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CHAIR

REP. SARA GIDEON  
VICE- CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



129<sup>TH</sup> 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  
February 27, 2020  
Approved November 5, 2020**

**CALL TO ORDER**

President Jackson called the February 27, 2020 meeting of the 129<sup>th</sup> Legislative Council to order at 1:40 pm in the Legislative Council Chamber.

**ROLL CALL**

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

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

Legislative Officers: Darek Grant, Secretary of the Senate  
Robert Hunt, Clerk of the House  
Grant Pennoyer, Executive Director  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law & Legislative Reference Library  
Jackie Little, Human Resources Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Nik Rende, Director, Office of Legislative Information Technology  
Dawna Lopatosky, Legislative Finance Director

President Jackson convened the meeting at 1:40 pm. with a quorum of members present.

President Jackson seeing the number of representatives present for after deadline asked for a motion to begin the meeting with New Business Item #1 Consideration of After Deadline Bill Requests. It was moved by Speaker Gideon and seconded by Senator Libby and the vote was unanimous.

## NEW BUSINESS

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

The Legislative Council proceeded to consider and vote on nine (9) after deadline bill requests and two (2) Late-filed Major Substantive Rules. The Legislative Council authorized three (3) bills for introduction in the Second regular Session, six (6) bills were tabled, one (1) bill was withdrawn by the sponsor and Council approved the two (2) Late-filed Major Substantive Rules. The Legislative Council's action on the bill requests is attached.

## SUMMARY OF January 23, 2020 MEETING OF THE LEGISLATIVE COUNCIL

**Motion:** That the Meeting Summary for January 23, 2020 be accepted and placed on file.  
Motion by Representative Libby. Second by Representative Moonen. **Motion passed unanimously (10-0-0-0).**

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, gave the following report.

#### 1. New Employee Orientation

On Friday, January 31<sup>st</sup>, we held a new employee orientation program. All 27 new employees were able to attend so that no make-up session was required this year.

#### 2. Workday HR Management System

We received notification from the Department of Administrative and Financial Services that the new Workday HR Management System implementation has been postponed until fiscal year 2021. The exact deployment date is not known at this time.

### Fiscal Report

#### 1. General Fund Revenue Update

Total General Fund Revenue - FY 2020 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$394.0	\$416.1	\$22.1	5.6%	\$378.8	9.8%
FYTD	\$2,367.3	\$2,395.1	\$27.9	1.2%	\$2,283.0	4.9%

General Fund revenue was over budget by \$22.1 million (5.6%) for the month of January and by \$27.9 million (1.2%) for the fiscal year to date. Individual income tax revenue was over budget by \$12.2 million for the month and by \$7.3 million for the fiscal year to date. Individual income tax withholdings were over budget for the month by \$6.7 million, while estimated payments were over budget for the month by \$6.2 million and by \$6.3 million for the fiscal year. The withholding tax revenue variance was largely a timing difference between December and January. The combined final estimated payments for December and January were 9.25% higher than the previous year. Corporate income tax revenue was under budget by \$1.2 million for the month and by \$1.0 million for the fiscal year to date. Sales and use tax revenue (December sales) was over budget for the month by \$1.7 million and by

\$2.9 million for the fiscal year to date, with taxable sales increasing by 7.5% over December 2018. Transfers for tax relief programs were under budget for the month (less transferred than budgeted) by \$8.7 million for the month. As in previous fiscal years, this variance is expected to be a timing difference, with transfers taking place in subsequent months.

**2. Highway Fund Revenue Update**

<b>Total Highway Fund Revenue - FY 2020 (\$'s in Millions)</b>						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$28.4	\$28.6	\$0.2	0.7%	\$29.3	-2.5%
FYTD	\$208.7	\$209.8	\$1.1	0.5%	\$206.8	1.4%

Highway Fund revenue was over budget by \$0.2 million (0.7%) for the month of January and by \$1.1 million (0.5%) for the fiscal year to date. Fuel taxes were under budget by \$1.5 million for the month while motor vehicle registrations and fees were over budget by \$1.5 million, led by a positive variance in long-term trailer and motor vehicle registration fees.

