

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
February 24, 2022
Approved March 3, 2022**

CALL TO ORDER

Speaker Fecteau called the February 24, 2022 meeting of the 130th Legislative Council to order at 1:58 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: 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 1:58 p.m. with a quorum of members present.

SUMMARY OF JANUARY 27, 2022 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for the January 27, 2022 meeting be accepted and placed on file. Motion by Representative Talbot Ross. Second by Representative Dunphy.
Motion passed unanimously (9-0-0-1, with Rep. Stetkis absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Fiscal Report

Christopher 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
January	\$449.4	\$492.4	\$43.0	9.6%	\$447.1	10.1%
FYTD	\$2,817.0	\$2,950.4	\$133.4	4.7%	\$2,490.9	18.4%

General Fund revenue was over budget by \$43.0 million for the month of January and over budget by \$133.4 million (4.7%) for the fiscal year to date.

Individual income tax revenue was over budget by \$19.9 million for the month and by \$58.3 million (4.5%) for the fiscal year to date. This positive variance for the month was largely the result of a positive variance in individual income tax estimated payments and for the fiscal year to date, is a combination of positive variances in the individual income tax withholding and estimated payment lines. Corporate income tax revenue was over budget by \$11.5 million for the month and by \$47.6 million (29.7%) for the fiscal year to date. Sales and use tax revenue for January (December sales) was over budget by \$3.2 million for the month and by \$10.5 million (0.8%) for the fiscal year to date. Estate tax revenue was over budget by \$3.7 million for January and by \$6.3 million (26.1%) 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
January	\$27.4	\$28.1	\$0.7	2.5%	\$26.6	5.6%
FYTD	\$205.5	\$208.5	\$3.0	1.5%	\$199.4	4.5%

Highway Fund revenue was over budget by \$0.7 million for the month of January and over budget by \$3.0 million (1.5%) for the fiscal year to date.

Fuel taxes were under budget by \$0.2 million for the month but over budget by \$0.6 million (0.4%) for the fiscal year to date. Motor vehicle registrations and fees were above budget by \$1.0 million for the month and over budget by \$1.6 million (2.8%) for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for January was \$3,811.2 million, an increase from December's average of 3,642.2 million. The net increase was largely the result of increases in General Fund balances and Independent Agency balances. The average Highway Fund balance in January was \$20.0 million a decrease from December's average of \$20.8 million.

4. Revenue Forecast Meeting

The Revenue Forecasting Committee (RFC) is scheduled to meet on February 25th to review and update the revenue forecast for its March 1st report.

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

Updated 2/18/22

January 2022 Revenue Variance Report

Revenue Category	Fiscal Year-To-Date								FY 2022 Budgeted Totals
	January '22 Budget	January '22 Actual	January '22 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax ¹	177,344,373	180,504,820	3,160,447	1,272,353,226	1,282,850,443	10,497,217	0.8%	21.4%	2,014,656,922
Service Provider Tax	4,188,559	4,319,847	131,288	29,319,915	29,650,276	330,361	1.1%	-6.6%	51,000,000
Individual Income Tax	251,888,192	271,827,777	19,939,585	1,290,401,361	1,348,673,802	58,272,441	4.5%	14.3%	2,048,250,000
Corporate Income Tax	4,000,000	15,457,197	11,457,197	160,118,088	207,729,457	47,611,369	29.7%	56.6%	255,033,737
Cigarette and Tobacco Tax ²	10,399,358	12,283,006	1,883,648	88,813,365	90,679,882	1,866,517	2.1%	5.0%	150,745,000
Insurance Companies Tax	29,562	35,025	5,463	14,031,772	15,866,713	1,834,941	13.1%	7.9%	88,250,000
Estate Tax	1,600,000	5,297,539	3,697,539	24,195,156	30,499,835	6,304,679	26.1%	98.1%	31,950,000
Other Taxes and Fees *	11,626,466	14,395,778	2,769,312	84,916,199	87,695,417	2,779,218	3.3%	6.8%	150,101,084
Fines, Forfeits and Penalties	1,084,291	(2,837)	(1,087,128)	4,433,739	3,019,632	(1,414,107)	-31.9%	-33.3%	9,889,346
Income from Investments	426,433	683,606	257,173	3,171,633	3,582,545	410,912	13.0%	23.9%	5,227,906
Transfer from Lottery Commission	4,903,789	5,233,306	329,517	38,567,245	41,189,686	2,622,441	6.8%	-7.7%	65,000,000
Transfers to Tax Relief Programs *	(7,458,517)	(4,566,652)	2,891,865	(65,502,153)	(64,030,272)	1,471,881	2.2%	4.6%	(76,150,000)
Transfers for Municipal Revenue Sharing	(14,487,023)	(18,349,785)	(3,862,762)	(126,956,993)	(130,568,439)	(3,611,446)	-2.8%	-50.4%	(203,301,782)
Other Revenue *	3,827,043	5,274,027	1,446,984	(858,818)	3,557,503	4,416,321	514.2%	149.0%	31,675,053
Totals	449,372,526	492,392,653	43,020,127	2,817,003,735	2,950,396,482	133,392,747	4.7%	18.4%	4,622,327,266

