

# MAINE STATE LEGISLATURE

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SEN. TROY D. JACKSON  
CHAIR  
  
REP. RACHEL TALBOT ROSS  
VICE-CHAIR



131<sup>st</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. ELOISE A. VITELLI  
SEN. MATTHEA E. DAUGHTRY  
SEN. HAROLD "TREY" STEWART, III  
SEN. LISA M. KEIM  
REP. MAUREEN FITZGERALD TERRY  
REP. KRISTEN CLOUTIER  
REP. BILLY BOB FAULKINGHAM  
REP. AMY B. ARATA

EXECUTIVE DIRECTOR  
SUZANNE M. GRESSER

**February 16, 2023  
1:30 P.M.  
REVISED AGENDA**

<b><u>Page</u></b>	<b><u>Item</u></b>	<b><u>Action</u></b>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
<b>1</b>	<b>SUMMARY OF THE JANUARY 26, 2023 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Decision</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
<b>10</b>	<ul style="list-style-type: none"><li>Fiscal Report (Mr. Nolan)</li></ul>	<b>Information</b>
	<b>OLD BUSINESS</b>	
<b>*14</b>	Item #1: Council Actions Taken by Ballot (No Action Required)	<b>Information</b>
	<b>NEW BUSINESS</b>	
<b>*15</b>	Item #1: Consideration of Requests for After Deadline Bills and Joint Resolutions	<b>Roll Call Vote</b>
<b>19</b>	Item #2: Acceptance of Report of Commission To Develop a Paid Family and Medical Leave Benefits Program	<b>Acceptance</b>
<b>24</b>	Item #3: Acceptance of Report of Committee To Study Court-ordered Treatment for Substance Use Disorder	<b>Acceptance</b>
<b>29</b>	Item #4: Acceptance of Report of the Commission to Examine Reestablishing Parole	<b>Acceptance</b>

<b>34</b>	Item #5	Acceptance of Report of the Washington County Development Authority	<b>Acceptance</b>
<b>40</b>	Item #6	Acceptance of Seventeenth Annual Report of the Right to Know Advisory Committee	<b>Acceptance</b>

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

SEN. TROY JACKSON  
CHAIR

REP. RACHEL TALBOT ROSS  
VICE-CHAIR

EXECUTIVE DIRECTOR  
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**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
January 26, 2023**

**CALL TO ORDER**

President Jackson called the January 26, 2023 meeting of the 131<sup>st</sup> Legislative Council to order at 1:46 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Jackson, Senator Vitelli, Senator Daughtry, Senator Stewart and Senator Keim

Representatives: Speaker Talbot Ross, Representative Terry, Representative Cloutier, Representative Faulkingham and Representative Arata

Legislative Officers: Darek Grant, Secretary of the Senate  
Robert Hunt, Clerk of the House  
Suzanne Gresser, Executive Director of the Legislative Council  
Ed Charbonneau, Deputy Director, Office of Revisor of Statutes  
Chris Nolan, Director, Office of Fiscal and Program Review  
Danielle Fox, Director, Office of Policy and Legal Analysis  
Nik Rende, Director, Office of Legislative Information Technology

President Jackson convened the meeting at 1:46 p.m. with a quorum of members present.

President Jackson asked if there was any objection to taking items out of order. There was no objection. The Chair then moved on to Item #1 under **New Business**.

**NEW BUSINESS**

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

President Jackson suggested that, for the first meeting in which the Legislative

Council considers after-deadline requests for bills, he understands there is support within the Council to move acceptance of the twenty (20) after-deadline bill requests on one motion and vote them all as a block.

**Motion:** That the Legislative Council authorize for introduction in the First Regular Session all twenty (20) bills on the list of after-deadline bills included in the agenda packet. Motion by Senator Stewart. Second by Speaker Talbot Ross. **Motion passed unanimously (10-0-0-0).**

The Legislative Council did not take up introduction of the twelve (12) Joint Resolutions. The Legislative Council's action on the requests is attached.

After the Legislative Council voted to authorize introduction of the after-deadline bills, the President returned to the printed agenda.

## **SUMMARY OF JANUARY 5, 2023 MEETING OF LEGISLATIVE COUNCIL**

Ms. Gresser indicated that the Meeting Summary included an error in the title of one of the office directors.

**Motion:** That the Meeting Summary for January 5, 2023, as corrected, be accepted and placed on file. Motion by Senator Stewart. Second by Senator Daughtry. **Motion passed unanimously (10-0-0-0).**

## **REPORTS FROM COUNCIL OFFICE DIRECTORS**

### **Fiscal Report**

Christopher Nolan, Director of the Office of Fiscal and Program Review, presented the fiscal report found in the agenda packet.

### **Studies Report**

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

## **REPORTS FROM COUNCIL COMMITTEES**

None

## **OLD BUSINESS**

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

#### **Requests for Introduction of Legislation:**

**LR 2401 An Act To Update the Reimbursement for Travel-related Expenses Incurred as a Result of the Performance of Legislative Duties**

Submitted by: President Troy Jackson

Date: January 9, 2023  
 Vote: 10-0-0 Passed

**LR 2409 An Act to Improve the Licensing Procedure for Social Workers**

Submitted by: Speaker Rachel Talbot Ross  
 Date: January 10, 2023  
 Vote: 9-0-0-1 Passed (with Senator Keim recorded as absent)

**NEW BUSINESS**

**Item #2: Acceptance of the Report of the Advisory Panel To Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State**

The Advisory Panel To Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State submitted its report for acceptance by the Legislative Council.

**Item #3: Acceptance of the Report of the Blue Ribbon Commission To Study Emergency Medical Services in the State**

The Blue Ribbon Commission To Study Emergency Medical Services in the State submitted its report for acceptance by the Legislative Council.

**Item #4: Acceptance of the Report of the Committee To Ensure Constitutionally Adequate Contact with Counsel**

The Committee To Ensure Constitutionally Adequate Contact with Counsel submitted its report for acceptance by the Legislative Council.

**Item #5: Acceptance of the Report of the Commission to Study the Role of Water as a Resource in the State of Maine**

The Commission to Study the Role of Water as a Resource in the State of Maine submitted its report for acceptance by the Legislative Council.

**Item #6: Acceptance of the Report of the Task Force to Study the Process for Bringing Criminal Cases in Situations of Violence Against Health Care Workers**

The Task Force to Study the Process for Bringing Criminal Cases in Situations of Violence Against Health Care Workers submitted its report for acceptance by the Legislative Council.

The Legislative Council discussed accepting with one motion vote all of the reports submitted by the commissions, committees, advisory panels and task forces.

**Motion:** That the Legislative Council accept and place on file the reports of:

- The Advisory Panel To Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State;

- The Blue Ribbon Commission To Study Emergency Medical Services in the State;
- The Committee To Ensure Constitutionally Adequate Contact with Counsel;
- The Commission to Study the Role of Water as a Resource in the State of Maine; and
- The Task Force to Study the Process for Bringing Criminal Cases in Situations of Violence Against Health Care Workers.

