504, §1 (AMD). PL 1987, c. 816, §S (AMD). PL 1987, c. 819, §1 (AMD). PL 1987, c. 832, §1 (AMD). PL 1987, c. 892, §1 (AMD). PL 1989, c. 502, §§A13,A14 (AMD). PL 1989, c. 878, §§A12,13 (AMD). PL 2011, c. 420, Pt. C, §2 (RP).

#### **§1515. Corporate Income Tax Investment Credit Fund**

**1. Corporate Income Tax Investment Credit Fund.** There is established a Corporate Income Tax Investment Credit Fund for the purpose of reserving the money appropriated to it awaiting transfer to fund a one-time tax credit for corporate investments in new, used or leased tangible personal property which is placed in service in Maine during the 1989 calendar year and is directly related to the production of goods and services.

[PL 1987, c. 876, §2 (NEW).]

**2. Enactment of credit.** The joint standing committee of the Legislature having jurisdiction over taxation shall develop the specific provisions of the tax credit. The committee shall report its findings and any recommended legislation to the First Regular Session of the 114th Legislature. This program shall be finalized by April 30, 1989.

[PL 1987, c. 876, §2 (NEW).]

### 3. Carry-forward.

[PL 1989, c. 501, Pt. P, §10 (NEW); PL 1989, c. 530, §1 (NEW); PL 1989, c. 702, Pt. E, §2 (RP).]

#### SECTION HISTORY

PL 1987, c. 876, §2 (NEW). PL 1989, c. 501, §P10 (AMD). PL 1989, c. 530, §1 (AMD). PL 1989, c. 702, §E2 (AMD).

### §1516. Blaine House Renovations and Repairs Fund

**1. Blaine House Renovations and Repairs Fund.** There is created the Blaine House Renovations and Repairs Fund which shall be used solely for capital improvements, renovations and repairs to the Blaine House.

[PL 1989, c. 501, Pt. P, §11 (NEW).]

**2. Nonlapsing fund.** Any unexpended funds appropriated by the Legislature to implement the purposes of this chapter shall not lapse, but shall be carried forward. Any funds in excess of \$100,000 shall be transferred to the General Fund.

[PL 1989, c. 501, Pt. P, §11 (NEW).]

**3. Private contributions.** The Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account, is established in the Executive Department. This account may receive and accept allocations, appropriations, grants and contributions of money to be used for capital improvements, renovations and repairs to and general operations of the Blaine House. This account may not lapse but must be carried forward from year to year.

[PL 2003, c. 451, Pt. N, §1 (NEW).]

#### SECTION HISTORY

PL 1989, c. 501, §P11 (NEW). PL 2003, c. 451, §N1 (AMD).

### §1516-A. Capital Construction and Improvements Reserve Fund

**1. Capital Construction and Improvements Reserve Fund.** There is created the Capital Construction and Improvements Reserve Fund, referred to in this section as the "fund," that may be used solely for capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

**2. Nonlapsing fund.** Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

**3. Investment of funds.** The money in the fund may be invested as provided by law with the earnings credited to the fund.

[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

**4. Report.** The Commissioner of Administrative and Financial Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs annually by January 15th that includes the following:

A. The status of any capital projects undertaken or completed during the most recently completed fiscal year and the current fiscal year; [PL 1997, c. 643, Pt. AAA, §1 (NEW).]

B. Money expended during the most recently completed and the current fiscal year, by project; and [PL 1997, c. 643, Pt. AAA, §1 (NEW).]

C. Remaining fund balances at the end of the most recently completed fiscal year. [PL 1997, c. 643, Pt. AAA, §1 (NEW).]

[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 643, §AAA1 (NEW).

#### **§1516-B. Leased Space Reserve Fund**

**1. Leased Space Reserve Fund.** There is created the Leased Space Reserve Fund, referred to in this section as "the fund," which may be used for costs related to relocation from leased space to state-owned facilities or relocation from a leased space to a lower-priced leased space and capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

[PL 2011, c. 689, §1 (NEW).]

**2. Nonlapsing fund.** Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

[PL 2011, c. 689, §1 (NEW).]

**3. Funding of fund.** The Department of Administrative and Financial Services, Bureau of General Services shall notify the State Controller and the State Budget Officer of a relocation of a state agency from leased space to a state-owned facility or a relocation of a state agency from leased space to a lower-priced leased space. Any balance, net of the value of the state cost allocation program as determined by the State Controller, remaining in General Fund or Other Special Revenue Funds money appropriated or allocated for leased space and all facility-related expenses for that agency during the biennium of the relocation as a result of savings resulting from the relocation must be transferred as provided in this subsection.

A. The State Budget Officer shall transfer 50% of any General Fund or Other Special Revenue Funds money through financial order to the fund. This transfer is considered to be an adjustment to the appropriation or allocation. [PL 2011, c. 689, §1 (NEW).]

B. The remaining balance must be transferred to the General Fund as unappropriated surplus. [PL 2011, c. 689, §1 (NEW).]

[PL 2011, c. 689, §1 (NEW).]

#### SECTION HISTORY

PL 2011, c. 689, §1 (NEW).

#### **§1517. Transfer to Retirement Allowance Fund**

**(REPEALED)**

#### SECTION HISTORY

PL 1995, c. 464, §4 (NEW). PL 2003, c. 451, §X6 (AMD). PL 2005, c. 2, §A3 (RP). PL 2005, c. 2, §A14 (AFF).

#### **§1518. Tax Relief Fund for Maine Residents**

**(REPEALED)**

#### SECTION HISTORY

PL 1997, c. 24, §E1 (NEW). PL 1997, c. 643, §HHH1 (AMD). PL 1997, c. 643, §T1 (RP). PL 1997, c. 643, §ST6, HHH10 (AFF). PL 1997, c. 750, §D1 (AFF).

#### **§1518-A. Property Tax Relief Fund for Maine Residents**

**1. Property Tax Relief Fund for Maine Residents.** There is created the Property Tax Relief Fund for Maine Residents, referred to in this section as "the fund," which must be used to provide property tax relief to residents of the State. The fund consists of all resources transferred to the fund

under subsection 4 and section 1536 and other resources made available to the fund. The fund must be used to provide relief payments to property tax payers pursuant to subsection 1-B and pay the costs of the Treasurer of State for administering relief payments under this section. [PL 2019, c. 448, §1 (AMD).]

**1-A. Implementation.** By November 1, 2019 and annually thereafter, the State Controller shall inform the Treasurer of State of the amount available in the fund for the purposes of subsection 1.

A. [PL 2019, c. 448, §1 (RP).]

B. [PL 2019, c. 448, §1 (RP).]

C. [PL 2019, c. 448, §1 (RP).]

[PL 2019, c. 448, §1 (AMD).]

**1-B. Process.** The process for providing relief payments to property tax payers is established pursuant to this subsection.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Homestead" means any residential property, including cooperative property, that receives a homestead property tax exemption.

(2) "Homestead property tax exemption" means the exemption established in Title 36, chapter 105, subchapter 4-B.

(3) "Property tax payer" means an individual who owns a homestead.

(4) "Relief payment" means the funds, as determined pursuant to paragraph C, provided to the owner of a homestead pursuant to paragraph D to offset property tax payments made by that owner. [PL 2019, c. 448, §1 (NEW).]

B. By November 15, 2019 and annually thereafter, the Treasurer of State shall determine whether the amount available in the fund is sufficient to make a relief payment of at least \$100 to the property tax payer for each homestead in the State, to pay for the Treasurer of State's costs in administering relief payments and to make state payments to municipalities for costs related to relief payments pursuant to a mandate under the Constitution of Maine, Article IX, Section 21. If the amount available in the fund is sufficient to make a relief payment of at least \$100 to the property tax payer for each homestead in the State, to pay for the Treasurer of State's costs in administering relief payments and to make state payments to municipalities for costs related to relief payments pursuant to a mandate under the Constitution of Maine, Article IX, Section 21, the Treasurer of State shall direct the assessor for each municipality and the State Tax Assessor for the unorganized territory to report to the Treasurer of State by the following January 1st the name and address of the property tax payer for each homestead within the assessor's jurisdiction. [PL 2019, c. 448, §1 (NEW).]

C. Using the data provided pursuant to paragraph B, the Treasurer of State shall determine the amount of relief payment each property tax payer is entitled to by dividing the amount of the funds available in the fund, after subtraction of the Treasurer of State's costs in administering relief payments and making state payments to municipalities for mandate costs, by the total number of homesteads in the State. [PL 2019, c. 448, §1 (NEW).]

D. By March 1st in any year in which the Treasurer of State determines under paragraph C that the relief payment to each property tax payer for a homestead equals or exceeds \$100, the Treasurer of State shall make the relief payment determined under paragraph C by mail to the property tax payer at the address provided to the Treasurer of State under paragraph B or by any other effective means. Funds for the relief payments must come from the fund. The Treasurer of State shall certify annually to the State Controller the total cost of relief payments made under this section, the total

costs to the Treasurer of State in administering this section and the total costs to make state payments to municipalities for costs related to relief payments pursuant to a mandate under the Constitution of Maine, Article IX, Section 21. The State Controller shall transfer those amounts from the fund to the Property Tax Relief Program, an Other Special Revenue Funds account in the Office of the Treasurer of State, to cover the cost of relief payments, the costs of the Treasurer of State in administering this section and the cost to make state payments to municipalities for costs related to relief payments pursuant to mandates under the Constitution of Maine, Article IX, Section 21. [PL 2019, c. 448, §1 (NEW).]

[PL 2019, c. 448, §1 (NEW).]

**2. Nonlapsing fund.** Any unexpended balance in the Property Tax Relief Fund for Maine Residents may not lapse but must be carried forward to be used pursuant to subsection 1-B.

[PL 2019, c. 448, §1 (AMD).]

**3. Transfer for income tax reduction.**

[PL 2019, c. 448, §1 (RP).]

**4. Transfer from General Fund revenue growth.** Beginning with fiscal year 2013-14 and before any other transfers from the General Fund, the State Controller shall transfer to the fund at the close of each fiscal year 40% of the amount by which General Fund budgeted revenue for that fiscal year exceeds the General Fund appropriation limitation calculated for that fiscal year under section 1534.