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

1 / Includes revenue from adult-use marijuana sales taxes of \$1.1 million for January and \$6.4 million for the fiscal year to date.

2 / Includes revenue from adult-use marijuana excise taxes of \$0.4 million for January and \$3.7 million for the fiscal year to date.

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

Updated 2/18/22

January 2022 Revenue Variance Report

Revenue Category	Fiscal Year-To-Date								FY 2022 Budgeted Totals
	January '22 Budget	January '22 Actual	January '22 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	13,331,852	12,528,743	(803,109)	-6.0%	-0.2%	14,813,169
- Real Estate Transfer Tax	2,075,023	3,772,132	1,697,109	15,625,072	17,298,245	1,673,173	10.7%	46.2%	26,407,356
- Liquor Taxes and Fees	1,683,151	1,112,380	(570,771)	13,335,703	13,065,640	(270,063)	-2.0%	-2.4%	22,093,824
- Corporation Fees and Licenses	404,777	580,447	175,670	2,316,659	3,078,289	761,630	32.9%	-28.2%	10,438,649
- Telecommunication Excise Tax	0	0	0	0	0	0	N/A	100.0%	6,200,000
- Finance Industry Fees	2,728,916	2,857,655	128,739	15,922,402	15,391,135	(531,267)	-3.3%	0.6%	26,916,990
- Milk Handling Fee	(32,123)	6,675	38,798	778,245	817,043	38,798	5.0%	-65.1%	1,251,059
- Racino Revenue	767,164	812,157	44,993	4,488,562	6,074,947	1,586,385	35.3%	74.0%	8,344,985
- Boat, ATV and Snowmobile Fees	410,227	488,796	78,569	2,046,649	2,015,289	(31,360)	-1.5%	0.2%	4,523,561
- Hunting and Fishing License Fees	2,256,590	3,264,635	1,008,045	10,234,296	11,447,730	1,213,434	11.9%	5.9%	15,994,284
- Other Miscellaneous Taxes and Fees	1,332,741	1,500,901	168,160	6,836,759	5,978,357	(858,402)	-12.6%	-4.4%	13,117,207
Subtotal - Other Taxes and Fees	11,626,466	14,395,778	2,769,312	84,916,199	87,695,417	2,779,218	3.3%	6.8%	150,101,084
Detail of Other Revenue:									
- Liquor Sales and Operations	1,057	706	(351)	13,076	16,588	3,512	26.9%	-48.8%	28,500
- Targeted Case Management (DHHS)	0	0	0	0	0	0	N/A	-100.0%	0
- State Cost Allocation Program	2,326,580	2,764,037	437,457	15,419,457	18,195,558	2,776,101	18.0%	10.1%	25,918,434
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	9,200,000
- Tourism Transfer	0	0	0	(15,473,162)	(15,473,162)	0	0.0%	9.4%	(15,476,762)
- Transfer to Maine Milk Pool	(60,091)	0	60,091	(4,038,189)	(4,335,131)	(296,942)	-7.4%	42.8%	(4,673,418)
- Transfer to STAR Transportation Fund	0	0	0	(7,391,785)	(7,391,785)	0	0.0%	25.4%	(7,391,785)
- Other Miscellaneous Revenue	1,559,497	2,509,284	949,787	10,611,785	12,545,435	1,933,650	18.2%	17.0%	24,070,084
Subtotal - Other Revenue	3,827,043	5,274,027	1,446,984	(858,818)	3,557,503	4,416,321	514.2%	149.0%	31,675,053
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	0	0	0	601	601	N/A	-54.0%	0
- BETR - Business Equipment Tax Reimb.	(5,749,717)	(4,365,965)	1,383,752	(9,721,353)	(5,898,589)	3,822,764	39.3%	55.5%	(19,100,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(1,708,800)	(200,687)	1,508,113	(55,780,800)	(58,132,284)	(2,351,484)	-4.2%	-7.9%	(57,050,000)
Subtotal - Tax Relief Transfers	(7,458,517)	(4,566,652)	2,891,865	(65,502,153)	(64,030,272)	1,471,881	2.2%	4.6%	(76,150,000)
Inland Fisheries and Wildlife Revenue - Total	2,756,415	3,862,391	1,105,976	10,052,444	10,113,147	60,703	0.6%	-8.1%	21,476,288

