

MAINE STATE LEGISLATURE

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REP. RYAN FECTEAU
CHAIR

SEN. TROY JACKSON
VICE-CHAIR

EXECUTIVE DIRECTOR
SUZANNE M. GRESSER



130TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

**LEGISLATIVE COUNCIL
MEETING SUMMARY
April 22, 2021
Approved May 20, 2021**

CALL TO ORDER

Speaker Fecteau called the April 22, 2021 meeting of the 130th Legislative Council to order at 1:39 p.m.

ROLL CALL

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

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

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
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 1:39 p.m. with a quorum of members present.

Prior to taking up items on the meeting agenda, Speaker Fecteau announced that work has begun on developing a plan to bring the Legislature back into the State House in the remaining days of the legislative session in a safe manner that is consistent with the State and legislative guidelines. Speaker Fecteau thanked the Clerk of the House, the Secretary of the Senate and their staff and the nonpartisan staff for their work in sorting out the logistics of making the return to the State House feasible. Sen Timberlake expressed his support of the progress and looked forward to being included in the plans. Rep. Dillingham echoed Sen. Timberlake's support of bringing the Legislature back into the State House and the desire to participate in the planning.

SUMMARY OF MARCH 25, 2021 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for March 25, 2021 be accepted and placed on file. Motion by Senator Daughtry. Second by Representative Talbot Ross. **Motion passed unanimously (10-0).**

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
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.

Without objection, Speaker Fecteau took items out of order and moved on to **New Business**.

NEW BUSINESS

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

President Jackson moved to table all of the after-deadline bill requests, and invited the members with after-deadline bill requests to instead pursue the requests via the ballot process. Members discussed the motion, after which President Jackson withdrew his motion.

The Legislative Council proceeded to consider and vote on six (6) after deadline bill requests and two (2) Joint Resolutions. The Legislative Council authorized three (3) bills and one (1) Joint Resolution for introduction, two (2) bills and one (1) Joint Resolution were rejected, and one (1) bill was tabled. The Legislative Council approved two (2) previously tabled bill requests; rejected two (2) previously tabled bill requests; and approved one (1) previously tabled Joint Resolution. The Legislative Council's action on the requests is attached.

Upon the conclusion of **New Business**, Speaker Fecteau returned to the agenda.

REPORTS FROM COUNCIL COMMITTEES

No reports

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Legislative Council Decisions:

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

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

April 22, 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	FAILED

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	TABLED

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	FAILED

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	PASSED

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	FAILED

PREVIOUSLY 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	FAILED

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	FAILED

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

April 22, 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	PASSED

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	PASSED

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	PASSED