[PL 2011, c. 692, §1 (NEW).]

**5. Report.** Beginning March 10, 2020 and annually thereafter, the Treasurer of State shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs the amount of funds in the fund, the amount of the property tax relief payment calculated pursuant to subsection 1-B, paragraph C and the number and amount of property tax relief payments distributed, if any, pursuant to subsection 1-B, paragraph D.

[PL 2019, c. 448, §1 (NEW).]

## SECTION HISTORY

PL 2005, c. 2, §A4 (NEW). PL 2005, c. 2, §A14 (AFF). PL 2011, c. 692, §1 (AMD). PL 2015, c. 390, §1 (AMD). PL 2019, c. 448, §1 (AMD).

## §1519. Retiree Health Insurance Internal Service Fund

**1. Established.** The Retiree Health Insurance Internal Service Fund is established within the Department of Administrative and Financial Services to accumulate funds to pay the health insurance premiums for retired state employees and teachers.

[PL 1999, c. 731, Pt. DD, §1 (NEW); PL 1999, c. 731, Pt. DD, §2 (AFF).]

**1-A. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Board of Trustees, Maine Public Employees Retirement System established under section 12004-F, subsection 9. [PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

B. "Commissioner" means the Commissioner of Administrative and Financial Services. [PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF).]

C. "Fund" means the Retiree Health Insurance Internal Service Fund. [PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF).]

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

**2. Funding.**

[PL 2003, c. 451, Pt. X, §7 (RP).]

**3. Investment of the fund.** The board shall invest the cash assets of the fund that are not required to pay insurance premiums and other operating expenses at the request of the commissioner in the same manner and according to the same investment policy and practices by which the board invests the assets of the Maine Public Employees Retirement System. The board shall treat the fund as held in trust on behalf of the State for the purposes specified in this section and no other and shall separately account for the fund as investment assets, attributing to the fund its proportional share of investment returns and of investment management costs and expenses, including costs and expenses of the retirement system arising because of the board's investment of the fund. The commissioner and the board shall develop jointly a memorandum of understanding that sets out their mutual understanding of the investment of the fund, the related investment accounting and investment return and expense attribution.

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

**4. Audit of the fund.** The commissioner shall ensure adequate audit of the investment management of the fund and the expenditures of the fund each fiscal year within the scope of the annual audit of the Maine Public Employees Retirement System and the State's single audit or through a separate audit as considered appropriate by the board. Any separate audit must be reported to the Governor, the Legislature, the commissioner and the State Controller in as timely a manner as possible after the close of each fiscal year.

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

**5. Use of the fund.** Notwithstanding subsection 1, the fund may be used for necessary audit services, legal expenses, investment management fees and services, general administrative expenses, costs related to the management and administration of the fund and health insurance premium costs.

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF).]

**6. Additional transfers to the fund.** The State Controller may, at the close of each fiscal year, as the next priority after the transfers authorized pursuant to section 1507, section 1511 and section 1536, subsection 1, transfer from the unappropriated surplus of the General Fund to the Retiree Health Insurance Internal Service Fund amounts as may be available from time to time, up to an amount of \$4,000,000 in fiscal year 2015-16, \$4,000,000 in fiscal year 2016-17 and, beginning in fiscal year 2017-18, \$2,000,000 to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits. Transfers to the fund may also include appropriations and allocations of the Legislature and revenue from direct billing rates charged to state departments and agencies and other participating jurisdictions to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits.

[PL 2015, c. 267, Pt. L, §1 (NEW).]

## SECTION HISTORY

PL 1999, c. 731, §DD1 (NEW). PL 1999, c. 731, §DD2 (AFF). PL 2001, c. 439, §C1 (AMD). PL 2001, c. 439, §C4 (AFF). PL 2003, c. 451, §X7 (AMD). PL 2007, c. 58, §3 (REV). PL 2015, c. 267, Pt. L, §1 (AMD).

## §1520. Statewide Radio and Network System Reserve Fund

**1. Fund established.** The Statewide Radio and Network System Reserve Fund, referred to in this section as the "fund," is established as an internal service fund in the Department of Administrative and Financial Services, Office of Information Technology, referred to in this section as the "office," for the purposes of managing the fund and acquiring, expanding, upgrading and replacing a statewide radio and network system for use by state agencies. The office may charge a fee to agencies using the statewide radio and network system in accordance with an established rate structure. Revenues derived from operations must be used to pay the costs of the lease-purchase to acquire a system, expand, upgrade and replace the system, and to manage the fund.



A. The office shall work closely with all departments and agencies to identify radio and network requirements for the statewide system to ensure that agency program requirements are met to the maximum extent possible. The office shall:

- (1) Ensure that the annual costs of the lease or lease-purchase are paid in a timely manner and that the financial affairs of the fund are properly managed;
- (2) Maintain records of radio and network system requirements for all agencies using the system and make this information available to state agencies;
- (3) Require state agencies to become part of the statewide radio and network system when replacing their current systems or purchasing new systems;
- (4) Acquire, expand, upgrade or replace the statewide radio and network system in accordance with an established replacement plan; and
- (5) Transfer radio equipment and network infrastructure into the fund from agencies using the system, purchase, lease, lease-purchase or enter into other financing agreements, in accordance with section 1587, for the acquisition, expansion, upgrade or replacement of the system or any of its components in accordance with paragraph B when it can be demonstrated that any such action or agreement provides a clear cost or program advantage to the State. [PL 2005, c. 12, Pt. SS, §4 (AMD).]

B. The Chief Information Officer, in conjunction with the agencies using the statewide radio and network system, operating as a board that may be referred to as "the Statewide Radio Network Board," shall establish the following:

- (1) Standards for statewide radio and network system operations;
- (2) Specifications for systems and components to be acquired by the State; and
- (3) Standards for the exemption or waiver of state agencies from the requirements of this section.

By January 15, 2002, standards must be developed for statewide radio and network system usage by all state agencies not exempted under subparagraph (3). [PL 2005, c. 634, §3 (AMD).]

C. The office shall establish, through the Department of Administrative and Financial Services, Office of the State Controller, the Statewide Radio and Network System Reserve Fund account. The funds deposited in the account may include, but are not limited to, appropriations made to the account, funds transferred to the account from within the Department of Administrative and Financial Services, funds received from state departments and agencies using the services provided by the office, earnings by the fund from the Treasurer of State's pool and proceeds from the sale of system assets under the administrative control of the fund by the state surplus property program in the Department of Administrative and Financial Services, Bureau of General Services in accordance with paragraph B and other provisions of law. [PL 2005, c. 12, Pt. SS, §4 (AMD).]

D. The fund may levy charges according to a rate schedule recommended by the Chief Information Officer and approved by the Commissioner of Administrative and Financial Services against all departments and agencies using the services of the statewide radio and network system. [PL 2005, c. 12, Pt. SS, §4 (AMD).]

E. Service charges for the statewide radio and network system must be calculated to provide for system acquisition costs, expansion costs, upgrade costs, necessary capital investment and fund management costs, replacement costs and sufficient working capital for the fund. [PL 2001, c. 439, Pt. U, §1 (NEW).]

F. Each department or agency using the services of the statewide radio and network system must budget adequate funds to pay for costs described in paragraph E. [PL 2001, c. 439, Pt. U, §1 (NEW).]

[PL 2007, c. 240, Pt. PP, §1 (AMD).]

#### SECTION HISTORY

PL 2001, c. 439, §U1 (NEW). RR 2003, c. 2, §2 (COR). PL 2005, c. 12, §SS4 (AMD). PL 2005, c. 634, §3 (AMD). PL 2007, c. 240, Pt. PP, §1 (AMD).

#### §1521. Application to legislative branch

Unless the language in this Part specifically states that it applies to the legislative branch, the legislative branch may not be required to comply with the provisions of this Part unless determined relevant and applicable by the Legislative Council pursuant to Title 3, section 162. [PL 2005, c. 12, Pt. LL, §2 (NEW).]

#### SECTION HISTORY

PL 2005, c. 12, §LL2 (NEW).

#### §1522. Reserve for retirement costs

**1. Reserve for retirement benefits established.** The State Controller shall, at the close of the fiscal years ending June 30, 2012, June 30, 2013 and June 30, 2014, as the next priority after the transfers authorized pursuant to section 1507 and section 1511, and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, transfer from the available balance in the unappropriated surplus of the General Fund up to \$15,000,000 for the fiscal year ending June 30, 2012, up to \$4,100,000 for the fiscal year ending June 30, 2013 and up to an amount certified by the Executive Director of the Maine Public Employees Retirement System to the State Controller as the estimated amount needed to fully fund the total cost of the benefit calculated for fiscal year 2014-15 pursuant to Public Law 2011, chapter 380, Part T, section 22 for the fiscal year ending June 30, 2014 to a reserve account within the General Fund established for the purpose of providing the resources to fund retirement payments for retired state employees and teachers.

[PL 2013, c. 1, Pt. E, §1 (AMD).]

**2. Transfer of unused balance in reserve account.** At the close of the fiscal year ending June 30, 2015, the State Controller shall transfer any balance remaining in the reserve account under subsection 1 to the Maine Budget Stabilization Fund established by section 1532.

[PL 2011, c. 380, Pt. X, §1 (NEW).]

#### SECTION HISTORY

PL 2011, c. 380, Pt. X, §1 (NEW). PL 2013, c. 1, Pt. E, §1 (AMD).

#### §1523. Maine Military Reserve Fund

The Maine Military Reserve Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the Department of Administrative and Financial Services. The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund. The State Controller shall disburse funds in accordance with the provisions established for the operation of the Maine Military Authority in Title 37-B, section 393. At the close of any fiscal year, funds remaining in the fund that the State Controller has determined are not needed to support the operation of the Maine Military Authority may be transferred to the Maine Budget Stabilization Fund established under section 1532. The State Controller shall provide quarterly financial reports regarding the fund to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over the Maine Military Authority. [PL 2017, c. 2, Pt. O, §1 (NEW).]

