

# MAINE STATE LEGISLATURE

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REP. RYAN FECTEAU  
CHAIR

SEN. TROY D. JACKSON  
VICE-CHAIR

EXECUTIVE DIRECTOR  
SUZANNE M. GRESSER



130<sup>TH</sup> 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

September 23, 2021  
2:00 P.M.

**AGENDA**

<u>Page</u>	<u>Item</u>		<u>Action</u>
		<b>CALL TO ORDER</b>	
		<b>ROLL CALL</b>	
1		<b>SUMMARY OF THE JUNE 24, 2021 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Decision</b>
		<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
9		<ul style="list-style-type: none"><li>Fiscal Report (Mr. Nolan)</li></ul>	<b>Information</b>
		<ul style="list-style-type: none"><li>Legislative Studies Report (Ms. Fox)</li></ul>	<b>Information</b>
		<b>REPORTS FROM COUNCIL COMMITTEES</b>	
		<ul style="list-style-type: none"><li>Personnel Committee</li></ul>	
		<b>OLD BUSINESS</b>	
14	Item #1	Council Actions Taken by Ballot (No Action Required)	
		<b>NEW BUSINESS</b>	
16	Item #1	Reinstatement of the Legislative Council COVID-19 Prevention Policy	<b>Discussion</b>
	Item #2	Review of recent federal regulations affecting lobster industry	<b>Discussion</b>
	Item #3	Executive Session	
		<b>ANNOUNCEMENTS AND REMARKS</b>	
		<b>ADJOURNMENT</b>	

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**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
June 24, 2021**

**CALL TO ORDER**

Speaker Fecteau called the June 24, 2021 meeting of the 130<sup>th</sup> Legislative Council to order at 4:46 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 Dillingham

Absent: 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  
Dawna Lopatosky, Legislative Finance Director

Speaker Fecteau convened the meeting at 4:46 p.m. with a quorum of members present.

**SUMMARY OF May 27, 2021 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for May 27, 2021 be accepted and placed on file. Motion by President Jackson. Second by Sen. Daughtry. **Motion passed unanimously (9-0-0-1).**

## 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
May	\$287.0	\$495.0	\$208.0	72.5%	\$250.1	97.9%
FYTD	\$3,723.9	\$3,948.6	\$224.8	6.0%	\$3,551.5	11.2%

General Fund revenue was over budget by \$208.0 million (72.5%) for the month of May and over budget by \$224.8 million (6.0%) for the fiscal year to date. **These positive variances now include the May 2021 revenue forecast in the budgeted amounts.**

Individual income tax revenue was over budget by \$176.7 million for the month. Individual income tax payments in May were over budget by \$121.3 million as a result of the delay in the tax filing deadline to May 17<sup>th</sup>. Individual income tax refunds were \$46.4 million less than budgeted (positive impact on revenue) for the month. Corporate income tax revenue was over budget by \$14.0 million for the month, a combination of positive variances in corporate tax payments, estimated payments and refunds (less than budgeted).

Sales and use tax revenue (April sales) was over budget by \$13.9 million for the month.

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

Total Highway Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
May	\$25.1	\$29.0	\$3.8	15.3%	\$19.9	45.7%
FYTD	\$302.3	\$307.9	\$5.6	1.8%	\$302.2	1.9%

Highway Fund revenue was over budget by \$3.8 million (15.3%) for the month of May and over budget by \$5.6 million (1.8%) for the fiscal year to date. **These positive variances now reflect the May 2021 revenue forecast in the budgeted amounts.**

Fuel taxes were over budget by \$0.9 million for the month. Motor vehicle registrations and fees were over budget by \$3.3 million for the month and by \$5.3 million for the fiscal year to date.

#### 3. Cash Balances Update

The average balance in the cash pool for May was \$3,041.7 million, an increase from April's average of \$2,578.3 million. The increase was largely the result of an increase in the General Fund balance (a result of the May tax filing deadline) and the first deposits of American Rescue Plan (ARP) funds received from the U.S. Treasury. The average Highway Fund balance in May was \$65.1 million, an increase from April's average of \$63.9 million.

## REPORTS FROM COUNCIL COMMITTEES

No reports.

## OLD BUSINESS

## Item #1: Council Actions Taken by Ballot

### Legislative Council Decisions:

**Motion:** That the Legislative Council authorizes the funding for and approves the nonconforming elements pursuant to Joint Rule 353 of the legislative study included in LD 609, “Resolve, To Establish a Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.” Further, the Legislative Council authorizes an amendment to LD 609 to require the Commission to seek outside funding resources to fully fund the costs of the study. All outside funding is subject to approval by the Legislative Council in accordance with its policies.

