

REP. RYAN FECTEAU  
CHAIR

SEN. TROY D. JACKSON  
VICE-CHAIR

EXECUTIVE DIRECTOR  
SUZANNE M. GRESSER



130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. ELOISE A. VITELLI  
SEN. MATTHEA E. DAUGHTRY  
SEN. JEFFREY L. TIMBERLAKE  
SEN. MATTHEW POULIOT  
REP. MICHELLE DUNPHY  
REP. RACHEL TALBOT ROSS  
REP. KATHLEEN R.J. DILLINGHAM  
REP. JOEL STETKIS

March 25, 2021  
1:30 P.M.

**PRELIMINARY AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE FEBRUARY 25, 2021 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Decision</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
9	<ul style="list-style-type: none"><li>Fiscal Report (Mr. Nolan)</li></ul>	<b>Information</b>
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	No reports	
	<b>OLD BUSINESS</b>	
10	Item #1: Council Actions Taken by Ballot (No Action Required)	<b>Information</b>
	<b>NEW BUSINESS</b>	
11	Item #1: Consideration of After Deadline Bill Requests	<b>Roll Call Vote</b>
13	Item #2: Adoption of the Legislative Council Policy on Legislative Studies for the 130th Legislature	<b>Decision</b>
	<b>ANNOUNCEMENTS AND REMARKS</b>	
	<b>ADJOURNMENT</b>	

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**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
February 25, 2021**

**CALL TO ORDER**

Speaker Fecteau called the February 25, 2021 meeting of the 130<sup>th</sup> Legislative Council to order at 1:37 p.m. in the Legislative Council Chamber.

**ROLL CALL**

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

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

Legislative Officers: Suzanne Gresser, Executive Director of the Legislative Council  
Ed Charbonneau, Revisor of Statutes  
Chris Nolan, Director, Office of Fiscal and Program Review  
Nik Rende, Director, Legislative Information Technology  
Dawna Lopatosky, Legislative Finance Director  
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 1:37 p.m. with a quorum of members present.

**SUMMARY OF JANUARY 28, 2021 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for January 28, 2021 be accepted and placed on file. Motion by Senator Vitelli. Second by Senator Pouliot. **Motion passed unanimously (10-0).**

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Fiscal Report

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

#### 1. General Fund Revenue Update

<b>Total General Fund Revenue - FY 2021 (\$'s in Millions)</b>						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
January	\$357.6	\$447.1	\$89.5	25.0%	\$416.1	7.5%
FYTD	\$2,336.6	\$2,490.9	\$154.3	6.6%	\$2,395.1	4.0%

General Fund revenue was over budget by \$89.5 million (25.0%) for the month of January and over budget by \$154.3 million (6.6%) for the fiscal year to date. General Fund revenue through January is now 4.0% greater than at the same point last year.

Individual income tax revenue was over budget by \$59.1 million for the month and by \$91.1 million for the fiscal year to date. Individual estimated payments were over budget by \$52.3 million for the month and by \$61.2 million for the fiscal year to date. Withholding revenue was under budget by \$1.9 million for the month but remains \$16.0 million over budget for the fiscal year to date.

Corporate income tax revenue was over budget by \$7.9 million for the month and by \$26.3 million for the fiscal year to date. The positive variance for the fiscal year to date is largely the result of estimated payments to date exceeding budget by \$22.5 million while refunds were over budget (less paid out than budgeted) by \$9.8 million.

Sales and use tax revenue (December sales) was over budget by \$23.8 million for the month and by \$33.3 million for the fiscal year to date.

#### 2. Highway Fund Revenue Update

<b>Total Highway Fund Revenue - FY 2021 (\$'s in Millions)</b>						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
January	\$27.8	\$26.6	(\$1.2)	-4.2%	\$28.6	-7.0%
FYTD	\$198.0	\$199.4	\$1.4	0.7%	\$209.8	-5.0%

Highway Fund revenue was under budget by \$1.2 million (-4.2%) for the month of January but over budget by \$1.4 million (0.7%) for the fiscal year to date. Highway Fund revenue through January is now -5.0% less than at the same point last year.

Fuel taxes were under budget by \$1.4 million for the month and by \$0.6 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$0.4 million for the month and by \$1.8 million for the fiscal year to date.

