

REP. RYAN M. FECTEAU
CHAIR

SEN. TROY D. JACKSON
VICE-CHAIR

EXECUTIVE DIRECTOR
SUZANNE M. GRESSER



130TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

**April 21, 2022
2:00 P.M.**

AGENDA

<u>Page</u>	<u>Item</u>		<u>Action</u>
		CALL TO ORDER	
		ROLL CALL	
1		SUMMARY OF THE MARCH 3, 2022 MEETING OF THE LEGISLATIVE COUNCIL	Decision
		REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
		No reports	
		REPORTS FROM COUNCIL COMMITTEES	
		No reports	
		OLD BUSINESS	
3	Item #1	Council Actions Taken by Ballot (No Action Required)	Information
		NEW BUSINESS	
5	Item #1	Consideration of Legislative Study Requests <ul style="list-style-type: none">Suggested Protocol for Considering Proposed StudiesConsideration of Proposed Legislative Studies	Decision Roll Call Vote
		ANNOUNCEMENTS AND REMARKS	
		ADJOURNMENT	

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**LEGISLATIVE COUNCIL
MEETING SUMMARY
March 3, 2022**

CALL TO ORDER

Speaker Fecteau called the March 3, 2022 meeting of the 130th Legislative Council to order at 3:35 p.m.

ROLL CALL

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

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

Absent: Senator Daughtry and Representative Talbot Ross

Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Clerk of the House
Suzanne Gresser, Executive Director
Nik Rende, Director, Office of Legislative Information Technology
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 3:35 p.m. with a quorum of members present.

SUMMARY OF FEBRUARY 24, 2022 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for the February 24, 2022 meeting be accepted and placed on file. Motion by Senator Pouliot, Second by Representative Dunphy. **Motion passed unanimously (8-0-0-2, with Senator Daughtry and Representative Talbot Ross absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

None

REPORTS FROM COUNCIL COMMITTEES

None

OLD BUSINESS

Item #1: Review of Legislative Council's COVID-19 Prevention Policy in Light of Revised Federal and State COVID-19 Guidance

Speaker Fecteau referenced Senator Timberlake's motion that was offered, seconded and tabled at the Legislative Council's February 24th meeting to rescind that portion of the Legislative Council's COVID-19 Prevention Policy that requires the wearing of protective face coverings in legislative space. Speaker Fecteau indicated his intention to offer an alternative motion to tie applicability of the mask requirement to the U.S. CDC's designation of the level of COVID-19 community transmission level in Kennebec County, and inquired whether Senator Timberlake might consider withdrawing his motion. Under the new proposal, as long as the COVID-19 community transmission level of Kennebec County remains "low" or "medium," the wearing of masks would not be required in legislative space; however, upon the reclassification by the U.S. CDC of the COVID-19 community transmission level of Kennebec County as "high," the mandatory mask requirement would be reinstated with an affirmative vote of the Legislative Council. Senator Timberlake withdrew his earlier motion, and seconded Speaker Fecteau's motion.

Motion: That, effective Monday, March 7, 2022, the Legislative Council's COVID-19 Prevention Policy is amended to provide that the wearing of protective face coverings in legislative space is optional rather than mandatory as long as the COVID-19 community transmission level of Kennebec County remains "low" or "medium"; however, upon the reclassification by the U.S. CDC of the COVID-19 community transmission level of Kennebec County as "high," the mandatory mask requirement will be reinstated with an affirmative vote of the Legislative Council. Motion by Speaker Fecteau. Second by Sen. Timberlake. **Motion passed unanimously (8-0-0-2, with Senator Daughtry and Representative Talbot Ross absent.)**

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:47 p.m.

