

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 20, 2021
2:30 P.M.**

AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE APRIL 22, 2021 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
	No reports	
	REPORTS FROM COUNCIL COMMITTEES	
	No reports	
	OLD BUSINESS	
	None	
	NEW BUSINESS	
8	Item #1 Review of Legislative Council's COVID-19 Prevention Policy in Light of Revised Federal and State COVID-19 Guidance	Discussion
	ANNOUNCEMENTS AND REMARKS	
	ADJOURNMENT	

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**LEGISLATIVE COUNCIL
MEETING SUMMARY
April 22, 2021**

CALL TO ORDER

Speaker Fecteau called the April 22, 2021 meeting of the 130th Legislative Council to order at 1:39 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
Nik Rende, Director, Legislative Information Technology
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 1:39 p.m. with a quorum of members present.

Prior to taking up items on the meeting agenda, Speaker Fecteau announced that work has begun on developing a plan to bring the Legislature back into the State House in the remaining days of the legislative session in a safe manner that is consistent with the State and legislative guidelines. Speaker Fecteau thanked the Clerk of the House, the Secretary of the Senate and their staff and the nonpartisan staff for their work in sorting out the logistics of making the return to the State House feasible. Sen Timberlake expressed his support of the progress and looked forward to being included in the plans. Rep. Dillingham echoed Sen. Timberlake's support of bringing the Legislature back into the State House and the desire to participate in the planning.

SUMMARY OF MARCH 25, 2021 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for March 25, 2021 be accepted and placed on file. Motion by Senator Daughtry. Second by Representative Talbot Ross. **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

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 1st 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 27th to review and update the revenue forecast for its statutory May 1st report.

Without objection, Speaker Fecteau took items out of order and moved on to **New Business**.

NEW BUSINESS

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

President Jackson moved to table all of the after-deadline bill requests, and invited the members with after-deadline bill requests to instead pursue the requests via the ballot process. Members discussed the motion, after which President Jackson withdrew his motion.

The Legislative Council proceeded to consider and vote on six (6) after deadline bill requests and two (2) Joint Resolutions. The Legislative Council authorized three (3) bills and one (1) Joint Resolution for introduction, two (2) bills and one (1) Joint Resolution were rejected, and one (1) bill was tabled. The Legislative Council approved two (2) previously tabled bill requests; rejected two (2) previously tabled bill requests; and approved one (1) previously tabled Joint Resolution. The Legislative Council's action on the requests is attached.

Upon the conclusion of **New Business**, Speaker Fecteau returned to the agenda.

REPORTS FROM COUNCIL COMMITTEES

No reports

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Legislative Council Decisions:

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

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

April 22, 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	FAILED

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

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	FAILED

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	PASSED

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	FAILED

PREVIOUSLY 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	FAILED

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	FAILED

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

April 22, 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	PASSED

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	PASSED

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	PASSED

Legislative Council

COVID-19 Prevention Policy

To minimize the spread of disease and protect the health and safety of Legislators, legislative staff and others in light of the risks presented by the highly contagious COVID-19, the following policy is established for legislators, legislative staff and essential third parties who are working onsite in legislative space. “Essential third parties” means members of the press, contractors, and delivery staff. This policy replaces the Legislative Council Policy on the Wearing of Protective Face Coverings During Authorized Meetings of Legislative Committees. This policy is effective during the First Regular Session of the 130th Legislature and will be subject to continuing updates.

Every individual has a responsibility to comply with the policy for their own safety and for the safety of others working in Legislative space. If an individual in a legislative space is not in compliance with this policy, legislative staff is expected to leave the legislative space. Capitol Police are responsible for assisting with the enforcement of the Legislative Council’s COVID-19 Prevention Policy.

1. Access to legislative space; legislative staff offices. Except as provided in section 1-A, legislative spaces are only open to legislators, staff and essential third parties that have passed the daily health self-screening checklist described in section 7. The State House and committee rooms in the Cross Office Building will only be open to legislators, staff, essential third parties, and, if authorized pursuant to section 1-A, guests. In addition, only legislative staff are permitted in legislative offices within the State House and Cross Office Building, as determined by the respective office director.

1-A. Limited access for guests of legislators. Beginning March 8, 2021, subject to the requirements of this section, each legislative caucus may authorize up to two individual constituents, hereinafter referred to as “guests,” at one time to be admitted into the State House Complex for purposes of meeting with that legislator in the State House Complex in space under that caucus’s control regarding legislative business. For purposes of this section, “legislative caucus” means the Senate Democratic caucus, the Senate Republican caucus, the House Republican caucus, the House Democratic caucus, and the caucus composed of independent and unaffiliated legislators.