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson  
Date: May 24, 2021  
Vote: 7-3-0-0 Passed (with Senator Timberlake, Representative Dillingham and Representative Stetkis opposed)

**Motion:** (1) That the Legislative Council direct the Executive Director to make every effort to negotiate a memorandum of understanding with the Maine State Employees Association, Local 1989, Service Employees International Union (or “MSEA”), notwithstanding Article 32, subsections 1 and 2 of the Collective Bargaining Agreement, to authorize for the legislative interim occurring in 2021, the payment by the Legislative Council for session-only employees during the months that the employees are not in active work status of that share of the employee’s premium for health plan coverage and the premium for health plan coverage for eligible dependents for employees electing dependent coverage, and the employee’s premium for dental coverage, equal to that paid by the Legislative Council while those employees are in active work status;

(2) Upon the attainment of such a memorandum of understanding, notwithstanding Article 32, subsections 1 and 2 of the Collective Bargaining Agreement, the Legislative Council authorize for the legislative interim occurring in 2021 the payment by the Legislative Council for session-only employees during the months that the employees are not in active work status of that share of the employee’s premium for health plan coverage and the premium for health plan coverage for eligible dependents for employees electing dependent coverage, and the employee’s premium for dental coverage, equal to that paid by the Legislative Council while those employees are in active work status; and

(3) That the Legislative Council direct the Executive Director to identify available balances in legislative accounts that are sufficient to cover the costs associated with section (2).

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson  
Date: June 9, 2021  
Vote: 6-1-0-3 Passed (with Representative Stetkis opposed, Senator Timberlake, Senator Pouliot and Representative Dillingham absent)

**Motion: That, effective upon the ending of Maine’s State of Civil Emergency on June 30, 2021, the Legislative Council COVID-19 Prevention Policy is rescinded.**

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson  
Date: June 11, 2021  
Vote: 10-0-0 Passed

**Requests for Introduction of Legislation:**

**LR 2089 Joint Resolution Memorializing the Federal Government to Establish a Federal Waiver Process for States to Establish a Universal Health Care Plan**

Submitted by: Senator Heather Sanborn  
Date: June 7, 2021  
Vote: 6-3-0-1 Passed (with Senator Timberlake, Senator Pouliot, Representative Dillingham opposed, and Representative Stetkis absent)

**LR 2090 Joint Resolution Memorializing the President of the United States and United States Congress to Fix the So-Called Family Glitch in the Federal Affordable Care Act**

Submitted by: Representative Denise Tepler  
Date: June 7, 2021  
Vote: 6-3-0-1 Passed (with Senator Timberlake, Senator Pouliot, Representative Stetkis opposed, and Representative Dillingham absent)

**NEW BUSINESS**

Prior to taking up Item #1 under New Business, Senator Timberlake asked for permission of the chair to add an additional item of “New Business” to the Legislative Council’s agenda. Speaker Fecteau did not object to consideration of the new item at this time.

**Motion:** That, effective immediately, the Legislative Council COVID-19 Prevention Policy is rescinded. Motion Senator Timberlake. Second by President Jackson. **Motion passed (9-0-0-1,** with Representative Stetkis absent).

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

The Speaker inquired as to the status of LR 2106, “An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees,” which was in ballot process. Ms. Gresser confirmed that although the ballot had not yet closed, sufficient positive votes had been submitted to approved introduction of the bill.

The Legislative Council did not move off the table either of the two any bills previously tabled by the Council.

**Item #2: Consideration of Legislative Study Requests**

The Legislative Council voted to approve the suggested protocol found in the council packet on page 12 (Motion by Senator Vitelli. Second by Senator Timberlake. **Motion passed (9-0-0-1**, with Representative Stetkis absent).

The Legislative Council considered and voted on the legislative study requests in accordance with the approved protocol. Of the 30 studies listed, the council authorized 9 studies, 10 were tabled and 11 were rejected. The Legislative Council's actions on the legislative studies are included on the attached list.

**Item #3: Proposed Second Session Cloture Schedule and Related Dates**

Mr. Charbonneau, Revisor of Statutes, presented the proposed Second Session cloture schedule and explained the related dates to the Legislative Council. President Jackson raised a concern that the timeframe for members to file their appeals of the Council's decision might be too short, and the Speaker suggested perhaps that concern could be addressed by changing the deadline for members to file their appeals from November 1<sup>st</sup> to November 3<sup>rd</sup>.

**Motion:** That the Legislative Council approves the Second Session cloture schedule and related dates, with the change in the date for filing appeals to November 3<sup>rd</sup>. Motion by President Jackson. Second by Senator Vitelli. **Motion passed unanimously (9-0-0-1**, with Rep. Stetkis absent).

**Item #4: Announcement of the Single Audit of the State of Maine (Office of the State Auditor)**

The Office of the State Auditor announced that it is conducting the Single Audit for the State of Maine for the year ended June 30, 2021. The Single Audit is an audit of the State's financial statements and major federal assistance programs.

**ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 6:24 p.m.

**Legislative Council  
Action Taken on Legislative Studies  
June 24, 2021**

<b>SP 578</b>	Joint Study Order, To Create a Working Group To Review the Process for Ongoing Review of Tax Expenditures by the Legislature	Working Group To Review the Process for Ongoing Review of Tax Expenditures by the Legislature	PASSED
<b>LD 247</b>	Resolve, To Reestablish the Commission To Study College Affordability and College Completion	Commission To Study College Affordability and College Completion	PASSED
<b>LD 284</b>	Resolve, To Study Maine's Motor Vehicle Inspection Program	Commission To Study Maine's Motor Vehicle Inspection Program	FAILED
<b>LD 380</b>	Resolve, To Establish the Remote Learning Task Force	Remote Learning Task Force	FAILED
<b>LD 446</b>	Resolve, Establishing the Commission To Research and Recommend Solutions for Regional and Municipal Planning	Commission To Research and Recommend Solutions for Regional and Municipal Planning	FAILED
<b>LD 541</b>	An Act To Improve Health Care Data Analysis	Maine Health Data Organization	PASSED
<b>LD 563</b>	Resolve, To Create the Criminal Records Review Committee	Criminal Records Review Committee	TABLED
<b>LD 584</b>	Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates	Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates	FAILED
<b>LD 629</b>	Resolve, To Establish the Task Force To Study the Process for Bringing Criminal Cases in Situations of Violence against Health Care Workers	Task Force To Study the Process for Bringing Criminal Cases in Situations of Violence against Health Care Workers	TABLED
<b>LD 681</b>	Resolve, To Establish a Task Force To Study Safe and Stable Housing in Lodging Facilities	Task Force To Study Safe and Stable Housing in Lodging Facilities	FAILED
<b>LD 719</b>	Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch	Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch	PASSED
<b>LD 842</b>	Resolve, To Create the Commission To Examine Reestablishing Parole	Commission To Examine Reestablishing Parole	TABLED
<b>LD 924</b>	Resolve, To Establish a Task Force To Study the Coordination of Services and Expansion of Educational Programs and Vocational Opportunities for Young Adults with Intellectual or Developmental Disabilities or Acquired Brain Injury	Task Force To Study the Coordination of Services and Expansion of Educational Programs and Vocational Opportunities for Young Adults with Intellectual or Developmental Disabilities or Acquired Brain Injury	FAILED



<b>LD 966</b>	Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses To Enable the Implementation of the State's 10-year Economic Development Strategy	Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses To Enable the Implementation of the State's 10-year Economic Development Strategy	FAILED
<b>LD 1001</b>	Resolve, To Establish a Task Force To Study Procedures To Ensure Individuals with Intellectual Disabilities or Autism Have Access to Family Members during Hospitalizations	Task Force To Study Procedures To Ensure Individuals with Intellectual Disabilities or Autism Have Access to Family Members during Hospitalizations	TABLED
<b>LD 1005</b>	Resolve, Establishing the Commission To Study Strategies To Assist Working-class Families in Building Wealth and Achieving Upward Mobility	Commission To Study Strategies To Assist Working-class Families in Building Wealth and Achieving Upward Mobility	TABLED
<b>LD 1073</b>	Resolve, Establishing the Commission To Research Effective Strategies and Efficiencies of Legislatures	Commission To Research Effective Strategies and Efficiencies of Legislatures	TABLED
<b>LD 1246</b>	Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities	Commission to Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities	TABLED
<b>LD 1303</b>	Resolve, To Require the Revisor of Statutes To Compile a List of Mandatory Minimum Sentences Contained in the Maine Revised Statutes	Revisor of Statutes	PASSED
<b>LD 1512</b>	Resolve, To Study the Establishment of the Office of the Education Ombudsman	Task Force To Study the Establishment of the Office of the Education Ombudsman	FAILED
<b>LD 1514</b>	Resolve, Establishing the Commission To Study the Impact of Various Types of Taxes on Various Populations in the State	Commission To Study the Impact of Various Types of Taxes on Various Populations in the State	FAILED
<b>LD 1517</b>	An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute	Maine Workforce, Research, Development and Student Achievement Institute	TABLED
<b>LD 1559</b>	Resolve, To Create the Commission To Develop a Paid Family and Medical Leave Benefits Program	Commission To Develop a Paid Family and Medical Leave Benefits Program	PASSED W/ AMENDMENT
<b>LD 1569</b>	Resolve, Establishing the Commission To Study the Role of Water as a Resource in the State of Maine	Commission To Study the Role of Water as a Resource in the State of Maine	TABLED
<b>LD 1588</b>	Resolve, To Replace Certain Stigmatizing Language in the Maine Revised Statutes with Respectful Language	Revisor of Statutes	PASSED
<b>LD 1601</b>	Resolve, To Establish an Advisory Panel To Study the Implications of Genome-editing Technology for the Citizens of the State	Advisory Panel To Study the Implications of Genome-editing Technology for the Citizens of the State	FAILED
<b>LD 1603</b>	An Act To Implement the Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security	Committee To Study the Feasibility of Creating Basic Income Security	PASSED
<b>LD 1618</b>	Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working Group	Secretary of State, Bureau of Motor Vehicles	PASSED W/ AMENDMENT

<b>LD 1630</b>	Resolve, To Establish the Proportional Fines Commission	Proportional Fines Commission	FAILED
<b>LD 1668</b>	Resolve, To Develop a Plan To Close the Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth	Department of Corrections	TABLED

# Fiscal Briefing

September 23, 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
August	\$360.0	\$402.4	\$42.4	11.8%	\$332.8	20.9%
FYTD	\$689.9	\$767.9	\$77.9	11.3%	\$587.9	30.6%

General Fund revenue was over budget by \$42.4 million (11.8%) for the month of August and over budget by \$77.9 million (11.3%) for the fiscal year to date.

Sales and use tax revenue for August (July sales) was over budget by \$23.3 million (13.2%) for the month and by \$54.1 million (15.6%) for the fiscal year to date. Individual income tax revenue was over budget by \$11.1 million (7.0%) for the month and by \$7.0 million (2.3%) for the fiscal year to date, with positive variances in individual income tax withholding and other payments partially offset by income tax refunds exceeding budgeted amounts (negative impact on revenue). Corporate income tax revenue was over budget by \$2.7 million for the month and by \$16.7 million for the fiscal year to date, a combination of positive variances in corporate income tax payments and estimated payments.