**3. Cash Balances Update**

The average balance in the cash pool for January was \$1,659.6 million, an increase from December’s average of \$1,571.6 million and above both last January’s average balance and the ten-year average for the month. The average Highway Fund balance of \$3.4 million in January recovered from December’s negative average of -\$9.7 million. The negative average balance in the Highway Fund for December was the result of increased expenditures for construction season spending and delays in the availability of federal reimbursements. The balance is now positive and expected to remain so for the remainder of the fiscal year.

**4. March 2020 Revenue Forecast**

The Revenue Forecasting Committee is scheduled to meet February 28, 2020 to review and update the revenue forecast to comply with its March 1, 2020 statutory reporting deadline.

**REPORTS FROM COUNCIL COMMITTEES**

**State House Facilities Committee**

The State House Facilities Committee met on Thursday, February 20<sup>th</sup> to consider the following items.

**1. Security Options for the Cross Office Building**

Chief Gauvin of Capitol Police presented a report of security screening options for the Cross Office Building. After discussing the options, the committee decided to present these proposals to a future meeting of the Legislative Council. The committee also directed Chief Gauvin and Mr. Pennoyer to develop a policy on conduct in the State House and legislative space in the Cross Office Building to give Capitol Police more tools to better manage certain situations and crowds. This policy will be presented to the Legislative Council at a future meeting.

**2. Proposal for a Women Suffrage Marker at the State House**

Anne Gass from the Maine Suffrage Centennial Collaborative presented a proposal to put a cast iron commemorative women suffrage marker provided by the William G. Pomeroy Foundation, one of five made available to Maine. The committee recommended unanimously to present this proposal to the full Council. This proposal appears later on the agenda under new business.

3. Recognition of Women at the State House

The committee began a discussion of options to improve the recognition of women at the State House that included the placement in the State House of a recently discovered portrait in the Museum's collection of a prominent Maine woman, commissioning other portraits of notable Maine women and other means of securing portraits of Maine women for the State House. The placement of the recently discovered portrait in the Museum's collection appears later in today's agenda under new business.

Speaker Gideon asked that the Council consider former Senator Olympia Snowe as a future candidate for a portrait in the State House.

4. State House Items in Storage

Mr. Pennoyer presented an update of the progress toward addressing storage costs of State House furniture and miscellaneous items. Since the last update numerous items have been transferred to surplus property. Mr. Pennoyer reported that he was awaiting word on possible storage options at state-owned property. The committee directed Mr. Pennoyer to expedite the further reduction of items in these costly private storage facilities and report back on the progress at the next meeting of the committee.

**OLD BUSINESS:**

**Item #1: Consideration of Tabled Bill Requests from October and December 2019 Not Taken Up**

**Item #2 Council Actions Taken by Ballot Since the January 23, 2020 Council Meeting**

**NEW BUSINESS:**

**Item #2** Request from the State YMCA to hold the Youth in Government Program at the State House.

Dates suggested are November 6-8 or November 13-17 with the latter date preferred. No conflicts were seen to be a problem with the second preferred date.

**Motion:** To accept November 13-17 for Youth in Government Program. Motion by Speaker Gideon. Second by Representative Dillingham. **Motion passed unanimously (10-0-0-0).**

**Item #3** Proposal for Women's Suffrage Marker at the State House

**Motion:** To accept the marker and direct the Executive Director to work out the details of where it should be placed with the Facilities Committee. Motion by Senator Timberlake. Second by Representative Dillingham. **Motion passed unanimously (10-0-0-0).**

**Item #4** Acceptance of Gail Laughlin portrait in State House

**Motion:** To accept the portrait and direct the Executive Director to work out the details of where it will be displayed. Motion by Senator Libby. Second by Representative Stewart. **Motion passed unanimously (10-0-0-0).**

**Announcements and Remarks:**

Representative Stewart shared feedback received at caucuses that decorum during public hearings has fallen by the wayside. He asked that Rule 304 could be shared in its entirety at the beginning of hearings to better set the tone of how the hearings should proceed. Representative Dillingham responded that she and Speaker Gideon have already been in discussion about the issue and it is being addressed on the House side. President Jackson expressed agreement with Representative Stewart and had already addressed the issue in recent caucuses and expressed the importance of always being respectful of the public in committee hearings.

