

REP. RYAN FECTEAU
CHAIR

SEN. TROY JACKSON
VICE-CHAIR

EXECUTIVE DIRECTOR
SUZANNE M. GRESSER



130TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. NATHAN L. LIBBY
SEN. ELOISE A. VITELLI
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
February 25, 2021
Approved March 25, 2021**

CALL TO ORDER

Speaker Fecteau called the February 25, 2021 meeting of the 130th Legislative Council to order at 1:37 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Legislative Officers: Suzanne Gresser, Executive Director of the Legislative Council
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
Jackie Little, Human Resources Director

Speaker Fecteau convened the meeting at 1:37 p.m. with a quorum of members present.

SUMMARY OF JANUARY 28, 2021 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for January 28, 2021 be accepted and placed on file. Motion by Senator Vitelli. Second by Senator Pouliot. **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 |
| January | \$357.6 | \$447.1 | \$89.5 | 25.0% | \$416.1 | 7.5% |
| FYTD | \$2,336.6 | \$2,490.9 | \$154.3 | 6.6% | \$2,395.1 | 4.0% |

General Fund revenue was over budget by \$89.5 million (25.0%) for the month of January and over budget by \$154.3 million (6.6%) for the fiscal year to date. General Fund revenue through January is now 4.0% greater than at the same point last year.

Individual income tax revenue was over budget by \$59.1 million for the month and by \$91.1 million for the fiscal year to date. Individual estimated payments were over budget by \$52.3 million for the month and by \$61.2 million for the fiscal year to date. Withholding revenue was under budget by \$1.9 million for the month but remains \$16.0 million over budget for the fiscal year to date.

Corporate income tax revenue was over budget by \$7.9 million for the month and by \$26.3 million for the fiscal year to date. The positive variance for the fiscal year to date is largely the result of estimated payments to date exceeding budget by \$22.5 million while refunds were over budget (less paid out than budgeted) by \$9.8 million.

Sales and use tax revenue (December sales) was over budget by \$23.8 million for the month and by \$33.3 million for the fiscal year to date.

2. Highway Fund Revenue Update

| Total Highway Fund Revenue - FY 2021 (\$'s in Millions) | | | | | | |
|--|---------|---------|---------|--------|------------|----------|
| | Budget | Actual | Var. | % Var. | Prior Year | % Change |
| January | \$27.8 | \$26.6 | (\$1.2) | -4.2% | \$28.6 | -7.0% |
| FYTD | \$198.0 | \$199.4 | \$1.4 | 0.7% | \$209.8 | -5.0% |

Highway Fund revenue was under budget by \$1.2 million (-4.2%) for the month of January but over budget by \$1.4 million (0.7%) for the fiscal year to date. Highway Fund revenue through January is now -5.0% less than at the same point last year.

Fuel taxes were under budget by \$1.4 million for the month and by \$0.6 million for the fiscal year to date. Motor vehicle registrations and fees were over budget by \$0.4 million for the month and by \$1.8 million for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for January was \$2,630.7 million, an increase from December's average of \$2,617.2 million. While the average balance from federal Coronavirus Relief Fund (CRF) payments continued to decrease (from \$587.2 million in December to \$404.7 million in January), the increase in the overall cash pool balance is largely the result of an increase in the General Fund balance and the addition of \$65.5 million in new federal emergency rental assistance funds. The average Highway Fund balance in January was \$45.2 million, an increase from December's average of \$26.7 million.

REPORTS FROM COUNCIL COMMITTEES

No reports

Speaker Fecteau asked if there was any objection to taking items out of order. There was no objection. The Chair then moved on to **New Business**.

NEW BUSINESS

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

The Legislative Council proceeded to consider and vote on twelve (12) after deadline bill requests and two (2) Joint Resolutions. The Legislative Council authorized all twelve (12) bills for introduction in the Second Regular Session, and the Council authorized introduction of two (2) Joint Resolutions that had been tabled at the Council's January meeting. The Legislative Council's action on the requests is attached.

