

REP. RYAN FECTEAU
CHAIR

SEN. TROY JACKSON
VICE-CHAIR

EXECUTIVE DIRECTOR
SUZANNE M. GRESSER



130TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

**LEGISLATIVE COUNCIL
MEETING SUMMARY**

June 24, 2021

Approved September 23, 2021

CALL TO ORDER

Speaker Fecteau called the June 24, 2021 meeting of the 130th Legislative Council to order at 4:46 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 Dillingham

Absent: 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
Dawna Lopatosky, Legislative Finance Director

Speaker Fecteau convened the meeting at 4:46 p.m. with a quorum of members present.

SUMMARY OF May 27, 2021 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for May 27, 2021 be accepted and placed on file. Motion by President Jackson. Second by Sen. Daughtry. **Motion passed unanimously (9-0-0-1).**

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 |
| May | \$287.0 | \$495.0 | \$208.0 | 72.5% | \$250.1 | 97.9% |
| FYTD | \$3,723.9 | \$3,948.6 | \$224.8 | 6.0% | \$3,551.5 | 11.2% |

General Fund revenue was over budget by \$208.0 million (72.5%) for the month of May and over budget by \$224.8 million (6.0%) for the fiscal year to date. **These positive variances now include the May 2021 revenue forecast in the budgeted amounts.**

Individual income tax revenue was over budget by \$176.7 million for the month. Individual income tax payments in May were over budget by \$121.3 million as a result of the delay in the tax filing deadline to May 17th. Individual income tax refunds were \$46.4 million less than budgeted (positive impact on revenue) for the month. Corporate income tax revenue was over budget by \$14.0 million for the month, a combination of positive variances in corporate tax payments, estimated payments and refunds (less than budgeted).

Sales and use tax revenue (April sales) was over budget by \$13.9 million for the month.

2. Highway Fund Revenue Update (see attached)

| Total Highway Fund Revenue - FY 2021 (\$'s in Millions) | | | | | | |
|--|---------|---------|-------|--------|------------|----------|
| | Budget | Actual | Var. | % Var. | Prior Year | % Change |
| May | \$25.1 | \$29.0 | \$3.8 | 15.3% | \$19.9 | 45.7% |
| FYTD | \$302.3 | \$307.9 | \$5.6 | 1.8% | \$302.2 | 1.9% |

Highway Fund revenue was over budget by \$3.8 million (15.3%) for the month of May and over budget by \$5.6 million (1.8%) for the fiscal year to date. **These positive variances now reflect the May 2021 revenue forecast in the budgeted amounts.**

Fuel taxes were over budget by \$0.9 million for the month. Motor vehicle registrations and fees were over budget by \$3.3 million for the month and by \$5.3 million for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for May was \$3,041.7 million, an increase from April's average of \$2,578.3 million. The increase was largely the result of an increase in the General Fund balance (a result of the May tax filing deadline) and the first deposits of American Rescue Plan (ARP) funds received from the U.S. Treasury. The average Highway Fund balance in May was \$65.1 million, an increase from April's average of \$63.9 million.

REPORTS FROM COUNCIL COMMITTEES

No reports.

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Legislative Council Decisions:

Motion: That the Legislative Council authorizes the funding for and approves the nonconforming elements pursuant to Joint Rule 353 of the legislative study included in LD 609, “Resolve, To Establish a Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.” Further, the Legislative Council authorizes an amendment to LD 609 to require the Commission to seek outside funding resources to fully fund the costs of the study. All outside funding is subject to approval by the Legislative Council in accordance with its policies.

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson
Date: May 24, 2021
Vote: 7-3-0-0 Passed (with Senator Timberlake, Representative Dillingham and Representative Stetkis opposed)

Motion: (1) That the Legislative Council direct the Executive Director to make every effort to negotiate a memorandum of understanding with the Maine State Employees Association, Local 1989, Service Employees International Union (or “MSEA”), notwithstanding Article 32, subsections 1 and 2 of the Collective Bargaining Agreement, to authorize for the legislative interim occurring in 2021, the payment by the Legislative Council for session-only employees during the months that the employees are not in active work status of that share of the employee’s premium for health plan coverage and the premium for health plan coverage for eligible dependents for employees electing dependent coverage, and the employee’s premium for dental coverage, equal to that paid by the Legislative Council while those employees are in active work status;