With no other business to consider, the Legislative Council meeting was adjourned at 2:26 pm.

**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>
3205	An Act To Permit Naloxone Possession and Administration in Public and Private Schools	PASSED

**SPONSOR: Rep. John Andrews**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3226	An Act To Protect Maine Children and Teenagers from Unauthorized Drone Surveillance	PASSED

**SPONSOR: Rep. Donna Bailey**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3175	An Act To Amend the Definition of Tobacco Product To Exclude Matches and Lighters	PASSED

**SPONSOR: Rep. Seth A. Berry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3238	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Protect Municipal Revenue	TABLED

**SPONSOR: Rep. Anne Carney**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3137	Resolve, Directing the Maine Complete Count Committee To Submit a Report to the Legislature Regarding Full Participation in the 2020 Federal Decennial Census	WITHDRAWN

**SPONSOR: Sen. Justin Chenette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3162	An Act To Protect Homeowners by Requiring Disclosure of Basement Flooding Coverage in Insurance Policies	TABLED

**SPONSOR: Sen. Scott Wynn Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3252	Resolve, To Require the Inclusion on an Accident Report Whether the Accident Was Marijuana-related	TABLED

**SPONSOR: Sen. Lisa Keim**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3195	An Act To Create a Voluntary Registry Program for Service Animals	TABLED

**SPONSOR: Rep. Stephen Wilde Moriarty**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3219	An Act To Add the Use of Drones to the Statute on Stalking	BALLOT IN PROCESS

**SPONSOR: Rep. Maggie O'Neil**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3208	An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry	TABLED

3209	An Act To Ensure That Victims of Domestic Violence Have Parity under Tort Law	<u>Action</u> TABLED
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**SPONSOR: Rep. Charlotte May Warren**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3227	An Act To Increase Government Accountability	BALLOT IN PROCESS

#### LATE-FILED MAJOR SUBSTANTIVE RULES

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3229	Resolve, Regarding Legislative Review of Chapter 348: On Farm Raising, Slaughter and Processing of Less Than 1,000 Ready-to-Cook Whole Poultry Carcasses, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	PASSED

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3244	Resolve, Regarding Legislative Review of Portions of Chapter 104: Certain Payments Not Immediate, a Late-filed Major Substantive Rule of the Office of the State Treasurer	PASSED

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**129th Maine State Legislature  
Tabled Pre Cloture Bill Requests  
From October 23, 2019 and December 6, 2019  
And Tabled After Deadline**

**TABLED BY THE LEGISLATIVE COUNCIL**

**SPONSOR: Sen. Scott Wynn Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3106	An Act To Amend the Law Governing Contracts for Pharmacy Services	Tabled 12/19/19

**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 12/19/19

**SPONSOR: Sen. Geoff Gratwick**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3102	An Act To Improve School Safety	Tabled 12/19/19

**SPONSOR: Sen. Marianne Moore**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3118	An Act Regarding Mobile Billboards	Tabled 12/19/19

**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

**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**

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

**SPONSOR: Rep. MaryAnne Kinney**

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

**SPONSOR: Rep. Scott Landry**

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

**SPONSOR: Sen. Nate Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
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**

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

**SPONSOR: Sen. Dave Miramant**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
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. 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. 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
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**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

**Legislative Council Actions  
Taken by Ballot Since the  
January 23, 2020 Council Meeting**

**Requests for Introduction of Legislation:**

**LR 3178      An Act to Prevent Charter Schools from Using State Funds for Anti-Union Campaigns**

Submitted by: Mike A. Sylvester  
Date: February 3, 2020  
Vote: 6-4-0-0 Passed (with Sens. Dow and Timberlake and Reps. Dillingham and Stewart opposed)