#### 3. Cash Balances Update

The average balance in the cash pool for January was \$2,630.7 million, an increase from December's average of \$2,617.2 million. While the average balance from federal Coronavirus Relief Fund (CRF) payments continued to decrease (from \$587.2 million in December to \$404.7 million in January), the increase in the overall cash pool balance is largely the result of an increase in the General Fund balance and the addition of \$65.5 million in new federal emergency rental assistance funds. The average Highway Fund balance in January was \$45.2 million, an increase from December's average of \$26.7 million.

## REPORTS FROM COUNCIL COMMITTEES

No reports

Speaker Fecteau asked if there was any objection to taking items out of order. There was no objection. The Chair then moved on to **New Business**.

## NEW BUSINESS

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

The Legislative Council proceeded to consider and vote on twelve (12) after deadline bill requests and two (2) Joint Resolutions. The Legislative Council authorized all twelve (12) bills for introduction in the Second Regular Session, and the Council authorized introduction of two (2) Joint Resolutions that had been tabled at the Council's January meeting. The Legislative Council's action on the requests is attached.

### Item #2: Acceptance of the Loring Development Authority of Maine's 2020 Annual Report

The Loring Development Authority of Maine submitted its 2020 Annual Report for acceptance by the Legislative Council.

**Motion:** That the Legislative Council accept the 2020 Annual Report of the Loring Development Authority of Maine and place it on file. Motion by Senator Pouliot. Second by Representative Talbot Ross. **Motion passed unanimously (10-0-0)**

## OLD BUSINESS

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

#### Requests for Introduction of Legislation:

**LR 2000            An Act to Require the Public Utilities Commission To Assess an Electric Utility with Certain Costs of Upgrades Necessary for New Generator Interconnections**

Submitted by:    Representative Seth Berry

Date:             February 8, 2021

Vote:             6-3-0-1 Passed (with Senator Timberlake, Senator Pouliot and Representative Stetkis opposed and with Representative Dillingham recorded as absent)

### Item #2: Proposed amendments to the Legislative Council's COVID-19 Prevention Policy

- **Allowing limited access to legislative space.** The members of the Legislative Council discussed:
  - Altering the proposal to authorize admittance to the State House Complex to a specific total number of individuals at one time;
  - The merits of measuring the physical space that is under each caucus's control;
  - The importance of ensuring compliance with the Legislative Council's policies regarding protective face coverings and physical distancing;

- The need for the collection of contact information;
- The importance of signing in upon arrival and signing out upon departure;
- The importance of having the Legislator or the Chief of Staff meet the individual at the security kiosk to escort the individual to the caucus office;
- Clarifying that this policy authorizing access applies to only to the State House Complex; and
- The merits of having the Legislative Council reevaluate the policy following its implementation.

Speaker Fecteau suggested that the proposal be altered to allow 2 guests per caucus at a time, that the Executive Director evaluate the capacity of the physical spaces at issue, and that, after the policy has been in effect for a time, the Legislative Council reevaluate it. President Jackson inquired how much time would be necessary to develop the forms and plans for the implementation of the policy; and asked where the sign-in and contact information would be kept. Rep. Dillingham mentioned that there should be sensitivity to protecting private information contained in the contact information, and suggested March 8 as an implementation date. Speaker Fecteau asked that Executive Director to prepare a draft that includes the changes based on today's discussion, email the draft to all of the members and if the members have revisions to the draft, the changes could be proposed and circulated via a ballot. Rep. Talbot Ross suggested that the policy specifically include language referencing the caucus of unenrolled and unaffiliated members. Speaker Fecteau confirmed with the Executive Director that the sign-in log and contact information could be kept in the Executive Director's office.

**Motion:** That Legislative Council's COVID-19 Prevention Policy be amended to allow limited access to the State House Complex in accordance with the clarifications and amendments discussed today; and that the Executive Director shall prepare and circulate among the Legislative Council members for their review and approval a draft incorporating the changes. Motion by Senator Timberlake. Second by Senator Pouliot. **Motion passed (10-0-0)**

## ANNOUNCEMENTS AND REMARKS

Rep. Dillingham asked about the applicability of the special procedure for reference objections set out in Joint Order, SP 9, to the bills that had not yet been referenced to Joint Standing Committees. Speaker Fecteau indicated that the special procedure for reference objections applies only to situations in which a member disagrees with the reference determination made jointly by the Secretary of the Senate and the Clerk of the House; the bills that are not yet referenced are bills for which a joint determination by the Secretary and the Clerk could not be reached.

