

SEN. TROY D. JACKSON
CHAIR

REP. SARA GIDEON
VICE- CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. NATHAN L. LIBBY
SEN. ELOISE A. VITELLI
SEN. DANA L. DOW
SEN. JEFFREY L. TIMBERLAKE
REP. MATTHEW W. MOONEN
REP. RYAN M. FECTEAU
REP. KATHLEEN R.J. DILLINGHAM
REP. HAROLD TREY STEWART III

**LEGISLATIVE COUNCIL
MEETING SUMMARY
December 19, 2019
Approved January 23, 2020**

CALL TO ORDER

President Jackson called the December 19, 2019 meeting of the 129th Legislative Council to order at 2:09 pm in the Legislative Council Chamber.

ROLL CALL

Senators: President Jackson, Senator Libby, Senator Vitelli, Senator Dow and Senator Timberlake

Representatives: Speaker Gideon, Representative Moonen, Representative Fecteau, Representative Dillingham

Absent: Representative Stewart (Arrived Late)

Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Clerk of the House
Suzanne Gresser, Revisor of Statutes
Dawna Lopatosky, Legislative Finance Director
Jackie Little, Human Resources Director
Chris Nolan, Director, Office of Fiscal and Program Review
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Nik Rende, Director, Office of Legislative Information Technology

President Jackson convened the meeting at 2:09 pm. with a quorum of members present.

President Jackson, Welcomed back Executive Director Grant Pennoyer.

Legislative Council Chair Jackson asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to New Business.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

The Legislative Council proceeded to consider and vote on twenty-nine (29) after deadline bill requests. The Legislative Council authorized eighteen (18) bills for introduction in the Second Regular Session, tabled three (3) bill requests and declined to authorize six (6) bill requests. Two (2) bill requests were withdrawn by the sponsor prior to the Legislative Council's vote. The Legislative Council's action on these after deadline bill requests is attached.

OLD BUSINESS:

Item #1: Council Actions Taken by Ballot:

Legislative Council Decisions:

Motion: That the Legislative Council approves the request from the Blue Ribbon Commission to Study and Recommend Funding Solutions for the State's Transportation Systems to hold a meeting on December 16th and to extend its reporting deadline beyond the deadline of December 15, 2019.

Motion by: President Jackson Second by: Speaker Gideon
Date: December 6, 2019
Vote: 10-0-0-0 Passed

Motion: That the Legislative Council approves the request from the Task Force on Changes to the Maine Indian Claims Settlement Implementing to extend the reporting deadline beyond December 15, 2019 and to hold its final meeting on December 18, 2019

Motion by: President Jackson Second by: Speaker Gideon
Date: December 19, 2019
Vote: 8-2-0-0 Passed (with Reps. Dillingham and Stewart opposed)

Motion: That the Legislative Council approves the request from the Blue Ribbon Commission to Study and Recommend Funding Solutions for the State's Transportation Systems to hold a meeting previously scheduled for December 16, 2019 on December 18, 2019 and to extend its reporting deadline to no later than December 31, 2019.

Motion by: President Jackson Second by: Speaker Gideon
Date: December 16, 2019
Vote: 10-0-0-0 Passed

Item #2: Consideration of Tabled Bill Requests for Introduction in the Second Regular Session of the 129th Legislature – from October 23rd and December 6th Legislative Council Meeting

The Legislative Council proceeded to authorize three (3) bills tabled from the December 6, 2019 Legislative Council Meeting. The Legislative Council’s action on the tabled bill requests is attached.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director’s Report

No Report

Fiscal Report

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

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2020 (\$'s in Millions)

| | Budget | Actual | Var. | % Var. | Prior Year | % Growth |
|----------|-----------|-----------|--------|--------|------------|----------|
| November | \$278.1 | \$291.3 | \$13.2 | 4.7% | \$256.4 | 13.6% |
| FYTD | \$1,637.9 | \$1,682.7 | \$44.8 | 2.7% | \$1,594.9 | 5.5% |

General Fund revenue was over budget by \$13.2 million (4.7%) for the month of November and by \$44.8 million (2.7%) for the fiscal year to date. These positive variances do not reflect the December 2019 revenue forecast, which increased budgeted General Fund revenue by \$52.7 million for FY 2020.

