

MAINE STATE LEGISLATURE

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REP. RYAN FECTEAU
CHAIR

SEN. TROY D. JACKSON
VICE-CHAIR

EXECUTIVE DIRECTOR
SUZANNE M. GRESSER



130TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. ELOISE A. VITELLI
SEN. MATTHEA E. DAUGHTRY
SEN. JEFFREY L. TIMBERLAKE
SEN. MATTHEW POULIOT
REP. MICHELLE DUNPHY
REP. RACHEL TALBOT ROSS
REP. KATHLEEN R.J. DILLINGHAM
REP. JOEL STETKIS

**April 22, 2021
1:30 P.M.**

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MARCH 25, 2021 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
8	<ul style="list-style-type: none">Fiscal Report (Mr. Nolan)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	No reports	
	OLD BUSINESS	
9	Item #1: Council Actions Taken by Ballot (No Action Required)	Information
	NEW BUSINESS	
❖10	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote
	ANNOUNCEMENTS AND REMARKS	
	ADJOURNMENT	

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**LEGISLATIVE COUNCIL
MEETING SUMMARY
March 25, 2021**

CALL TO ORDER

Speaker Fecteau called the March 25, 2021 meeting of the 130th Legislative Council to order at 1:35 p.m.

ROLL CALL

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

Representatives: Speaker Fecteau, Representative Dunphy, Representative Talbot Ross and Representative Stetkis

Absent: Representative Dillingham (arrived late)

Legislative Officers: Suzanne Gresser, Executive Director of the Legislative Council
Darek Grant, Secretary of the Senate
Rob Hunt, Clerk of the House
Ed Charbonneau, Revisor of Statutes
Chris Nolan, Director, Office of Fiscal and Program Review
Nik Rende, Director, Legislative Information Technology
Dawna Lopatosky, Legislative Finance Director

Speaker Fecteau convened the meeting at 1:35 p.m. with a quorum of members present.

SUMMARY OF FEBRUARY 25, 2021 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for February 25, 2021 be accepted and placed on file. Motion by Senator Daughtry. Second by Representative Dunphy. **Motion passed unanimously (9-0-0-1**, with Representative Dillingham recorded as absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Fiscal Report

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

1. General Fund Revenue Update

Total General Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
February	\$145.4	\$280.3	\$134.8	92.7%	\$159.8	75.3%
FYTD	\$2,484.0	\$2,771.2	\$287.2	11.6%	\$2,555.0	8.5%

General Fund revenue was over budget by \$134.8 million (92.7%) for the month of February and over budget by \$287.2 million (11.6%) for the fiscal year to date. As explained in more detail below, the significant positive revenue variance for February is largely the result of the timing of individual income refunds with the delay in filing resulting in refunds significantly less than budgeted levels for February.

Individual income tax revenue was over budget by \$115.0 million for the month and by \$206.1 million for the fiscal year to date. Individual income tax refunds were \$96.7 million less than budget (positive impact on revenue) for the month and \$103.2 million less for the fiscal year to date. It is expected this February variance is a timing issue that will be offset in March. Withholding revenue was above budget by \$16.2 million for February and by \$32.2 million for the fiscal year to date, while individual estimated payments were \$2.6 million over budget for the month and \$63.9 million above budget for the fiscal year to date.

Corporate income tax revenue was below budget by \$0.9 million for the month but over budget by \$23.4 million for the fiscal year to date. The positive variance for the fiscal year to date is largely the result of estimated payments exceeding budget by \$23.7 million. Sales and use tax revenue (January sales) was over budget by \$24.1 million for the month and by \$57.4 million (5.1%) for the fiscal year.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
February	\$25.2	\$26.0	\$0.7	2.9%	\$26.5	-1.9%
FYTD	\$223.3	\$225.4	\$2.1	0.9%	\$236.3	-4.6%

Highway Fund revenue was over budget by \$0.7 million (2.9%) for the month of February and over budget by \$2.1 million (0.9%) for the fiscal year to date. Fuel taxes were under budget by \$1.1 million for the month and by \$1.7 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$1.7 million for the month and by \$3.5 million for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for February was \$2,863.1 million, an increase from January's average of \$2,630.7 million. While the average balance from federal Coronavirus Relief Fund (CRF) payments continued to decrease (from \$404.7 million in January to \$322.7 million in February), the increase in the overall cash pool balance is largely the result of an increase in the General Fund balance and the new federal emergency rental assistance. The average Highway Fund balance in February was \$59.1 million, an increase from January's average of \$45.2 million.