- A. In order to secure authorization for the admission of a guest or guests, a legislator shall notify the legislator’s Chief of Staff to inquire about the availability of space in the State House Complex under that caucus’s control in which to meet.

- B. If the legislator's Chief of Staff indicates that there is sufficient space available in the State House Complex under that caucus's control to safely accommodate a meeting with a guest or guests in a manner that complies with all of the requirements set forth in this policy, the legislator, Chief of Staff or designee shall:
- a. Inform building security of the arrival of each guest;
 - b. Meet each guest at the security kiosk; and
 - c. Escort each guest to the Executive Director's Office, where the guest shall fill out a guest form upon which the guest shall:
 - i. Provide requested contact information;
 - ii. Affirm that the guest has satisfactorily completed the health status self-screening required under section 7; and
 - iii. Affirm the guest's understanding of, and agreement to abide by, all of the requirements set forth in this policy.

Upon completion of the guest form, the Executive Director's Office will provide to each guest a Guest Pass, which must be returned to the Executive Director's Office upon the guest's departure from the State House Complex.

For contact tracing purposes, the Executive Director's Office shall retain information submitted by authorized guests. While certain information concerning guests may be made available, the Executive Director's Office may not release to the public personal contact information, or personal or confidential information protected pursuant to the Maine Revised Statutes, Title 1, section 402, subsection 3, paragraph C-1.

- C. While in the State House Complex, each guest must wear a protective face covering in accordance with section 5 and maintain a distance of at least 6 feet from others in accordance with section 6.

2. Electronic communication encouraged. Staff is strongly encouraged to employ electronic workplace communications, such as emails, teleconferencing and telephone calls, with Legislators and staff to reduce the frequency of face-to-face contact. All individual face-to-face meetings that occur should be limited and must be scheduled with staff in advance by appointment and conducted in accordance with the requirements governing protective face coverings and physical distancing.

3. Staggering physical presence of staff. To reduce the number of staff members working together at the same time and ensure safe physical distancing, office directors are authorized to implement, where possible, staggered work shifts and non-standard work hours as appropriate.

4. Remote attendance. In order to reduce the number of persons in any committee room and to ensure the safety of staff and legislators, staffing support for committee meetings, including staffing by committee analysts and committee clerks, shall be provided remotely through appropriate electronic means. The Executive Director, acting under the authority of the Legislative Council, shall establish appropriate practices, protocols and procedures to effectively carry out this policy, including procedures that would allow staff to be in the room for short periods as may be necessary.

In addition, a Legislator or essential third party may choose to attend a committee meeting remotely through appropriate electronic means and be in the room for short periods as may be necessary to comply with Legislative Council policy and rules of the Legislature.

5. Protective Face Coverings. An individual who enters any legislative space must wear a protective face covering while in that legislative space in a manner that covers the nose and mouth, unless the individual (1) is alone in their own office; or (2) is in their own cubicle and able to socially distance at a minimum at 6 feet. For purposes of this section, “protective face covering” means a face covering that complies with guidelines or recommendations for COVID-19 source control issued by the Maine Centers for Disease Control and Prevention (“MCDC”). If a person must wear a face shield instead of a cloth or material face covering, “protective face covering” includes only face shields that wrap around the sides of the face and extend below the chin. Based on direction from the MCDC, in addition to standard full-face shields, the only alternative face shields that may be worn in legislative space as protective face coverings are pictured in Attachments 1 to 4.

6. Physical Distancing. All individuals in legislative space shall seek to maintain at all times a distance of at least 6 feet from others within that legislative space. The directors of individual legislative offices are authorized to set office-specific guidelines in order to meet these physical distancing requirements, including but not limited to room capacity, access to offices, and traffic flow. All individuals are expected to comply with posted room and elevator capacity signs as well as posted office-specific physical distancing guidelines.

7. Daily Screening. Prior to initial arrival at and entry into the State House or legislative space in the Cross Office Building each day, legislators, legislative staff, essential third parties and individuals seeking entry as authorized guests under section 1-A shall complete a self-screening of their health status using a checklist that consists of the following questions:

- Do you have a cough or sore throat?
- Do you have a fever or do you feel feverish?
- Do you have shortness of breath?
- Do you have a loss of taste or smell?
- Have you been around anyone exhibiting these symptoms within the past 14 days or who has tested positive for COVID-19 regardless of symptoms?
- Are you living with anyone who is sick or quarantined, or have you been in the last 14 days?
- Have you been out of state in the last 14 days?
- Have you tested positive for COVID-19 within the past 14 days?