## SECTION HISTORY

PL 2017, c. 2, Pt. O, §1 (NEW).

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130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council  
130<sup>th</sup> Maine Legislature`

From: Suzanne M. Gresser, Executive Director

SMG

Date: December 3, 2020

Re: Initial Salaries and Step Increases for Constitutional Officers and State Auditor

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One of the initial decisions required of the Legislative Council once a new Legislature is convened is the assignment of the initial salary for newly elected Constitutional Officers and the State Auditor. State law prescribes the salary grade and the initial salary step for each official. Following the initial appointment of the Constitutional Officers and the State Auditor, the Legislative Council is authorized to adjust the salary of each official by one step for each year of continuous service. See below.

*“Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of the Secretary of State and the Treasurer of State shall be set at the Step C of the official's respective range. At the time of initial appointment, the salaries of the Attorney General and the State Auditor shall be set at Step E of their salary ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.*

*The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions.” 3 MRSA §162-B.*

At the convening of the 129<sup>th</sup> Legislature, the offices of Attorney General and State Treasurer were initially elected to office. At the convening of the 130<sup>th</sup> Legislature:

- The Attorney General having been reelected, this officer is eligible for a step increase from Step 6 to Step 7, effective January 1, 2021.

Memo to Legislative Council

Re: Initial Salaries and Step Increases for Constitutional Officers and State Auditor

December 3, 2020

Page 2

- The State Treasurer having been reelected, this officer is eligible for a step increase from Step 4 to Step 5, effective January 1, 2021.

As the State Auditor was newly elected, the Legislative Council must establish the initial salary for the State Auditor upon the new State Auditor taking office. Pursuant to law, at the time of initial appointment, the salary of the State Auditor must be set at Step E (step 5) within Salary Grade 89.

As the Secretary of State was newly elected, the Legislative Council must establish the initial salary for the Secretary of State upon the new Secretary of State taking office. Pursuant to law, at the time of initial appointment, the salary of the Secretary of State must be set at Step C (step 3) within Salary Grade 88.

Note that the Constitutional Officers and the State Auditor are considered “confidential employees” of State Government but are not entitled to State payment of retirement contributions of 6.5%. They may, however, participate in the State retirement system, and they are paid a 5% salary premium over the above stated grade and step.



130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council

From: Suzanne M. Gresser, Executive Director

SMG

Date: December 3, 2020

Re: Assignment of salaries for Secretary of the Senate and the Clerk of the House of Representatives

Another initial decision required of the Legislative Council once a new Legislature is convened is the establishment of the initial salary for a newly elected Secretary of the Senate and a newly elected Clerk of the House or authorizing a one-step salary increase for a previously elected Secretary of the Senate and Clerk of the House. Provided below is the relevant text of 3 MRSA §162-A guiding the setting of salaries of the Secretary of the Senate and the Clerk of the House:

*“Notwithstanding any other provisions of law, the salaries of the following legislative officials are at the salary ranges indicated in this section. Except as provided below, at the time of initial appointment the salary of each of these officials may be set at Step A[Step 1] or Step B[Step 2], but no higher than Step B, of their respective ranges, except that any employees of the office of the Secretary of the Senate or the office of the Clerk of the House of Representatives at the time of initial appointment must have their salary set at a step within their respective salary range so that no loss of gross pay is experienced by those employees. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.*

*The salary ranges shall be those established by the Legislative Council for Legislative staff. No other state salary may be paid to these officials.*

**1. Range 14.** *The salaries of the following state officials and employees shall be within salary range 14:*

*Secretary of the Senate: and  
Clerk of the House of Representatives.*

Since the Secretary of the Senate and the Clerk of the House were previously elected in the 129<sup>th</sup> Legislature, and have been reelected for the 130<sup>th</sup> Legislature, the Legislative Council may authorize a one-step increase for the Secretary of the Senate and the Clerk of the House from the step to which they were last assigned.

SEN. TROY D. JACKSON  
CHAIR

REP. SARA GIDEON  
VICE- CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



129<sup>TH</sup> 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

**Memo**

To: Members, 130<sup>th</sup> Legislative Council

From: President Troy Jackson, Chair, Personnel Committee of the 129<sup>th</sup> Legislative Council

Date: November 30, 2020

Re: Recommendation for the Appointment of the Revisor in the Office of the Revisor of Statutes

The Personnel Committee met on November 23<sup>rd</sup> to interview and conclude its review of candidates for the position of Revisor in the Office of the Revisor of Statutes and we are pleased to say that we have reached consensus on the best candidate for this opening. We are recommending that Ed Charbonneau, the current Deputy Director in the Office of the Revisor of Statutes be appointed as the Revisor.

We received applications for this critical open office director position after advertising and reaching out nationally. A group of senior-level staff reviewed and discussed the applications and completed the first interview. In addition, a panel of staff from the Office of the Revisor of Statutes had the opportunity to interview. One individual was recommended to the Personnel Committee for an interview. The committee, after interviewing this top candidate on November 23<sup>rd</sup> reached a consensus based on Ed's experience, skill set and management ability to lead the office not just during ordinary times, but also during these unusually disorienting and hectic times.

Ed has worked for the Legislature for 27 years and during that time has been successfully promoted to positions of increasing authority and responsibility, including his current role as Deputy Director. He has built strong relationships with staff and other nonpartisan office directors and has an in-depth knowledge of the operations within the Revisor's Office, including its new Bill Production System. These relationships and knowledge will serve him well in the Revisor role.

The Personnel Committee hopes that you will agree with our consensus assessment that Ed Charbonneau is an outstanding choice for the position of Revisor. To confirm this appointment, the Legislative Council will need eight affirmative votes at an in-person meeting currently scheduled for December 3<sup>rd</sup>. Thank you for your consideration of this recommendation.



SUZANNE M. GRESSER  
EXECUTIVE DIRECTOR

MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
115 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0115  
(207) 287-1615  
FAX: (207) 287-1621

**Date:** December 3, 2020

**To:** Members of the Legislative Council of the 130<sup>th</sup> Legislature

**From:** Suzanne M. Gresser, Executive Director *SMG*

**RE:** Proposed policy regarding closely related bill filings

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Beginning with the 116<sup>th</sup> Legislature, the Joint Rules have contained the following language:

“For duplicate or closely related bills or resolves, the Legislative Council *may* establish a policy for combination of requests and the number of cosponsors permitted on combined requests.” (*emphasis added*)

The Legislative Council of the 116<sup>th</sup> Legislature and subsequent Legislative Councils established a policy directing the Office of the Revisor of Statutes to identify and combine bill requests that appear to be closely related. Past Legislative Councils fully recognized the limitations inherent in this process: the process of implementing the combination of closely-related requests is lengthy and labor-intensive, and it is impossible to identify all of the closely related bills due to a variety of factors such as the early printing of some bills, the inevitable variations in indexing obscuring the similarity of content, and the evolution of specific content as a bill progresses through the drafting process which results in the printing of “similar” bills that were not, based on the information originally filed, flagged as such. Not infrequently, after the process of identifying closely related bills, drafting the first filed bill, sending the draft to the sponsor and notifying the so-called “mandatory co-sponsor,” the mandatory co-sponsor would then request that their own bill be drafted, which had the effect of extending the timeframe of drafting for the second bill by many weeks. Nevertheless, those previous Legislative Councils determined that, in order to facilitate the efficient scheduling and consideration of bills by the joint standing committees, and to minimize the number of times members of the public would need to travel to the Capitol to testify on similar bills, it was beneficial to identify and consolidate similar bills whenever possible.



In the First Regular Session of the 130<sup>th</sup> Legislature, depending on determinations regarding the committee hearing process, the additional time required to implement the lengthy duplicate resolution process may not be offset to the same degree as in the past by the benefit of reducing the public's need to repeatedly travel to the Capitol. Moreover, the limitations necessitated by safety protocols and physical distancing due to the pandemic will necessarily increase the amount of time required for bill drafting and production. The time saved by foregoing the duplicate resolution process could instead be spent on drafting and production.

I would be happy to answer any questions or provide any additional information.



130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**Legislative Council Policy  
on Legislator Attendance**

Pursuant to 3 MRSA, section 2, third paragraph, the 130<sup>th</sup> Legislative Council adopts the following policy regarding excessive unexcused Legislators absences and the means of reducing the offending member's salary.

**Recording Attendance**

At the beginning of each session of the Senate, the Secretary of the Senate shall record the Senators that are absent each legislative day. Senators that arrive late for a Senate session must notify the Secretary of the Senate directly or indirectly through one of their floor leaders. The President must approve all leave from a Senate session.

At the beginning of each session of the House, the quorum call will be the official record of attendance. Members who miss the quorum call but did attend the session must notify the Clerk of the House. The House shall provide forms to members to request leave for a legislative day.

**Reporting Absences**

At least on a monthly basis, the Secretary of the Senate and the Clerk of the House shall notify Legislators who have one or more absences without leave.

After a member has accumulated 10 excused absences for the First Regular Session or 6 excused absences for the Second Regular Session, the Clerk or Secretary will report the Member to their respective presiding officer for further review. The presiding officer may refer the matter to the Legislative Council's Personnel Committee for further action.

**Reducing Legislator Salaries for Excess Absences without Leave**

Members that exceed the statutory threshold of number of absences without leave will have the member's salary reduced using the following graduated reductions.

During the First Regular Session, salaries will be reduced by \$25 for each day above 5 days but less than 11 days, by \$50 per day for each day above 10 days but less than 16 days and \$100 per

day for each day greater than 15 days. Total salary reductions for absences without leave may not exceed the member's salary for the First Regular Session.

During the Second Regular Session, salaries will be reduced by \$25 for each day above 3 days but less than 7 days, by \$50 per day for each day above 6 days but less than 10 days and \$100 per day for each day greater than 9 days. Total salary reductions for absences without leave may not exceed the member's salary for the Second Regular Session.

During either session, if a member is absent without leave for more than 8 consecutive legislative days, the Secretary of the Senate or the Clerk of the House shall inform the Executive Director of the Legislative Council, who shall suspend the member's biweekly salary payments pending the member's return or approval of leave.

A Legislator may appeal salary reductions under this policy to the Personnel Committee of the Legislative Council.

This revised policy is adopted by the Legislative Council and is effective as of the date of amendment.

By: \_\_\_\_\_  
Executive Director of the Legislative Council

Authority: 3 MRSA §2

Adopted: February 14, 2017

Effective Date: February 14, 2017

Amended Date: September 20, 2018  
December 6, 2018  
December 3, 2020

## Legislative Council

### COVID-19 Prevention Policy

To minimize the spread of disease and protect the health and safety of Legislators, legislative staff and others in light of the risks presented by the highly contagious COVID-19, the following policy is established for legislators, legislative staff and essential third parties who are working onsite in legislative space. Essential third parties means members of the press, contractors, and delivery staff. This policy replaces the Legislative Council Policy on the Wearing of Protective Face Coverings During Authorized Meetings of Legislative Committees. This policy is effective during the first regular session of the 130<sup>th</sup> Legislature and will be subject to continuing updates.

Every individual has a responsibility to comply with the policy for their own safety and for the safety of others working in Legislative space. If an individual in a legislative space is not in compliance with this policy, legislative staff is expected to leave the legislative space.

**1. Access to legislative space; legislative staff offices.** Legislative spaces are only open to legislators, staff and essential third parties that have passed the daily health self-screening checklist described in section 7. The State House and committee rooms in the Cross Office building will only be open to legislators, staff and essential third parties. In addition, only legislative staff are permitted in legislative offices within the State House and Cross Office building, as determined by the respective office director.

**2. Electronic communication encouraged.** Staff is strongly encouraged to employ electronic workplace communications, such as emails, teleconferencing and telephone calls, with Legislators and staff to reduce the frequency of face-to-face contact. All individual face-to-face meetings that occur should be limited and must be scheduled with staff in advance by appointment and conducted in accordance with the requirements governing protective face coverings and physical distancing.

**3. Staggering physical presence of staff.** To reduce the number of staff members working together at the same time and ensure safe physical distancing, office directors are authorized to implement, where possible, staggered work shifts and non-standard work hours as appropriate.

**4. Remote attendance.** In order to reduce the number of persons in any committee room and to ensure the safety of staff and legislators, staffing support for committee meetings, including staffing by committee analysts and committee clerks, shall be provided remotely through appropriate electronic means. The Executive Director, acting under the authority of the Legislative Council, shall establish appropriate practices, protocols and procedures to effectively carry out this policy, including procedures that would allow staff to be in the room for short periods as may be necessary.

In addition, a Legislator or essential third party may choose to attend a committee meeting remotely through appropriate electronic means and be in the room for short periods as may be necessary to comply with Legislative Council policy and rules of the Legislature.

**5. Protective Face Coverings.** An individual who enters any legislative space must wear a protective face covering while in that legislative space in a manner that covers the nose and mouth, unless the individual (1) is unable to wear a protective face covering due to a medical condition; (2) is alone in their own office; (3) is alone in a legislative space; or (4) is in their own cubicle and able to socially distance at a minimum at 6 feet.

If an individual is unable to wear a protective face covering due to a medical condition, that individual may not be in the room in which a committee meeting is being held, but may participate remotely.

**6. Physical Distancing.** All individuals in legislative space shall seek to maintain at all times a distance of at least 6 feet from others within that legislative space. The directors of individual legislative offices are authorized to set office-specific guidelines in order to meet these physical distancing requirements, including but not limited to room capacity, access to offices, and traffic flow. All individuals are expected to comply with posted room and elevator capacity signs as well as posted office-specific physical distancing guidelines.

**7. Daily Screening.** Prior to initial arrival at and entry into the State House or legislative space in the Cross Office Building each day, legislators, legislative staff and essential third parties shall complete a self-screening of their health status using a checklist that consists of the following questions:

- Do you have a cough or sore throat?
- Do you have a fever or do you feel feverish?

- Do you have shortness of breath?
- Do you have a loss of taste or smell?
- Have you been around anyone exhibiting these symptoms within the past 14 days or who has tested positive for COVID-19 regardless of symptoms?
- Are you living with anyone who is sick or quarantined, or have you been in the last 14 days?
- Have you been out of state in the last 14 days?
- Have you tested positive for COVID-19 within the past 14 days?

If the staff answers to any of these questions is "yes," please contact your supervisor to discuss next steps. Guidance will be provided to supervisors regarding appropriate next steps. If a staff person who has answered "yes" to any of these questions is physically capable of working, that person's supervisor may authorize that staff person to work from home. If a legislator or essential third party answers "yes" to any of these questions, the legislator or essential third party shall refrain from entering legislative space.

**8. Cleaning, Disinfecting, and Sanitizing.** To supplement the efforts of the housekeeping staff whose efforts focus primarily on the public areas and in addition to proper hygiene including regular hand washing, the Legislature will provide access to the following cleaning and disinfecting supplies along with instructions on proper use.

A. Legislative staff must have access to disinfectant wipes or disinfectant spray and paper towels to clean their work surfaces, and a no-touch designated trash bin to dispose of used items.

B. Disinfectant wipes, or disinfectant spray and paper towels, must be located next to copiers, printers and other shared equipment. Disinfectant spray should never be sprayed directly on equipment, but should be sprayed on paper towels that are used to wipe down equipment before and after use.

C. Hand sanitizer must be provided in multiple locations around work spaces and in public spaces.

**9. Posting of policy.** Copies of this policy must be conspicuously posted in legislative staff offices and other legislative spaces.

Questions about this policy should be directed to the Executive Director's office, [suzanne.gresser@legislature.maine.gov](mailto:suzanne.gresser@legislature.maine.gov).



130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council

From: Suzanne M. Gresser, Executive Director

*smg*

Date: December 3, 2020

Re: Electronic Interactive Option for “In-Person” Harassment Training

Pursuant to 3 MRSA §170-B, all Legislators, legislative staff, lobbyists and lobbyist associates are required to attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature.

In the interest of safety and efficiency, the 129th Legislative Council authorized these “in-person” training sessions to be conducted via interactive electronic media or Zoom seminars. The Legislative Council has the authority as the entity responsible for developing and implementing this course of education and training pursuant to 3 MRSA §170-B to define “in-person” to include this electronic interactive option.

This option would only apply for the remainder of the First Regular Session of the 130<sup>th</sup> Legislature. At the conclusion of the First Regular Session, the Legislative Council could choose to continue this option or revert back to meetings in groups.

Your action today to vote to allow this electronic interactive option will facilitate completion of this required training.

Legislative Council  
Meeting Schedule for 2021

The schedule for Legislative Council meetings for calendar year 2021 is listed below:

**Thursday, January 28, 2021**  
**Thursday, February 25, 2021**  
**Thursday, March 25, 2021**  
**Thursday, April 22, 2021**  
**Thursday, May 27, 2021**  
**Thursday, June 24, 2021**

**Thursday, July 22, 2021**  
**Thursday, August 26, 2021**  
**Thursday, September 23, 2021**  
**Thursday, October 28, 2021**  
**Thursday, November 18, 2021**  
**Thursday, December 23, 2021**

All Legislative Council meetings are scheduled for Thursdays, usually the fourth Thursday of each month. Unless otherwise specified in the meeting notices, the meetings will begin at **1:30 P.M.** and will be held in the Legislative Council Chamber, Room 334.





State of Maine  
129th Legislature, Second Regular Session

# Committee To Study the Feasibility of Creating Basic Income Security

November 2020

Office of Policy and Legal Analysis



**STATE OF MAINE  
129th LEGISLATURE  
SECOND REGULAR SESSION**

**Staff:**

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**Members:**

**Sen. Shenna Bellows, Chair  
Rep. James Handy, Chair  
Sen. Matthew Pouliot  
Sen. Marianne Moore  
Rep. Richard Bradstreet  
Rep. Michele Meyer  
Tracie Bellinger  
Samarali Daniels  
Sass Linneken  
Michael Howard  
Karin Anderson**

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- A. Authorizing Legislation
- B. Membership List

## **Executive Summary**

The 129<sup>th</sup> Maine Legislature established the Committee To Study the Feasibility of Creating Basic Income Security (referred to in this report as the “study committee”) with the passage of Resolve 2019, chapter 82. Pursuant to the resolve, 11 members were appointed to the study committee: three members of the Senate appointed by the President of the Senate; three members of the House of Representatives appointed by the Speaker of the House; two members of the public who represent low-income workers and recipients of public benefits, appointed by the President of the Senate; two members of the public appointed by the Speaker of the House, including: a member of the public who represents business and industry and a member who represents higher education; and one member who represents a trade union, appointed by the Governor.

The resolve sets forth the following duties for the study committee:

- Examine and make recommendations on the feasibility of providing basic economic security through a direct cash payment system and other programs that are designed to help individuals and families become more economically secure, including, but not limited to:
  - Tax rebates and credits, including strengthening the earned income tax credit and a negative income tax;
  - Universal basic income and unconditional cash transfers to residents of the State;
  - Other direct cash benefit programs; and
- Investigate the effectiveness of existing safety net programs, such as tax credit, child care and food supplement programs, and compare those programs to any recommended direct cash payment programs.

Over the course of four meetings, the study committee received presentations from the following individuals:

- Senator Eloise Vitelli, the sponsor of LD 1324, Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security, on why she introduced the bill;
- Ron Hikel, a political scientist and management consultant on the “Manitoba Basic Income Experiment;”
- Aisha Nyandoro, Executive Director of Springboard to Opportunities, Carol Wishcamper and two participants in the Magnolia’s Mother’s Trust program about that program;
- Professor Michael Howard of the University of Maine (and study committee member) on Alaska’s Permanent Fund Dividend Program;
- Ann Danforth from Maine Equal Justice on existing public assistance/safety net programs; and
- Karin Anderson from Goodwill Northern New England (and study committee member) on Goodwill’s stability calculator.