Motion by Senator Vitelli. Second by Senator Daughtry. **Motion passed unanimously (10-0-0-1).**

President Jackson identified as the only remaining agenda item the Council's consideration of Joint Resolutions under Item 1 of New Business. In response to an inquiry from Senator Stewart, President Jackson confirmed that a member may seek permission to circulate a Legislative Council ballot to authorize introduction of a Joint Resolution. In response to an inquiry from Representative Arata, President Jackson confirmed that requests that are not taken up at today's meeting, and are not balloted prior to the next meeting, remain tabled and will appear on the next Legislative Council meeting agenda. The Legislative Council briefly recessed in order to review the Joint Resolutions on the current agenda. Upon the Council member's return, President Jackson announced that, because many legislators with requests for Joint Resolutions are unavailable to participate in the meeting, the Legislative Council would not consider the requests today, and would take them up at a future meeting.

#### **ANNOUNCEMENTS AND REMARKS**

Senator Stewart informed members that Aroostook Day was set for February 15<sup>th</sup>, and that there would be an off-site evening reception for which they would soon receive invitations and details.

With no other business to consider or further announcements, the Legislative Council meeting adjourned at 2:34 p.m.

**131st Maine State Legislature  
Legislative Council Taken on  
Requests to Introduce Legislation and  
Joint Resolutions  
First Regular Session  
January 26, 2023**

**AFTER DEADLINE BILL REQUESTS**

**Requestor:** Department of Public Safety

<u>LR #</u>	<u>Title</u>	<u>Action</u>
664	An Act to Require the Probate Court to Report Name Changes to the State Bureau of Identification	PASSED

**SPONSOR:** Sen. Eric Brakey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2431	An Act to Establish a Maine Commercial Driver's License for Use Within State Borders	PASSED

**SPONSOR:** Rep. Benjamin Thomas Collings

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2389	An Act to Allow for Evidence-based Home Visiting Services	PASSED

2390	An Act to Authorize a General Fund Bond Issue to Fully Fund Passenger Rail Expansion Between Brunswick and Bangor and Between Portland and Lewiston	PASSED
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2391	Resolve, to Provide for One Month of Free Passenger Rail Service in Maine	PASSED
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**SPONSOR:** Rep. Scott Wynn Cyrway

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2421	An Act Regarding the Regulation of Public and Private Ambulance Services and Fees for Treatment	PASSED

**SPONSOR:** Rep. Jack Ducharme



<u>LR #</u>	<u>Title</u>	<u>Action</u>
2410	An Act to Amend the Membership of the Somerset Woods Trustees	PASSED

**SPONSOR: Rep. Billy Bob Faulkingham**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2396	An Act to Enact the Protection of Shared Physical and Digital Property from Warrantless Searches Act	PASSED

2398	An Act to Increase the Deduction from Income for Pension Benefits	PASSED
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**SPONSOR: Rep. Jessica L. Fay**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2408	An Act to Protect Internet Consumers	PASSED

**SPONSOR: Sen. Craig V. Hickman**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2392	An Act to Strengthen Legislative Oversight of Government Agencies and Programs by Providing the Government Oversight Committee Access to Confidential Records	PASSED

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2419	An Act to Finish Completion of the Green Energy Materials Building at the University of Maine	PASSED

2427	An Act to Construct a New District Headquarters Building for the Bureau of Forestry in Fort Kent	PASSED
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**SPONSOR: Rep. Karen Lynn Montell**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2399	An Act to Expand Educational and Vocational Opportunities For Inmates and Incarcerated Individuals to Provide a Pathway to Re-entry	PASSED

**SPONSOR: Sen. Tim Nangle**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
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2397	An Act to Index Workers' Compensation Benefits to the Rate of Inflation	PASSED
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**SPONSOR: Sen. Trey Stewart**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2393	An Act to Bolster Maine's Workforce and Economy	PASSED

2394	An Act to Assist Parents in Finding Stable Employment	PASSED
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2423	An Act to Require the Payment of Child Support by an Intoxicated Driver Who Kills a Parent	PASSED
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2425	An Act to Implement Critical Reforms to the Department of Environmental Protection Outlined in the Nonpartisan Maine COVID-19 Reopening Plan	PASSED
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**SPONSOR: Rep. Holly B. Stover**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2426	Resolve, To Name a Bridge in the Town of Bremen the Kitty Breskin Memorial Bridge	PASSED

**SPONSOR: Sen. Eloise A. Vitelli**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2422	An Act to Establish the Disabled Veterans Municipal Shellfish Program	PASSED

#### JOINT RESOLUTIONS

**SPONSOR: Rep. John Andrews**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1266	JOINT RESOLUTION URGING THE BIDEN ADMINISTRATION TO OPEN UP DOMESTIC ENERGY PRODUCTION	No action taken

**SPONSOR: Sen. Donna Bailey**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2400	JOINT RESOLUTION URGING MAINE'S FEDERAL DELEGATION TO CONTINUE WORKING WITH ALL STAKEHOLDERS TO FIX THE DELAYS IN POSTAL DELIVERY IN MAINE	No action taken

**SPONSOR: Sen. Richard A. Bennett**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
885	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION	No action taken

**SPONSOR: Sen. Stacy Fielding Brenner**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
803	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR	No action taken

**SPONSOR: Rep. Billy Bob Faulkingham**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2038	JOINT RESOLUTION TO URGE THE MAJOR LEAGUE BASEBALL COMMISSIONER TO REINSTATE PETE ROSE AND TO INDUCT HIM INTO THE BASEBALL HALL OF FAME	No action taken

**SPONSOR: Sen. Craig V. Hickman**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2349	JOINT RESOLUTION, URGING MAINE'S CONGRESSIONAL DELEGATION TO SUBMIT LEGISLATION TO PROTECT THE FOOD SUPPLY FROM PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND OTHER CONTAMINANTS	No action taken

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
579	JOINT RESOLUTION, URGING CONGRESS TO ACT QUICKLY TO PROVIDE HEATING ASSISTANCE TO MAINE PEOPLE	No action taken

**SPONSOR: Sen. James D. Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
577	JOINT RESOLUTION, URGING CONGRESS TO LIMIT THE FEDERAL RESERVE MONEY SUPPLY	No action taken

**SPONSOR:**        **Rep. Laurel Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2224	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO REPEAL THE REAL ID ACT OF 2005	No action taken

**SPONSOR:**        **Rep. Rick G. Mason**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
960	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO DEMAND THAT THE SOUTHERN UNITED STATES BORDER BE CLOSED TO DRUG CARTELS	No action taken

**SPONSOR:**        **Rep. Charles Axel Skold**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
966	JOINT RESOLUTION, SUPPORTING FEDERAL LEGISLATION GRANTING STATEHOOD TO THE PEOPLE OF WASHINGTON, D.C.	No action taken

# Fiscal Briefing

February 16, 2023

*Prepared by the Office of Fiscal & Program Review*

## 1. General Fund Revenue Update (see attached)

**Total General Fund Revenue - FY 2023 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Change
January	\$504.7	\$507.0	\$2.3	0.5%	\$492.4	3.0%
FYTD	\$3,077.4	\$3,119.6	\$42.2	1.4%	\$2,950.4	5.7%

General Fund revenue was over budget by \$2.3 million (0.5%) for the month of January and over budget by \$42.2 million (1.4%) for the fiscal year to date. FY 2023 General Fund revenue through January 2023 was 5.7% greater than FY 2022 General Fund revenue through January 2022.