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

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

	Budget	Actual	Var.	% Var.	Prior Year	% Change
August	\$32.4	\$33.2	\$0.8	2.4%	\$31.3	6.2%
FYTD	\$62.7	\$64.3	\$1.6	2.5%	\$60.0	7.0%

Highway Fund revenue was over budget by \$0.8 million (2.4%) for the month of August and over budget by \$1.6 million (2.5%) for the fiscal year to date.

Motor vehicle registrations and fees were over budget by \$0.5 million for the month and by \$0.7 million for the fiscal year to date. Fuel taxes were over budget by \$0.1 million for the month and by \$0.3 million for the fiscal year to date.

## 3. Cash Balances Update

The average balance in the cash pool for August was \$3,774.8 million, a decrease from July's average of \$3,818.1 million. The decrease included a decrease in the General Fund balance as a result of the timing of FY 2021 closing transactions. The average Highway Fund balance in August was \$59.0 million, a decrease from July's average of \$69.8 million, reflecting normal construction season variances.

## 4. Fiscal Year 2021 Closing

The FY 2021 closing General Fund balance totaled \$520.3 million, \$155.3 million of which was budgeted and \$365.1 million was unbudgeted. The \$365.1 million not budgeted included \$349.6 million in General Fund revenue surplus, \$6.7 million in unbudgeted lapsed program balances and \$8.7 million in lapsed encumbrances and other accounting adjustments. Transfers under what is known as the "cascade" are made from the unbudgeted surplus only. That surplus was enough to make all \$86.5 million of the fixed dollar transfers provided for under current law. Of the remainder of the unbudgeted

surplus 80% (\$223.6 million) was distributed to the Maine Budget Stabilization Fund and 20% (55.9 million) was distributed to Highway Bridge and Capital. The distribution to the Maine Budget Stabilization Fund brought the balance of that fund to \$491.9 million. The table below summarizes the sources and uses of FY 2021 unbudgeted unappropriated surplus funds.

### FY 2021 General Fund Year-End Summary

<b>Sources of General Fund Year-end Surplus:</b>		
General Fund Revenue Variance		\$349,648,313
Unbudgeted Lapsed Balances		\$6,699,839
Lapsed Encumbrances and Other Accounting Adjustments		\$8,735,679
<b>Total Increase in Unbudgeted Unappropriated Surplus</b>		<b><u><u>\$365,083,831</u></u></b>
<b>Uses of General Fund Year-end Surplus:</b>		
<b>Fixed Dollar Transfers</b>		
Replenish Contingent Account up to \$350,000 (5 MRSA §1507)		(\$74,090)
Loan Insurance Reserve up to \$1,000,000 (5 MRSA §1511)		(\$1,000,000)
Retiree Health ISF UAL (flat \$2 m) Title 5, S. 1519		(\$2,000,000)
General Fund Operating Capital (flat \$2.5 m) Title 5, S. 1536		(\$2,500,000)
Highway and Bridge Reserve OSR Ch 398 PL21 ZZZ-6		(\$50,000,000)
Land for Maine's Future OSR Ch 398 PL21 FFFF-7		(\$20,000,000)
Meals for Students OSR Ch 398 PL21 OOOO-8		(\$10,000,000)
<b>Total Fixed Dollar Transfers</b>		<b><u><u>(\$85,574,090)</u></u></b>
<b>Percentage Transfers - Remaining Surplus after Fixed Dollar Transfers</b>		<b>\$279,509,741</b>
Maine Budget Stabilization Fund	80.0%	(\$223,607,793)
Highway and Bridge Capital	20.0%	(\$55,901,948)
<b>Total Closing Transfers</b>		<b><u><u>(\$365,083,831)</u></u></b>

The Highway Fund also has a statutory year-end transfer provision that transfers all but \$100,000 of the increase in the unallocated surplus above the budgeted amount to the Department of Transportation for highway and bridge improvement projects in the next fiscal year. The amounts that transferred and are available in FY 2021 are \$11.8 million. In addition to a \$9.6 million revenue surplus, unexpended Highway Fund allocations that lapsed back to the unallocated surplus totaled \$2.2 million and other net accounting adjustments equaled \$0.2 million.

### FY 2021 Highway Fund Year-End Summary

<b>Sources of Highway Fund Year-end Surplus:</b>	
Highway Fund Revenue Variance	\$9,559,535
Unbudgeted Lapsed Balances	\$2,197,242
Other Accounting Adjustments Increasing (Decreasing) Balance	\$185,960
<b>Total Increase in Unbudgeted Unallocated Surplus</b>	<b><u><u>\$11,942,737</u></u></b>
<b>Uses of Highway Fund Year-end Surplus:</b>	
Required Increase to Budgeted Balance	\$100,000
<b>Net Unallocated Transferred to Transportation</b>	<b><u><u>\$11,842,737</u></u></b>