**Legislative Council Actions
Taken by Ballot Since the
February 24, 2022 Council Meeting**

Requests for Introduction of Legislation:

LR 2671 An Act To Allow County and Regional Communication Centers to Request Polygraph Examinations for Employees and Applicants for Employment

Submitted by: Representative Rachael Talbot Ross
Date: March 11, 2022
Vote: 7-1-0-2 Passed (with Representative Stetkis opposed and Senator Timberlake and Senator Pouliot recorded as absent)

LR 2666 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, A Late-filed Major Substantive Rule of the Department of Health and Human Services

Submitted by: Department of Health and Human Services
Date: March 10, 2022
Vote: 7-0-0-3 Passed (With Senator Pouliot, Representative Dillingham and Representative Stetkis recorded as absent)

LR 2670 Resolve, Regarding Legislative Review of Chapter 180: Appliance Efficiency Standards, as Late-filed Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality

Submitted by: Department of Environmental Protection, Bureau of Air Quality
Date: March 16, 2022
Vote: 8-0-0-2 Passed (With Representative Dillingham and Representative Stetkis recorded as absent)

LR 2676 An Act Regarding Taxation of Energy Storage Facilities and Equipment

Submitted by: Representative Maureen Terry
Date: March 17, 2022
Vote: 7-1-0-2 Passed (With Senator Timberlake opposed, Senator Pouliot and Representative Stetkis recorded as absent)

LR 2677 An Act To Allow Outdoor Stadiums To Sell Distilled Spirits

Submitted by: Representative Michelle Dunphy
Date: March 18, 2022
Vote: 7-2-0-1 Passed (With Senator Timberlake and Representative Stetkis opposed and Senator and Pouliot recorded as absent)

LR 2647 An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District

Submitted by: Representative John Martin
Date: February 28, 2022
Vote: 6-0-0-4 Passed (With Senator Pouliot, Representatives Talbot Ross, Dillingham and Stetkis recorded as absent)

LR 2681 Joint Resolution Memorializing the President of the United States and the United States House of Representatives to Enact the Sunshine Protection Act of 2021.

Submitted by: Senator Kimberley Rosen

Date: March 22, 2022

Vote: 7-0-0-3 Passed (With Senators Timberlake and Pouliot and Representative Stetkis recorded as absent)

Protocols for Review of Legislative Study Proposals
130th Legislature
Legislative Council Meeting
April 20, 2022

Background: Requirements Relevant to Studies in the First Regular Session

Under the terms of the Joint Rules of the 130th Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On March 25, 2021, the Legislative Council unanimously adopted a policy on legislative studies for the 130th Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevants as part of study legislation. Copies of the Joint Rules and the adopted policy are in your notebook (see appendices).

Decision: Suggested Protocol for Authorizing Legislative Studies

- The Legislative Council will review study requests in LD order grouped by funding source.
- Voting will be by a roll call vote, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting.
- Discussion of the requests will be confined to council members. However, if committee chairs and other legislators are present in the meeting, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- The Legislative Council shall specifically review those studies that do not conform to applicable standards and policies approved by the Council. The Council will include as part of its motion to authorize a study acceptance of any non-conforming elements of the study. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Majority Leader, except for studies tabled in the House which will be in the name of the House Majority Leader.

Issues: Policy Issues Needing Decision

1. **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
2. **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
3. **Interim committee meetings-Recommendation:** Unless authorized by law or joint order or approved jointly by the presiding officers, joint standing and joint select committees may not meet during the legislative interim. The number of authorized days may not exceed availability of budgeted funds. Committee clerks are not authorized to staff interim committee meetings or studies. Joint standing and joint select committees must complete all assigned work within their authorized meeting days.

Joint Rules, Rule 353. Legislative Studies.

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. Any bill, resolve or joint order proposing a legislative study that is inconsistent with this rule must be reviewed and approved by the Legislative Council.

1. Definitions. For the purposes of this Joint Rule, the following terms have the following meanings:

A. The term 'legislative study' or 'legislative study committee' means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;

B. The term 'legislative resources' means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and

C. The term 'non-legislative study' or 'non-legislative study group' means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.

2. Establishing legislative studies. A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.

3. Appointment of members. A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.

4. Appointment of chairs. Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer