

REP. RYAN 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

May 27, 2021
1:30 P.M.

AGENDA

| <u>Page</u> | <u>Item</u> | <u>Action</u> |
|-------------|--|-----------------------|
| | CALL TO ORDER | |
| | ROLL CALL | |
| 1 | SUMMARY OF THE MAY 20, 2021 MEETING OF THE LEGISLATIVE COUNCIL | Decision |
| | REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS | |
| 4 | <ul style="list-style-type: none">Fiscal Report (Mr. Nolan) | |
| | REPORTS FROM COUNCIL COMMITTEES | |
| | <ul style="list-style-type: none">Personnel Committee | |
| | OLD BUSINESS | |
| 5 | Item #1: Council Actions Taken by Ballot (No Action Required) | |
| | NEW BUSINESS | |
| 6 | Item #1: Consideration of After Deadline Bill Requests | Roll Call Vote |
| | Item #2: Request to Authorize Study and Remove from Study Table (Request by President Jackson for the Maine Bicentennial Commission) | Decision |
| | ANNOUNCEMENTS AND REMARKS | |
| | ADJOURNMENT | |

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130TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
May 20, 2021**

CALL TO ORDER

Speaker Fecteau called the May 20, 2021 special meeting of the 130th Legislative Council to order at 2:43 p.m.

ROLL CALL

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

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

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
Danielle Fox, Director, Office of Policy and Legal Analysis
Nik Rende, Director, Legislative Information Technology
Dawna Lopatosky, Legislative Finance Director
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 2:43 p.m. with a quorum of members present.

SUMMARY OF April 22, 2021 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for April 22, 2021 be accepted and placed on file. Motion by President Jackson. Second by Senator Vitelli. **Motion passed unanimously (10-0).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

No reports

REPORTS FROM COUNCIL COMMITTEES

No reports

OLD BUSINESS

None

NEW BUSINESS

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

Speaker Fecteau initiated the discussion by identifying 4 overarching questions: (1) Is the Legislature going to return to the State House to hold its meetings for the remainder of the First Special Session? (2) Will the public be permitted to be present in the State House during the remainder of the First Special Session? (3) What approach will be used by those joint standing committees that continue to meet on or after May 24th to conclude their committee work? (4) Will the nonpartisan staff office directors be authorized to continue management strategies such as physical distancing during the final weeks of the First Special Session? Speaker Fecteau indicated that, after addressing the larger overarching issues, there would be many sub-issues to consider.

The members discussed and were in support of the Legislature returning to the State House for the remainder of the First Special Session. The members discussed allowing the public to be present in the State House, and all Legislative Council members indicated support for allowing the public into the State House, beginning on May 24th, the effective date of the Governor's revised Executive Order.

The members discussed the option of retaining the status quo with respect to completely electronic committee meetings. Members pointed to the difficulty of changing the method of committee meetings at this point for the remaining days of session; there was, however, broad support for developing the ability to incorporate electronic participation into in-person meetings beginning with the Second Regular Session of the 130th Legislature. Rep. Dillingham voiced her support for retaining the electronic method of the committee process as long as committee members who wish to may be physically present in the committee rooms without physical distancing restrictions, and as long as members of the public may be present in committee rooms to observe. Rep. Talbot Ross clarified that members of public present in committee rooms would be there to witness the committee proceedings occurring electronically on the Zoom platform, but not to participate in person. Speaker Fecteau reminded everyone that if committee members or members of the public wish to be present in the committee room during committee meetings, it is critical that everyone in the room accessing the electronic meeting use headphones to avoid audio feedback.

The members supported allowing the directors of the staff offices to continue to manage the physical distancing and scheduling of staff in their offices, as long as the legislative work continues to get done.

The Speaker raised the issue of removing the 6-foot physical distancing requirements in the chambers; the members supported the removal of the requirement of the 6-foot distancing requirement, but to allow the encouragement of physical distancing.

The members generally favored the gathering of limited information from members of the public seeking access to the State House for purposes of contact tracing.

The members did not agree on the issue of continuing the requirement of wearing protective face coverings in all Legislative spaces, including what areas could be excluded from the requirement.

Motion: That the Legislative Council revise the Legislative Council’s COVID-19 Prevention Policy to remove the requirement that protective face coverings be worn in common areas of legislative space. Motion by Senator Timberlake. Second by Representative Stetkis. **Motion failed (4-6**, with President Jackson, Speaker Fecteau, Senator Vitelli, Senator Daughtry, Representative Dunphy, and Representative Talbot Ross opposed).

Motion: That the Legislative Council revise the Legislative Council’s COVID-19 Prevention Policy to:

- Eliminate the prohibition on the presence in legislative space by members of the public;
- Eliminate the guest policy;
- Authorize nonpartisan office directors to continue to manage the number of staff members working together at the same time, and retains the encouragement of electronic workplace communications;
- Retain the requirement that protective face coverings be worn in legislative space, but specify that an individual need not wear a protective face covering if the individual is on the 3rd floor exterior balcony in the State House;
- Eliminate the 6-foot physical distancing requirements; and
- Eliminate the self-screening question regarding whether an individual has been out of the state in the past 14 days;

Motion by President Jackson. Second by Senator Vitelli. **Motion passed (6-2-1-1**, with Senator Pouliot and Representative Dillingham opposed, Representative Stetkis abstained, and Senator Timberlake absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 4:32 p.m.

