

MAINE STATE LEGISLATURE

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REP. RYAN M. 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 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
January 27, 2022
Approved February 24, 2022**

CALL TO ORDER

Speaker Fecteau called the January 27, 2022 meeting of the 130th Legislative Council to order at 1:40 p.m.

ROLL CALL

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

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

Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Clerk of the House
Suzanne Gresser, Executive Director
Edward Charbonneau, Revisor of Statutes
Christopher Nolan, Director, Office of Fiscal and Program Review
Danielle Fox, Director, Office of Policy Analysis
Nik Rende, Director, Office of Legislative Information Technology
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 1:40 p.m. with a quorum of members present.

SUMMARY OF NOVEMBER 18, 2021 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for November 18, 2021 be accepted and placed on file. Motion by President Jackson. Second by Senator Timberlake. **Motion passed unanimously (10-0-0-0).**

Speaker Fecteau expressed his intention to take items on the agenda out of order, without objection. The Speaker then moved to New Business, Item #1.

NEW BUSINESS

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

The Legislative Council proceeded to consider and vote on twenty-nine (29) after-deadline bill requests and one Joint Resolution. With respect to the after-deadline bill requests, the Legislative Council approved twelve (12) requests, rejected nine (9) requests, and tabled eight (8) requests. The Legislative Council rejected one Joint Resolution. The Legislative Council's action on the requests is attached.

Upon conclusion of New Business Item #1, Speaker Fecteau returned to the agenda.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Fiscal Report

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

1. General Fund Revenue Update

Total General Fund Revenue - FY 2022 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Change
December	\$295.4	\$380.0	\$84.6	28.6%	\$319.0	19.1%
FYTD	\$2,367.6	\$2,458.0	\$90.4	3.8%	\$2,043.8	20.3%

General Fund revenue was over budget by \$84.6 million for the month of December and over budget by \$90.4 million (3.8%) for the fiscal year to date. **These positive variances now reflect the December 2021 revenue forecast, which increased budgeted General Fund revenue by \$443.2 million for FY 2022.**

Individual income tax revenue was over budget by \$38.3 million for the month and by \$38.3 million (3.7%) for the fiscal year to date. This positive variance for the month was largely the result of a positive variance in individual income tax withholding. Corporate income tax revenue was over budget by \$36.2 million for the month and by \$36.2 million (23.2%) for the fiscal year to date. Sales and use tax revenue for December (November sales) was over budget by \$7.3 million for the month and by \$7.3 million (0.7%) for the fiscal year to date.

2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2022 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Change
December	\$23.8	\$24.9	\$1.0	4.3%	\$23.9	3.9%
FYTD	\$178.0	\$180.4	\$2.3	1.3%	\$172.8	4.4%

Highway Fund revenue was over budget by \$1.0 million for the month of December and by \$2.3 million (1.3%) for the fiscal year to date. **These positive variances now reflect the December 2021 revenue forecast, which increased budgeted Highway Fund revenue by \$4.0 million for FY 2022.**

Fuel taxes were over budget by \$0.8 million for the month and over budget by \$0.8 million (0.7%) for the fiscal year to date. Motor vehicle registrations and fees were above budget

by \$0.1 million for the month and over budget by \$0.5 million (1.1%) for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for December was 3,642.2 million, a decrease from November's average of \$3,832.3 million. The net decrease was largely the result of decreases in Other Special Revenue Funds balances partially offset by increases in General Fund balances. The average Highway Fund balance in December was \$20.8 million, a decrease from November's average of \$45.1 million, the result of the annual payment to the Local Road Assistance program being made in December.

4. Economic and Revenue Forecast Meetings

The Consensus Economic Forecasting Commission (CEFC) is scheduled to meet on Friday, January 28th to review and update the economic forecast for its February 1st report. The Revenue Forecasting Committee (RFC) will then meet in late February to review and update the revenue forecast for its March 1st report.

Studies Report

Danielle Fox, Director, Office of Policy and Legal Analysis, presented the studies report included in the agenda packet.