The study committee also received public testimony at several meetings both in person and in writing. With this information and through work session discussions, the study committee

developed three findings and four recommendations. The study committee (of those members present) unanimously agreed on the following three findings:

1. There is a clear correlation between a guaranteed basic income program and a reduction in poverty. In all of the case studies, there was a positive impact of lifting people out of poverty and creating more financial stability;
2. The lack of integration and coordination of our safety net programs is a deterrent to those most in need; and
3. Providing an orientation for non-legislative members on a legislative study committee, commission or task force ensures the public is truly represented and a full partner in the study process.

The study committee (of those members present) unanimously developed the following recommendations to further explore the feasibility of creating a basic income program and to address issues with current safety net programs:

1. Reestablish the Committee To Study the Feasibility of Creating Basic Income Security;
2. Provide the reestablished study committee with the authority to contract with an outside consultant to conduct a study of the economic feasibility of providing basic income to Maine residents through a direct cash payment and to raise the necessary funds to contract for that economic feasibility study;
3. Create a permanent group through legislation, that includes members from agencies and municipalities that administer safety net programs, impacted individuals that access safety net programs and other stakeholders to: examine current programs to increase the coordination of these programs; streamline the process for applying for benefits; make eligibility requirements clear and easy to understand; and, if possible, create a one-stop resource that highlights what benefits may be available and how to access them; and
4. Develop an orientation or training program for public members appointed to serve on legislative studies in the interest of advancing inclusiveness and equitable representation.

The study committee believes that basic income has the potential to be a beneficial program that could augment the current safety net programs and help lift people out of poverty. However, due to the COVID-19 pandemic, the study committee was unable to get the legislation needed to hire a consultant to conduct a feasibility study and it delayed the reconvening of the study committee this interim. As a result, the study committee was unable to fully evaluate the feasibility of creating basic income security through a direct cash payment system. In making its recommendations, the study committee hopes to convey that it is of paramount importance to continue the work of this study committee through a reestablished committee that has the necessary authority to hire a consultant to conduct a feasibility study in order to gather the information needed to develop a basic income program for the State of Maine.

## **I. INTRODUCTION**

The Committee To Study the Feasibility of Creating Basic Income Security (the “study committee”) was established by Resolve 2019, chapter 82 (Appendix A). Pursuant to the resolve, 11 members were appointed to the study committee: three legislators from the Maine Senate, three legislators from the Maine House of Representatives, two members of the public who represent low-income workers and recipients of public benefits, one member of the public who represents business and industry, one member who represents higher education, and one member who represents a trade union. A list of study committee members can be found in Appendix B.

The duties of the study committee are set forth in Resolve 2019, chapter 82. The study committee is charged with examining and making recommendations on the feasibility of providing basic income security through a direct cash payment system and other programs that are designed to help individuals and families become more economically secure, including, but not limited to:

1. Tax rebates and credits, including strengthening the earned income tax credit and a negative income tax;
2. Universal basic income and unconditional cash transfers to residents of the State; and
3. Other direct cash benefit programs.

The study committee is directed to investigate the effectiveness of existing safety net programs, such as tax credit, child care and food supplement programs, and compare those programs to any recommended direct cash payment programs.

The study committee is also directed to submit a report with findings and recommendations for presentation to the First Regular Session of the 130<sup>th</sup> Legislature. The report due date is November 2020.

## **II. STUDY COMMITTEE PROCESS**

The study committee held meetings in 2019 on November 22 and in 2020 on October 15, October 29 and November 5. Study committee meeting materials, including, but not limited to, agendas, testimony, presentations and other resource materials may be found on the study committee webpage at the following link:

<http://legislature.maine.gov/basic-income-security-study>.

At the first meeting on November 22, 2019, study committee staff provided an overview of the authorizing legislation and a summary of testimony relating to LD 1324, Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security, which led to the study committee’s authorizing legislation, Resolve 2019, chapter 82. Testimony relating to LD 1324 can be found on the study committee webpage at the following link:

[http://www.mainelegislature.org/legis/bills/display\\_ps.asp?id=1324&PID=1456&snum=129](http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1324&PID=1456&snum=129).

The meeting also included:

- A presentation by the sponsor of LD 1324, Senator Eloise Vitelli, on why she introduced the bill;
- A presentation by Ron Hikel, political scientist and management consultant, on the “Manitoba Basic Income Experiment” also known as the “Mincome.” Mincome was a federal-provincial controlled social science experiment with guaranteed annual income for low-income recipients in Manitoba, Canada; and
- A public comment period.

At the November 2019 meeting, study committee members agreed and voted (unanimously of those present) that they would like to contract with an outside entity for a larger feasibility study. The feasibility study was outside the scope of the authorizing legislation (Resolve 2019, chapter 82); therefore, new legislation would be necessary to give the study committee authority to commission an outside entity to conduct such a study. Legislators on the study committee understood that an after-deadline bill or joint order would be necessary to accomplish this goal. Consequently, the chairs of the study committee sent a letter to the Legislative Council memorializing the vote taken at the November 22<sup>nd</sup> meeting.

Typically, pursuant to the Joint Rules of the Maine Legislature, study committees are not authorized to meet during a regular or special session since legislators and staff are occupied with session-related legislative business. Therefore, the work of the study committee did not resume until after the end of the Second Regular Session.

On March 11, 2020, Senate Chair of the study committee, Senator Shenna Bellows, sent a letter to the Joint Standing Committee on Labor and Housing (LBHS Committee) requesting that the committee report out a bill. The next day, March 12, a majority of the LBHS Committee voted that if a joint order, sponsored by Senator Bellows, were passed by both the House and the Senate, the LBHS Committee would report out directly to the floor a bill to amend Resolve 2019, chapter 82 to hire an outside consultant to conduct a feasibility study or to provide the study committee with additional staffing needs.

On March 17, both the House and Senate passed S.P. 787 “Joint Order, Authorizing the Joint Standing Committee on Labor and Housing To Report Out a Bill to Amend Resolve 2019, Chapter 82” sponsored by Senator Shenna Bellows. However, later that same day, the Maine Legislature adjourned and indefinitely suspended the legislative session in response to COVID-19. Over the next several months, it was uncertain whether the Maine Legislature would reconvene.

Article IV, Part Third of the Constitution of Maine provides that the “Legislature may convene at such other times on the call of the President of the Senate and the Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having been first polled.” Two attempts to bring the Legislature back into a special session failed. As it became more evident that the Legislature would not be reconvening

and the window of opportunity for an outside feasibility study became narrower, the chairs of the study committee decided it was time to resume work.

In 2020, the first meeting of the study committee was primarily another opportunity for members of the public to provide comment. The committee heard from the following:

1. Ann Danforth, Maine Equal Justice;
2. Craig Lapine, Department of Agriculture, Conservation and Forestry;
3. Dee Clarke, resident of Portland, Maine;
4. Elizabeth Capone-Henriquez, resident of Portland, Maine; and
5. Larry Dansinger, resident of Bangor.

In addition, the study committee received written testimony from:

6. Carol Wishcamper, resident of Freeport;
7. Ginny Schneider, resident of South Portland; and
8. Evelyn Forget, leading researcher of minimum income experiments in Canada.

As mentioned earlier in this report, study committee meeting materials, including testimony, may be found on the study committee webpage at the following link:

<http://legislature.maine.gov/basic-income-security-study>.

The primary purpose of the second study committee meeting on October 29, 2020 was to conduct a work session to discuss findings and recommendations and next steps for the study.

First, the study committee received the following presentations:

1. The Magnolia's Mother's Trust (MMT) – Executive Director of Springboard to Opportunities, Aisha Nyandoro; Carol Wishcamper; and two participants in the MMT program;
2. Alaska's Permanent Fund Dividend Program – Michael Howard, University of Maine professor and study committee member;
3. Information about existing public assistance/safety net programs – Ann Danforth, Maine Equal Justice; and
4. Goodwill Northern New England's stability calculator – Karin Anderson, Goodwill Northern New England and study committee member.

The study committee then went into work session and reached consensus on findings and recommendations which can be found later in this report.



### III. BACKGROUND

According to the U.S. Census Bureau, approximately 10.9 percent of Maine’s population lived below the poverty line in 2019.<sup>1</sup> In addition, there are substantial racial disparities when it comes to poverty in Maine. The rate of poverty is higher for African Americans, Latinx and Native Americans at 36.2 percent, 20.3 percent and 37.2 percent respectively.<sup>2</sup>

Subsequently, in 2020, the global outbreak of COVID-19 has created an unprecedented health and economic crisis. The Center on Budget and Policy Priorities (CBPP), a nonpartisan research and policy institute, has been tracking the COVID-19 recession’s effects on food, housing and employment hardships in the United States. According to CBPP, 27 percent of Maine residents are having difficulty covering usual household expenses which is consistent with the national average of one in three.<sup>3</sup>

The idea of basic income security has been around for a long time. However, in 2017, when entrepreneur Andrew Yang announced his run for the presidential 2020 election, “universal basic income” became a household phrase. Yang’s platform, the “Freedom Dividend Plan,” is a form of universal basic income guaranteeing \$1,000 per month to every U.S. citizen over the age of 18 without having to pass a test or meet a work requirement.

The COVID-19 pandemic has certainly reinvigorated the conversation around basic income security. Amid the pandemic and global recession, both basic income and related policies have gained unprecedented momentum.<sup>4</sup>

In the United States, the Coronavirus Aid, Relief and Economic Security (CARES) Act was passed by Congress and signed into law by the President on March 27, 2020 – providing most Americans with a one-time stimulus payment of up to \$1,200 and, if applicable, an extra \$600 in federal unemployment insurance. As of the writing of this report, Congress had been working on a second stimulus package, but failed to reach agreement.

There are many basic income experiments around the world. The study committee learned about three case studies in the following areas: a guaranteed annual income experiment sponsored by government in Manitoba, Canada; universal basic income in the form of a permanent resource dividend fund in the State of Alaska; and a targeted direct cash benefit funded by private donations for a specific population in Jackson, Mississippi. The case studies have demonstrated that guaranteed income, at different levels and in different contexts, in the form of cash with no strings attached shows great promise.

<sup>1</sup> <https://www.census.gov/quickfacts/fact/table/ME/HSD410218>.