Fiscal Briefing

May 27, 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 |
|-------|-----------|-----------|---------|--------|------------|----------|
| April | \$379.5 | \$492.9 | \$113.3 | 29.9% | \$535.5 | -8.0% |
| FYTD | \$3,062.3 | \$3,453.7 | \$391.4 | 12.8% | \$3,301.3 | 4.6% |

General Fund revenue was over budget by \$113.3 million (29.9%) for the month of April and over budget by \$391.4 million (12.8%) for the fiscal year to date. **These positive variances do not reflect the May 2021 revenue forecast, which increased budgeted General Fund revenue by \$479.4 million for FY 2021.**

Individual income tax revenue was over budget by \$5.0 million for the month and over budget by \$177.6 million for the fiscal year to date. Individual income tax payments in April were below budget by \$73.4 million as a result of the delay in the tax filing deadline to May 17th. Individual income tax refunds were \$43.4 million less than budget (positive impact on revenue) for the month and \$69.3 million less for the fiscal year to date, also continuing to reflect the delay in the filing deadline. Corporate income tax revenue was over budget by \$44.2 million for the month and by \$70.3 million for the fiscal year to date. The positive variance for the month was largely the result of final payments exceeding budget by \$27.3 million and for the fiscal year to date, was largely the result of estimated payments exceeding budget by \$39.6 million.

Sales and use tax revenue (March sales) was over budget by \$35.9 million for the month and by \$110.5 million for the fiscal year to date. Estate tax revenue was over budget by \$20.4 million for April.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2021 (\$'s in Millions)

| | Budget | Actual | Var. | % Var. | Prior Year | % Change |
|-------|---------|---------|-------|--------|------------|----------|
| April | \$26.6 | \$29.4 | \$2.8 | 10.6% | \$25.0 | 17.9% |
| FYTD | \$272.0 | \$278.9 | \$6.9 | 2.6% | \$282.3 | -1.2% |

Highway Fund revenue was over budget by \$2.8 million (10.6%) for the month of April and over budget by \$6.9 million (2.6%) for the fiscal year to date. **These positive variances do not reflect the May 2021 revenue forecast, which decreased budgeted Highway Fund revenue by \$0.2 million for FY 2021.**

Fuel taxes were under budget by \$1.4 million for the month and by \$3.3 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$3.7 million for the month and by \$9.4 million for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for April was \$2,578.3 million a decrease from March's average of \$2,644.5 million. The decrease was largely the result of the continued decrease in the average balance from federal Coronavirus Relief Fund (CRF) payments (from \$274.3 million in March to \$240.6 million in April), 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 April was \$63.9 million, an increase from March's average of \$58.0 million.

**Legislative Council Actions
Taken by Ballot Since the
April 22, 2021 Council Meeting**

Legislative Council Decisions:

Motion: That the privileges governing guest access to the State House for Rep. Shelley Rudnicki are indefinitely suspended due to Rep. Rudnicki's disregard on April 28, 2021 of the explicit requirements set forth in the Legislative Council's COVID-19 Prevention Policy.

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson
Date: May 5, 2021
Vote: 6-4-0 Passed (with Senator Timberlake, Senator Pouliot, Representative Dillingham and Representative Stetkis opposed)

Requests for Introduction of Legislation:

LR 2066 An Act To Amend the Sales Tax Exemption for Nonprofit Housing Development Organizations

Submitted by: Representative Traci Gere
Date: May 25, 2021
Vote: 6-4-0 Passed (with Senator Pouliot, Speaker Fecteau, Representative Dillingham and Representative Stetkis opposed)

LR 2068 An Act To Improve The Hancock County Courthouse

Submitted by: Senator Louis Luchini
Date: April 30, 2021
Vote: 7-2-0-1 Passed (with Senator Pouliot and Speaker Fecteau opposed and Representative Dillingham Absent)

LR 2074 An Act To Provide Assistance To Law Enforcement Officers To Allow Them To Protect The Residents Of The State

Submitted by: Senator Jeff Timberlake
Date: May 7, 2021
Vote: 8-2-0-0 Passed (with Representative Dunphy and Representative Talbot Ross opposed)

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

As of: 5/21/2021

Session(s): R1, S1

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Jon Connor

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 2077 | Resolve, Directing the Department of Health and Human Services To Conduct an Independent Review of the Collection and Management of Personally Identifiable Information | |

SPONSOR: Rep. Kathleen R.J. Dillingham

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 2076 | An Act To Establish the Body-worn Camera Fund To Provide Grants to Law Enforcement for Body-worn Cameras | |

SPONSOR: Rep. Christopher Kessler

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 2070 | RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide the Legislature the Power To Levy Taxes on Real and Personal Property as It Deems Wise and Equitable | |

SPONSOR: Sen. Mark W. Lawrence

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 2073 | An Act To Clarify Maine's Credit for Taxes Paid to Other States | |

SPONSOR: Sen. Trey Stewart

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 2080 | An Act To Temporarily Exempt Catalytic Converters from the Annual Motor Vehicle Inspection Requirement | |

SPONSOR: Sen. Jeff Timberlake

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|---|---------------|
| 2082 | An Act To Benefit Maine Employees and Employers | |

JOINT RESOLUTIONS

SPONSOR: Rep. Allison Hepler

| <u>LR #</u> | <u>Title</u> | <u>Action</u> |
|-------------|--|---------------|
| 2079 | JOINT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO PASS LEGISLATION ESTABLISHING A VETERANS SERVICE ORGANIZATION FOR HOUSING | |

Session(s): R1, S1

TABLED BY THE LEGISLATIVE COUNCIL

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 | Tabled 03/25/21 |

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 | Tabled 04/22/21 |