If the staff answers to any of these questions is "yes," please contact your supervisor to discuss next steps. Guidance will be provided to supervisors regarding appropriate next steps. If a staff person who has answered "yes" to any of these questions is physically capable of working, that person's supervisor may authorize that staff person to work from home. If a legislator, essential third party or individual seeking entry as an authorized guest under section 1-A answers "yes" to any of these questions, the legislator or essential third party shall refrain from entering legislative space.

8. Cleaning, Disinfecting, and Sanitizing. To supplement the efforts of the housekeeping staff whose efforts focus primarily on the public areas and in addition to proper hygiene including regular hand washing, the Legislature will provide access to the following cleaning and disinfecting supplies along with instructions on proper use.

A. Legislative staff must have access to disinfectant wipes or disinfectant spray and paper towels to clean their work surfaces, and a no-touch designated trash bin to dispose of used items.

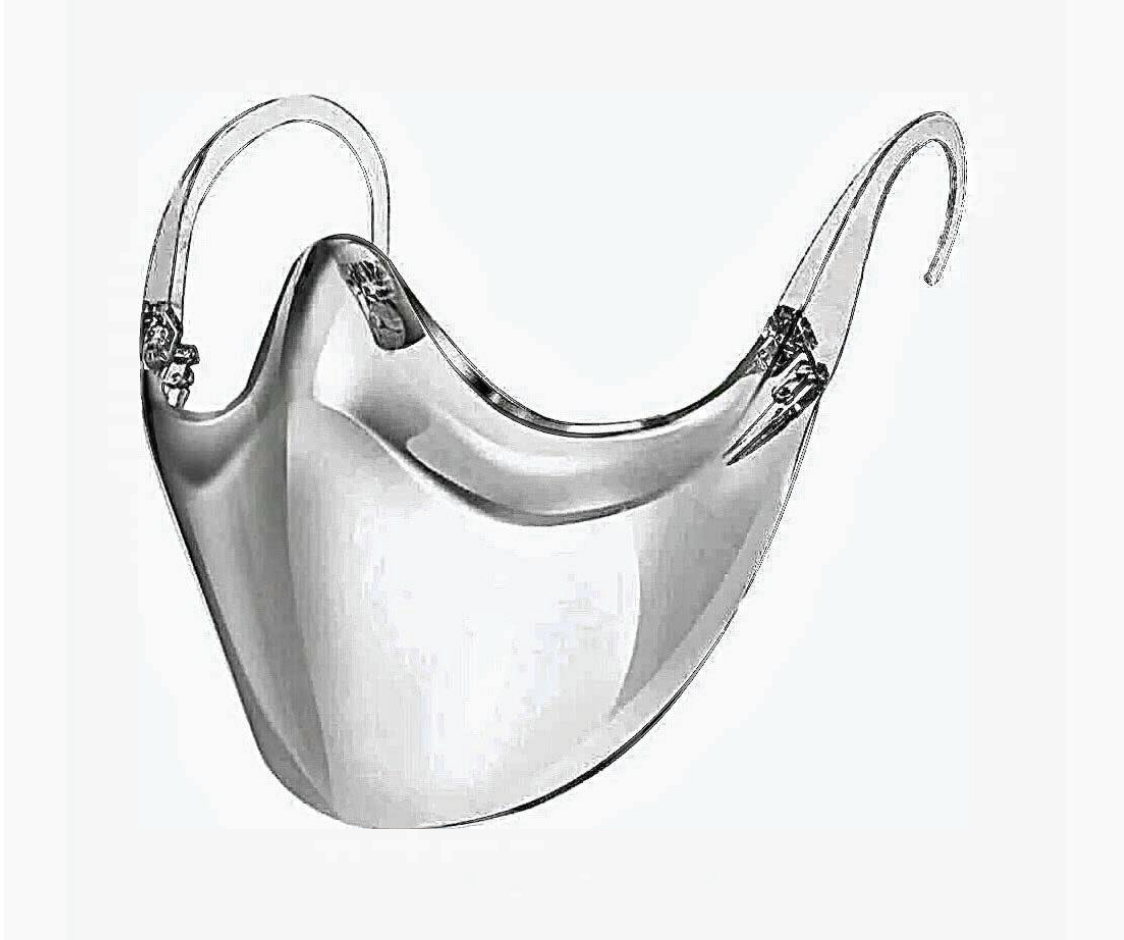
B. Disinfectant wipes, or disinfectant spray and paper towels, must be located next to copiers, printers and other shared equipment. Disinfectant spray should never be sprayed directly on equipment, but should be sprayed on paper towels that are used to wipe down equipment before and after use.