Item #2: Acceptance of the Loring Development Authority of Maine's 2020 Annual Report

The Loring Development Authority of Maine submitted its 2020 Annual Report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the 2020 Annual Report of the Loring Development Authority of Maine and place it on file. Motion by Senator Pouliot. Second by Representative Talbot Ross. **Motion passed unanimously (10-0-0)**

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2000 An Act to Require the Public Utilities Commission To Assess an Electric Utility with Certain Costs of Upgrades Necessary for New Generator Interconnections

Submitted by: Representative Seth Berry

Date: February 8, 2021

Vote: 6-3-0-1 Passed (with Senator Timberlake, Senator Pouliot and Representative Stetkis opposed and with Representative Dillingham recorded as absent)

Item #2: Proposed amendments to the Legislative Council's COVID-19 Prevention Policy

- **Allowing limited access to legislative space.** The members of the Legislative Council discussed:
 - Altering the proposal to authorize admittance to the State House Complex to a specific total number of individuals at one time;
 - The merits of measuring the physical space that is under each caucus's control;
 - The importance of ensuring compliance with the Legislative Council's policies regarding protective face coverings and physical distancing;
 - The need for the collection of contact information;
 - The importance of signing in upon arrival and signing out upon departure;

- The importance of having the Legislator or the Chief of Staff meet the individual at the security kiosk to escort the individual to the caucus office;
- Clarifying that this policy authorizing access applies to only to the State House Complex; and
- The merits of having the Legislative Council reevaluate the policy following its implementation.

Speaker Fecteau suggested that the proposal be altered to allow 2 guests per caucus at a time, that the Executive Director evaluate the capacity of the physical spaces at issue, and that, after the policy has been in effect for a time, the Legislative Council reevaluate it. President Jackson inquired how much time would be necessary to develop the forms and plans for the implementation of the policy; and asked where the sign-in and contact information would be kept. Rep. Dillingham mentioned that there should be sensitivity to protecting private information contained in the contact information, and suggested March 8 as an implementation date. Speaker Fecteau asked that Executive Director to prepare a draft that includes the changes based on today's discussion, email the draft to all of the members and if the members have revisions to the draft, the changes could be proposed and circulated via a ballot. Rep. Talbot Ross suggested that the policy specifically include language referencing the caucus of unenrolled and unaffiliated members. Speaker Fecteau confirmed with the Executive Director that the sign-in log and contact information could be kept in the Executive Director's office.

Motion: That Legislative Council's COVID-19 Prevention Policy be amended to allow limited access to the State House Complex in accordance with the clarifications and amendments discussed today; and that the Executive Director shall prepare and circulate among the Legislative Council members for their review and approval a draft incorporating the changes. Motion by Senator Timberlake. Second by Senator Pouliot. **Motion passed (10-0-0)**

ANNOUNCEMENTS AND REMARKS

Rep. Dillingham asked about the applicability of the special procedure for reference objections set out in Joint Order, SP 9, to the bills that had not yet been referenced to Joint Standing Committees. Speaker Fecteau indicated that the special procedure for reference objections applies only to situations in which a member disagrees with the reference determination made jointly by the Secretary of the Senate and the Clerk of the House; the bills that are not yet referenced are bills for which a joint determination by the Secretary and the Clerk could not be reached.

Rep. Dillingham asked the Director of Legislative Information Technology, Nik Rende, for a status update on the portal through which public hearing testimony will be collected and shared with members of Joint Standing Committees. Mr. Rende demonstrated to the Legislative Council members the functionality associated with the portal. Speaker Fecteau expressed the Council's sincere appreciation of the Legislative Information Technology staff and its innovation and flexibility.

Senator Pouliot asked Mr. Rende whether there was a technological way to assemble for members their various relevant Zoom links for their committee meetings. Mr. Rende explained the various challenges associated with the request, and indicated that he and the Legislative Information Technology staff are working on developing a possible solution.

Senator Pouliot inquired about the existence of rules applicable to the use of videos and PowerPoint presentations in Joint Standing Committee meetings. Speaker Fecteau asked the Executive Director to email to the Council members relevant committee rules governing the use of videos and presentations.

Senator Timberlake noted that meetings between Chairs and Leads of Joint Standing Committees are treated differently amongst the various committees and indicated his preference for consistency across the committees.

Senator Pouliot asked about parameters governing determinations regarding resuming onsite meetings.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:50 p.m.