<sup>2</sup> <https://talkpoverty.org/state-year-report/maine-2018-report/>.

<sup>3</sup> <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>.

<sup>4</sup> <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/09/17/momentum-for-basic-income-builds-as-pandemic-drags-on>.

## **A. Manitoba Basic Income Experiment (“Mincome”)**

The Manitoba Basic Income Experiment (“Mincome”) was conducted between 1974 and 1979 under the joint sponsorship of the federal and provincial governments.<sup>5</sup> The primary purpose of Mincome was to evaluate the impact of guaranteed annual income on the work behavior of recipients.<sup>6</sup> According to former executive director of Mincome, Ron Hikel, the experiment had three different research components: 1) a sample of low-income recipients and control individuals and families living in the provincial capital of Winnipeg; 2) a sample in several small rural towns, acting as controls for the final component; and 3) a so-called saturation site in the city and rural municipality of Dauphin.

The federal government ended Mincome without any substantive analysis of the impact of guaranteed annual income.<sup>7</sup> According to Hikel, years later in 2011, Evelyn Forget, an economics professor from the University of Manitoba, published her analysis of a sample of the Mincome data. Her research, titled “A Town with No Poverty” can be found at the following link: <https://utpjournals.press/doi/pdf/10.3138/cpp.37.3.283>.

In summary, her analysis showed a modest decline in work effort, primarily by those who were not principal bread winners; a decline in the demand for medical and mental health care; an increase in high school completion rates; a decrease in crime; and a decrease in domestic violence.<sup>8</sup>

## **B. Alaska’s Permanent Fund Dividend Program**

The Alaska Permanent Fund, which is endowed from the oil wealth owned in common and rented for royalties collected from oil companies,<sup>9</sup> was created in 1976 as a sovereign wealth fund for the State of Alaska.<sup>10</sup> The purpose of the fund is to provide a universal, unconditional, annual cash payment to all residents of Alaska.<sup>11</sup> Since 1982, Alaska’s Permanent Fund Dividend (PFD) program has distributed equal annual payments to residents unconditionally, regardless of need.

Michael Howard, who is a professor of philosophy at the University of Maine and is a member of the study committee, has coedited two books on Alaska’s PFD. Professor Howard provided an overview of Alaska’s PFD at the study committee’s October 29 meeting. According to Howard, at present, the fund’s total assets are worth \$65 billion.<sup>12</sup> Howard’s PowerPoint presentation may be found on the study committee’s webpage at the following link: <http://legislature.maine.gov/doc/4604>.

<sup>5</sup> <https://mdl.library.utoronto.ca/collections/numeric-data/microdata/manitoba-basic-annual-income-experiment-mincome-1974-1979>.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> <http://legislature.maine.gov/doc/3548>.

<sup>9</sup> <https://scholars.org/contribution/how-alaska-citizens-benefit-equally-shared-wealth>.

<sup>10</sup> [https://iseralaska.org/static/legacy\\_publication\\_links/2016\\_12-PFDandPoverty.pdf](https://iseralaska.org/static/legacy_publication_links/2016_12-PFDandPoverty.pdf).

<sup>11</sup> <http://legislature.maine.gov/doc/4604>.

<sup>12</sup> Ibid.

Howard spoke to the study committee about Alaska's PFD and its many benefits. Among them, according to a 2016 University of Alaska Anchorage study, the Alaska PFD has lifted 15,000 to 25,000 Alaskans out of poverty annually.<sup>13</sup> Howard pointed out that spending of the dividend is responsible for approximately 7,000 jobs annually in the State of Alaska. Additionally, research has found that Alaska's PFD has "no significant effect on labor supply, employment level or working hours."<sup>14</sup> Howard noted that Alaska's resource dividend model is a way of sharing common wealth equitably among residents. Resource dividends, like Alaska's PFD, could also be used as a tool for resource conservation and a disincentive to pollution and other environmental or social harms.

### **C. The Magnolia Mother's Trust**

Springboard to Opportunities is a nonprofit in Jackson, Mississippi whose mission is to connect families living in affordable housing with resources and programs that help them to advance themselves in school, work and life.<sup>15</sup> The executive director of Springboard to Opportunities, Aisha Nyandoro, heard from her residents that they lacked cash for the basic items they needed in life to advance themselves in school, work and life. Nyandoro noted the reasons for this lack of cash include: 1) the ineffective structure of the social safety net – meaning the punitive aspect of the safety net, and 2) specifically in Mississippi, the income/wage disparity, where the minimum wage is \$7.25 per hour.

Those involved in the nonprofit acknowledged that safety net programs are important and beneficial; however, providing low-income people with unrestricted cash has many benefits. In 2018, Springboard to Opportunities established a new initiative called the Magnolia's Mother's Trust (MMT), which provides low-income African-American mothers \$1,000 in cash on a monthly basis for 12 months with no strings attached. When it comes to guaranteed income, MMT is the only initiative that specifically targets extremely low-income families headed by an African-American female living in affordable housing.<sup>16</sup> According to Nyandoro, who oversees MMT, most organizations, cities or municipalities testing guaranteed income are hesitant to work with those living in affordable housing because of the fear that those individuals may lose subsidies or vouchers.

Many of the mothers who participate in the MMT initiative work full-time and still do not have the resources to address basic needs. According to Nyandoro, unrestricted cash allows the mothers to not only preserve their dignity, but also gives them the power to make decisions about what they need for themselves and their families.

The study committee heard from two mothers who have participated in the MMT initiative. Both were asked "what is the biggest misconception about receiving an unconditional, monthly cash payment?" Both mothers said the greatest misconception is that the recipients will use the money frivolously or for alcohol or drugs. One mother, who participated in the first cohort, said

<sup>13</sup> [https://iseralaska.org/static/legacy\\_publication\\_links/2016\\_12-PFDandPoverty.pdf](https://iseralaska.org/static/legacy_publication_links/2016_12-PFDandPoverty.pdf).

<sup>14</sup> [https://home.uchicago.edu/~jls/Jones\\_Alaska.pdf](https://home.uchicago.edu/~jls/Jones_Alaska.pdf).

<sup>15</sup> <http://springboardto.org/index.php/page/about-us>.

<sup>16</sup> <http://springboardto.org/index.php/page/the-magnolia-mothers-trust>.

the unrestricted cash helped her pay for daycare and transportation so that she could finish a high school equivalency degree. Once she completed this degree, she then enrolled in college. The other mother said she has used the money to invest in her small business, a hair salon.

#### IV. FINDINGS

A cash benefit has had a very positive impact on poverty reduction in all three of the case studies that the study committee learned about. One committee member noted that cash is a much better way for people struggling with very limited resources to obtain the goods or services that help them the most – whether it’s paying for childcare or car repairs or simply paying off debt. The study committee also heard substantial testimony that basic income upholds the dignity and respect of the beneficiaries in public assistance programs. A simple cash payment cuts down on bureaucracy and offers flexibility for the beneficiary. According to an article titled “Momentum for Basic Income Builds as Pandemic Drags On” by The Pew Charitable Trusts: “Cash transfers, unlike in-kind welfare programs such as housing vouchers or food stamps, give recipients the flexibility to cover whatever needs are most pressing at the time.”<sup>17</sup>

Members of the study committee discussed whether guaranteed income should be universal or a means-tested benefit.<sup>18</sup> One study committee member expressed concern that a universal program would distribute resources to recipients who do not necessarily need the benefit and those resources could have been used to give a larger payment/benefit to those who need it most.

One study committee member expressed a concern about funding, particularly with a looming State budget shortfall. However, several study committee members expressed interest in the idea of looking at resource dividends as a way to pay for guaranteed income and it was suggested that the Maine Climate Council<sup>19</sup> should be included in the discussion around resource dividends.

**Finding #1: There is a clear correlation between a guaranteed basic income program and a reduction in poverty. In all of the case studies, there was a positive impact of lifting people out of poverty and creating more financial stability.**<sup>20</sup>

The existing safety net system is essential to the health and well-being of the residents of Maine; however, serious challenges and inadequacies remain. Ann Danforth, Economic Security Policy Advocate with Maine Equal Justice, provided the study committee with an overview of safety net programs. A copy of Danforth’s memo to the study committee can be found at the following link: <http://legislature.maine.gov/doc/4602>. Danforth stated in the memo: “As the overview makes clear, the safety net is comprised of dozens of programs, which are often siloed and administered and funded by different State and federal agencies. This makes programs difficult

<sup>17</sup> <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/09/17/momentum-for-basic-income-builds-as-pandemic-drags-on>.

<sup>18</sup> A means-tested benefit is one for which your income/resources determine eligibility and/or the benefit amount.

<sup>19</sup> In June 2019, the Maine Climate Council was created by the Governor and the Legislature to develop a plan to address the effects of climate change in Maine.

<sup>20</sup> This is the finding of members present during the work session portion of the October 29, 2020 meeting; members present included the following: Senator Shenna Bellows; Representative James Handy; Senator Marianne Moore; Representative Michele Meyer; Samarali Daniels, Professor Michael Howard; Tracie Bellinger; Karin Anderson; and Sass Linneken.

for clients to navigate, as there is not one resource or place for them to go to receive this assistance.” In addition, the study committee heard substantial testimony from people with lived experiences with Maine’s programs about the lack of coordination between public assistance programs.

The study committee discussed at length the “cliff effect,” which generally means an action in one benefit program, or a slight increase in earnings, can inadvertently produce a harmful result, often leaving the recipient (and their family) no better and sometimes worse off.<sup>21</sup> Danforth’s memo cites a 2018 study of “benefits cliffs” conducted by Michael Levert of Stepwise Data Research. According to the study, “cliffs are generally a symptom of decentralized and opaque system of social assistance programs, each with complex rules and guidelines, often funded with a combination of federal and State sources.”<sup>22</sup>

This lack of coordination and accessibility undermines the dignity and respect of beneficiaries in Maine, creates barriers to participation, and exacerbates existing inequalities and disparities. Furthermore, the lack of coordination and the barriers in the safety net system have perpetuated racial inequality and racism in Maine.