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

Updated 2/18/22

January 2022 Revenue Variance Report

Revenue Category	January '22 Budget	January '22 Actual	January '22 Variance	Fiscal Year-To-Date					FY 2022 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	16,324,343	15,549,604	(774,739)	122,028,452	120,501,824	(1,526,628)	-1.3%	7.5%	200,950,000
- Special Fuel and Road Use Taxes	3,733,156	4,278,202	545,046	28,249,983	30,406,049	2,156,066	7.6%	5.0%	46,898,199
- Transcap Transfers - Fuel Taxes	(1,465,891)	(1,493,922)	(28,031)	(11,036,345)	(11,093,585)	(57,240)	-0.5%	-7.0%	(18,211,727)
- Other Fund Gasoline Tax Distributions	(408,223)	(388,849)	19,374	(3,051,564)	(3,013,902)	37,662	1.2%	-7.0%	(5,025,156)
Subtotal - Fuel Taxes	18,183,385	17,945,036	(238,349)	136,190,526	136,800,387	609,861	0.4%	7.0%	224,611,316
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,760,310	5,274,805	(485,505)	40,698,568	39,981,282	(717,286)	-1.8%	-7.2%	69,162,203
- License Plate Fees	88,520	1,965	(86,555)	2,044,919	2,277,353	232,434	11.4%	4.1%	3,652,523
- Long-term Trailer Registration Fees	724,152	1,995,627	1,271,475	6,925,977	8,197,452	1,271,475	18.4%	16.4%	11,384,523
- Title Fees	987,596	1,073,890	86,294	8,254,939	8,783,181	528,242	6.4%	-5.4%	14,325,795
- Motor Vehicle Operator License Fees	668,327	923,225	254,898	6,638,062	6,831,367	193,305	2.9%	7.4%	10,191,878
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(8,600,837)	(8,522,460)	78,377	0.9%	5.8%	(16,518,054)
Subtotal - Motor Vehicle Reg. & Fees	8,228,905	9,269,512	1,040,607	55,961,628	57,548,174	1,586,546	2.8%	-2.3%	92,198,868
Motor Vehicle Inspection Fees	395,088	198,945	(196,144)	2,092,194	1,848,025	(244,170)	-11.7%	22.0%	3,015,291
Other Highway Fund Taxes and Fees	95,689	101,795	6,106	773,339	930,280	156,941	20.3%	0.6%	1,267,454
Fines, Forfeits and Penalties	50,534	73,062	22,528	353,738	717,713	363,975	102.9%	14.2%	606,412
Interest Earnings	8,800	8,882	82	88,952	111,439	22,487	25.3%	-14.0%	146,248
Other Highway Fund Revenue	464,324	504,673	40,349	10,001,193	10,499,037	497,844	5.0%	10.6%	12,908,725
Totals	27,426,725	28,101,904	675,179	205,461,570	208,455,056	2,993,486	1.5%	4.5%	334,754,314

Studies Report

Danielle Fox, Director, Office of Policy and Legal Analysis, provided an update on the two studies that had not been completed as of the Legislative Council's January 27, 2022 meeting. Ms. Fox reported that: (1) the Commission to Develop a Paid Family and Medical Leave Benefits Program has completed its work and issued its report; and (2) the members of the Commission to Study College Affordability and College Completion have been appointed to a subcommittee of the Joint Standing Committee on Education and Cultural Affairs in order to complete the work of the commission, and will submit a report to that Joint Standing Committee in March.

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

NEW BUSINESS

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

The Legislative Council proceeded to consider and vote on six (6) newly-filed after-deadline bill requests. Of these newly-filed after-deadline bill requests, the Legislative Council approved two (2) requests, rejected two (2) requests, and tabled two (2) requests. In addition, the Legislative Council considered and rejected three (3) after-deadline requests that had been tabled at a previous meeting. The Legislative Council's action on the requests is attached.

