

MAINE STATE LEGISLATURE

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REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. SETH A. GOODALL
SEN. MICHAEL D. THIBODEAU
SEN. TROY D. JACKSON
SEN. ROGER J. KATZ
REP. SETH A. BERRY
REP. KENNETH W. FREDETTE
REP. JEFFREY M. MCCABE
REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL

MEETING SUMMARY

May 23, 2013

CALL TO ORDER

Legislative Council Chair Mark Eves called the May 23, 2013 Legislative Council meeting to order at 2:16 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Alfond, Senator Goodall, Senator Jackson, and Senator Katz

Absent: Senator Thibodeau (arrived after the start of the meeting)

Representatives: Speaker Eves, Representative Berry, Representative McCabe, Representative Fredette and Representative Willette

Legislative Officers: Darek Grant, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Robert Hunt, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director
Debra Olken, Human Resources Director
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Scott Clark, Director, Legislative Information Technology

Speaker Eves convened the meeting at 2:16 p.m. with a quorum of members present.

SUMMARIES OF APRIL 29, 2013 AND MAY 9, 2013 MEETINGS OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summaries for April 29, 2013 and May 9, 2013 be accepted and placed on file. Motion by Representative Berry. Second by Representative Fredette. **Motion passed unanimous (9-0-0-1,** with Senator Thibodeau absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. Emergency Aid to the City of Lewiston

Lewiston City Administrator Ed Barrett expressed his appreciation to the Legislative Council for its contribution of funds that will be used to support the City of Lewiston's efforts to provide emergency aid to the people displaced by the recent fires. In accordance with the Council's request, the city will report back on the distribution and effectiveness of the funds provided.

2. Library Article – Maine Policy Review

The Winter/Spring 2013 edition of the *Maine Policy Review* is a special issue on "Libraries & Information." The edition includes an article about the Legislature's Law and Legislative Reference Library written by Director John Barden.

3. Olympia Snowe Day at the Legislature

No date this session has been established yet but discussions continue with representatives of Senator Snowe.

Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

Revenue Update

Total General Fund Revenue - FY 2013 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$365.9	\$429.7	\$63.9	17.5%	\$372.5	15.4%
FYTD	\$2,290.2	\$2,349.0	\$58.8	2.6%	\$2,291.5	2.5%

General Fund revenue was above budget projections by \$63.9 million (17.5%) for the month of April and by \$58.8 million (2.6%) for fiscal year through April. These variances do not yet reflect the adjustments of the May 2013 report of the Revenue Forecasting Committee, which increased FY 2013 budgeted General Fund revenue forecast by \$43.5 million. This positive variance through April exists as a result of the performance of the Individual Income Tax, which was \$96.5 million over budget through April. Much of this resulted from high income taxpayers reacting to pending tax changes and shifting income recognition into 2012. Partially offsetting the Individual Income Tax positive variance were negative variances in the two other major taxes, Corporate Income Tax and Sales and Use Tax.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$25.4	\$27.0	\$1.6	6.4%	\$25.9	4.1%
FYTD	\$246.7	\$246.4	(\$0.3)	-0.1%	\$243.8	1.1%

Highway Fund revenue was over budget by \$1.6 million (6.4%) in April, but remained under budget for the fiscal year through April by \$0.3 million (0.1%). These variances do not reflect the May 2013 RFC's downward revision to FY 2013 budgeted Highway Fund revenue of \$3.5 million. Fuel Taxes had been underperforming, but had a positive variance in the month of April. It is uncertain whether recent gasoline price declines contributed to the April improvement (March sales) and will continue to help reverse recent negative fuel tax variances.

Cash Balance Update

The average balance in the cash pool in April increased by \$83 million compared with March and was \$3.8 million higher than April 2012. The General Fund balance improved sufficiently that the LePage Administration proposed that the remaining \$250,000 that had been earmarked for external cash flow borrowing be included as additional savings in the Governor's proposed "change package" to the biennial budget bill, LD 1509.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report.

2. State House Facilities Committee

No report.