Individual income tax revenue was over budget by \$14.7 million (5.2%) for the month of January and \$34.1 million (2.4%) for the fiscal year to date. The positive variance for the month was the result of estimated and final tax payments exceeding budgeted levels offset by negative variances in withholding and fiduciary payments and tax refunds exceeding budgeted levels (negative impact on revenue). Corporate income tax revenue was \$1.8 million (-12.8%) below budget for the month of January but was \$11.4 million (5.8%) above budget for the fiscal year to date. Sales and use tax revenue for January (December sales) was just under budgeted levels and was \$2.9 million (0.2%) above budget for the fiscal year to date.

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

**Total Highway Fund Revenue - FY 2023 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Change
January	\$26.6	\$27.4	\$0.8	3.0%	\$28.1	-2.6%
FYTD	\$205.2	\$208.8	\$3.6	1.7%	\$208.5	0.2%

Highway Fund revenue was over budget by \$0.8 million (3.0%) for the month of January and over budget by \$3.6 million (1.7%) for the fiscal year to date. FY 2023 Highway Fund revenue through January 2023 was 0.2% greater than FY 2022 Highway Fund revenue through January 2022.

Fuel taxes exceeded budgeted levels by \$1.0 million (5.7%) for the month of January and by \$1.2 million (0.9%) for the fiscal year to date. Motor vehicle registrations and fees were under budget by \$0.2 million (-2.7%) for the month but over budget by \$2.7 million (4.7%) for the fiscal year to date.

## 3. Cash Balances Update

The average balance in the cash pool for January was \$4,356.5 million, an increase of \$11.6 million from December's average of \$4,344.9 million. The increase was the result of net increases in Other Special Revenue Funds and Other Funds balances largely offset by decreases in General Fund balances (including the \$398 million transfer from the General Fund to the Winter Energy Relief Payment Program Fund under Other Special Revenue Funds). The average Highway Fund balance for January was \$20.9 million, an increase of \$0.5 million from December's average of \$20.4 million.

## 4. Economic and Revenue Forecast Meetings

The Consensus Economic Forecasting Commission (CEFC) is next scheduled to meet in late March to review and update the economic forecast for its April 1<sup>st</sup> report. The Revenue Forecasting Committee (RFC) will then meet in late April to review and update the revenue forecast for its May 1<sup>st</sup> report.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2023 (FY 2023)**

Updated 2/13/22

**January 2023 Revenue Variance Report**

Revenue Category	January '23 Budget	January '23 Actual	January '23 Variance	Fiscal Year-To-Date					FY 2023 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax <sup>1</sup>	191,447,714	191,322,494	(125,220)	1,373,648,884	1,376,538,890	2,890,006	0.2%	7.3%	2,135,194,179
Service Provider Tax	4,222,193	4,315,644	93,451	30,102,916	30,418,859	315,943	1.0%	2.6%	50,051,352
Individual Income Tax	282,879,449	297,548,640	14,669,191	1,446,153,335	1,480,241,071	34,087,736	2.4%	9.8%	2,293,227,867
Corporate Income Tax	14,500,000	12,650,775	(1,849,225)	194,729,819	206,108,204	11,378,385	5.8%	-0.8%	335,688,199
Cigarette and Tobacco Tax <sup>2</sup>	11,677,477	10,351,223	(1,326,254)	90,882,944	90,553,230	(329,714)	-0.4%	-0.1%	153,052,320
Insurance Companies Tax	34,615	180,468	145,853	16,956,188	17,209,851	253,663	1.5%	8.5%	103,700,000
Estate Tax	2,350,000	361,052	(1,988,948)	25,787,083	22,332,899	(3,454,184)	-13.4%	-26.8%	37,400,000
Other Taxes and Fees *	12,023,463	8,434,686	(3,588,777)	84,800,024	79,437,403	(5,362,621)	-6.3%	-9.4%	153,494,063
Fines, Forfeits and Penalties	701,761	848,985	147,224	6,901,870	5,252,833	(1,649,037)	-23.9%	74.0%	10,532,292
Income from Investments	2,582,356	3,105,934	523,578	11,280,737	12,991,543	1,710,806	15.2%	262.6%	25,352,599
Transfer from Lottery Commission	4,807,693	6,858,726	2,051,033	37,259,620	45,231,331	7,971,711	21.4%	9.8%	62,500,000
Transfers to Tax Relief Programs *	(5,718,458)	(10,219,681)	(4,501,223)	(70,959,144)	(74,759,374)	(3,800,230)	-5.4%	-16.8%	(80,610,000)
Transfers for Municipal Revenue Sharing	(20,183,813)	(21,978,006)	(1,794,193)	(155,424,636)	(157,218,826)	(1,794,190)	-1.2%	-20.4%	(249,474,776)
Other Revenue *	3,411,024	3,233,368	(177,656)	(14,697,117)	(14,747,685)	(50,568)	-0.3%	-514.6%	11,214,274
<b>Totals</b>	<b>504,735,474</b>	<b>507,014,308</b>	<b>2,278,834</b>	<b>3,077,422,523</b>	<b>3,119,590,230</b>	<b>42,167,707</b>	<b>1.4%</b>	<b>5.7%</b>	<b>5,041,322,369</b>

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

1 / Includes revenue from adult-use cannabis sales taxes of \$3.2 million for January and \$14.4 million for the fiscal year to date.

2 / Includes revenue from adult-use cannabis excise taxes of \$1.0 million for January and \$7.6 million for the fiscal year to date.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2023 (FY 2023)**