C. Hand sanitizer must be provided in multiple locations around work spaces and in public spaces.

9. Posting of policy. Copies of this policy must be conspicuously posted in legislative staff offices and other legislative spaces.

Attachment 1

Formed Face Mask



Attachment 2

Neck Mount Face Shield

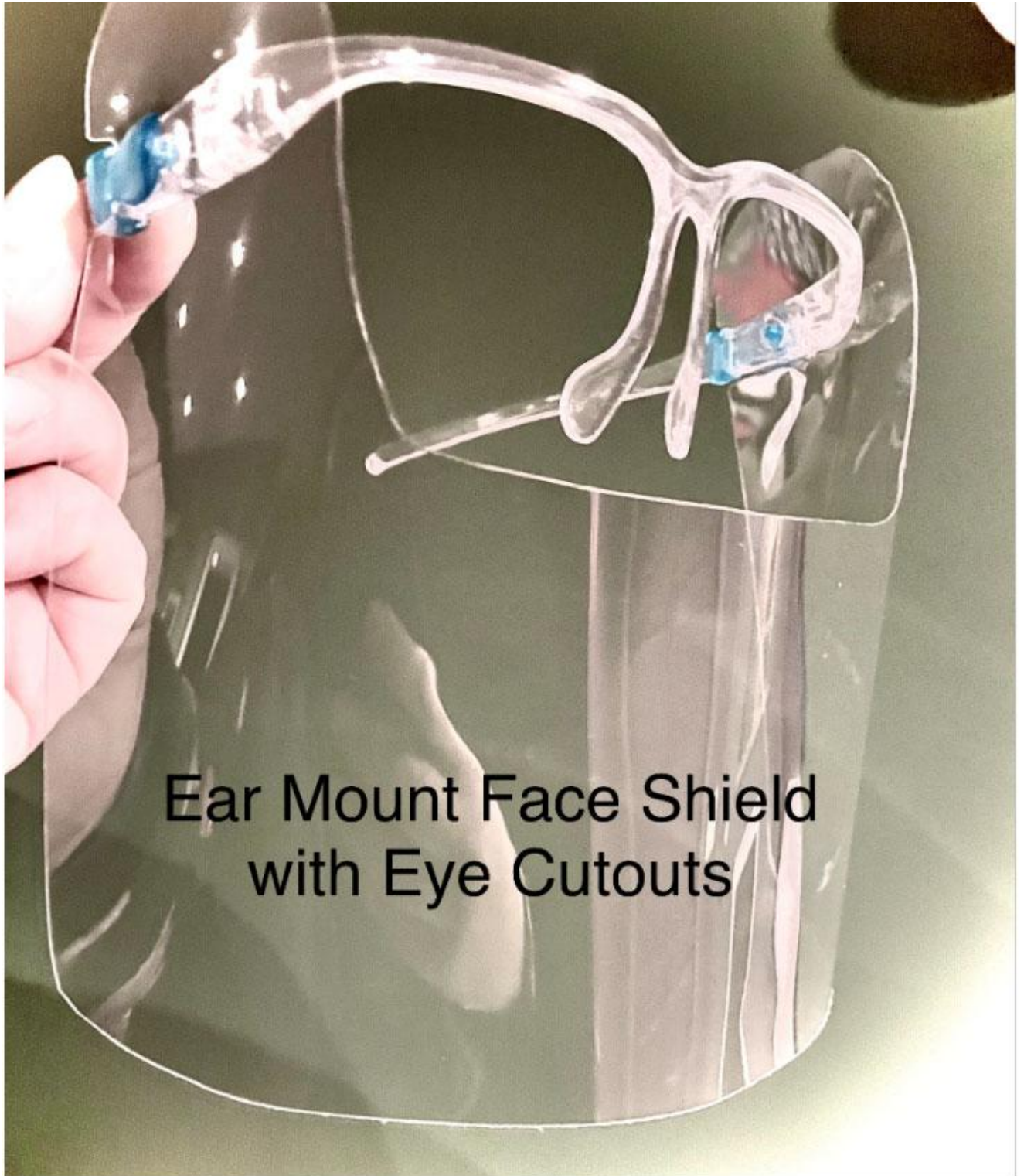


Attachment 3

Face Shield Eye and Ear Mount



Attachment 4



Ear Mount Face Shield
with Eye Cutouts