Maine is plagued with significant racial disparities when it comes to economic security. Over 94 percent (94.4 percent) of Maine’s population is white, almost two percent (1.7 percent) black or African American, almost two percent Hispanic or Latinx (1.8 percent), and less than one percent (0.7 percent) American Indian and Alaska Native.<sup>23</sup> According to data from the Maine Equal Justice website, approximately 15 percent of white children, 40 percent of children from Maine’s tribal community, and 53 percent of children from Maine’s black or African-American families lived in poverty in 2017. In addition, poverty was notably worse in certain parts of the State – particularly rural areas. For example, in Washington and Somerset Counties, approximately 27 percent and 22 percent of children respectively were living in poverty. Lastly, across the State, female-headed, single-parent households were almost three times more likely to live in poverty than all households with children.<sup>24</sup> As one study committee member pointed out these statistics play into who is eligible for safety net programs.

Another committee member commented that she is very concerned about ongoing challenges in Maine and across the country with regard to disparities for people of color and tribal people. COVID-19 has not only highlighted economic inequalities in Maine, but also systemic racism in health care. According to the COVID Racial Data Tracker, which is a collaboration between the COVID Tracking Project and the Boston University Center for Antiracist Research, the pandemic is negatively impacting black, indigenous, Latinx and other people of color the most.<sup>25</sup> According to the COVID Racial Data Tracker, black or African Americans make up approximately one percent of the population in Maine, but account for approximately 16 percent of COVID-19 cases.<sup>26</sup>

<sup>21</sup> <http://legislature.maine.gov/doc/4602>.

<sup>22</sup> <https://www.jtgfoundation.org/wp-content/uploads/2019/06/Cliffs-Policy-Brief.pdf>.

<sup>23</sup> <https://www.census.gov/quickfacts/ME>.

<sup>24</sup> <https://maineequaljustice.org/policy/poverty/>.

<sup>25</sup> <https://covidtracking.com/race>.

<sup>26</sup> <https://covidtracking.com/race/dashboard>.

**Finding #2: The study committee finds that the lack of integration and coordination of our safety net programs is a deterrent to those most in need.<sup>27</sup>**

Members of the public serving on the study committee expressed concerns about the study committee process as the process can be somewhat intimidating and confusing. The study committee acknowledged the importance of having members of the public serve on the study committee. Having committee members who represent diverse backgrounds and lived experiences was extremely helpful during study committee discussions. To ensure that the public is truly represented and is a full partner in the work, the study committee believes that members of the public serving on a legislative study committee, commission or task force should be oriented to the study committee process itself before the committee, commission or task force begins its work.

**Finding #3: Providing an orientation for non-legislative members on a legislative study committee, commission or task force ensures the public is truly represented and a full partner in the process.<sup>28</sup>**

In light of these findings, the study committee developed four recommendations, which can be found in the next section of this report.

## **V. RECOMMENDATIONS**

**Recommendation #1 and #2: Reestablish the Committee To Study the Feasibility of Creating Basic Income Security and provide the reestablished study committee with the authority to contract with an outside consultant to conduct a study of the economic feasibility of providing basic income to Maine residents through a direct cash payment and to raise the necessary funds to contract for that economic feasibility study.**

During the November 22, 2019, meeting of the study committee, members discussed hiring an outside consultant to conduct a feasibility study. However, the authorizing legislation for the study, Resolve 2019, chapter 82, did not allow the study committee to contract with an outside entity to conduct such a feasibility study. In order to address this issue, the study committee voted to send a memorandum to the Legislative Council and the Joint Standing Committee on Labor and Housing (LBHS Committee) to express the study committee's interest in having the authorizing legislation amended in order to allow the hiring of a consultant. Senator Bellows, chair of the study committee and the LBHS Committee, sponsored a joint order to authorize the LBHS Committee to report out a bill to amend Resolve 2019, chapter 82 and the LBHS Committee voted that if that joint order is passed, it would report out a bill directly to the floor that would amend Resolve 2019, chapter 82 to allow the study committee to seek outside funding

<sup>27</sup> This is the finding of members present during the work session portion of the October 29, 2020 meeting; members present included the following: Senator Shenna Bellows; Representative James Handy; Senator Marianne Moore; Representative Michele Meyer; Samarali Daniels, Professor Michael Howard; Tracie Bellinger; Karin Anderson; and Sass Linneken.

<sup>28</sup> Ibid.

to hire an outside consultant to conduct a feasibility study or to provide the study committee with additional staffing needs. The House and Senate passed the joint order, S.P. 787 on March 17, 2020, which was the same date the Legislature adjourned due to COVID-19. This unexpected, shortened session precluded the LBHS Committee from being able to report out a bill.

In addition to the inability of the study committee to conduct a larger feasibility study, the potential for a special session delayed the start of the study committee reconvening this interim. This truncated timeframe for meeting has not allowed the study committee to fully evaluate the feasibility of creating basic income security through a direct cash payment system. For these reasons the members of the study committee present at the work session held on October 29, 2020<sup>29</sup> make the following recommendations:

1. Reestablish the Committee To Study the Feasibility of Creating Basic Income Security; and
2. Provide the reestablished study committee with the authority to contract with an outside consultant to conduct a study of the economic feasibility of providing basic income to Maine residents through a direct cash payment and to raise the necessary funds to contract for that economic feasibility study.

The study committee has found throughout the course of its meetings that basic income programs have been beneficial to those receiving direct cash payments. In addition to “Mincome,” the Alaska Permanent Fund and the Magnolia Mother’s Trust initiative, there are other basic income programs or trials happening worldwide that have shown similar benefits. For example, in North Carolina, the Eastern Band of Cherokee Indians Casino Dividend has provided every tribal member with an average of \$4,000 to \$6,000 per year since 1997 from revenue generated from a casino on tribal land.<sup>30</sup> These payments have not resulted in reduced work effort, but have decreased addiction and crime and improved education and mental health.<sup>31</sup> The evidence from these worldwide initiatives “so far suggests that getting a basic income tends to boost happiness, health, school attendance, and trust in social institutions, while reducing crime.”<sup>32</sup>

The study committee finds that basic income programs can have vastly beneficial impacts on Maine. While members believe a statewide basic income program can be positive for the State, members recognize the need to investigate further how best to move forward before recommending the creation of a specific statewide basic income program. The study committee believes that it is integral to reestablish the Committee to Study the Feasibility of Creating Basic Income Security for two years and to provide that committee with the authority to contract with an outside consultant to study the economic feasibility of providing basic income to Maine residents through a direct cash payment.

<sup>29</sup> Members present during the work session portion of the October 29, 2020 meeting, included the following: Senator Shenna Bellows; Representative James Handy; Senator Marianne Moore; Representative Michele Meyer; Samarali Daniels, Professor Michael Howard; Tracie Bellinger; Karin Anderson; and Sass Linneken.

<sup>30</sup> <https://www.vox.com/future-perfect/2020/2/19/21112570/universal-basic-income-ubi-map>.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.



In reestablishing the Committee to Study the Feasibility of Creating Basic Income Security, the current study committee believes it will be important to re-form the committee with the same membership that is established in section 2 of Resolve 2019, chapter 82 in order to provide some level of continuity in the evaluation of the feasibility of providing basic economic security through a direct cash payment system. Study committee members were also in agreement that the newly formed committee should collaborate with the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations (“the commission”) <sup>33</sup> in the development of any findings or recommendations.

It is important when drafting the authorizing legislation to reestablish the study committee to define the factors that must be considered in an economic feasibility study and to direct the newly formed committee to collaborate with the commission on the development of parameters, in addition to those specified below, to ensure any program created does not keep current racial disparities in place or further exacerbate existing racial disparities. In addition to any parameter developed in consultation with the commission, the study committee recommends that the analysis include, at a minimum, the following parameters:

- An unconditional direct cash payment basic income program is addition to existing public assistance/safety net programs and not a replacement for those programs;
- Determine the possible funding sources for an unconditional direct cash payment basic income program in Maine;
- Look at resource dividends<sup>34</sup> as a tangible funding mechanism for a basic income program and consult with the Maine Climate Council or other appropriate entities as this method of funding could have additional environmental dimensions to consider;
- Explore both universal basic income programs and programs targeted to only low-income Maine resident participants; and
- Determine the level of support each individual should receive in a manner that would not create a “cliff effect” if an individual is receiving public assistance.

There is an abundance of data and existing models to explore in developing a basic income program. Between past basic income trials, existing long-term programs and ongoing experiments in basic income, Maine will not need to recreate the wheel. The future study committee will need to look at what kind of program will best work for Maine residents in a manner that is sustainable. The reestablishment of this study committee with a focus on the completion of an economic feasibility study is the best way to move toward the creation of a basic income program that reduces poverty, is sustainably funded, reduces pressures on other

<sup>33</sup> The Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Population was established by the Legislature in 2019 by Public Law 2019, chapter 457; see Title 5, chapter 631.

<sup>34</sup> A resource dividend is a periodic cash payment to all citizens or residents, based on revenue from resources. Resources typically include natural resources such as oil, minerals, or water, but can also include socially created resources. For example, in the case of Alaska's Permanent Fund Dividend, the revenue from royalties the state collects from oil companies is deposited in a sovereign wealth fund, and part of the interest from the fund is paid out as dividends to all who qualify as residents.



social programs, and brings people the ability to make financial decisions that benefit themselves and their families.

**Recommendation #3: Create a permanent group through legislation, that includes members from agencies and municipalities that administer safety net programs, impacted individuals that access safety net programs and other stakeholders to examine current programs to: increase the coordination of these programs; streamline the process for applying for benefits; make eligibility requirements clear and easy to understand; and if possible, create a one-stop resource that highlights what benefits may be available and how to access them.**

The study committee heard testimony from many individuals that highlighted the shortcomings of safety net programs. For example, members heard about benefit “cliffs” where participation in one program results in the loss of benefits in another program trapping an impacted individual in poverty, and in some cases leaving the person in worse circumstances. Because there is such a lack of coordination among programs, these individuals may not be aware of or understand how all these programs interact. Additionally, the current system does not allow for gaining enough stability before public assistance and other supports are taken away.