Updated 2/13/22

**January 2023 Revenue Variance Report**

Revenue Category	Fiscal Year-To-Date								FY 2023 Budgeted Totals
	January '23 Budget	January '23 Actual	January '23 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
<b>Detail of Other Taxes and Fees:</b>									
- Property Tax - Unorganized Territory	0	0	0	12,591,194	12,442,999	(148,195)	-1.2%	-0.7%	14,813,169
- Real Estate Transfer Tax	2,625,948	1,730,959	(894,989)	15,357,481	13,975,525	(1,381,956)	-9.0%	-19.2%	25,691,346
- Liquor Taxes and Fees	1,476,197	742,660	(733,537)	13,241,431	11,771,296	(1,470,135)	-11.1%	-9.9%	22,093,824
- Corporation Fees and Licenses	445,725	564,176	118,451	4,247,124	4,480,388	233,264	5.5%	45.5%	12,544,234
- Telecommunication Excise Tax	(50,000)	0	50,000	(1,096,096)	(1,046,096)	50,000	4.6%	N/A	5,700,000
- Finance Industry Fees	2,637,050	2,625,660	(11,390)	15,681,738	15,266,960	(414,778)	-2.6%	-0.8%	26,216,990
- Milk Handling Fee	9,390	76,039	66,649	431,987	490,231	58,244	13.5%	-40.0%	872,523
- Racino Revenue	975,432	931,456	(43,976)	5,649,012	6,412,715	763,703	13.5%	5.6%	10,513,564
- Boat, ATV and Snowmobile Fees	410,227	378,306	(31,921)	2,076,649	1,685,367	(391,282)	-18.8%	-16.4%	4,559,561
- Hunting and Fishing License Fees	2,255,366	1,166,542	(1,088,824)	10,237,408	9,958,457	(278,951)	-2.7%	-13.0%	15,994,284
- Other Miscellaneous Taxes and Fees	1,238,128	218,887	(1,019,241)	6,382,096	3,999,563	(2,382,533)	-37.3%	-33.1%	14,494,568
<b>Subtotal - Other Taxes and Fees</b>	<b>12,023,463</b>	<b>8,434,686</b>	<b>(3,588,777)</b>	<b>84,800,024</b>	<b>79,437,403</b>	<b>(5,362,621)</b>	<b>-6.3%</b>	<b>-9.4%</b>	<b>153,494,063</b>
<b>Detail of Other Revenue:</b>									
- Liquor Sales and Operations	907	1,206	299	11,420	30,344	18,924	165.7%	82.9%	28,500
- Targeted Case Management (DHHS)	2,711	2,683	(28)	36,442	36,415	(27)	-0.1%	N/A	50,000
- State Cost Allocation Program	1,716,153	1,702,025	(14,128)	10,918,027	11,507,846	589,819	5.4%	-36.8%	18,342,179
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	7,700,000
- Tourism Transfer	0	0	0	(22,154,921)	(22,154,921)	0	0.0%	-43.2%	(22,390,264)
- Transfer to Maine Milk Pool	108,502	0	(108,502)	759,514	0	(759,514)	-100.0%	100.0%	(354,616)
- Transfer to STAR Transportation Fund	0	0	0	(14,767,001)	(14,767,001)	0	0.0%	-99.8%	(14,954,564)
- Other Miscellaneous Revenue	1,582,751	1,527,455	(55,296)	10,499,402	10,599,632	100,230	1.0%	-15.5%	22,793,039
<b>Subtotal - Other Revenue</b>	<b>3,411,024</b>	<b>3,233,368</b>	<b>(177,656)</b>	<b>(14,697,117)</b>	<b>(14,747,685)</b>	<b>(50,568)</b>	<b>-0.3%</b>	<b>-514.6%</b>	<b>11,214,274</b>
<b>Detail of Transfers to Tax Relief Programs:</b>									
- Me. Resident Prop. Tax Program (Circuitbreak)	0	0	0	0	497	497	N/A	-17.3%	0
- BETR - Business Equipment Tax Reimb.	(5,537,119)	(5,448,207)	88,912	(9,554,584)	(11,931,715)	(2,377,131)	-24.9%	-102.3%	(19,000,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(181,339)	(4,771,474)	(4,590,135)	(61,404,560)	(62,828,156)	(1,423,596)	-2.3%	-8.1%	(61,610,000)
<b>Subtotal - Tax Relief Transfers</b>	<b>(5,718,458)</b>	<b>(10,219,681)</b>	<b>(4,501,223)</b>	<b>(70,959,144)</b>	<b>(74,759,374)</b>	<b>(3,800,230)</b>	<b>-5.4%</b>	<b>-16.8%</b>	<b>(80,610,000)</b>
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>2,752,208</b>	<b>1,663,400</b>	<b>(1,088,808)</b>	<b>12,820,222</b>	<b>12,218,100</b>	<b>(602,122)</b>	<b>-4.7%</b>	<b>-12.6%</b>	<b>21,511,715</b>

**Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2023 (FY 2023)**

Updated 2/13/23

**January 2023 Revenue Variance Report**

Revenue Category	Fiscal Year-To-Date							FY 2023 Budgeted Totals	
	January '23 Budget	January '23 Actual	January '23 Variance	Budget	Actual	Variance	% Change from Prior Year		
Fuel Taxes:									
- Gasoline Tax	15,561,152	15,744,871	183,719	119,710,756	120,019,002	308,246	0.3%	-0.4%	200,525,746
- Special Fuel and Road Use Taxes	3,641,313	4,382,834	741,521	29,608,215	30,261,478	653,263	2.2%	-0.5%	50,253,103
- Transcap Transfers - Fuel Taxes	(1,510,374)	(1,480,048)	30,326	(11,197,168)	(11,053,650)	143,518	1.3%	0.4%	(18,432,321)
- Other Fund Gasoline Tax Distributions	(416,919)	(393,732)	23,187	(3,055,955)	(3,008,000)	47,955	1.6%	0.2%	(5,014,544)
Subtotal - Fuel Taxes	17,275,172	18,253,925	978,753	135,065,848	136,218,830	1,152,982	0.9%	-0.4%	227,331,984
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,114,432	4,531,488	(582,944)	39,511,677	39,960,942	449,265	1.1%	-0.1%	69,162,203
- License Plate Fees	64,581	(11,898)	(76,479)	2,062,167	2,251,555	189,388	9.2%	-1.1%	3,661,097
- Long-term Trailer Registration Fees	1,343,521	1,490,403	146,882	8,202,019	9,423,289	1,221,270	14.9%	15.0%	13,134,523
- Title Fees	1,037,366	1,063,215	25,849	8,647,637	8,931,479	283,842	3.3%	1.7%	14,325,795
- Motor Vehicle Operator License Fees	686,842	949,265	262,423	6,676,143	7,175,528	499,385	7.5%	5.0%	10,232,973
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(8,674,076)	(8,649,635)	24,441	0.3%	-1.5%	(16,518,054)
Subtotal - Motor Vehicle Reg. & Fees	8,246,742	8,022,473	(224,269)	56,425,567	59,093,157	2,667,590	4.7%	2.7%	93,998,537
Motor Vehicle Inspection Fees	426,289	350,169	(76,120)	2,123,395	1,180,156	(943,240)	-44.4%	-36.1%	3,202,500
Other Highway Fund Taxes and Fees	89,393	100,750	11,357	769,075	919,492	150,417	19.6%	-1.2%	1,267,454
Fines, Forfeits and Penalties	50,534	65,135	14,601	353,738	680,196	326,458	92.3%	-5.2%	606,412
Interest Earnings	38,512	38,609	97	149,096	240,075	90,979	61.0%	115.4%	341,649
Other Highway Fund Revenue	456,608	539,203	82,595	10,329,404	10,436,165	106,761	1.0%	-0.6%	13,025,283
<b>Totals</b>	<b>26,583,250</b>	<b>27,370,263</b>	<b>787,013</b>	<b>205,216,123</b>	<b>208,768,071</b>	<b>3,551,948</b>	<b>1.7%</b>	<b>0.2%</b>	<b>339,773,819</b>



**Legislative Council Actions  
Taken by Ballot Since the  
January 26, 2023 Council Meeting**

**Requests for Introduction of Legislation:**

**LR 2439      An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds  
and Notes by the City of Bath**

Submitted by: Senator Eloise Vitelli  
Date: February 13, 2023  
Vote: 10-0-0-0 Passed

**LR 2453      An Act to Modify the Deed for a Parcel of Property in the Town of  
Carrabassett Valley to Allow for Workforce Housing**

Submitted by: Senator Russell Black  
Date: February 14, 2023  
Vote: 10-0-0-0 Passed

**131st Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
and Joint Resolutions  
First Regular Session**

As of: 2/14/2023 10:05:28 AM

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Rep. Amy Arata**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2458	Resolve, Requiring the Director of the Bureau of Parks and Lands in the Department of Agriculture, Conservation and Forestry to Swap a Parcel of Land with an Abutting Landowner in Chesuncook	

**SPONSOR: Sen. Richard A. Bennett**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2457	An Act to Amend the Membership of the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission	

**SPONSOR: Sen. Russell Black**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2453	An Act to Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley to Allow for Workforce Housing	<b>Accepted by Ballot</b>

**SPONSOR: Sen. Nicole Grohoski**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2440	An Act to Raise the Debt Limit of the Stonington Water District	

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2459	An Act to Provide Authorization to Aroostook County Emergency Services to Use the Statewide Emergency Services Radio Service	