NEW BUSINESS

Item #2: Acceptance of the Sixteenth Annual Report of the Right to Know Advisory Committee

Motion: That the Legislative Council accept the Sixteenth Annual Report of the Right to Know Advisory Committee and place it on file. Motion by Senator Daughtry. Second by Representative Stetkis. **Motion passed unanimously (10-0-0-0).**

Item #3: Acceptance of the Report of the Committee To Study the Feasibility of Creating Basic Income Security

Motion: That the Legislative Council accept the Report of the Committee To Study the Feasibility of Creating Basic Income Security and place it on file. Motion by Representative Talbot Ross. Second by Senator Daughtry. **Motion passed unanimously (10-0-0-0).**

Items ##4-9: Acceptance of reports

Motion: That the Legislative Council accept each of the reports set forth under Items ##4-9 and place them on file. Motion by Representative Stetkis. Second by Senator Daughtry. **Motion passed unanimously (10-0-0-0).**

Item #10. Introduction and remarks from Matthew Clancy, Chief of Bureau of Capitol Police

Chief Clancy introduced himself to the members of the Legislative Council, and informed the Legislative Council that, in his new role as the Chief of Capitol Police, he was performing an initial assessment of the Bureau of Capitol Police, including but not limited to a review of the mission, responsibilities, practices, policies, personnel, training, equipment, and facilities. Chief Clancy indicated that after completion of his assessment, he would share his observations with

the Council, along with any recommendations regarding any proposed refinements or enhancements to the security of the campus.

Prior entering into Executive Session to receive a briefing from Chief Clancy on security, the Speaker returned to the agenda for the following item:

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

The Speaker reported that the Personnel Committee had met on December 20, 2021 to consider the following matters:

1. Merit Increases for the Secretary of the Senate and Clerk of the House

The committee voted to approve step increases for both the Secretary of the Senate and the Clerk of the House.

2. Step Increases for Constitutional Officers

The committee reviewed and approved step increases for the three eligible Constitutional Officers.

3. Performance Evaluation and Step Increases

The committee voted to approve step increases for the following nonpartisan office directors:

- Danielle Fox, Director, Office of Policy and Legal Analysis
- Christopher Nolan, Director, Office of Fiscal and Program Review
- Edward Charbonneau, Revisor of Statutes
- John Melendez-Barden, Director, Law and Legislative Reference Library
- Suzanne Gresser, Executive Director

NEW BUSINESS

Item #11. Executive Session—Security briefing

Motion: That in accordance with 1 MRSA § 405, sub§ 6, the Legislative Council enter into an executive session for the purpose of receiving information related to security plans. Motion by Speaker Fecteau. Second by Senator Vitelli. **Motion passed unanimously (10-0-0)**

The Legislative Council entered into an executive session at 4:10 p.m. At the conclusion of the executive session, the Legislative Council voted unanimously to end its executive session and reconvene its regular meeting, and the Speaker turned the gavel over to Senator Vitelli to adjourn the regular meeting.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 4:36 p.m.

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

January 27, 2022

Session(s): R2

**AFTER DEADLINE BILL REQUESTS
AND REQUESTS FOR JOINT RESOLUTIONS**

SUBMITTED BY: DEPARTMENT OF PUBLIC SAFETY

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2523	An Act To Allow Electric-powered School Buses To Have Distinctively Colored Bumpers, Wheels and Rub Rails	PASSED
2571	An Act To Ensure Release of Relevant Background Investigation Material to Current Employers of Law Enforcement and Corrections Officers	TABLED

SUBMITTED BY: OFFICE OF THE PUBLIC ADVOCATE

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2560	An Act To Impose Certain Restrictions on the Participation in Net Energy Billing by Certain Customers	TABLED

SPONSOR: Rep. John Andrews

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2550	An Act To Amend the School Bus Driver Qualification Requirements	FAILED

SPONSOR: Sen. Richard A. Bennett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2574	An Act To Retroactively Approve by a Two-thirds Vote of the Legislature the Lease of Certain Public Lands by the Department of Agriculture, Conservation and Forestry, Bureau of Public Lands	TABLED