4. Economic and Revenue Forecast

The Economic Forecasting Commission is scheduled to meet on March 30, 2021 to review and update the economic forecast for its April 1st report. The Revenue Forecasting Committee will meet during the last week of April to review and update the revenue forecast for its statutory reporting date of May 1st.

REPORTS FROM COUNCIL COMMITTEES

No reports

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Legislative Council Decisions:

Motion: That the Legislative Council approve the proposed revision to the COVID-19 Prevention Policy to allow certain limited access to the State House Complex.

Motion by: Senator Vitelli Second by: President Jackson
Date: March 15, 2021
Vote: 6-4-0-0 Passed (with Senators Timberlake and Pouliot and Representatives Dillingham and Stetkis opposed)

Motion: That the Legislative Council accepts the baseline legislative budget set forth in Part A of the Governor’s proposed 2022-2023 biennial budget.

Motion by: President Jackson Second by: Speaker Fecteau
Date: March 24, 2021
Vote: 6-2-0-2 Passed (with Senator Pouliot and Representatives Dillingham opposed and Senator Timberlake and Representative Stetkis recorded as absent)

Requests for Introduction of Legislation:

LR 2025 An Act To Suspend the Collection of the New Fee on Hand Sanitizer and Wipes during the State of Emergency

Submitted by: Representative Denise Tepler
Date: March 22, 2021
Vote: 8-1-0-1 Passed (with Representative Stetkis opposed and with Senator Pouliot recorded as absent)

LR 2029 An Act to Establish the Southern Aroostook County Emergency Medical Service Authority

Submitted by: Senator Trey Stewart

Date: March 22, 2021
Vote: 9-0-0-1 Passed (with Representative Stetkis recorded as absent)

LR 2031 An Act to Authorize a General Fund Bond Issue to Provide Funds for Maine to Meet the State's Carbon Reduction Goals

Submitted by: President Troy Jackson
Date: March 22, 2021
Vote: 8-1-0-1 Passed (with Representative Stetkis opposed and with Senator Pouliot recorded as absent)

LR 2032 An Act to Ensure Full Payment of the State's Salary Supplement Obligation to Teachers with National Board Certification

Submitted by: Representative Rebecca Millett
Date: March 22, 2021
Vote: 8-1-0-1 Passed (with Representative Stetkis opposed and with Representative Dillingham recorded as absent)

NEW BUSINESS

Item #1: Consideration of After Deadline Requests and Joint Resolutions

The Legislative Council proceeded to consider and vote on eleven (11) after deadline bill requests and one (1) Joint Resolutions. The Legislative Council authorized seven (7) bills for introduction, one (1) bill was rejected, and three (3) bills were tabled. The Legislative Council rejected one (1) Joint Resolution that had been tabled at the Council's January meeting. The Legislative Council's action on the requests is attached.

Item #2: Adoption of the *Legislative Council Policy on Legislative Studies for the 130th Legislature*

Ms. Gresser reviewed the *Legislative Council Policy on Legislative Studies for the 130th Legislature* and explained that this policy is required under the Joint Rules

Motion: That the Legislative Council accept the *Legislative Council Policy on Legislative Studies for the 130th Legislature*. Motion by President Jackson. Second by Representative Talbot Ross. **Motion passed unanimously (10-0-0-0)**

ANNOUNCEMENTS AND REMARKS

Sen. Vitelli suggested that the Legislative Council review the Legislature's Harassment Prevention Policy and the mandatory harassment prevention training. Speaker Fecteau agreed that, in view of the very different format in which the Legislature is operating during this session, the Legislative Council should review the policy and the training and tailor them to address issues associated with operating in the context of online platforms. Members of the Legislative Council discussed the issue.