Individual income tax revenue was over budget by \$0.9 million for the month and by \$16.7 million for the fiscal year to date. Individual income tax withholdings were over budget by \$4.9 million while refunds were under budget (more refunded than budgeted) for the month by \$2.5 million. Corporate income tax revenue was over budget by \$1.1 million for the month and by \$2.9 million for the fiscal year to date. Sales and use tax revenue (October sales) was over budget for the month by \$4.5 million and by \$18.8 million for the fiscal year to date. The Revenue Forecasting Committee had access to preliminary November data in preparing the December 2019 revenue forecast.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2020 (\$'s in Millions)

| | Budget | Actual | Var. | % Var. | Prior Year | % Growth |
|----------|---------|---------|-------|--------|------------|----------|
| November | \$32.1 | \$34.4 | \$2.3 | 7.1% | \$33.5 | 2.8% |
| FYTD | \$151.8 | \$156.5 | \$4.7 | 3.1% | \$153.4 | 2.0% |

Highway Fund revenue was over budget by \$2.3 million (7.1%) for the month of November and by \$4.7 million (3.1%) for the fiscal year to date. These positive variances do not reflect the December 2019 revenue forecast, which increased budgeted Highway Fund revenue by \$3.1 million for FY 2020.

Fuel taxes and motor vehicle registrations were both slightly under budget for the month. Other revenue was over budget for the month by \$2.4 million. Most of this variance was attributed to a transfer to the Highway Fund related to the municipal excise tax reimbursement program.

3. Cash Balances Update

The average balance in the cash pool for November was \$1,616.1 million, a decrease from October's average of \$1,666.5 million but above both last November's average balance and the ten-year average for the month. The average Highway Fund balance of \$0.9 million in November was down from October's average of \$12.1 million. This significantly reduced Highway Fund balance is the result of increased expenditures for construction season spending and delays in the availability of federal reimbursements.

Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, submitted the written studies report found in the agenda packet.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

No Report

State House Facilities Committee

No Report

SUMMARY OF DECEMBER 6, 2019 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for December 6, 2019 be accepted and placed on file.

Motion by Representative Fecteau. Second by Representative Stewart. Motion passed unanimous (10-0-0)

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:41 pm

**Legislative Council
Tabled Bill Requests
From October 23, 2019 and December 6, 2019**

SPONSOR: Rep. Kent Ackley

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2723 | An Act To Allow Municipalities To Set Below-market Interest Rates for Senior Citizen Property Tax Deferral Programs | Tabled 12/06/19 |

SPONSOR: Rep. Michael F. Brennan

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|-----------------|
| 2847 | An Act To Promote Justice for Victims of Sexual Abuse by Suspending the Statute of Limitations | Tabled 10/23/19 |

SPONSOR: Sen. Ned Claxton

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2944 | An Act To Minimize Potentially Objectionable License Plates | Tabled 12/06/19 |
| 2946 | Resolve, Directing the Department of Education To Amend Its Certification Requirement Rules | Tabled 10/23/19 |

SPONSOR: Sen. Scott Wynn Cyrway

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2610 | An Act To Require Warning Labels Regarding the Danger of Psychosis from the Consumption of Marijuana Products | Tabled 12/06/19 |

SPONSOR: Rep. Matthea Elisabeth Larsen Daughtry

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 3058 | An Act To Protect Independent Contractors from Sexual Harassment | Tabled 10/23/19 |
| 3065 | An Act To Properly Fund Early Childhood Education and Postsecondary Grant Opportunities | Tabled 10/23/19 |
| 3066 | An Act To Require Transparency in Postsecondary Institutions with Regard to Sexual Assaults | Tabled 10/23/19 |

SPONSOR: Rep. John C. DeVeau

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2805 | An Act To Provide Additional Supplemental Funding to the Veterans' Homelessness Prevention Coordination Program | Tabled 12/06/19 |

SPONSOR: Rep. Justin J. Fecteau

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2849 | An Act To Protect Students from Individuals Convicted of Sex Crimes | Tabled 10/23/19 |

SPONSOR: Sen. Geoff Gratwick

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---|
| 2691 | An Act To Restrict the Use of Chlorpyrifos in Farming | Tabled 10/23/19 |
| 2692 | An Act To Codify Rules Regarding Firearms in Child Care Facilities, Nursery Schools and the Facilities of Home-based Child Care Providers | Tabled 10/23/19 TITLE REVISED |

SPONSOR: Rep. Sheldon M. Hanington

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2658 | An Act To Impose Penalties for the Failure of Municipalities To Keep the Grave Sites of Veterans in Public Burying Grounds in Good Condition and Repair | Tabled 10/23/19 |