Item #2: Establishment of position count in the Office of Fiscal and Program Review to correlate with Legislative Council-approved position and funding

Motion: That the Legislative Council establish one legislative position count beginning in FY 23 for one Senior Legislative Analyst position in the Office of Fiscal and Program review for which funding was authorized by the Legislative Council on August 29, 2021. And further, the Legislative Council directs the Executive Director to prepare and submit implementing language reflecting the decisions of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's supplemental budget bill, LD 1995. Motion by President Jackson. Second by Rep. Dunphy. **Motion passed unanimously (9-0-0-1, with Rep. Stetkis absent).**

Item #3: Funding of dues shortfalls for the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG) in State fiscal years 2022 and 2023

The Council discussed funding the dues shortfalls for NCSL and CSG in State fiscal years 2022 and 2023, and expressed interest in hearing from the organizations on the issue. **Motion:** That the Legislative Council table the proposed funding of the dues shortfalls for NCSL and CSG in State fiscal years 2022 and 2023. Motion by Representative Talbot Ross. Second by Rep. Dunphy. **Motion passed unanimously (9-0-0-1, with Rep. Stetkis absent).**

Items #4: Acceptance of the Annual Report of the Washington County Development Authority

Motion: That the Legislative Council accept the Annual Report of the Washington County Development Authority and place it on file. Motion by President Jackson. Second by

Rep. Dunphy. **Motion passed unanimously (9-0-0-1, with Rep. Stetkis absent).**

Senator Timberlake requested leave of the chair to take up under **New Business** an item that did not appear on the Legislative Council's agenda. Speaker Fecteau allowed the addition of the item, and requested that Senator Timberlake explain the subject matter of the additional item. Senator Timberlake explained that the item related to the mandatory wearing of protective face coverings in legislative space, and made a motion to rescind the portion of the Legislative Council's COVID-19 Prevention Policy that requires the wearing of protective face coverings in legislative space. Members of the Legislative Council discussed the current status of COVID-19 in the State; the expectation that the federal Centers for Disease Control and Prevention will soon revise its recommendations regarding masking; the need for Council members to discuss the possible rescission with other members of their caucuses; and the possibility of scheduling another Legislative Council meeting during the next week following the issuance of any updated federal CDC guidance and after discussion with caucus members. With the understanding that the item would be revisited during the week of March 1st, the item was tabled.

Motion. That the Legislative Council **table** the request to rescind the portion of the Legislative Council's COVID-19 Prevention Policy requiring the wearing of protective face coverings in legislative space. Motion by Senator Timberlake. Second by Senator Pouliot. **Motion passed unanimously (9-0-0-1, with Rep. Stetkis absent).**

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:37 p.m.

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

February 24, 2022

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

**SUBMITTED
BY:**

JUDICIAL BRANCH

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2613	An Act To Amend the Judicial Districts and Divisions for York County	PASSED

SPONSOR: Sen. Russell Black

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2631	An Act To Allow Excess Electricity To Be Purchased at Wholesale Rates	FAILED

2639	Resolve, Directing the Department of Health and Human Services To Keep Open a Call Center in Wilton	TABLED
------	---	--------

SPONSOR: Rep. Anne C. Perry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2623	An Act To Require the Department of Professional and Financial Regulation, Bureau of Insurance To Offer Health Care Providers and Insurers Liaison Services	FAILED

SPONSOR: Sen. Trey Stewart

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2643	Resolve, To Authorize the Bureau of Parks and Lands To Enter into a Lease with Aroostook Technologies, Inc. for a Parcel of Land in Township 11, Range 4, WELS	PASSED

SPONSOR: Rep. Rachel Talbot Ross

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2614	An Act To Establish the Maine Statewide Council on Community Integration, Migration and Emergency Management	TABLED

**TABLED BY THE LEGISLATIVE COUNCIL
AFTER DEADLINE BILL & JOINT RESOLUTION REQUESTS**

**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 01/27/22 FAILED 2/24/22

**SUBMITTED
BY:**

DEPARTMENT OF PUBLIC SAFETY

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2571	An Act To Ensure Release of Relevant Background Investigation Material to Current Employers of Law Enforcement and Corrections Officers	Tabled 01/27/22

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 01/27/22 FAILED 2/24/22

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 01/27/22

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 01/27/22 FAILED 2/24/22

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 01/27/22

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 01/27/22

2532	An Act To Keep Children in School	Tabled 01/27/22
------	-----------------------------------	-----------------