

# MAINE STATE LEGISLATURE

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REP. RYAN FECTEAU  
CHAIR

SEN. TROY JACKSON  
VICE-CHAIR

EXECUTIVE DIRECTOR  
SUZANNE M. GRESSER



130<sup>TH</sup> 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  
May 27, 2021  
Approved June 24, 2021**

**CALL TO ORDER**

Speaker Fecteau called the May 27, 2021 meeting of the 130<sup>th</sup> Legislative Council to order at 1:37 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  
Danielle Fox, Director, Office of Policy and Legal Analysis  
Nik Rende, Director, Legislative Information Technology  
Dawna Lopatosky, Legislative Finance Director  
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 1:37 p.m. with a quorum of members present.

**SUMMARY OF May 20, 2021 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for May 20, 2021 be accepted and placed on file. Motion by President Jackson. Second by Rep. Dunphy. **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
April	\$379.5	\$492.9	\$113.3	29.9%	\$535.5	-8.0%
FYTD	\$3,062.3	\$3,453.7	\$391.4	12.8%	\$3,301.3	4.6%

General Fund revenue was over budget by \$113.3 million (29.9%) for the month of April and over budget by \$391.4 million (12.8%) for the fiscal year to date. **These positive variances do not reflect the May 2021 revenue forecast, which increased budgeted General Fund revenue by \$479.4 million for FY 2021.**

Individual income tax revenue was over budget by \$5.0 million for the month and over budget by \$177.6 million for the fiscal year to date. Individual income tax payments in April were below budget by \$73.4 million as a result of the delay in the tax filing deadline to May 17<sup>th</sup>. Individual income tax refunds were \$43.4 million less than budget (positive impact on revenue) for the month and \$69.3 million less for the fiscal year to date, also continuing to reflect the delay in the filing deadline. Corporate income tax revenue was over budget by \$44.2 million for the month and by \$70.3 million for the fiscal year to date. The positive variance for the month was largely the result of final payments exceeding budget by \$27.3 million and for the fiscal year to date, was largely the result of estimated payments exceeding budget by \$39.6 million.

Sales and use tax revenue (March sales) was over budget by \$35.9 million for the month and by \$110.5 million for the fiscal year to date. Estate tax revenue was over budget by \$20.4 million for April.

#### 2. Highway Fund Revenue Update

##### Total Highway Fund Revenue - FY 2021 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Change
April	\$26.6	\$29.4	\$2.8	10.6%	\$25.0	17.9%
FYTD	\$272.0	\$278.9	\$6.9	2.6%	\$282.3	-1.2%

Highway Fund revenue was over budget by \$2.8 million (10.6%) for the month of April and over budget by \$6.9 million (2.6%) for the fiscal year to date. **These positive variances do not reflect the May 2021 revenue forecast, which decreased budgeted Highway Fund revenue by \$0.2 million for FY 2021.**

Fuel taxes were under budget by \$1.4 million for the month and by \$3.3 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$3.7 million for the month and by \$9.4 million for the fiscal year to date.

#### 3. Cash Balances Update

The average balance in the cash pool for April was \$2,578.3 million a decrease from March's average of \$2,644.5 million. The decrease was largely the result of the continued decrease in the average balance from federal Coronavirus Relief Fund (CRF) payments (from \$274.3 million in March to \$240.6 million in April), 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 April was \$63.9 million, an increase from March's average of \$58.0 million.

## REPORTS FROM COUNCIL COMMITTEES

### Personnel Committee

President Jackson reported that the Personnel Committee met on Thursday, May 6, 2021 to consider the following matters:

1. Request for Temporary Disability from a Partisan Staff member

The committee considered a request by the legislative employee for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines. Upon the recommendation of the Executive Director, the committee voted unanimously to approve the request. No Legislative Council action is required.

2. Review of Legislative Council's Harassment Policy and Discussion of Conduct Policy

The committee reviewed the Legislative Council's harassment policy and discussed possible approaches to the development of a conduct policy. This matter will be discussed at a future meeting.

