

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

**April 22, 2021  
1:30 P.M.**

**REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
<b>1</b>	<b>SUMMARY OF THE MARCH 25, 2021 MEETING OF THE LEGISLATIVE COUNCIL</b>	<b>Decision</b>
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
<b>8</b>	<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>	
<b>9</b>	Item #1: Council Actions Taken by Ballot (No Action Required)	<b>Information</b>
	<b>NEW BUSINESS</b>	
<b>❖10</b>	Item #1: Consideration of After Deadline Bill Requests	<b>Roll Call Vote</b>
	<b>ANNOUNCEMENTS AND REMARKS</b>	
	<b>ADJOURNMENT</b>	

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REP. JOEL STETKIS

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

**CALL TO ORDER**

Speaker Fecteau called the March 25, 2021 meeting of the 130<sup>th</sup> Legislative Council to order at 1:35 p.m.

**ROLL CALL**

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

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

Absent: Representative Dillingham (arrived late)

Legislative Officers: Suzanne Gresser, Executive Director of the Legislative Council  
Darek Grant, Secretary of the Senate  
Rob Hunt, Clerk of the House  
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

Speaker Fecteau convened the meeting at 1:35 p.m. with a quorum of members present.

**SUMMARY OF FEBRUARY 25, 2021 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for February 25, 2021 be accepted and placed on file. Motion by Senator Daughtry. Second by Representative Dunphy. **Motion passed unanimously (9-0-0-1, with Representative Dillingham recorded as absent).**

## 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

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>.

### REPORTS FROM COUNCIL COMMITTEES

No reports

### OLD BUSINESS

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

##### Legislative Council Decisions:

**Motion: That the Legislative Council approve the proposed revision to the COVID-19 Prevention Policy to allow certain limited access to the State House Complex.**

Motion by: Senator Vitelli                      Second by: President Jackson  
Date: March 15, 2021  
Vote: 6-4-0-0 Passed (with Senators Timberlake and Pouliot and Representatives Dillingham and Stetkis opposed)

**Motion: That the Legislative Council accepts the baseline legislative budget set forth in Part A of the Governor's proposed 2022-2023 biennial budget.**

Motion by: President Jackson                      Second by: Speaker Fecteau  
Date: March 24, 2021  
Vote: 6-2-0-2 Passed (with Senator Pouliot and Representatives Dillingham opposed and Senator Timberlake and Representative Stetkis recorded as absent)

##### Requests for Introduction of Legislation:

**LR 2025                      An Act To Suspend the Collection of the New Fee on Hand Sanitizer and Wipes during the State of Emergency**

Submitted by: Representative Denise Tepler  
Date: March 22, 2021  
Vote: 8-1-0-1 Passed (with Representative Stetkis opposed and with Senator Pouliot recorded as absent)

**LR 2029                      An Act to Establish the Southern Aroostook County Emergency Medical Service Authority**

Submitted by: Senator Trey Stewart

Date: March 22, 2021  
Vote: 9-0-0-1 Passed (with Representative Stetkis recorded as absent)

**LR 2031 An Act to Authorize a General Fund Bond Issue to Provide Funds for Maine to Meet the State’s Carbon Reduction Goals**

Submitted by: President Troy Jackson  
Date: March 22, 2021  
Vote: 8-1-0-1 Passed (with Representative Stetkis opposed and with Senator Pouliot recorded as absent)

**LR 2032 An Act to Ensure Full Payment of the State’s Salary Supplement Obligation to Teachers with National Board Certification**

Submitted by: Representative Rebecca Millett  
Date: March 22, 2021  
Vote: 8-1-0-1 Passed (with Representative Stetkis opposed and with Representative Dillingham recorded as absent)

**NEW BUSINESS**

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

The Legislative Council proceeded to consider and vote on eleven (11) after deadline bill requests and one (1) Joint Resolutions. The Legislative Council authorized seven (7) bills for introduction, one (1) bill was rejected, and three (3) bills were tabled. The Legislative Council rejected one (1) Joint Resolution that had been tabled at the Council’s January meeting. The Legislative Council’s action on the requests is attached.

**Item #2: Adoption of the *Legislative Council Policy on Legislative Studies for the 130<sup>th</sup> Legislature***

Ms. Gresser reviewed the *Legislative Council Policy on Legislative Studies for the 130<sup>th</sup> Legislature* and explained that this policy is required under the Joint Rules

**Motion:** That the Legislative Council accept the *Legislative Council Policy on Legislative Studies for the 130<sup>th</sup> Legislature*. Motion by President Jackson. Second by Representative Talbot Ross. **Motion passed unanimously (10-0-0-0)**

**ANNOUNCEMENTS AND REMARKS**

Sen. Vitelli suggested that the Legislative Council review the Legislature’s Harassment Prevention Policy and the mandatory harassment prevention training. Speaker Fecteau agreed that, in view of the very different format in which the Legislature is operating during this session, the Legislative Council should review the policy and the training and tailor them to address issues associated with operating in the context of online platforms. Members of the Legislative Council discussed the issue.

Sen. Timberlake expressed his hope that the State House will be able to open back up soon.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:57 p.m.

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

**March 25, 2021**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2036	Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working Group	PASSED

**SPONSOR: Rep. Bruce Bickford**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2041	An Act To Assist Local Fire Departments by Amending Requirements for Self-contained Breathing Apparatus	TABLE

**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	TABLE

**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	PASSED

**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	TABLE

**SPONSOR: Sen. Nate Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2038	An Act To Make the Shared Living Program Accessible for More Maine People under the MaineCare Program	PASSED

**SPONSOR: Sen. Louis J. Luchini**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2040	An Act To Support Maine Theaters	PASSED

**SPONSOR: Sen. Dave Miramant**

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

**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	PASSED

**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	PASSED

**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	FAILED

**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"	FAILED



# Fiscal Briefing

April 22, 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
March	\$198.7	\$189.6	(\$9.1)	-4.6%	\$210.9	-10.1%
FYTD	\$2,682.7	\$2,960.8	\$278.1	10.4%	\$2,765.9	7.0%

General Fund revenue was under budget by \$9.1 million (4.6%) for the month of March and over budget by \$278.1 million (10.4%) for the fiscal year to date.