OLD BUSINESS

Item #1: Council Actions Taken by Ballot since April 29, 2013 Meeting

Requests for Introduction of Legislation:

LR 2125 An Act to Fix and Improve the Grading System of Public Schools in Maine

Submitted by: Senator Rebecca Millett

Approved: May 6, 2013

Vote: 7-3-0-0 in favor (with Senator Thibodeau and Representatives Fredette and Willette opposed)

LR 2131 An Act to Maintain Access to Safe Medical Marijuana

Submitted by: Representative Jeff McCabe
 Approved: May 8, 2013 Vote: 7-3-0-0 in favor (with Senator Thibodeau and Representatives Fredette and Willette opposed)

LR 2135 An Act to Assist the Lewiston Fire Victims

Submitted by: Senator Margaret Craven
 Approved: May 8, 2013 Vote: 10-0-0-0 in favor

LR 2144 An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporations

Submitted by: Senator Justin Alford
 Approved: May 16, 2013 Vote: 9-0-0-1 in favor (with Senator Thibodeau absent)

LR 2145 An Act to Support Maine Businesses by Authorizing Certain Brewing Partnerships

Submitted by: Senator Justin Alford
 Approved: May 16, 2013 Vote: 9-0-0-1 in favor (with Senator Thibodeau absent)

LR 2139 An Act to Create a Sales Exemption for Incidentally Caught Lobsters

Submitted by: Senator Anne Haskell
 Approved: May 17, 2013 Vote: 10-0-0-0 in favor

LR 2115 Resolve, To Require the Department of Health and Human Services to Initiate a New Rate Setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

Submitted by: Representative Richard Farnsworth
 Approved: May 21, 2013 Vote: 6-4-0-0 in favor (with Senators Thibodeau and Katz and Representatives Fredette and Willette opposed)

LR 2148 Joint Resolution Memorializing the President of the United States, the United States Congress and the United States Trade Representative Regarding the Use of Trade Promotion Authority in International Trade Policy

Submitted by: Representative Sharon Treat
 Approved: May 21, 2013 Vote: 6-4-0-0 in favor (with Senators Thibodeau and Katz and Representatives Fredette and Willette opposed)

LR 2141 **An Act to Help Facilitate the Merger of the Bangor Hydro Electric Company and the Maine Public Service Company**

Submitted by: Representative Richard Farnsworth
Approved: May 22, 2013 Vote: 9-1-0-0 in favor (with Representative Fredette opposed)

No Legislative Council action was required.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests / Addendum

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 4 bill requests, the council authorized 2 requests for introduction in the 1st Regular Session of the 126th Legislature and 2 failed to be authorized. Of the 1 joint resolution, the council did not authorize the request for introduction in the 1st Regular Session of the 126th Legislature. The Legislative Council's actions on the requests are included on the attached list.

Item #2: Citizen Trade Policy Commission Regarding Joint Resolution (Chairs, CTPC)

The Citizen Trade Policy Commission's letter to the Legislative Council regarding its concerns regarding a proposed Resolution titled "Joint Resolution Affirming the Friendship between the State of Maine and the Republic of China" was noted by the Legislative Council. No Legislative Council action was required.

Item #3: Emergency Aid to the City of Lewiston (Copy of Communication)

Mr. Boulter drew the Legislative Council members' attention to a letter of appreciation received from Commissioner Mary Mayhew, Department of Health and Human Services, regarding the Legislature's emergency aid to the City of Lewiston as well as other related communications. No Legislative Council action was required.

Item #4: Process for Evaluating Needs and Use of Vacated Space on the Second Floor of the State House (President Alfond)

Senate President Alfond requested that Mr. Boulter prepare a utilization plan including options for the use of space on the second floor of the State House in the event that the space becomes vacant as of July 1st of this year.

ANNOUNCEMENTS AND REMARKS

Representative Fredette stated his understanding that the House votes of some representatives were not recorded during a House session on May 22nd. He noted that he had spoken to the Clerk of the House to address the situation. He also stated that some of the members of his caucus have experienced slow Internet connections in the House Chamber. Representative McCabe noted that the number of electronic devices in use in the chamber contribute to slow Internet speeds.

Legislative Information Technology director Scott Clark stated that he is aware of the problem. Mr. Clark indicated that the principal issues are: the large number of electronic devices in use in a confined area saturating the room; and members' use of wi-fi "hotspot" features on their cellphones and other electronic devices that negatively affect nearby users of the Legislature's wi-fi system. Those conditions result in high use of available bandwidth, slowing Internet response time. Use of Internet access ports at members' desks is not a solution since the hardwiring is not connected or active. Mr. Clark noted that he has made plans to upgrade the wireless router network during the legislative interim to improve Internet speeds.

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 2:39 p.m.

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