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2022 (FY 2022)**

Updated 9/20/21

**August 2021 Revenue Variance Report**

Revenue Category	Fiscal Year-To-Date								FY 2022 Budgeted Totals
	August '21 Budget	August '21 Actual	August '21 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	176,205,508	199,515,006	23,309,498	347,084,720	401,176,650	54,091,930	15.6%	29.8%	1,805,732,422
Service Provider Tax	4,188,559	4,299,195	110,636	8,377,120	8,546,709	169,589	2.0%	-11.0%	51,000,000
Individual Income Tax	158,500,000	169,631,840	11,131,840	304,500,000	311,481,962	6,981,962	2.3%	36.9%	1,844,540,000
Corporate Income Tax	1,500,000	4,186,670	2,686,670	7,700,000	24,377,080	16,677,080	216.6%	27.6%	220,033,737
Cigarette and Tobacco Tax	13,217,366	15,550,841	2,333,475	24,131,725	28,956,695	4,824,970	20.0%	14.1%	147,386,823
Insurance Companies Tax	34,220	451,812	417,592	498,853	2,024,318	1,525,465	305.8%	247.2%	88,250,000
Estate Tax	1,390,408	829,067	(561,341)	2,780,816	714,535	(2,066,281)	-74.3%	49.2%	25,850,000
Other Taxes and Fees *	8,544,144	11,971,802	3,427,658	19,306,981	19,376,106	69,125	0.4%	16.7%	146,321,187
Fines, Forfeits and Penalties	1,148,679	2,610,179	1,461,500	2,400,717	2,989,180	588,463	24.5%	63.2%	12,430,166
Income from Investments	214,342	603,030	388,688	214,342	603,030	388,688	181.3%	30.5%	2,937,863
Transfer from Lottery Commission	4,935,338	5,512,697	577,359	9,512,080	12,460,445	2,948,365	31.0%	2.1%	60,000,000
Transfers to Tax Relief Programs *	35,000	(2,840)	(37,840)	70,000	(602,523)	(672,523)	-960.7%	-1974.0%	(76,150,000)
Transfers for Municipal Revenue Sharing	(14,727,049)	(16,557,736)	(1,830,687)	(31,828,399)	(39,270,429)	(7,442,030)	-23.4%	-72.8%	(180,254,957)
Other Revenue *	4,822,474	3,829,164	(993,310)	(4,833,349)	(4,972,775)	(139,426)	-2.9%	58.8%	31,244,529
<b>Totals</b>	<b>360,008,989</b>	<b>402,430,726</b>	<b>42,421,737</b>	<b>689,915,606</b>	<b>767,860,982</b>	<b>77,945,376</b>	<b>11.3%</b>	<b>30.6%</b>	<b>4,179,321,770</b>

\* Additional detail by subcategory for these categories is presented on the following page.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2022 (FY 2022)**

Updated 9/20/21

**August 2021 Revenue Variance Report**

Revenue Category	Fiscal Year-To-Date								FY 2022 Budgeted Totals
	August '21 Budget	August '21 Actual	August '21 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
<b>Detail of Other Taxes and Fees:</b>									
- Property Tax - Unorganized Territory	0	0	0	0	0	0	N/A	N/A	14,813,169
- Real Estate Transfer Tax	275,248	1,517,585	1,242,337	408,581	1,710,749	1,302,168	318.7%	2558.8%	22,570,549
- Liquor Taxes and Fees	1,655,507	3,613,586	1,958,079	3,796,119	4,483,679	687,560	18.1%	58.5%	22,093,824
- Corporation Fees and Licenses	276,919	408,759	131,840	1,950,727	1,156,673	(794,055)	-40.7%	-51.6%	10,438,649
- Telecommunication Excise Tax	0	0	0	0	0	0	N/A	N/A	6,200,000
- Finance Industry Fees	2,198,914	2,031,350	(167,564)	4,397,828	4,171,480	(226,348)	-5.1%	40.3%	26,916,990
- Milk Handling Fee	61,479	85,544	24,065	548,693	133,962	(414,731)	-75.6%	-89.9%	1,777,656
- Racino Revenue	708,824	978,207	269,383	1,350,169	1,857,965	507,796	37.6%	118.7%	7,131,739
- Boat, ATV and Snowmobile Fees	310,948	0	(310,948)	927,017	605,797	(321,220)	-34.7%	-40.0%	4,523,561
- Hunting and Fishing License Fees	2,182,841	2,473,602	290,761	4,103,159	3,392,358	(710,801)	-17.3%	-7.2%	15,990,794
- Other Miscellaneous Taxes and Fees	873,464	863,170	(10,294)	1,824,688	1,863,443	38,755	2.1%	24.0%	13,864,256
<b>Subtotal - Other Taxes and Fees</b>	<b>8,544,144</b>	<b>11,971,802</b>	<b>3,427,658</b>	<b>19,306,981</b>	<b>19,376,106</b>	<b>69,125</b>	<b>0.4%</b>	<b>16.7%</b>	<b>146,321,187</b>
<b>Detail of Other Revenue:</b>									
- Liquor Sales and Operations	2,759	3,762	1,003	4,335	6,328	1,993	46.0%	-39.7%	28,500
- Targeted Case Management (DHHS)	11,279	0	(11,279)	22,558	0	(22,558)	-100.0%	-100.0%	83,160
- State Cost Allocation Program	2,267,674	2,831,057	563,383	4,641,468	5,416,886	775,418	16.7%	-4.5%	25,918,434
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	6,200,000
- Tourism Transfer	0	0	0	(8,786,645)	(8,786,645)	0	0.0%	26.5%	(14,869,000)
- Transfer to Maine Milk Pool	(454,586)	(1,019,433)	(564,847)	(1,485,167)	(2,052,504)	(567,337)	-38.2%	34.0%	(5,992,693)
- Transfer to STAR Transportation Fund	0	0	0	(4,142,311)	(4,142,311)	0	0.0%	41.8%	(7,012,000)
- Other Miscellaneous Revenue	2,995,348	2,013,777	(981,571)	4,912,413	4,585,471	(326,942)	-6.7%	3.9%	26,888,128
<b>Subtotal - Other Revenue</b>	<b>4,822,474</b>	<b>3,829,164</b>	<b>(993,310)</b>	<b>(4,833,349)</b>	<b>(4,972,775)</b>	<b>(139,426)</b>	<b>-2.9%</b>	<b>58.8%</b>	<b>31,244,529</b>
<b>Detail of Transfers to Tax Relief Programs:</b>									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	455	455	0	455	455	N/A	-71.5%	0
- BETR - Business Equipment Tax Reimb.	0	(10,495)	(10,495)	0	(98,973)	(98,973)	N/A	-560.2%	(19,100,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	35,000	7,200	(27,800)	70,000	(504,005)	(574,005)	-820.0%	-5671.0%	(57,050,000)
<b>Subtotal - Tax Relief Transfers</b>	<b>35,000</b>	<b>(2,840)</b>	<b>(37,840)</b>	<b>70,000</b>	<b>(602,523)</b>	<b>(672,523)</b>	<b>-960.7%</b>	<b>-1974.0%</b>	<b>(76,150,000)</b>
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>2,569,373</b>	<b>2,505,394</b>	<b>(63,979)</b>	<b>5,165,813</b>	<b>4,100,136</b>	<b>(1,065,677)</b>	<b>-20.6%</b>	<b>-13.9%</b>	<b>21,472,798</b>

**Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2022 (FY 2022)**

Updated 9/20/21

**August 2021 Revenue Variance Report**

Revenue Category	August '21 Budget	August '21 Actual	August '21 Variance	Fiscal Year-To-Date					FY 2022 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	19,144,249	18,889,588	(254,661)	36,378,246	36,304,935	(73,311)	-0.2%	11.1%	200,950,000
- Special Fuel and Road Use Taxes	4,265,375	4,666,593	401,218	8,292,099	8,713,439	421,340	5.1%	11.6%	46,898,199
- Transcap Transfers - Fuel Taxes	(1,711,106)	(1,731,286)	(20,180)	(3,265,319)	(3,272,287)	(6,968)	-0.2%	-9.8%	(18,211,727)
- Other Fund Gasoline Tax Distributions	(478,740)	(472,372)	6,368	(909,711)	(907,878)	1,833	0.2%	-9.2%	(5,025,156)
Subtotal - Fuel Taxes	21,219,778	21,352,523	132,745	40,495,315	40,838,209	342,894	0.8%	11.3%	224,611,316
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	7,141,581	6,761,485	(380,096)	14,258,683	13,364,198	(894,485)	-6.3%	-9.0%	69,162,203
- License Plate Fees	492,373	557,824	65,451	854,127	978,895	124,768	14.6%	16.3%	3,642,643
- Long-term Trailer Registration Fees	670,109	881,307	211,198	1,316,650	1,878,805	562,155	42.7%	4.6%	10,884,523
- Title Fees	1,228,523	1,483,635	255,112	2,432,673	2,824,409	391,736	16.1%	4.0%	14,325,795
- Motor Vehicle Operator License Fees	715,399	1,025,063	309,664	1,540,396	2,029,198	488,802	31.7%	15.8%	9,698,036
- Transcap Transfers - Motor Vehicle Fees	0	0	0	0	0	0	N/A	N/A	(16,518,054)
Subtotal - Motor Vehicle Reg. & Fees	10,247,985	10,709,313	461,328	20,402,529	21,075,504	672,975	3.3%	-3.3%	91,195,146
Motor Vehicle Inspection Fees	260,560	273,277	12,717	504,873	617,327	112,454	22.3%	352.4%	3,202,500
Other Highway Fund Taxes and Fees	118,239	153,453	35,214	255,215	338,848	83,633	32.8%	1.1%	1,267,454
Fines, Forfeits and Penalties	50,534	0	(50,534)	101,068	107,649	6,581	6.5%	21.2%	606,412
Interest Earnings	7,238	27,252	20,014	14,478	27,252	12,774	88.2%	3.3%	86,864
Other Highway Fund Revenue	543,581	712,189	168,608	899,003	1,258,399	359,396	40.0%	28.3%	9,739,321
<b>Totals</b>	<b>32,447,915</b>	<b>33,228,008</b>	<b>780,093</b>	<b>62,672,481</b>	<b>64,263,188</b>	<b>1,590,707</b>	<b>2.5%</b>	<b>7.0%</b>	<b>330,709,013</b>

**Legislative Council Actions  
Taken by Ballot Since the  
June 24, 2021 Council Meeting**

**Legislative Council Decisions:**

**Motion: That the Legislative Council authorizes the funding for and, pursuant to Joint Rule 353, approves the nonconforming elements of the legislative study in LD 563, “Resolve, To Create the Criminal Records Review Committee”; and further, that the Legislative Council authorizes an amendment to LD 563 that removes the requirement that the committee seek outside funding resources to fully fund the costs of the study.**