Individual income tax revenue was under budget by \$33.5 million for the month but over budget by \$172.6 million for the fiscal year to date. Individual income tax refunds were \$77.3 million more than budget (negative impact on revenue) for the month but \$25.9 million less for the fiscal year to date. The March positive variance corrects a large portion of the negative refund variance from February. Individual income tax withholding revenue was above budget by \$32.2 million for March and by \$64.3 million for the fiscal year to date, while individual estimated payments were \$3.3 million over budget for the month and \$67.1 million above budget for the fiscal year to date.

Corporate income tax revenue was over budget by \$2.7 million for the month and by \$26.1 million for the fiscal year to date. The positive variance for the fiscal year to date was largely the result of estimated payments exceeding budget by \$26.6 million. Sales and use tax revenue (February sales) was over budget by \$17.1 million for the month and by \$74.5 million for the fiscal year to date.

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

Total Highway Fund Revenue - FY 2021 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Change
March	\$22.1	\$24.1	\$2.0	9.1%	\$21.1	14.3%
FYTD	\$245.4	\$249.5	\$4.1	1.7%	\$257.4	-3.1%

Highway Fund revenue was over budget by \$2.0 million (9.1%) for the month of March and over budget by \$4.1 million (1.7%) for the fiscal year to date. Fuel taxes were under budget by \$0.2 million for the month and by \$1.9 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$2.3 million for the month and by \$5.7 million for the fiscal year to date.

## 3. Cash Balances Update

The average balance in the cash pool for March was \$2,644.5 million, a decrease from February's average of \$2,863.1 million. The decrease was largely the result of the continued decrease in the average balance from federal Coronavirus Relief Fund (CRF) payments (from \$322.7 million in February to \$274.6 million in March), and a decrease in the General Fund balance which is typical in the months prior to the individual income tax filing deadline. The average Highway Fund balance in March was \$58.0 million, a decrease from February's average of \$59.1 million.

## 4. Economic and Revenue Forecast

The Consensus Economic Forecasting Commission (CEFC) met on March 30, 2021 to review and update the economic forecast for its [April 1<sup>st</sup> Report](#). Overall the CEFC was more optimistic in its April forecast and saw reduced uncertainty from its two previous forecasts. A significant change made in the forecast was the upward revision for personal income growth to +5.0% for 2021 compared to -0.5% in its previous forecast. The Revenue Forecasting Committee (RFC) will meet on April 27<sup>th</sup> to review and update the revenue forecast for its statutory May 1<sup>st</sup> report.

**Legislative Council Actions  
Taken by Ballot Since the  
March 25, 2021 Council Meeting**

**Legislative Council Decisions:**

**Motion:** That the Legislative Council exempts the following bill from any requirement that it be placed on the Special Study Table:

**LD 312 An Act to Extend the Maine Bicentennial Commission and the Use of Maine Bicentennial Registration Plates through 2021**

Motion by: Senator Vitelli Second by: Senator Daughtry

Date: March 30, 2021

Vote: 5-1-0-4 Failed (with Representative Stetkis opposed and President Jackson, Senator Timberlake, Senator Pouliot and Representative Dillingham reported as absent)

**Requests for Introduction of Legislation:**

**LR 2057 An Act Regarding Local Option Voting For Sales of Liquor**

Submitted by: Senator Louis Luchini

Date: April 16, 2021

Vote: 9-1-0-0 Passed (with Representative Stetkis opposed)

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

As of: 4/16/2021

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR:**       **Sen. Brad Farrin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2047	Resolve, To Designate the Kennebec River Resource Management Plan Diadromous Resources Amendment Rulemaking Major Substantive Rulemaking and To Direct the Commissioner of Marine Resources To Cease the Current Rule-making Process and Reverse Any Actions That Have Resulted from This Process	

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2046	An Act To Restore COVID-19 Relief Equality and Tax Fairness for Maine's Working Families	

**SPONSOR:**       **Rep. Heidi H. Sampson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2059	An Act To Provide Adequate Time for Families To Receive Health Care in Order To Attend School	

## LATE-FILED MAJOR SUBSTANTIVE RULES

### SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2044	Resolve, Regarding Legislative Review of Chapter 124: Emergency Medical Services Personnel Reporting Rule, a Late-filed Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention	

## JOINT RESOLUTIONS

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2043	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS URGING THE REDUCTION OF THE COST OF CLIMATE CHANGE FOR THE PEOPLE OF MAINE	

## TABLED BY THE LEGISLATIVE COUNCIL

### AFTER DEADLINE BILL REQUESTS

**SPONSOR:** Rep. Bruce Bickford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2041	An Act To Assist Local Fire Departments by Amending Requirements for Self-contained Breathing Apparatus	Tabled 03/25/21

**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	Tabled 03/25/21

**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	Tabled 03/25/21

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

**Actions Taken After April 16, 2021**

**SPONSOR: Sen. Russell Black**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2063	Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley	

**SPONSOR: Rep. Mark Bryant**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2061	An Act Regarding Winter Maintenance on Private Roads in the Town of Windham	

**JOINT RESOLUTIONS**

**SPONSOR: Sen. Brad Farrin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2065	JOINT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REPEAL AND REPLACE OUTDATED AUTHORIZATIONS OF MILITARY FORCE	