

# MAINE STATE LEGISLATURE

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REP. MARK W. EVES  
CHAIR

SEN. JUSTIN L. ALFOND  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER

126<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

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

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
July 25, 2013**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the July 25, 2013 Legislative Council meeting to order at 10:06 a.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Alfond, Senator Jackson, Senator Haskell and Senator Katz  
Absent: Senator Thibodeau  
Representatives: Speaker Eves, Representative Berry, Representative McCabe, Representative Fredette and Representative Willette  
Legislative Officers: 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

Speaker Eves convened the meeting at 10:06 a.m. with a quorum of members present.

Speaker Eves welcomed Senator Anne Haskell to her first meeting as a member of the Legislative Council. Senator Haskell replaced Senator Seth Goodall who resigned his legislative seat in July.

## SUMMARY OF JUNE 26, 2013 MEETING OF LEGISLATIVE COUNCIL

**Motion:** That the Meeting Summary for June 26, 2013 be accepted and placed on file. Motion by Representative Fredette. Second by Senator Alfond. **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. Maine Development Foundation Policy Forums

Due to logistical issues and potential legislative schedules that may conflict with a bus tour of Maine, MDF is considering foregoing an economic development bus tour in January 2014 in favor of holding 3-4 legislator policy forums (breakfast events) in January and February. The forums would focus on policy topics that are of short-term and long-term relevance to legislators and the State, and will be coordinated with the Legislature prior to January.

2. State House Café

Mr. Boulter is meeting with the vendor who operates the State House Café to discuss resumption of predictable hours of operation and related matters that have been an issue since the legislative session ended. He will seek options that continue to meet legislative needs for food service in the building.

3. Retirement of Debra Olken, Human Resources Director

Human Resource Director Debra Olken will be retiring from State service effective August 1<sup>st</sup> after more than 9 years with the Legislature and previously, many years in the Judicial Branch. A retirement reception to honor Debby and wish her well will be held today immediately following the Legislative Council meeting.

4. NCSL Legislative Summit

Mr. Boulter reminded Legislative Council Members that the National Conference of State Legislatures will hold its annual Legislative Summit in Atlanta, Georgia on August 12-15, 2013.

### 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
June	\$468.0	\$495.8	\$27.8	5.9%	\$469.7	5.6%
FYTD	\$3,048.3	\$3,094.4	\$46.0	1.5%	\$3,015.5	2.6%

General Fund revenue was ahead of budget projections by \$27.8 million (5.9%) for the month of June and the General Fund ended FY 2013 with a \$46.0 million revenue surplus, 1.5% over budgeted amounts. General Fund revenue grew by 2.6% in FY 2013, which exceeded the budgeted growth rate of 1.2%.

The revenue categories having the most significant FY 2013 General Fund positive variances were Individual Income Tax (\$26.9 million), Estate Tax (\$8.9 million) and Unclaimed Property Transfer (\$4.8 million). Of the major tax lines only Cigarette and Tobacco Tax and Insurance Companies Tax were under budget for the fiscal year. The Fines, Forfeits and Penalties category also underperformed in FY 2013. With the positive variances in the income and sales taxes categories, transfers for municipal revenue sharing exceeded projections by \$0.9 million.

### Highway Fund Revenue Update

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$44.8	\$45.6	\$0.7	1.6%	\$46.4	-1.8%
FYTD	\$315.4	\$318.8	\$3.4	1.1%	\$317.2	0.5%

Highway Fund revenue was ahead of budget projections by \$0.7 million in June and ended FY 2013 with a positive variance of \$3.4 million or 1.1% over budgeted amounts. Fuel Taxes, which were under budget in May, recovered sufficiently in June to offset a negative variance for the month in revenue collected by the Bureau of Motor Vehicles.

### FY 2013 Year-end Cascade Transfers

The General Fund and Highway Fund positive revenue variances will provide additional resources for various statutory reserves and other purposes. Final year-end surplus amounts will likely be increased by any lapsed balances from appropriations and allocations and other unbudgeted accounting adjustments.

The General Fund revenue surplus of \$46.0 million provides \$262,000 to replenish transfers from the State Contingent Account, \$1.0 million to the Loan Insurance Reserve Fund at FAME and \$4.1 million to fully fund the retroactive cost-of-living adjustment for retired state employees and teachers. The remaining surplus will be distributed to various reserves based on statutory specified percentages. The percentage designated to the Maine Budget Stabilization Fund at the close of FY 2013 was increased on a one-time basis to 80%. As a result, more than \$32.5 million will be transferred into that reserve fund, more than offsetting the \$27.0 million budgeted transfers from the reserve in FY 2013 and bringing the ending balance in that reserve to more than \$50 million.