SPONSOR: Sen. Russell Black

<u>LR #</u>	<u>Title</u>	<u>Action</u>
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2580	Resolve, Directing the Bureau of Parks and Lands To Approve the Construction of an Extension of a Telecommunications Tower on Bald Mountain in the Town of Rangeley	PASSED
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SPONSOR: Sen. Cathy Breen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2604	An Act To Amend the Charter of the Gray Water District	PASSED

SPONSOR: Rep. Heidi Eileen Brooks

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2603	An Act To Expand Access to Life-saving Medications	TABLED

SPONSOR: Rep. Chris Caiazzo

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2579	An Act To Improve Testing Requirements for Adult Use Marijuana	PASSED

SPONSOR: Rep. Nathan Michael Carlow

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2533	Resolve, Authorizing Maine School Administrative District 6 To Lease a Former Administrative Office Building in the Town of Buxton	PASSED

SPONSOR: Sen. Ned Claxton

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2590	An Act To Require Suicide Prevention Barriers on the Penobscot Narrows Bridge	PASSED

SPONSOR: Sen. Scott Wynn Cyrway

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2540	An Act To Combat Violence, Disorder and Looting and Protect Law Enforcement Officers	FAILED

SPONSOR: Sen. Paul Davis

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2543	An Act To Require the Payment of Child Support by Intoxicated Drivers Who Cause the Death of a Parent	FAILED

2549	An Act To Create a Graduated Civil Penalty Scale for Cultivating and Selling Medical and Adult Use Marijuana without a License	FAILED
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SPONSOR: Rep. Jeffrey Evangelos

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2566	An Act To Place a Moratorium on Revaluations of Property by Municipalities	FAILED

SPONSOR: Sen. Brad Farrin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2583	Resolve, To Authorize the Bureau of Parks and Lands To Enter into a Lease with Christian Camps and Conferences for a Parcel of Property Located in Somerset County	PASSED

SPONSOR: Spkr. Ryan Michael Fecteau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2567	An Act To Prevent Discovery in Connection with a Protection from Abuse Action	PASSED

SPONSOR: Rep. Raegan French LaRochelle

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2548	An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program	PASSED

SPONSOR: Rep. John L. Martin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2542	An Act To Ensure Fairness of Representation in Insurance Disputes	PASSED

SPONSOR: Rep. David H. McCrea

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2539	Resolve, Authorizing the Director of the Bureau of Parks and Lands To Renew a Lease of Certain Lands in Aroostook State Park to the Federal Aviation Administration	PASSED

SPONSOR: Rep. Stephen W. Moriarty

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2564	An Act To Exempt from Sales Tax Testing Kits for COVID-19	FAILED

SPONSOR: Rep. Tim Roche

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2544	An Act To Exempt Permanently Disabled Veterans from Payment of Property Tax	PASSED

SPONSOR: Rep. Shelley Rudnicki

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2541	An Act To Provide Alternative Meat To Compensate Hunters Who Have Tagged Deer from the "Do Not Eat" Advisory Area	FAILED

SPONSOR: Sen. Trey Stewart

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2531	An Act To Require Certain Public Health Rules To Be Adopted as Major Substantive Rules	TABLED

SPONSOR: Rep. James E. Thorne

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2522	An Act To Eliminate the State Income Tax Paid on Social Security Benefits	TABLED

SPONSOR: Rep. Joseph F. Underwood

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2526	An Act To Increase the Property Tax Exemption	FAILED

2545	An Act To Allow Movement of Overlimit Vehicles on Any Day of the Week	FAILED
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SPONSOR: Rep. Dustin Michael White

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2529	An Act To Allow Side-by-side All-terrain Vehicles To Use All-terrain Vehicle Trails	TABLED

2532	An Act To Keep Children in School	TABLED
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JOINT RESOLUTIONS

SPONSOR:

Rep. John Andrews

LR #

2321

Title

Joint Resolution, Urging Congress and Maine's Delegation to Congress To Oppose Changes to Tax Compliance Policies Proposed at the Federal Level and the Potential Invasion of Privacy Caused by Those Changes

Action

FAILED