Sen. Timberlake expressed his hope that the State House will be able to open back up soon.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:57 p.m.

**130th Maine State Legislature
Legislative Council Actions Taken on
Requests to Introduce Legislation
First Regular Session**

March 25, 2021

AFTER DEADLINE BILL REQUESTS

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2036	Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working Group	PASSED

SPONSOR: Rep. Bruce Bickford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2041	An Act To Assist Local Fire Departments by Amending Requirements for Self-contained Breathing Apparatus	TABLE

SPONSOR: Rep. Jeffery Hanley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2033	An Act To Eliminate the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws	TABLE

SPONSOR: Rep. Tavis Rock Hasenfus

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2026	An Act Regarding the Qualifications for Licensure as a Physician or Surgeon	PASSED

SPONSOR: Rep. Sherm H. Hutchins

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2016	An Act To End the Separation of Patients and Residents of Nursing and Healthcare Facilities from Family Members during the COVID-19 Pandemic	TABLE

SPONSOR: Sen. Nate Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2038	An Act To Make the Shared Living Program Accessible for More Maine People under the MaineCare Program	PASSED

SPONSOR: Sen. Louis J. Luchini

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2040	An Act To Support Maine Theaters	PASSED

SPONSOR: Sen. Dave Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2035	An Act To Amend Legislative Expenses Reimbursement and Allowances	PASSED

SPONSOR: Rep. Joe Perry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2015	An Act To Protect the Insurable Interest of Homeowners with Adjoining Property	PASSED

SPONSOR: Sen. Jeff Timberlake

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2024	An Act To Enhance Behavioral Health Services To Better Protect Maine Residents	PASSED

SPONSOR: Rep. Joseph F. Underwood

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2027	An Act To Allow the Use of Polyvinyl Chloride Pipe in the Construction of Sprinkler Systems in Certain Commercial Rental Units	FAILED

TABLED BY THE LEGISLATIVE COUNCIL

JOINT RESOLUTIONS

SPONSOR: **Rep. Billy Bob Faulkingham**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
500	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO URGE THE CONGRESS TO ADOPT THE "KEEP NINE AMENDMENT"	FAILED

Fiscal Briefing

April 22, 2021

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
March	\$198.7	\$189.6	(\$9.1)	-4.6%	\$210.9	-10.1%
FYTD	\$2,682.7	\$2,960.8	\$278.1	10.4%	\$2,765.9	7.0%

General Fund revenue was under budget by \$9.1 million (4.6%) for the month of March and over budget by \$278.1 million (10.4%) for the fiscal year to date.

Individual income tax revenue was under budget by \$33.5 million for the month but over budget by \$172.6 million for the fiscal year to date. Individual income tax refunds were \$77.3 million more than budget (negative impact on revenue) for the month but \$25.9 million less for the fiscal year to date. The March positive variance corrects a large portion of the negative refund variance from February. Individual income tax withholding revenue was above budget by \$32.2 million for March and by \$64.3 million for the fiscal year to date, while individual estimated payments were \$3.3 million over budget for the month and \$67.1 million above budget for the fiscal year to date.

Corporate income tax revenue was over budget by \$2.7 million for the month and by \$26.1 million for the fiscal year to date. The positive variance for the fiscal year to date was largely the result of estimated payments exceeding budget by \$26.6 million. Sales and use tax revenue (February sales) was over budget by \$17.1 million for the month and by \$74.5 million for the fiscal year to date.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
March	\$22.1	\$24.1	\$2.0	9.1%	\$21.1	14.3%
FYTD	\$245.4	\$249.5	\$4.1	1.7%	\$257.4	-3.1%

Highway Fund revenue was over budget by \$2.0 million (9.1%) for the month of March and over budget by \$4.1 million (1.7%) for the fiscal year to date. Fuel taxes were under budget by \$0.2 million for the month and by \$1.9 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$2.3 million for the month and by \$5.7 million for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for March was \$2,644.5 million, a decrease from February's average of \$2,863.1 million. The decrease was largely the result of the continued decrease in the average balance from federal Coronavirus Relief Fund (CRF) payments (from \$322.7 million in February to \$274.6 million in March), and a decrease in the General Fund balance which is typical in the months prior to the individual income tax filing deadline. The average Highway Fund balance in March was \$58.0 million, a decrease from February's average of \$59.1 million.