Motion by: Speaker Ryan Fecteau Second: Senator Vitelli  
Date: June 29, 2021  
Vote: 6-3-0-1 Passed (with Senator Timberlake, Representative Dillingham and Representative Stetkis opposed and Senator Pouliot recorded as absent)

**Motion: That the Legislative Council authorizes the funding for and, pursuant to Joint Rule 353, approves the legislative study in LD 1123, “An Act To Authorize a Monument to the Victims of and First Responders to COVID-19.**

Motion by: Senator Daughtry Second: President Jackson  
Date: June 30, 2021  
Vote: 7-0-0-3 Passed (with Representatives Talbot Ross, Dillingham and Stetkis recorded as absent)

**Motion: That the Legislative Council accept the funds contributed for the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions authorized in Resolve, c. 59, and further authorize the commission to convene once a majority of the appointments to the commission have been made.**

Motion by: President Jackson Second: Speaker Fecteau  
Date: June 30, 2021  
Vote: 6-1-0-3 Passed (with Representative Stetkis opposed and with Senator Daughtry and Representatives Dunphy and Dillingham recorded as absent)

**Motion: That the Legislative Council reconsider its action whereby it did not approve the legislative study included in LD 924, “Resolve, To Establish a Task Force To Study the Coordination of Services and Expansion of Educational Programs and Vocational Opportunities for Young Adults with Intellectual or Developmental Disabilities or Acquired Brain Injury;” and further that the Legislative Council authorize the funding for and, pursuant to Joint Rule 353, approve the nonconforming elements of the legislative study included in LD 924.**

Motion by: Speaker Fecteau Second: Representative Dunphy  
Date: July 7, 2021  
Vote: 7-1-0-2 Passed (with Representative Stetkis opposed and Senator Timberlake and Representative Dillingham recorded as absent.)



**Motion: That the Legislative Council authorizes the funding for and, pursuant to Joint Rule 353, approves the nonconforming elements of the legislative study in LD 842, “Resolve, To Create the Commission To Examine Reestablishing Parole.”**

Motion by: Speaker Fecteau                      Second: Representative Talbot Ross  
Date: July 13, 2021  
Vote: 6-2-0-2 Passed (with Senator Pouliot and Representative Dillingham opposed and Senator Timberlake and Representative Stetkis recorded as absent)

**Motion: That the Legislative Council authorize the establishment of one limited period Legislative Aide position and related budget adjustments totaling \$168,663, to be implemented by allotting unspent balances in the Legislative General Fund account.**

Motion by: Speaker Fecteau                      Second: President Jackson  
Date: June 30<sup>th</sup>, 2021  
Vote: 7-0-0-3 Passed (with Representative Dunphy, Representative Talbot Ross and Representative Stetkis recorded as absent.)

**Motion: That the Legislative Council authorize the establishment of one limited period Senior Legislative Analyst position and related All Other, and related budget adjustments totaling \$267,969, to be implemented by allotting unspent balances in the Legislative General Fund account.**

Motion by: Speaker Fecteau                      Second: President Jackson  
Date: June 30<sup>th</sup>, 2021  
Vote: 6-1-0-3 Passed (with Senator Pouliot opposed and President Jackson, Representative Talbot Ross and Representative Stetkis recorded as absent.)

**Requests for Introduction of Legislation:**

**LR 2106                      An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees**

Submitted by: Department Bill – Judicial Branch  
Date: June 22, 2021  
Vote: 7-0-0-3 Passed (with Senators Timberlake and Pouliot and Representative Stetkis recorded as absent)

**LR 2111                      An Act To Clarify Funding for the Office of Affordable Health Care**

Submitted by: President Jackson  
Date: July 6, 2021  
Vote: 6-3-0-1 Passed (with Senators Timberlake and Pouliot and Representative Stetkis opposed and Representative Dillingham recorded as absent.)

**LR 2114                      An Act To Clarify The Definition of “Qualified Investment” For Purposes of the Income Tax Credit for Paper Manufacturing Facility Investment”**

Submitted by: President Jackson  
Date: July 15, 2021  
Vote: 8-1-0-1 Passed (with Representative Dillingham opposed and Representative Dunphy recorded as absent.)

## 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 other individuals who are present in legislative space. 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 Special 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. Capitol Police are responsible for assisting with the enforcement of the Legislative Council's COVID-19 Prevention Policy.

**1. Access to legislative space; legislative staff offices.** Legislative spaces are only open to legislators, staff and other individuals who have passed the daily health self-screening checklist described in section 7.

**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 conducted in accordance with the requirements governing protective face coverings.

**3. Staggering physical presence of staff.** To manage the number of staff members working together at the same time and increase safety, 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 increase 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 as necessary.

In addition, a Legislator or another individual may choose to attend a committee meeting remotely through appropriate electronic means and be in the committee room for periods as necessary.

**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 alone in their own office; (2) is in their own cubicle and able to socially distance at a minimum at 6 feet; or (3) is on the 3<sup>rd</sup>-floor balcony in the State House. For purposes of this section, “protective face covering” means a face covering that complies with guidelines or recommendations for COVID-19 source control issued by the Maine Centers for Disease Control and Prevention (“MCDC”). If a person must wear a face shield instead of a cloth or material face covering, “protective face covering” includes only face shields that wrap around the sides of the face and extend below the chin. Based on direction from the MCDC, in addition to standard full-face shields, the only alternative face shields that may be worn in legislative space as protective face coverings are pictured in Attachments 1 to 4.