**SPONSOR:** Rep. Walter G. Runte, Jr.

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2446	An Act to Amend the Maine Uniform Building and Energy Code to Allow Municipalities to Enact More Stringent Energy Efficiency Building Codes	

#### JOINT RESOLUTIONS

**SPONSOR:** Rep. John Andrews

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1266	JOINT RESOLUTION URGING THE BIDEN ADMINISTRATION TO OPEN UP DOMESTIC ENERGY PRODUCTION	

**SPONSOR:** Sen. Donna Bailey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2400	JOINT RESOLUTION URGING MAINE'S FEDERAL DELEGATION TO CONTINUE WORKING WITH ALL STAKEHOLDERS TO FIX THE DELAYS IN POSTAL DELIVERY IN MAINE	

**SPONSOR:** Sen. Richard A. Bennett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
885	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION	

**SPONSOR:** Sen. Eric Brakey

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2443	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO INVESTIGATE THE ORIGINS OF THE SARS-COV-2 VIRUS	

**SPONSOR:** Sen. Stacy Fielding Brenner

<u>LR #</u>	<u>Title</u>	<u>Action</u>
803	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR	

**SPONSOR: Rep. Billy Bob Faulkingham**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2038	JOINT RESOLUTION TO URGE THE MAJOR LEAGUE BASEBALL COMMISSIONER TO REINSTATE PETE ROSE AND TO INDUCT HIM INTO THE BASEBALL HALL OF FAME	

**SPONSOR: Sen. Craig V. Hickman**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2349	JOINT RESOLUTION, URGING MAINE'S CONGRESSIONAL DELEGATION TO SUBMIT LEGISLATION TO PROTECT THE FOOD SUPPLY FROM PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND OTHER CONTAMINANTS	

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
579	JOINT RESOLUTION, URGING CONGRESS TO ACT QUICKLY TO PROVIDE HEATING ASSISTANCE TO MAINE PEOPLE	

**SPONSOR: Sen. James D. Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
577	JOINT RESOLUTION, URGING CONGRESS TO LIMIT THE FEDERAL RESERVE MONEY SUPPLY	

**SPONSOR: Rep. Laurel Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2224	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO REPEAL THE REAL ID ACT OF 2005	

**SPONSOR: Rep. Rick G. Mason**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
960	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO DEMAND THAT THE SOUTHERN UNITED STATES BORDER BE CLOSED TO DRUG CARTELS	

**SPONSOR:**            **Rep. Charles Axel Skold**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
966	JOINT RESOLUTION, SUPPORTING FEDERAL LEGISLATION GRANTING STATEHOOD TO THE PEOPLE OF WASHINGTON, D.C.	

**131st Maine State Legislature  
Addendum  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session**

**Actions Taken After February 14, 2023**

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2461	An Act Regarding Enhanced 9-1-1 Public Safety Answering Points	

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2468	An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products	

2469 An Act to Allow Bargaining Agents for Public Sector Unions to Merge

**SPONSOR: Rep. Joseph F. Underwood**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2462	Resolve, to Name 2 Brooks in the Town of Orient	



State of Maine  
130th Legislature, Second Regular Session

PARTIAL REPORT

# Commission To Develop a Paid Family and Medical Leave Benefits Program

---

December 2022

Office of Policy and Legal Analysis



**STATE OF MAINE  
130<sup>th</sup> LEGISLATURE  
SECOND REGULAR SESSION**

**Commission To Develop a Paid Family  
and Medical Leave Benefits Program**

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- B. Commission Membership List: Commission to Develop a Paid Family Medical Leave Benefits Program
- C. February 2022 Report of the Commission to Develop a Paid Family and Medical Leave Benefits Program
- D. Milliman, Inc. Presentations and Letters to Commission
- E. Department of Labor Fiscal Estimate for Costs to State of PFML Ballot Initiative
- F. Comparison Chart of Commission’s Recommendations to PFML Ballot Initiative

## Executive Summary

The Commission to Develop a Paid Family and Medical Leave Benefits Program was first established by Resolve 2021, chapter 122 and established in substantially similar form in Public Law 2021, Chapter 635, Part KK. The law included funding for the costs of contracting with an outside entity to conduct and complete an actuarial study of the program developed by the Commission. The law directs the Commission to submit a report, with findings and recommendations to the Legislature by November 2, 2022. The Commission requested from the Legislative Council, and was granted, an extension to December 6, 2022.

As set forth in the law, the Commission's duties are to:

- Develop a plan to implement a paid family and medical leave benefits program by consulting with other states that have established paid and medical leave benefits programs;
- Contract for and complete an actuarial study of the planned program, including start-up costs and ongoing costs of the program, the economic impact on and benefits to the State and the contributions needed to maintain the solvency of the program; and
- Make recommendations, based on the actuarial study and other factors, to implement a paid family and medical leave benefits program, including any necessary legislation.

The Commission members all agreed on the goal to create a paid family and medical leave benefits program that is affordable, accessible and is straightforward to navigate by employers and employees. The Commission unanimously supports the enactment of a paid family and medical leave program with the following design elements.

- The purposes of leave should mirror those permissible under the federal Family and Medical Leave Act – to care for a new child, to care for a family member with a serious health condition, or to attend to certain exigencies related to a family member's military deployment. In addition, safe leave should be available to address certain medical and non-medical needs arising from domestic violence, harassment or stalking.
- The definition of family includes affinity relationships so that an individual is entitled to use paid leave to take care of a person who is considered an equivalent of a family relationship without actually being family.
- The program should include all employees. This includes full-time, part-time, temporary and seasonal workers. It includes employees in the private and public sector. Self-employed workers would be able to opt into the program.
- An individual may take leave to bond with a newborn or adopted child within the first 12 months of benefits being paid out. This is a short term additional cost to the program.
- Employees eligible for benefits must have worked within the prior four quarters. The Commission did not determine the amount of income required but recommends that the amount be low enough to allow for broad accessibility and be tied to some form of cost of living to allow for the amount to remain current over time.
- The funding of the program should be split between employers (with 15 or more employees) and employees. The split should be between 25% employer/75% employee and 50% employer/50% employee. The desired maximum total contribution is 1% of wage rates.
- The contribution to the program applies to the entire wage base.
- Wage replacement is recommended to be 80% or 90% of wages up to a maximum of 120% of the state average weekly wage. Maine's average weekly wage was \$1103 in March 2022 compared to the national average of \$1216 and is the 19<sup>th</sup> lowest in the nation.

- Employees are subject to an annual 12-week maximum limit for a particular qualifying need and a 16-week combined maximum limit.
- There is a seven-day waiting period for medical leave.
- There is no additional job protection as current federal and state family and medical leave laws provide sufficient protections.
- Workers receiving workers compensation benefits or unemployment insurance may not also receive benefits from the paid family and medical leave program at the same time.
- Whether the program is administered by the State or by a third-party administrator under contract with the State, a robust oversight entity is critical. Annual and continuous tracking and data analysis to measure experience and determine future contribution rates is important. The Maine Department of Labor estimates that \$65 million will be needed for start-up technology costs.

The Commission is incredibly grateful to Milliman, Inc. and to Paul Correia and Dan Skwire for their assistance and actuarial information. Their professionalism, responsiveness, and expertise have been invaluable to the Commission. The members of the Commission look forward to working with the Joint Standing Committee on Labor and Housing during the First Regular Session of the 131<sup>st</sup> Legislature to enact this very important program.