**LR 3138      An Act To Prohibit Foreign Governments and Foreign Quasi-Governmental Agencies from Influencing Citizen' Initiatives**

Submitted by: Representative Kent Ackley  
Date: February 3, 2020  
Vote: 7-3-0-0- Passed (with Sens. Timberlake and Representatives Dillingham and Stewart opposed)

**LR 3170      An Act To Improve the Controlled Substances Prescription Monitoring Program**

Submitted by: Representative Patricia Hymanson  
Date: February 3, 2020  
Vote: 7-3-0-0- Passed (with Sens. Dow and Timberlake and Rep. Dillingham opposed)

**LR 3196      An Act To Incentivize Home Sharing**

Submitted By: Senator Justin Chenette  
Date: February 5, 2020  
Vote: 4-6-0-0- Failed (With Pres. Jackson, Sens. Libby and Vitali and Speaker Gideon in favor)

**LR 3171      Resolve, to Establish a Task Force to Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities**

Submitted by: Representative Sarah Pebworth  
Date: February 5, 2020  
Vote: 7-3-0-0- Passed (with Sen. Timberlake and Reps. Dillingham and Stewart opposed)

**LR 3135      An Act to Allow Certified Parents to Teach Driver's Education**

Submitted by: Senator Erin Herbig  
Date: February 5, 2020  
Vote: 0-10-0-0- Failed

**LR 2692      An Act To Protect Maine Children by Codifying Certain Existing Rules Applicable to Child Care Facilities, Nursery Schools and the Facilities of Home-based child Care Providers.**

Submitted by: Senator Geoff Gratwick  
Date: February 6, 2020  
Vote: 6-4-0-0- Passed (with Sens. Dow and Timberlake and Reps. Dillingham and Stewart opposed)

**LR 3161      An Act To Designate Solar Farms as an Acceptable Activity on Land Classified as Farmland or Open Space Land**

Submitted by: Representative Seth A. Berry  
Date: February 6, 2020  
Vote: 9-1-0-0- Passed (with Sen. Timberlake opposed)

**LR 3177      An Act Regarding Health Insurance Options for Town Academies**

Submitted by: Senator Michael Carpenter  
Date: February 6, 2020  
Vote: 9-1-0-0- Passed (with Sen. Timberlake opposed)

**LR 3210      An Act To Ensure the Provision of Services for Children with Disabilities**

Submitted by: Representative Michelle Meyer  
Date: February 11, 2020  
Vote: 10-0-0-0- Passed

**LR 3155      An Act To Improve Prescription Information Access for Maine Residents**

Submitted by: Representative Margaret Craven  
Date: February 13, 2020  
Vote: 9-1-0-0 Passed (with Sen. Timberlake opposed)

**LR 3154            An Act Regarding Municipal Alcohol Sales**

Submitted by: Senator Louis Luchini  
Date: February 13, 2020  
Vote: 10-0-0-0 Passed

**LR 3218            An Act To Increase Reimbursement Rates for Home Care Services**

Submitted by: Senator Shenna Bellows  
Date: February 13, 2020  
Votes: 10-0-0-0 Passed

**LR 3221            An Act To Amend the Limited Lines Travel Insurance Act**

Submitted by: Representative Joshua Morris  
Date: February 20, 2020  
Votes: 10-0-0-0 Passed

**LR 3240            An Act To Amend the Charter of the Lucerne-in-Maine Village Corporation**

Submitted by: Senator Kimberly Rosen  
Date: February 25, 2020  
Vote: 10-0-0-0 Passed

**LR 3247            An Act To Ensure Compliance with Disclosure for Political Communications**

Submitted by: Pres. Troy Dale Jackson  
Date: February 27, 2020  
Vote: 6-4-0-0 Passed (with Sens. Dow and Timberlake and Reps. Dillingham and S Stewart opposed)