4. Economic and Revenue Forecast

The Consensus Economic Forecasting Commission (CEFC) met on March 30, 2021 to review and update the economic forecast for its [April 1st Report](#). Overall the CEFC was more optimistic in its April forecast and saw reduced uncertainty from its two previous forecasts. A significant change made in the forecast was the upward revision for personal income growth to +5.0% for 2021 compared to -0.5% in its previous forecast. The Revenue Forecasting Committee (RFC) will meet on April 27th to review and update the revenue forecast for its statutory May 1st report.

**Legislative Council Actions
Taken by Ballot Since the
March 25, 2021 Council Meeting**

Legislative Council Decisions:

Motion: **That the Legislative Council exempts the following bill from any requirement that it be placed on the Special Study Table:**

LD 312 An Act to Extend the Maine Bicentennial Commission and the Use of Maine Bicentennial Registration Plates through 2021

Motion by: Senator Vitelli Second by: Senator Daughtry
Date: March 30, 2021
Vote: 5-1-0-4 Failed (with Representative Stetkis opposed and President Jackson, Senator Timberlake, Senator Pouliot and Representative Dillingham reported as absent)

Requests for Introduction of Legislation:

LR 2057 An Act Regarding Local Option Voting For Sales of Liquor

Submitted by: Senator Louis Luchini
Date: April 16, 2021
Vote: 9-1-0-0 Passed (with Representative Stetkis opposed)

**130th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Special Session**

As of: 4/16/2021

AFTER DEADLINE BILL REQUESTS

SPONSOR: Sen. Brad Farrin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2047	Resolve, To Designate the Kennebec River Resource Management Plan Diadromous Resources Amendment Rulemaking Major Substantive Rulemaking and To Direct the Commissioner of Marine Resources To Cease the Current Rule-making Process and Reverse Any Actions That Have Resulted from This Process	

SPONSOR: Rep. Laurel Libby

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2046	An Act To Restore COVID-19 Relief Equality and Tax Fairness for Maine's Working Families	

SPONSOR: Rep. Heidi H. Sampson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2059	An Act To Provide Adequate Time for Families To Receive Health Care in Order To Attend School	

LATE-FILED MAJOR SUBSTANTIVE RULES

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2044	Resolve, Regarding Legislative Review of Chapter 124: Emergency Medical Services Personnel Reporting Rule, a Late-filed Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention	

JOINT RESOLUTIONS

SPONSOR: Sen. Richard A. Bennett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2043	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS URGING THE REDUCTION OF THE COST OF CLIMATE CHANGE FOR THE PEOPLE OF MAINE	

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Bruce Bickford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2041	An Act To Assist Local Fire Departments by Amending Requirements for Self-contained Breathing Apparatus	Tabled 03/25/21

SPONSOR: Rep. Jeffery Hanley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2033	An Act To Eliminate the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws	Tabled 03/25/21

SPONSOR: Rep. Sherm H. Hutchins

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2016	An Act To End the Separation of Patients and Residents of Nursing and Healthcare Facilities from Family Members during the COVID-19 Pandemic	Tabled 03/25/21

**130th Maine State Legislature
Addendum
Legislative Council
Requests to Introduce Legislation
First Special Session**

Actions Taken After April 16, 2021

SPONSOR: Sen. Russell Black

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2063	Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley	

SPONSOR: Rep. Mark Bryant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2061	An Act Regarding Winter Maintenance on Private Roads in the Town of Windham	

JOINT RESOLUTIONS

SPONSOR: Sen. Brad Farrin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2065	JOINT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REPEAL AND REPLACE OUTDATED AUTHORIZATIONS OF MILITARY FORCE	