State of Maine  
130th Legislature, Second Regular Session

PARTIAL REPORT

**Committee To Study Court-ordered Treatment  
for Substance Use Disorder**

**December 2022**

Office of Policy and Legal Analysis



**STATE OF MAINE  
130<sup>th</sup> LEGISLATURE  
SECOND REGULAR SESSION**

**Committee To Study Court-ordered Treatment for  
Substance Use Disorder**

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Meagan Sway  
Karen Walsh**

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- B. Membership List: Committee To Study Court-ordered Treatment for Substance Use Disorder
- C. Memorandum dated October 3, 2022, Department of Health and Human Services, Office of Behavioral Health
- D. Civil (Involuntary) Commitment for Substance Use Disorders: Data, Presentation by Dr. Christopher Racine
- E. Overview of Involuntary Hospitalization and Progressive Treatment Program Laws, Presentation by Daniel Potenza, MD and Molly Moynihan, Assistant Attorney General
- F. Civil (Involuntary) Commitment for Substance Use Disorders, Presentation by Dr. Christopher Racine
- G. Maine’s Treatment and Recovery Courts, Presentation by Richard Gordon
- H. Alcohol and COVID-19 Pandemic in Maine and the Nation, Presentation by Tim Diomede, MPPM
- I. Maine Monthly Overdose Report for August 2022
- J. Maine Opioid Response: 2021 Strategic Action Plan
- K. Harm Reduction: Principles and Evidence, Presentation by David Kispert, MD

## Executive Summary

The 130<sup>th</sup> Legislature established the Committee To Study Court-ordered Treatment for Substance Use Disorder (referred to in this report as the “committee”) through the passage of Resolve 2021, chapter 183 (see Appendix A). Pursuant to the resolve, 16 members were appointed to the committee (a list of committee members can be found in Appendix B), which was charged with the following duties:

1. Review services and processes currently available in this State for persons with substance use disorder;
2. Review options offered in other jurisdictions for persons with substance use disorder, including but not limited to judicial orders for involuntary treatment as well as other treatment options that include some form of leverage to ensure adherence to treatment, and review outcomes;
3. Review the constitutional and other rights of persons with substance use disorder and how other jurisdictions protect those rights; and
4. Develop recommendations for treatment options for persons with substance use disorder, including implementation plans.

Substance use disorder is a growing problem that has touched the lives of many Maine residents. This committee was tasked with studying court-ordered treatment as a method to combat this problem. Throughout its work, the committee focused on the duties with which it was charged; however, a discussion of court-ordered treatment options necessarily includes discussion of broader policy and practical issues relating to substance use disorder. As further explored in this report, the committee learned that many challenges exist in the current treatment system in Maine that often make voluntary treatment extremely difficult to obtain. Moreover, the committee recognized that an additional court-ordered process to establish involuntary treatment might have little to no benefit if resources are not available to support that process.

Over the course of its work, the committee developed the following recommendations.

**Recommendation #1: the Legislature should build on existing efforts to change how addiction is viewed in the State and should adopt statewide policies that destigmatize substance use disorder and increase compassion towards individuals with substance use disorder, including alcohol use disorder, and individuals with co-occurring disorders.**

**Recommendation #2: the Legislature should increase funding and continue to fund access to services at every level of treatment for individuals with substance use disorder, including alcohol use disorder, and individuals with co-occurring disorders.**

**Recommendation #3:** the Legislature should set an expectation that each of Maine’s health care facilities has an important role in treating individuals with substance use disorder, including alcohol use disorder, and individuals with co-occurring disorders and that each of Maine’s health care facilities has the capacity and training to treat substance use disorder as a medical condition within available resources.

**Recommendation #4:** the Legislature should explore options for expanding the availability in Maine of multiple treatment modalities to provide evidence-based treatment for substance use disorder, including alcohol use disorder, and individuals with co-occurring disorders, including, but not limited to, motivational interviewing, contingency management, medication assisted treatment for all substance use disorders, home health and community-based services and recommendations for discharge planning that provide treatment outside of the hospital setting.

**Recommendation #5:** the Legislature should support education around the elements of the definition of “likelihood of serious harm” as it may apply to individuals with co-occurring disorders, including substance use disorder, as evaluated under the State’s involuntary hospitalization and involuntary civil commitment processes.





State of Maine  
130th Legislature, Second Regular Session

PARTIAL REPORT

## Commission To Examine Reestablishing Parole

---

December 2022

Office of Policy and Legal Analysis



**STATE OF MAINE  
130<sup>th</sup> LEGISLATURE  
SECOND REGULAR SESSION**

**Commission To Examine Reestablishing Parole**

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Whitney Parrish  
Honorable William Stokes  
Laura Yustak  
Natasha Irving  
Randall Liberty**

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- E. Materials from Presenters
- F. Preliminary Findings & Recommendations from the Fourth and Fifth Commission Meetings
- G. Supervised Community Confinement Program News Clippings and Maine Corrections Summit Report
- H. Maine Criminal Justice Sentencing Institute new Clippings and Records
- I. Bills Since 1976 with “Parole” in Title
- J. Maine 130 – H.P 610, Item 1 (LD842)
- K. Written Testimony Submissions

## Executive Summary

The 130<sup>th</sup> Legislature established the Commission to Examine Reestablishing Parole with the passage of Resolve 2021, Chapter 126 (Appendix A). Pursuant to the resolve, 13 members were appointed to the commission: two members of the Senate appointed by the President of the Senate, including one member from each of the two parties holding the largest number of seats in the Legislature; three members of the House of Representatives appointed by the Speaker of the House, including at least one member from each of the two parties holding the largest number of seats in the Legislature; the Commissioner of Corrections or the Commissioner's designee; the Attorney General or the Attorney General's designee; a district attorney, designated by an association representing prosecutors in the State; two members of the public appointed by the President of the Senate, including: a representative of an organization advocating for the interests of people who are incarcerated, and a member who is an expert in criminal procedure; two members of the public appointed by the Speaker of the House, including a member with experience in the fields of criminal sentencing or criminology or with experience in administering parole, and a representative of an organization advocating for the interests of racial minorities; and an active or retired judge or justice, designated by the Chief Justice of the Supreme Judicial Court. A list of commission members can be found in Appendix B.

Pursuant to Resolve 2021, Chapter 126, the commission was charged with the following duties: to “examine parole as it currently operates in this State and in other states; with a specific focus on the parole law in Colorado; the benefits and drawbacks of parole; different models of parole; how parole fits in with the overall framework of the Maine Criminal Code; the effect of parole on parolees; the costs and savings of instituting parole; and the elements of a plan to implement parole.