All but \$100,000 of the Highway Fund surplus will be reserved at the close of FY 2013 and will result in increases to Highway Fund allocations of at least \$3.3 million in FY 2014 for highway and bridge improvement projects.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Speaker Eves, Chair of the Personnel Committee, gave the following report. The Personnel Committee held a meeting earlier today, July 25, 2013 to consider the following matter:

The committee considered a request by a nonpartisan Legislative employee for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines. Upon the recommendation of the Executive Director, the committee voted unanimously to approve the request. No Legislative Council action is required.

## 2. State House Facilities Committee

No report.

## OLD BUSINESS

### Item #1: Council Action Taken by Ballot since June 26, 2013 Meeting

#### Requests for Introduction of Legislation:

#### **LR 2199 An Act to Fund the Agreement Between Certain Judicial Branch Employees and the State**

Submitted by: the State Court Administrator on behalf of the Judicial Branch  
 Approved: July 9, 2013 Vote: 10-0 in favor

No Legislative Council action was required.

## NEW BUSINESS

### Item #1: Request to Film Scenes for Movie: *Catatonk Blues* in State House

Mr. Boulter explained that a Maine film company, Catatonk Blues Corporation, of Monhegan Island, has requested Legislative Council approval to film several scenes for the full length movie *Catatonk Blues* in the State House. The filming would occur in late September or early October. Mr. Boulter introduced Mr. Robert Mrazek, the film's co-director, who was present at the meeting. Mr. Mrazek explained that the U.S. Congress no longer allows filming in the U.S. Capitol so in the movie, six scenes filmed in the State House will be intended to resemble rooms and halls in the U.S. Capitol.

Mr. Mrazek explained his connection to Maine and Monhegan Island, originally being introduced to them by former U.S. Representative John McKernan of Maine when they both served together in the U.S. House of Representatives. He explained that the film is of a Frank Capra genre, and no sex or gratuitous violence will be in the film. The general theme is about a "burned out" Congressman who finds love and happiness as a garbage collector on an island in Maine, and the story of his journey and pursuit of freedom of expression to save the ocean. The film is being produced on a microbudget, meaning less than \$1.0 million and is being shot in high definition. Mr. Mrazek mentioned several key people involved in the film production: Fred Luce, Senior Creative Producer, who produced all of Francis Coppola's movies and he won 2 Academy Awards for Best Picture; Mary Kane, Line Producer, who has done 40 films as a line producer; Jamie Anderson, Cinematographer; and Jared Morton, Co-director, an actor and director for 40 years.

Mr. Mrazek emphasized that the production will inject hundreds of thousands of dollars into the local economies of Monhegan Island and the City of Rockland, also where some of the movie will be filmed. He stated that the island community and the Rockland Chamber of Commerce are fully supporting the film production.

Mr. Mrazek concluded by saying that areas of the State House that he has chosen for the 6 scenes very closely resemble comparable areas in the House side of the U.S. Capitol.

Representative Berry, Senator Katz and others welcomed Mr. Mrazek. Representative Berry inquired as to how the State House would be portrayed in the film. He said that protecting the dignity of the State House and preventing any damage to it are paramount concerns if filming is to go forward.

Mr. Mrazek also stated that filming could actually enhance the State House in much the same way that Steven Spielberg's filming of *Lincoln* in Richmond, Virginia did.

**Motion:** That the Legislative Council approve the request to film *Catatonk Blues* in the State House as proposed, provided that the filming does not damage any aspects of the State House or grounds or the dignity of the State House, and that the film director consult with the Executive Director and comply with all his requests related to filming activities. Motion by Representative Berry. Second by Senator Katz. **Motion passed unanimous (8-0-0-2**, with Senator Thibodeau and Representative Willette absent).

**Item #2: FY14 Membership Dues to National Conference of State Legislatures and Council of State Governments**

Mr. Boulter explained that the annual dues for the National Conference of State Legislatures and the Council of State Governments, the two principal membership organizations for the Legislature, for FY2014 are due in July. The Office of the Executive Director has paid the dues up to the level established in the baseline budget for the Legislature. Due to budgetary constraints during the past two years, the Legislative Council had not paid the full dues for either organization for FY12 and FY13. Mr. Boulter noted that NCSL dues have not increased over the last two years (with only minor variation based on changes to Maine's population, a component of the fee structure). CSG has increased its dues somewhat over the last several years. He recommended paying the incremental differences above the baseline so that Maine's membership dues are paid in full for FY14 with the funds coming from unspent balances.

**Motion:** That the Legislative Council approve the payment in full of the FY14 annual dues to NCSL and CSG. Motion by Senator Alford. Second by Senator Jackson. **Motion passed unanimous (9-0-0-1**, with Senator Thibodeau absent).

Following the motion, Representative Fredette suggested that at some time in the future, the Legislative Council review the services provided by the two organizations and assess how many legislators and staff take advantage of them.