(2) Upon the attainment of such a memorandum of understanding, notwithstanding Article 32, subsections 1 and 2 of the Collective Bargaining Agreement, the Legislative Council authorize for the legislative interim occurring in 2021 the payment by the Legislative Council for session-only employees during the months that the employees are not in active work status of that share of the employee’s premium for health plan coverage and the premium for health plan coverage for eligible dependents for employees electing dependent coverage, and the employee’s premium for dental coverage, equal to that paid by the Legislative Council while those employees are in active work status; and

(3) That the Legislative Council direct the Executive Director to identify available balances in legislative accounts that are sufficient to cover the costs associated with section (2).

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson
Date: June 9, 2021
Vote: 6-1-0-3 Passed (with Representative Stetkis opposed, Senator Timberlake, Senator Pouliot and Representative Dillingham absent)

Motion: That, effective upon the ending of Maine’s State of Civil Emergency on June 30, 2021, the Legislative Council COVID-19 Prevention Policy is rescinded.

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson
Date: June 11, 2021
Vote: 10-0-0 Passed

Requests for Introduction of Legislation:

LR 2089 Joint Resolution Memorializing the Federal Government to Establish a Federal Waiver Process for States to Establish a Universal Health Care Plan

Submitted by: Senator Heather Sanborn
Date: June 7, 2021
Vote: 6-3-0-1 Passed (with Senator Timberlake, Senator Pouliot, Representative Dillingham opposed, and Representative Stetkis absent)

LR 2090 Joint Resolution Memorializing the President of the United States and United States Congress to Fix the So-Called Family Glitch in the Federal Affordable Care Act

Submitted by: Representative Denise Tepler
Date: June 7, 2021
Vote: 6-3-0-1 Passed (with Senator Timberlake, Senator Pouliot, Representative Stetkis opposed, and Representative Dillingham absent)

NEW BUSINESS

Prior to taking up Item #1 under New Business, Senator Timberlake asked for permission of the chair to add an additional item of “New Business” to the Legislative Council’s agenda. Speaker Fecteau did not object to consideration of the new item at this time.

Motion: That, effective immediately, the Legislative Council COVID-19 Prevention Policy is rescinded. Motion Senator Timberlake. Second by President Jackson. **Motion passed (9-0-0-1,** with Representative Stetkis absent).

Item #1: Consideration of After Deadline Bill Requests

The Speaker inquired as to the status of LR 2106, “An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees,” which was in ballot process. Ms. Gresser confirmed that although the ballot had not yet closed, sufficient positive votes had been submitted to approved introduction of the bill.

The Legislative Council did not move off the table either of the two any bills previously tabled by the Council.

Item #2: Consideration of Legislative Study Requests

The Legislative Council voted to approve the suggested protocol found in the council packet on page 12 (Motion by Senator Vitelli. Second by Senator Timberlake. **Motion passed (9-0-0-1**, with Representative Stetkis absent).

The Legislative Council considered and voted on the legislative study requests in accordance with the approved protocol. Of the 30 studies listed, the council authorized 9 studies, 10 were tabled and 11 were rejected. The Legislative Council's actions on the legislative studies are included on the attached list.

Item #3: Proposed Second Session Cloture Schedule and Related Dates

Mr. Charbonneau, Revisor of Statutes, presented the proposed Second Session cloture schedule and explained the related dates to the Legislative Council. President Jackson raised a concern that the timeframe for members to file their appeals of the Council's decision might be too short, and the Speaker suggested perhaps that concern could be addressed by changing the deadline for members to file their appeals from November 1st to November 3rd.

Motion: That the Legislative Council approves the Second Session cloture schedule and related dates, with the change in the date for filing appeals to November 3rd. Motion by President Jackson. Second by Senator Vitelli. **Motion passed unanimously (9-0-0-1**, with Rep. Stetkis absent).

Item #4: Announcement of the Single Audit of the State of Maine (Office of the State Auditor)

The Office of the State Auditor announced that it is conducting the Single Audit for the State of Maine for the year ended June 30, 2021. The Single Audit is an audit of the State's financial statements and major federal assistance programs.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 6:24 p.m.