Over the course of five meetings the commission developed the following findings and recommendations:

### Findings

- **Disparities in the racial demographics among those incarcerated in Maine and the general population of the State are staggering.**
- **Violent crime is ultimately a public health issue and can be cyclical in nature.**
- **The success of any program established to address disparities in the criminal justice system will depend on ensuring adequate resources are available for offenders, victims, and communities to support people in rehabilitation, restorative justice, and to avoid interactions with the criminal justice system in the first place.**

- **The success of any program established to address disparities in the criminal justice system will require that the Legislature carefully consider reforms to other components of the criminal justice system, as no singular component stands in isolation.**

### **Recommendations**

- 1. Establish new mechanisms not currently provided for in Maine law to open pathways for early release of incarcerated persons who no longer pose a threat to public safety.**
- 2. Enhance and amend existing mechanisms currently provided for in Maine law to open pathways for early release of incarcerated persons who no longer pose a threat to public safety.**
- 3. Provide Baseline Funding for Maine Criminal Justice Sentencing Institute.**
- 4. Reestablish parole in Maine.**
- 5. Ensure that any proposal to reestablish parole in Maine includes clear criteria for eligibility, process transparency, and increased support for victims.**
- 6. Establish a new Criminal Law Revision Commission**

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**Vice Chair**  
Woodland Pulp

Lucas Morris  
**Treasurer**  
Machias Savings Bank

April Norton  
Wyman's

Ardis Brown  
Town of Danforth

Brian Frutchey  
RH Foster, Inc

Charlie McAlpin  
Eastern Maine Electric  
Cooperative

Dee Sabattus  
United South and Eastern Tribes

Renee Gray  
Town of Lubec

Susan Mingo  
Washington County Community  
College

*Ex-Officio*

Betsy Fitzgerald  
**Secretary**  
Washington County  
Commissioners



January 24, 2023

Honorable Janet T. Mills  
Governor  
1 State House Station  
Augusta, ME 04333-0001

Ms. Susanne Gresser  
Executive Director of the Maine Legislature  
115 State House Station  
Augusta, ME 04333-0115

Honorable Chip Curry  
Honorable Tiffany Roberts  
Joint Committee on Innovation, Development, Economic Advancement and  
Business c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

Dear Governor Mills, Ms. Gresser, Senator Curry, and Representative Roberts:

Pursuant to MRSA Title 5, Chapter 383, Article 2-A, Section 13083-F, the Sunrise  
County Economic Council (SCEC) is pleased to submit the 2021-2022 Annual  
Report to the Legislature on behalf of the Washington County Development  
Authority (WCDA).

SCEC is a private, nonprofit, federally recognized economic development  
organization which works to create jobs and prosperity in Washington County. We  
provide staff support for the WCDA and are partnering with the Authority in its  
effort to redevelop the former U.S. Navy base in Cutler.

The WCDA continued its incremental work to restore the form the former Cutler  
Naval Base to productive use.

As indicated in the enclosed report, the WCDA procured GR Roofing LLC to  
replace the roof on the Base's Chapel Shop and Workshop. Seavee & Mahar  
Engineering were procured to take samples for hazardous materials for the DEP and  
EPA. WCDA did not make any significant contributions or changes to policies and  
procedures in the past year.

Please contact me with any questions or concerns. Thank you.

Sincerely,



Charles J. Rudelitch, Esq.  
Executive Director  
Enclosure: 2021-2022 Annual Report

# Washington County Development Authority

ANNUAL REPORT October 1, 2021 – September 30, 2022

## Introduction

Pursuant to the provisions of Title 5 of Maine Revised Statutes Annotated, Chapter 383, Subchapter 3, Article 2-A, the Washington County Development Authority is required to submit an annual report to the Governor, the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over business and economic development matters. The report must be submitted no later than 120 days after the close of the authority's fiscal year. The Authority's fiscal year ended on September 30, 2021.

Section 13083-F of 5 MRSA requires that the annual report of the Authority include:

- A. A description of the authority's operations and activities;
- B. An accounting of the authority's receipts and expenditures and assets and liabilities at the end of its fiscal year;
- C. A listing of all property transactions pursuant to section 13083-D;
- D. A statement of the authority's proposed and projected activities for the ensuing year; and
- E. Recommendations regarding further actions that may be suitable for achieving the purposes of this article.

## History of the Authority

The Washington County Development Authority was established by the Second Regular Session of the 120<sup>th</sup> Maine Legislature as Chapter 568 of the Laws of Maine 2001. The Authority was established in response to the need to create a state entity that could take title to the former Naval Computer and Telecommunications Station in Cutler, Maine from the United States Navy. Since that time, the legislation was amended to broaden the scope of the authority's mission to allow the authority to provide financial and technical assistance to any governmental entity and nonprofit located within Washington County in support of community and economic development projects. Representation was expanded to include all municipalities in Washington County, including the unorganized territories.

For the reporting period, the Authority was comprised of the following members: Elizabeth "Betsy" Fitzgerald (Machiasport), Renee Gray (Addison), Julie Jordan (Jonesport), Ron McAlpine (Crawford), Lewis Pinkham (Milbridge), Heron Weston (Eastport), and Lani Reynolds (Northfield). The DECD Appointee seat is currently vacant.

For this time period, the following officers were elected: Betsy Fitzgerald (Chair), Lewis Pinkham (Vice Chair). The WCDA set monthly meetings on the third Monday of every month at 1:00 pm. During this period, all meetings were held virtually using the Zoom platform.

The Authority can have up to 13 voting members. At this point, there are 7 Trustees. The Authority would like to increase board membership, and will work with Sunrise County Economic Council to provide a list of potential Trustees to the Governor.

### **Operations and Activities**

The WCDA Trustees scheduled ten (10) regular meetings from October 2021 to September 2022. Major items of discussion during the course of the report period included the following subjects:

The Washington County Development Authority continues to contract with Sunrise County Economic Council to provide administrative and book keeping services.

The Authority used support from the Washington County Council of Governments Brownfields Program to evaluate the potential hazardous materials and degradation to the buildings under previous ownership. An environmental engineer's report has identified lead paint and PCBs in the recreation and administration buildings.

An EPA Clean Up Grant was awarded to the Authority in 2021. The EPA required more testing on the Recreation Building in 2022. The Authority accepted a bid from Seavee and Mahar Engineering to conduct the required tests. More hazardous materials were found than were expected through the tests. The Authority is now working on possible cleanup processes with the EPA, and the US Navy has been successfully contacted and will be assisting for the funding to help with the cleanup of the Rec Building. Work should begin spring of 2023.

The Authority is seeking additional funding for cleanup of the Administration Building, and the building remains secured until repairs can be made.

The Authority accepted the roofing bid from GR Roofing LLC to replace the roof of the Chapel shop and Workshop. The work was finished in a timely manner during this calendar year, 2022.

New doors are also needed on the Warehouse and the Chapel. The Authority has put this project out to bid and has found the cost to be a barrier, \$10,000 is the lowest bid that has been received. The Authority continues to look for a reasonable bid and additional funding.

During the year, the Authority had continued to manage the commercial buildings at the de-commissioned Cutler Base. The WCDA continues to lease space for several small Maine businesses and all of the space that can be leased on the Base at this time is full. The whole Public Works building has been rented and the Authority is also continuing to receive inquiries about when additional space will be finished.

### **Receipts and Expenditures**

See attached Financial Statement



## **Property Transactions:**

The WCDA did not sell or buy real estate this year.

## **Proposed and Projected Activities**

The Authority intends to continue its work to redevelop the former Cutler Navy Base as resources become available for certain areas of the base, however, there continues to be a lack of resources for the base as a whole.

The Authority received an EPA Grant of \$500,000 for the clean-up of hazardous materials and degradation of the Recreation Building. Work on the Recreational Building was planned commence in 2022. However, additional testing that the EPA needed pushed this date out until the spring of 2023.

Sunrise County Economic Council and Washington County Government have provided what staff support they can, but the Authority's Trustees are handling much of the day-to-day management of the property as volunteers.

The Authority's sole source of income is rent, which has been entirely used for the maintenance and repair of the property. In short, the redevelopment effort is hobbled by the lack of resources.