**6. 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 other individuals seeking entry to the State House or legislative space in the Cross Office Building 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 tested positive for COVID-19 within the past 14 days?

If a staff member answers "yes" to any of these questions that staff member must contact the staff member's 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 other individual seeking entry to the State House or legislative space in the Cross Office Building answers "yes" to any of these questions, the legislator or other individual shall refrain from entering legislative space.

**7. 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.

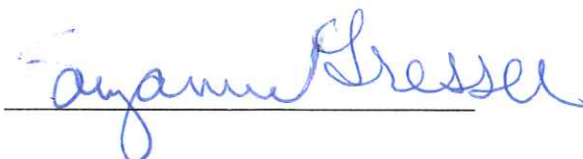
B. Disinfectant wipes, or disinfectant spray and paper towels, must be located next to copiers, printers and other shared equipment. Disinfectant spray should never be sprayed directly on equipment, but should be sprayed on paper towels that are used to wipe down equipment before and after use.

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

**8. 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).

Amended by the Legislative Council on May 20<sup>th</sup>, 2021, to take effect May 24<sup>th</sup>, 2021.

BY: 

Suzanne M. Gresser

# Attachment 1

## Formed Face Mask



# Attachment 2

## Neck Mount Face Shield

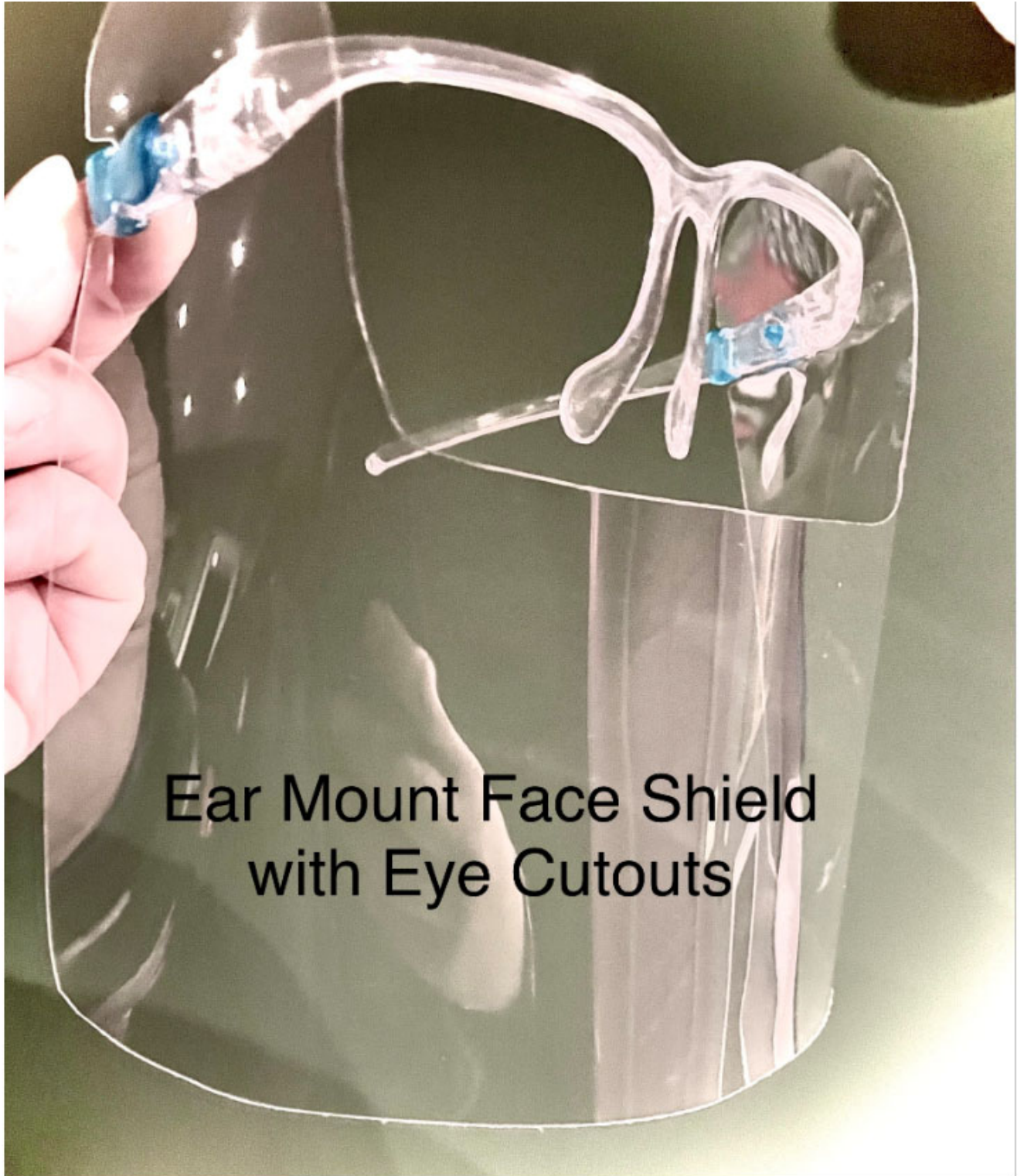


# Attachment 3

## Face Shield Eye and Ear Mount



## Attachment 4



Ear Mount Face Shield  
with Eye Cutouts