SPONSOR: Rep. Henry Ingwersen

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2884 | Resolve, Directing the Department of Environmental Protection To Investigate Potential Sources of High-level Per- and Polyfluoroalkyl Substances Contamination of Land and Drinking Water | Tabled 10/23/19 |

SPONSOR: Pres. Troy Dale Jackson

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|-----------------|
| 2657 | An Act To Allow Day Students at the Maine School of Science and Mathematics | Tabled 10/23/19 |
| 2713 | An Act To Provide Tax Credits for Employers Who Employ Qualified Apprentices | Tabled 10/23/19 |
| 2714 | An Act To Ensure Equitable Pricing for Fuel Delivered to Energy Markets | Tabled 10/23/19 |

2737 An Act To Ensure Access to Affordable Prescription Drugs Tabled 10/23/19

2985 Resolve, To Establish Guidelines for the Creation of Offshore Wind Projects That Include the Protection of Fisheries and Wildlife and the Creation of High-quality Local Jobs Tabled 10/23/19

SPONSOR: Sen. Lisa Keim

LR # Title Action
2760 An Act To Provide MaineCare to Disabled Veterans Tabled 10/23/19

SPONSOR: Rep. MaryAnne Kinney

LR # Title Action
2625 An Act To Protect the People of Maine from Drug Overdoses Tabled 10/23/19

SPONSOR: Rep. Scott Landry

LR # Title Action
3060 An Act Relating to Energy Storage Tabled 10/23/19

SPONSOR: Sen. Nate Libby

LR # Title Action
2855 Resolve, To Ensure Appropriate Case Management under the Behavioral Health Home Program and for Adults with Human Immunodeficiency Virus Infection Tabled 10/23/19

SPONSOR: Rep. Jay McCreight

LR # Title Action
2968 An Act To Maintain and Enhance the Behavioral Health Workforce in Maine Tabled 10/23/19

SPONSOR: Sen. Dave Miramant

LR # Title Action
2718 An Act To Amend the Laws Governing Aquaculture Leases Tabled 10/23/19

SPONSOR: Sen. Marianne Moore

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|-----------------|
| 2746 | An Act To Clarify the Rights of Parties in Certain Foreclosure Actions | Tabled 12/06/19 |

SPONSOR: Rep. Tina Riley

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------------------------------|
| 3079 | An Act To Promote Renewable Energy Resources | Tabled 10/23/19 PASSED 12/19/19 |

SPONSOR: Rep. Stephen Sullivan Stanley

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2808 | An Act To Remove the Tax Cap on County Jail Funding | Tabled 10/23/19 |

SPONSOR: Rep. Scott W. Strom

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|-----------------|
| 2709 | An Act To Prohibit the Collection of Campaign Contributions within a Voting Place | Tabled 10/23/19 |

SPONSOR: Rep. Rachel Talbot Ross

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------------------------------|
| 2603 | An Act To Enact the Maine Fair Chance Employment Act | Tabled 10/23/19 PASSED 12/19/19 |

SPONSOR: Rep. Nathan J. Wadsworth

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|-----------------|
| 2966 | An Act To Provide Funding to the Maine Quality Centers within the Maine Community College System | Tabled 10/23/19 |
| 2967 | An Act To Support Maine's Workforce Initiatives within the Maine Community College System | Tabled 10/23/19 |

SPONSOR: Rep. Charlotte May Warren

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------------------------------|
| 2854 | An Act To Reclassify Certain Offenses To Increase the Efficiency of the Criminal Justice System | Tabled 10/23/19 PASSED 12/19/19 |

SPONSOR: Sen. David Woodsome

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|-----------------|
| 2684 | An Act To Provide Veterans with Educational Benefits | Tabled 10/23/19 |
| 2686 | An Act To Ensure Maine Cable Service Franchises Are Nonexclusive | Tabled 12/06/19 |
| 2704 | An Act To Establish Common Law Marriage in Maine | Tabled 12/06/19 |
| 2873 | An Act To Remove Barriers to Entry to the Profession of Dental Therapy and Expand Access for the Underserved Dental Patient Population | Tabled 12/06/19 |

**129th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
Second Regular Session**

AFTER DEADLINE BILL REQUESTS

SPONSOR:

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3105 | Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands | PASSED |