The Authority will apply to the Brownsfields Program again in the upcoming year and plans to continue attempts to raise funds to pay for needed cleanup and renovation to some of its property.

The Authority continues seeking new tenants to fill upcoming vacant commercial space as the base receives additional repairs and continue contact with perspective businesses.

## **Recommendations**

1. The Authority has no requests or recommendations from the Legislature at this time.

### Attachments:

Financial reports: WCDA Annual Income Statement

Respectfully submitted:



Betsy Fitzgerald, Chair

**Washington County Development Authority**  
Statement of Revenues and Expenditures - Detail  
From 10/1/2021 Through 9/30/2022

	Current Period Actual
Operating Revenue	
Investment Income	
Other Income	26.85
Total Operating Revenue	71,700.00 71,726.85
Total Revenue	71,726.85
Expenditures	
Program Expenses	
Professional Fees	72,546.38
Occupancy	1,622.34
Maintenance & Repairs	2,012.48
Miscellaneous	9,266.62
Total Expenditures	1,959.37 87,407.19
Net Revenue Over Expenditures	(15,680.34)

**Washington County Development Authority**

Balance Sheet  
As of 9/30/2022

	<u>Current Year</u>	<u>Prior Year</u>	<u>Current Year % Change</u>
<b>Assets</b>			
<b>Current Assets</b>			
Cash & Cash Equivalents			
Checking Account	<u>173,614.24</u>	<u>0.00</u>	<u>100.00</u>
Total Cash & Cash Equivalents	<u>173,614.24</u>	<u>0.00</u>	<u>100.00</u>
Total Current Assets	<u>173,614.24</u>	<u>0.00</u>	<u>100.00</u>
Total Assets	<u><u>173,614.24</u></u>	<u><u>0.00</u></u>	<u><u>100.00</u></u>
<b>Liabilities</b>			
<b>Short-term Liabilities</b>			
Accounts Payable			
Accounts Payable	<u>1,014.82</u>	<u>0.00</u>	<u>100.00</u>
Total Accounts Payable	<u>1,014.82</u>	<u>0.00</u>	<u>100.00</u>
Total Short-term Liabilities	<u>1,014.82</u>	<u>0.00</u>	<u>100.00</u>
Total Liabilities	<u><u>1,014.82</u></u>	<u><u>0.00</u></u>	<u><u>100.00</u></u>
<b>Net Assets</b>			
Beginning Net Assets			
Net Assets	188,279.76	0.00	100.00
Current YTD Net Income			
Total Current YTD Net Income	<u>(15,680.34)</u>	<u>0.00</u>	<u>(100.00)</u>
Total Net Assets	<u><u>172,599.42</u></u>	<u><u>0.00</u></u>	<u><u>100.00</u></u>
Total Liabilities and Net Assets	<u><u>173,614.24</u></u>	<u><u>0.00</u></u>	<u><u>100.00</u></u>



State of Maine  
131st Legislature, First Regular Session

PARTIAL REPORT

Seventeenth Annual Report  
of the  
Right to Know Advisory Committee

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January 2023

Office of Policy and Legal Analysis



**STATE OF MAINE  
131<sup>st</sup> LEGISLATURE  
FIRST REGULAR SESSION**

**Seventeenth Annual Report  
of the  
Right to Know Advisory Committee**

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**Members:**

**Rep. Thomas Harnett, Chair  
Sen. Anne Carney  
Amy Beveridge  
Jonathan Bolton  
James Campbell  
Hon. Justin Chenette  
Lynda Clancy  
Linda Cohen  
Julia Finn  
Betsy Fitzgerald  
Chief Michael Gahagan  
Mal Leary  
Kevin Martin  
Judith Meyer  
Hon. Kimberly Monaghan  
Eric Stout  
Cheryl Saniuk-Heinig  
Victoria Wallack**

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### Appendices

- A. Authorizing Legislation: 1 MRSA §411
- B. Membership List: Right to Know Advisory Committee
- C. Recommended legislation to amend the Freedom of Access Act related to time estimates for a request for records
- D. Recommended legislation to add a member to the Archives Advisory Board
- E. Recommended legislation to amend the remote participation law
- F. Recommended legislation to amend the laws related to records of disciplinary actions against public employees
- G. Recommended legislation to amend public records exceptions
- H. Existing public records exceptions in Titles 23, 24 and 24-A recommended to continue without change
- I. Correspondence from Advisory Committee related to recommendations



## EXECUTIVE SUMMARY

This is the seventeenth annual report of the Right to Know Advisory Committee. The Right to Know Advisory Committee was created by Public Law 2005, chapter 631 as a permanent advisory council with oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying Maine's freedom of access laws. The members are appointed by the Governor, the Chief Justice of the Supreme Judicial Court, the Attorney General, the President of the Senate and the Speaker of the House of Representatives.

As in previous annual reports, this report includes a brief summary of the legislative actions taken in response to the Advisory Committee's January 2022 recommendations and a summary of relevant Maine court decisions from 2022 on the freedom of access laws. This report also summarizes several topics discussed by the Advisory Committee that did not result in a recommendation or further action.

For its seventeenth annual report, the Advisory Committee makes the following recommendations:

- Enact legislation to clarify responsibility of responders to requests for public records related to time estimates (1 member opposed)**
- Amend certain provisions of law in Titles 23, 24 and 24-A relating to previously-enacted public records exceptions**
- Enact legislation to revise the membership of the Archives Advisory Board to include a member representing journalists, newspapers, broadcasters and other news media interests**
- For FOAA training purposes, recommend that the Public Access Ombudsman review the Freedom of Access website and FOAA training materials to include guidance on best practices for conducting remote meetings to optimize public participation**
- Encourage the Maine Municipal Association, the Maine County Commissioners Association and the Maine School Management Association to develop guidance documents related to remote meetings**
- Enact legislation to amend the law related to remote participation**
- Recommend that the Legislature direct funding to provide grants and technical assistance to all public bodies authorized to adopt remote participation policies, including counties, municipalities, school boards and regional or other political subdivisions**



- Recommend a statutory change and the revision of the record retention schedules applicable to state, county, and municipal employee personnel records (1 member opposed; 1 member abstained)**
- Enact legislation to amend state and county employee personnel records statutes to align with the municipal employee personnel record statute**
- Enact legislation to ensure that responses to FOAA requests for “personnel records” include records that have been removed from the personnel file and are otherwise retained**
- Recommend that the State Archivist, the Maine Archives Advisory Board and legislative proposals use standardized language related to record retention in schedules developed for public bodies and consider the inclusion of definitions of terms such as “remove,” “purge” and “destroy” when they are used in record retention schedules**
- Request information from municipal, county and state law enforcement agencies regarding the prevalence and frequency of use of encrypted radio channels**
- Recommend that the Judiciary Committee, in consultation with the Criminal Justice and Public Safety Committee, continue to discuss providing expanded access to participation in the legislative process by residents of correctional facilities, including the barriers that must be resolved to allow participation**

In 2023, the Right to Know Advisory Committee will continue to discuss the ongoing issues identified in this report and complete the review of the existing public records exceptions in Title 22. The Advisory Committee will also continue to provide assistance to the Joint Standing Committee on Judiciary relating to proposed legislation affecting public access. The Advisory Committee looks forward to another year of activities working with the Public Access Ombudsman, the Judicial Branch and the Legislature to implement the recommendations included in this report.