Rep. Dillingham asked the Director of Legislative Information Technology, Nik Rende, for a status update on the portal through which public hearing testimony will be collected and shared with members of Joint Standing Committees. Mr. Rende demonstrated to the Legislative Council members the functionality associated with the portal. Speaker Fecteau expressed the Council's sincere appreciation of the Legislative Information Technology staff and its innovation and flexibility.

Senator Pouliot asked Mr. Rende whether there was a technological way to assemble for members their various relevant Zoom links for their committee meetings. Mr. Rende explained the various challenges associated with the request, and indicated that he and the Legislative Information Technology staff are working on developing a possible solution.

Senator Pouliot inquired about the existence of rules applicable to the use of videos and PowerPoint presentations in Joint Standing Committee meetings. Speaker Fecteau asked the Executive Director to email to the Council members relevant committee rules governing the use of videos and presentations.

Senator Timberlake noted that meetings between Chairs and Leads of Joint Standing Committees are treated differently amongst the various committees and indicated his preference for consistency across the committees.

Senator Pouliot asked about parameters governing determinations regarding resuming onsite meetings.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:50 p.m.

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

**February 25, 2021**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1994	An Act to Modify Licensure Requirements To Consider Credentialed Individuals from Other Jurisdictions	PASSED

**SPONSOR: Sen. Joseph M. Baldacci**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2003	An Act To Support Maine Students Who Are Dependents of Current or Former Members of the Military	PASSED

**SPONSOR: Rep. Lori K. Gramlich**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2001	An Act To Increase Safety at the Capitol Complex	PASSED

**SPONSOR: Sen. Matthew Gary Pouliot**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1998	An Act To Amend the Motor Vehicle Excise Tax Exemption for Veterans Who Are Disabled	PASSED

2005	An Act To Terminate the Augusta Downtown Parking District	PASSED
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**SPONSOR: Sen. Trey Stewart**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2007	An Act To Prohibit Substitute Teachers from Engaging in Sexual Activity with Their Students	PASSED

2008	An Act To Allow for the Production of Insulin by the University of Maine	PASSED
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**SPONSOR: Rep. John L. Tuttle, Jr.**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1993	An Act To Restore Funding to the Southern Maine Veterans Cemetery	PASSED
2004	An Act To Exempt Municipalities from Sales Tax on Municipal Solid Waste	PASSED

**SPONSOR: Rep. Dustin Michael White**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2006	An Act To Require That Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways	PASSED

**SPONSOR: Rep. Stanley Paige Zeigler**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2010	An Act To Increase the Number of Lincolnville Sewer District Trustees from 3 to 5	PASSED

**TABLED BY THE LEGISLATIVE COUNCIL**

**JOINT RESOLUTIONS**

**SPONSOR: Rep. Billy Bob Faulkingham**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
500	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO URGE THE CONGRESS TO ADOPT THE "KEEP NINE AMENDMENT"	Tabled 01/28/21

**SPONSOR: Sen. Stacey Guerin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
513	JOINT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO DESIGNATE A STATE FUNERAL FOR THE LAST LIVING WORLD WAR II MEDAL OF HONOR RECIPIENTS	PASSED

**SPONSOR: Sen. Lisa Keim**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1586	JOINT RESOLUTION, URGING THE RESTORATION OF CONSTITUTIONALISM AND THE TENTH AMENDMENT	PASSED



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

**Addendum**

**February 25, 2021**

**SPONSOR:**       **Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2014	An Act To Waive the Asset Lookback Standards for Nursing Home Residency as a Result of Contracting COVID-19	PASSED

# Fiscal Briefing

March 25, 2021

*Prepared by the Office of Fiscal & Program Review*

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

Total General Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
February	\$145.4	\$280.3	\$134.8	92.7%	\$159.8	75.3%
FYTD	\$2,484.0	\$2,771.2	\$287.2	11.6%	\$2,555.0	8.5%

General Fund revenue was over budget by \$134.8 million (92.7%) for the month of February and over budget by \$287.2 million (11.6%) for the fiscal year to date. As explained in more detail below, the significant positive revenue variance for February is largely the result of the timing of individual income refunds with the delay in filing resulting in refunds significantly less than budgeted levels for February.

Individual income tax revenue was over budget by \$115.0 million for the month and by \$206.1 million for the fiscal year to date. Individual income tax refunds were \$96.7 million less than budget (positive impact on revenue) for the month and \$103.2 million less for the fiscal year to date. It is expected this February variance is a timing issue that will be offset in March. Withholding revenue was above budget by \$16.2 million for February and by \$32.2 million for the fiscal year to date, while individual estimated payments were \$2.6 million over budget for the month and \$63.9 million above budget for the fiscal year to date.