SPONSOR: Rep. Seth A. Berry

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3103 | An Act To Stabilize Water Utility Funding and Reduce Financial Burdens Created by Regulation | PASSED |
| 3104 | An Act To Make Changes in the So-called Dig Safe Law | WITHDRAWN |
| 3110 | An Act To Require an Internet Service Provider To Provide a Pro Rata Credit When Service Is Cancelled by a Subscriber | PASSED |

SPONSOR: Rep. Anne Carney

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3112 | An Act To Allow Crematories Using Chemical Dissolution Processes in Facilities Other Than Cemeteries | FAILED |
| 3113 | An Act To Allow a Maine Company To Operate an Alkaline Hydrolysis Crematorium on a Parcel of Land of Less than 20 Acres | FAILED |
| 3125 | An Act To Ensure Proper Closure of Oil Terminal Facilities | PASSED |

SPONSOR: Sen. Michael E. Carpenter

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3134 | An Act To Establish the Central Aroostook County Emergency Medical Services Authority | PASSED |

SPONSOR: Sen. Scott Wynn Cyrway

| <u>LR#</u> | <u>Title</u> | |
|------------|---|--------|
| 3106 | An Act To Amend the Law Governing Contracts for Pharmacy Services | TABLED |
| 3111 | An Act To Establish a Court Surcharge Fund To Support Professional Corrections Programs and Community Safety Initiatives throughout the State | FAILED |
| 3114 | An Act To Establish Requirements Governing the Disposition of Human Fetal Tissue | FAILED |

SPONSOR: Sen. Susan Deschambault

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3121 | An Act To Prohibit the Use of Cellphones in Schools by Students in Grades 9 and under | TABLED |

SPONSOR: Spkr. Sara Gideon

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3108 | An Act To Permit the Expansion of the Municipal Membership of the Greater Portland Transit District | PASSED |
| 3128 | An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications | PASSED |

SPONSOR: Sen. Geoff Gratwick

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---------------------------------|---------------|
| 3102 | An Act To Improve School Safety | TABLED |

SPONSOR: Sen. Erin Herbig

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 3133 | An Act Regarding the Experience Requirement for Accountants Working in the Office of the State Auditor Who Are Seeking Licensure as Certified Public Accountants | PASSED |
| 3127 | An Act Regarding Net Energy Billing Limits | PASSED |

SPONSOR: Sen. Lisa Keim

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3109 | An Act To Make March Maine's Childhood Cancer Awareness Month | PASSED |

SPONSOR: Sen. Nate Libby

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 3116 | An Act Regarding Rest Breaks for Employees Not Covered by Collective Bargaining Agreements | FAILED |

SPONSOR: Rep. Jay McCreight

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 3130 | An Act To Change Decibel Level Limits for Airboats | PASSED |

SPONSOR: Sen. Rebecca Millett

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 3126 | An Act To Remove from the Calculation of the Cost of Education the Maine Public Employees Retirement System State Employee and Teacher Plan Unfunded Actuarial Liability | PASSED |

SPONSOR: Sen. Marianne Moore

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|------------------------------------|---------------|
| 3118 | An Act Regarding Mobile Billboards | PASSED |

SPONSOR: Rep. Sean Paulhus

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3120 | An Act To Require Automated External Defibrillators in Large Stores | FAILED |

SPONSOR: Rep. Tina Riley

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 3117 | An Act To Require That Parking Lots for State Agencies Meet the Standards Set Forth in the Federal Americans with Disabilities Act | PASSED |

SPONSOR: Rep. Rachel Talbot Ross

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3119 | An Act To Establish a Criminal Records Review Committee | PASSED |

SPONSOR: Sen. Jeff Timberlake

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 3107 | An Act To Ensure Fairness for Public School Athletes with Disabilities | WITHDRAWN |

SPONSOR: Sen. David Woodsome

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 3115 | An Act Regarding the Sale of Information by the Secretary of State | PASSED |

JOINT RESOLUTIONS

SPONSOR: Rep. John Andrews

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 2908 | JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE ACCESS TO BANKING AND INSURANCE SERVICES TO LEGAL CANNABIS AND CANNABIS-RELATED BUSINESSES | PASSED |

SPONSOR: Pres. Troy Dale Jackson

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 3123 | JOINT RESOLUTION MEMORIALIZING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REGARDING THE SAFETY OF MAINE'S LOBSTER INDUSTRY | PASSED |

Table of Results

Total number of bills accepted: 18

Total number of bills tabled: 3

Total number of bills withdrawn: 2

Total number of bills declined: 6

Total number of bills considered: 29