## OLD BUSINESS

### Item #1: Council Actions Taken by Ballot

#### Legislative Council Decisions:

**Motion:** That the privileges governing guest access to the State House for Rep. Shelley Rudnicki are indefinitely suspended due to Rep. Rudnicki's disregard on April 28, 2021 of the explicit requirements set forth in the Legislative Council's COVID-19 Prevention Policy.

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson

Date: May 5, 2021

Vote: 6-4-0-0 Passed (with Senator Timberlake, Senator Pouliot, Representative Dillingham and Representative Stetkis opposed)

#### Requests for Introduction of Legislation:

**LR 2066 An Act To Amend the Sales Tax Exemption for Nonprofit Housing Development Organizations**

Submitted by: Representative Traci Gere

Date: May 25, 2021

Vote: 6-4-0-0 Passed (with Senator Pouliot, Speaker Fecteau, Representative Dillingham and Representative Stetkis opposed)

**LR 2068      An Act To Improve The Hancock County Courthouse**

Submitted by: Senator Louis Luchini  
Date: April 30, 2021  
Vote: 7-2-0-1 Passed (with Senator Pouliot and Speaker Fecteau opposed and Representative Dillingham Absent)

**LR 2074      An Act To Provide Assistance To Law Enforcement Officers To Allow Them To Protect The Residents Of The State**

Submitted by: Senator Jeff Timberlake  
Date: May 7, 2021  
Vote: 8-2-0-0 Passed (with Representative Dunphy and Representative Talbot Ross opposed)

**NEW BUSINESS**

**Item #1: Consideration of After Deadline Bill Requests**

The Legislative Council proceeded to consider and vote on six (6) after deadline bill requests and one (1) Joint Resolution. The Legislative Council rejected six (6) after deadline bill requests, and authorized one (1) Joint Resolution for introduction. The Legislative Council's action on the requests is attached.

**Item #2: Request to Authorize Study and Remove from Study Table**

**Motion:** That the Legislative Council remove from the Study Table and authorize LD 312, "An Act To Extend the Maine Bicentennial Commission and the Use of Maine Bicentennial Registration Plates through 2021." Motion by President Jackson. Second by Senator Daughtry. **Motion passed (8-2, with Senator Pouliot and Representative Stetkis opposed).**

**ANNOUNCEMENTS AND REMARKS**

Members of the Legislative Council discussed the previous week's vote by the Council to retain the protective face covering requirement in the Legislative Council's COVID-19 Prevention Policy. With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:56 p.m.

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

**May 27, 2021**

**Session(s): R1, S1**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Rep. Jon Connor**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2077	Resolve, Directing the Department of Health and Human Services To Conduct an Independent Review of the Collection and Management of Personally Identifiable Information	FAILED

**SPONSOR: Rep. Kathleen R.J. Dillingham**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2076	An Act To Establish the Body-worn Camera Fund To Provide Grants to Law Enforcement for Body-worn Cameras	FAILED

**SPONSOR: Rep. Christopher Kessler**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2070	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide the Legislature the Power To Levy Taxes on Real and Personal Property as It Deems Wise and Equitable	FAILED

**SPONSOR: Sen. Mark W. Lawrence**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2073	An Act To Clarify Maine's Credit for Taxes Paid to Other States	FAILED

**SPONSOR:** **Sen. Trey Stewart**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2080	An Act To Temporarily Exempt Catalytic Converters from the Annual Motor Vehicle Inspection Requirement	FAILED

**SPONSOR:** **Sen. Jeff Timberlake**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2082	An Act To Benefit Maine Employees and Employers	FAILED

### JOINT RESOLUTIONS

**SPONSOR:** **Rep. Allison Hepler**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2079	JOINT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO PASS LEGISLATION ESTABLISHING A VETERANS SERVICE ORGANIZATION FOR HOUSING	PASSED

**Session(s): R1, S1**

**TABLED BY THE LEGISLATIVE COUNCIL**

### AFTER DEADLINE BILL REQUESTS

**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. 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 04/22/21