Corporate income tax revenue was below budget by \$0.9 million for the month but over budget by \$23.4 million for the fiscal year to date. The positive variance for the fiscal year to date is largely the result of estimated payments exceeding budget by \$23.7 million. Sales and use tax revenue (January sales) was over budget by \$24.1 million for the month and by \$57.4 million (5.1%) for the fiscal year.

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

Total Highway Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
February	\$25.2	\$26.0	\$0.7	2.9%	\$26.5	-1.9%
FYTD	\$223.3	\$225.4	\$2.1	0.9%	\$236.3	-4.6%

Highway Fund revenue was over budget by \$0.7 million (2.9%) for the month of February and over budget by \$2.1 million (0.9%) for the fiscal year to date. Fuel taxes were under budget by \$1.1 million for the month and by \$1.7 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$1.7 million for the month and by \$3.5 million for the fiscal year to date.

## 3. Cash Balances Update

The average balance in the cash pool for February was \$2,863.1 million, an increase from January's average of \$2,630.7 million. While the average balance from federal Coronavirus Relief Fund (CRF) payments continued to decrease (from \$404.7 million in January to \$322.7 million in February), the increase in the overall cash pool balance is largely the result of an increase in the General Fund balance and the new federal emergency rental assistance. The average Highway Fund balance in February was \$59.1 million, an increase from January's average of \$45.2 million.

## 4. Economic and Revenue Forecast

The Economic Forecasting Commission is scheduled to meet on March 30, 2021 to review and update the economic forecast for its April 1<sup>st</sup> report. The Revenue Forecasting Committee will meet during the last week of April to review and update the revenue forecast for its statutory reporting date of May 1<sup>st</sup>.



**130th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session**

As of: 3/19/2021 8:39:19 AM

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR:**       **Rep. Jeffery Hanley**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2033	An Act To Eliminate the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws	

**SPONSOR:**       **Rep. Tavis Rock Hasenfus**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2026	An Act Regarding the Qualifications for Licensure as a Physician or Surgeon	

**SPONSOR:**       **Rep. Sherm H. Hutchins**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2016	An Act To End the Separation of Patients and Residents of Nursing and Healthcare Facilities from Family Members during the COVID-19 Pandemic	

**SPONSOR:**       **Sen. Dave Miramant**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2035	An Act To Amend Legislative Expense Reimbursement and Allowances	

**SPONSOR:**       **Rep. Joe Perry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2015	An Act To Protect the Insurable Interest of Homeowners with Adjoining Property	

**SPONSOR: Sen. Jeff Timberlake**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2024	An Act To Enhance Behavioral Health Services To Better Protect Maine Residents	

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2027	An Act To Allow the Use of Polyvinyl Chloride Pipe in the Construction of Sprinkler Systems in Certain Commercial Rental Units	

**TABLED BY THE LEGISLATIVE COUNCIL**

**JOINT RESOLUTIONS**

**SPONSOR: Rep. Billy Bob Faulkingham**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
500	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO URGE THE CONGRESS TO ADOPT THE "KEEP NINE AMENDMENT"	Tabled 01/28/21

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REP. JOEL STETKIS

## **Legislative Council Policy on Legislative Studies for 130<sup>th</sup> Maine Legislature**

### **1. Introduction**

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules. Joint Rules adopted by each successive legislature have included Joint Rule 353.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of Joint Rule 353.

### **2. Council authorization of legislative studies**

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that approval of 2/3 of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

### **3. Funding of legislative studies**

The Legislative Council shall establish a study line in a legislative account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the legislative account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the Legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide sufficient money to enable the committees to reasonably conduct and complete the requirements of the studies.

#### **4. Acceptance of private contributions to support legislative studies**

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All contributions accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

#### **5. Exceptions to Joint Rule 353**

The following limited exemptions to Joint Rule 353 are provided.

- A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new board or commission or as the result of an amendment to an existing board or commission must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;
- B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources.
- C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in joint order establishing the joint select committee, introduce legislation to implement its recommendations.

#### **6. Council review of committee requests to vary from Joint Rule 353**

Pursuant to Joint Rule 353, the Legislative Council must specifically review and approve as an exception any legislative study that is inconsistent with that joint rule.

**7. Authority and effective date**

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 25<sup>th</sup> day of March, 2021.

This policy takes effect immediately.

BY: \_\_\_\_\_  
Suzanne M. Gresser, Executive Director