Many who provided testimony to the study committee spoke about the way the current system is dehumanizing and makes it more difficult to obtain assistance especially in times of crisis because of the complexity of the system. As illustrated in the “Summary of Public Assistance/Safety Net Programs in Maine” provided by Maine Equal Justice, the fundamental nature of safety net programs is that they “too often prioritize paternalistic ideas about the ‘deserving’ and ‘undeserving’ over the opportunity to address basic human needs to ensure everyone is able to survive and live with dignity.”<sup>35</sup>

As required by section 5 of Resolve 2019, chapter 82 the study committee started to investigate the effectiveness of existing safety net programs, such as tax credit, child care and food supplement programs and found that it is extremely difficult to navigate public assistance/safety net programs; programs are not well coordinated; the fragmented nature of programs fail to provide an adequate amount of support; thresholds for eligibility are outdated; “the eligibility for and access to the safety net is not racially equitable and exacerbates existing racial and economic disparities in the state,”<sup>36</sup> and the current system is often dehumanizing. While these programs are essential to providing necessary assistance to Maine people, there are clearly many inadequacies that need to be addressed. The study committee also found that besides not having the results of a feasibility study, it was difficult to recommend a specific basic income program without fully understanding how these programs interact with each other and where benefit “cliffs” occur.

<sup>35</sup> <http://legislature.maine.gov/doc/4602>.

<sup>36</sup> Ibid.

For these reasons the members of the study committee present at the work session held on October 29, 2020<sup>37</sup> make the following recommendation:

- Create a permanent group through legislation, that includes members from agencies and municipalities that administer safety net programs, impacted individuals that access safety net programs and other stakeholders to examine current programs to increase the coordination of these programs, streamline the process for applying for benefits, make eligibility requirements clear and easy to understand, and if possible, create a one-stop resource that highlights what benefits may be available and how to access them.

In setting out to review existing programs, it was evident early on that gathering this information was not an easy task. If legislators did not have the ability to easily access this information and nonprofits that focus on assisting low-income individuals did not have this information readily accessible, how can someone in a crisis situation be expected to easily understand the universe of programs and how all those programs interact with each other. In making this recommendation, the study committee strongly believes that this endeavor should be a separate function from the study of the feasibility of basic income and the pursuit of a basic income program should in no way be viewed as a measure to replace existing safety net programs at this juncture. However, members do think, where possible, the re-formed Committee to Study the Feasibility of Creating Basic Income Security should seek input from this group when thinking about parameters for a feasibility study and when developing its findings and recommendations.

When discussing the creation of this group, the study committee thought it was important to strike a balance between members charged with administering programs and members who access safety net programs in order to have a full picture of the issues. In addition, like in recommendations #1 and #2 above, the study committee believes that whatever efforts take place, collaboration with the Commission on the Status of Racial, Indigenous and Maine Tribal Populations will be important to address the racial inequities that are ingrained in the current public assistance system.

The study committee agrees that this should be a permanent entity, because at a minimum, periodic review of these issues would be necessary to ensure that changes made today are still applicable in the future. In addition, new programs may be introduced or existing programs may be changed and the information provided to the public will need to be adapted accordingly.

Existing safety net programs are essential to providing necessary assistance to those in need. However, we need to do a better job at coordinating programs, simplifying access to programs and ensuring programs are adequate to address the needs of society. The study committee trusts that this can be achieved by getting the appropriate people together to identify how and where improvements can be made and has seen firsthand through efforts during this pandemic that necessary adjustments can be made to get resources to those most in need.

<sup>37</sup> Members present during the work session portion of the October 29, 2020 meeting, included the following: Senator Shenna Bellows; Representative James Handy; Senator Marianne Moore; Representative Michele Meyer; Samarali Daniels, Professor Michael Howard; Tracie Bellinger; Karin Anderson; and Sass Linneken.

**Recommendation #4: The Legislature should develop an orientation or training program for public members appointed to serve on legislative studies in the interest of advancing inclusiveness and equitable representation.**

The input from impacted populations and members of the public who represented diverse backgrounds and lived experiences was invaluable to the process of considering a basic income program and the evaluation of safety net programs. Members of the public appointed to legislative studies serve a crucial role in providing a voice to those who do not always have an opportunity to participate in the legislative process in this manner. However, the legislative process can at times be extremely complex and daunting. Often times, because a member of the Legislature also serves on a legislative study committee, commission or task force, it is taken for granted that everyone has the same intimate knowledge of the entire process.

For these reasons the members of the study committee present at the work session held on October 29, 2020<sup>38</sup> make the following recommendation:

- Develop an orientation or training program for public members appointed to serve on legislative studies in the interest of advancing inclusiveness and equitable representation.

The study committee believes that providing public legislative study members with an orientation or training on participation on a legislative study committee, commission or task force is a more equitable approach to the process. In addition to including finding #3 and this recommendation in its report, the study committee also presented a memorandum to the Legislative Council to express its support for the development of an orientation or training program for public members appointed to legislative studies.

## **VI. CONCLUSION**

Almost 11 percent of Maine's population lives in poverty.<sup>39</sup> The rates of poverty are higher for people of color and tribal people – 37.2 percent for Native Americans, 36.2 percent for African Americans, and 20.3 percent for the Latinx community.<sup>40</sup> The pandemic has only made these disparities worse. While the full economic impact of the global pandemic remains to be seen, approximately one in three Mainers is having difficulty covering usual household expenses as a result of the COVID-19 recession.<sup>41</sup>

Basic income security has gained worldwide attention since the start of the pandemic. Earlier this year, the federal CARES Act was passed by Congress to help mitigate the financial burden of the COVID-19 pandemic by providing direct economic assistance to American workers, families and small businesses. Most Americans received a one-time stimulus payment to boost the health of the economy.

<sup>38</sup> Members present during the work session portion of the October 29, 2020 meeting, included the following: Senator Shenna Bellows; Representative James Handy; Senator Marianne Moore; Representative Michele Meyer; Samarali Daniels, Professor Michael Howard; Tracie Bellinger; Karin Anderson; and Sass Linneken.

<sup>39</sup> <https://www.census.gov/quickfacts/fact/table/ME/HSD410218>.

<sup>40</sup> <https://talkpoverty.org/state-year-report/maine-2018-report/>.

<sup>41</sup> <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>.

These stimulus payments are a real time experiment in basic income security. The study committee heard examples of how basic income programs lifted people out of poverty and created more financial stability. The study committee believes this is an idea worth exploring and would like to study the feasibility of providing some form of basic income security in Maine.

Basic income would not replace the existing network of safety net programs, but would augment the social safety net. By examining the inadequacies and shortcomings of current public safety programs and exploring the feasibility of guaranteed basic income in Maine, the study committee hopes the State will move forward on a better path to reducing poverty and advancing equity in Maine.

**APPENDIX A**  
**Authorizing Legislation**

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 412 - L.D. 1324

**Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security**

**Sec. 1. Committee established. Resolved:** That the Committee To Study the Feasibility of Creating Basic Income Security, referred to in this resolve as "the committee," is established.

**Sec. 2. Committee membership. Resolved:** That the committee consists of 11 members appointed as follows:

1. Three members of the Senate appointed by the President of the Senate, including a representative of each of the following joint standing committees:

- A. The Joint Standing Committee on Labor and Housing;
- B. The Joint Standing Committee on Health and Human Services; and
- C. The Joint Standing Committee on Taxation;

2. Three members of the House of Representatives appointed by the Speaker of the House, including a representative of each of the following joint standing committees:

- A. The Joint Standing Committee on Labor and Housing;
- B. The Joint Standing Committee on Health and Human Services; and
- C. The Joint Standing Committee on Innovation, Development, Economic Advancement and Business;

3. Two members of the public who represent low-wage workers and recipients of public benefits, appointed by the President of the Senate;

4. One member of the public who represents business and industry, appointed by the Speaker of the House;

5. One member who represents higher education, appointed by the Speaker of the House; and

6. One member who represents a trade union, appointed by the Governor.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the committee.

**Sec. 4. Appointments; convening of committee. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the committee to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the committee shall examine and make recommendations on the feasibility of providing basic economic security through a direct cash payment system and other programs that are designed to help individuals and families become more economically secure, including, but not limited to:

1. Tax rebates and credits, including strengthening the earned income tax credit and a negative income tax;
2. Universal basic income and unconditional cash transfers to residents of the State; and
3. Other direct cash benefit programs.

The committee shall also investigate the effectiveness of existing safety net programs, such as tax credit, child care and food supplement programs, and compare those programs to any recommended direct cash payment programs.

In fulfilling its duties under this section, the committee shall as necessary invite input from the Department of Administrative and Financial Services, Bureau of Revenue Services and from the Governor's Office of Policy and Management.

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the committee, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Report. Resolved:** That, no later than November 4, 2020, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 130th Legislature.

**Sec. 8. Outside funding. Resolved:** That the committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

**APPENDIX B**  
**Membership List**



<p style="text-align: center;"><b>Committee to Study the Feasibility of Creating Basic Income Security Membership List</b></p>
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**Appointment by the Governor**

<b>Tracie Bellinger</b>	Representing a trade union
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**Appointments by the President**

<b>Sen. Shenna Bellows - Chair</b>	Senator representing LBHS Committee
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<b>Sen. Matthew Pouliot</b>	Senator representing the TAX Committee
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<b>Sen. Marianne Moore</b>	Senator representing the HHS Committee
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<b>Samarali Daniels</b>	Member of the public representing low-wage workers and recipients of public benefits
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<b>Sass Linneken</b>	Member of the public representing low-wage workers and recipients of public benefits
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**Appointments by the Speaker**

<b>Rep. James Handy - Chair</b>	House member representing the IDEA Committee
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<b>Rep. Richard Bradstreet</b>	House member representing the LBHS Committee
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<b>Rep. Michele Meyer</b>	House member representing the HHS Committee
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<b>Michael Howard</b>	Representing higher education
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<b>Karin Anderson</b>	Member of the public representing business and industry
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**Staff:**

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Office of Policy and Legal Analysis