**Item #3: Proposed Cloture Date & Related Schedule for Second Regular Session**

Suzanne Gresser, Revisor of Statutes, presented a recommended schedule that establishes dates and deadlines for events related to cloture for legislator bill requests for the second regular session. Ms. Gresser proposed the following dates relating to the cloture and the Legislative Council action on bill requests:

- September 27, 2013 at 4:00 pm. – Filing Deadline (Cloture)
- Thursday, October 24, 2013 – Legislative Council meeting for consideration of Legislators' requests
- Tuesday, October 29, 2013 – Notification of Council's action mailed to sponsors
- Tuesday, November 5, 2013 – Deadline for filing appeals
- Thursday, November 21, 2013 – Legislative Council meeting to consider appeals
- Thursday, December 19, 2013 – "Bill Signing" Day
- Wednesday, January 8, 2014 – Legislature reconvenes

Ms. Gresser explained that the purpose of a bill signing day is to allow the members to meet with their peers to get their bills signed and turned in, which then allows the Revisor's office the opportunity to complete and print the bills so that they are finalized and printed by the time the Legislature convenes in January, thus allowing the committees a prompt start on bills in January.

Senator Haskell suggested keeping the November 21<sup>st</sup> and the December 19<sup>th</sup> dates tentative at this time to make certain there are not scheduling conflicts near the holidays. The other members generally agreed.

**Motion:** That the Legislative Council establish the Cloture Date and Related Schedule, as recommended by Ms. Gresser, with the dates of November 21<sup>st</sup> and December 19<sup>th</sup> being tentative. Motion by Representative Berry. Second by Representative Willette. **Motion passed unanimous (8-0-0-2, with Speaker Eves and Senator Thibodeau absent).**

#### **Item #4: Post-session Report on MPBN Pilot Project for Televising Legislative Proceedings**

Mr. Boulter reminded the Legislative Council members that the Legislative Council had entered into a Memorandum of Understanding with the Maine Public Broadcasting Network for a pilot program to televise legislative sessions and meetings during the first regular session. As this was an information item, no Legislative Council decision is necessary at this time. Mr. Malcolm Leary, of MPBN, was present to address the Legislative Council on its assessment of the pilot program to supplement MPBN's written report (included in the Legislative Council packet).

Mr. Leary was invited to address the Council. Mr. Leary provided an overview of the programming that was conducted this past session and MPBN's view of its success. He said that MPBN televised nearly 2,000 hours of legislative events beginning on February 5<sup>th</sup>, including House and Senate sessions and at least 1 public hearing of each legislative committee. Seventy-three hours of public hearings on the budget proceedings were televised.

Mr. Leary stated that MPBN's board of directors has decided to continue this broadcasting effort and has budgeted the costs into its regular operating budget. He noted, however, there are several areas where MPBN would like the Legislative Council to upgrade its equipment, at legislative expense. Mr. Leary said that MPBN is hoping that the Legislative Council will commit to replacing/upgrading its cameras in the House chamber. He also noted that the Senate cameras need some adjustment so they will broadcast in high definition.

Rep. Berry sought confirmation that MPBN's best estimate for new cameras in the House and Senate chambers and in room 228 is about \$162,000 for each room. Mr. Leary confirmed that figure, based on a computerized video broadcasting system by Telemetrix. With that system, the microphones are linked to the video cameras. Mr. Leary indicated that anecdotally the broadcasts have been well received; he noted, however, that the report and presentation give no objective

measure of viewer audience. Mr. Leary confirmed that MPBN has not taken surveys and does not have Nielson rankings or other indication of the size of the audience for the legislative broadcasts.

President Alfond thanked Mr. Leary for his report and suggested, in light of the issues raised, that this matter be referred to the State House Facilities Committee to review the information and report back to the full Council with its recommendations regarding the legislative broadcasts.

In response to questions by President Alfond and Senator Jackson, Mr. Leary indicated that MPBN would like to renegotiate the MOU this summer and conclude it in September so that it can prepare for next session and be on the air in January, and further that MPBN's planned upgrades are not contingent on the Legislature upgrading its equipment. MPBN hopes to have an agreement that would allow it to continue doing in the 2<sup>nd</sup> regular session what it did in the 1<sup>st</sup> regular session.

**Motion:** That the Legislative Council refer the matter of continued legislative broadcasting by MPBN and associated issues to the State House Facilities Committee for review and recommendation to the Legislative Council. Motion by Senator Jackson. Second by Representative Willette. **Motion passed unanimous (9-0-0-1, with Senator Thibodeau absent).**

#### **Item #5: Request to hold a Jewelry Cleaning Event for Legislative Staff**

Mr. Daniel Lane, owner of the Village Jewelers, Gardiner, submitted a request to hold a one-time jewelry cleaning and appraisal event for legislative staff at the State House. Mr. Lane proposed to offer these services at no charge to the staff. After a general discussion, the members felt that while this request is an isolated one, it raised a policy issue about businesses and vendors coming to the State House unsolicited to provide or announce services. It was noted that the State has a general "no solicitation" policy in state facilities.

**Motion:** That the Legislative Council refer this request to the State House Facilities Committee for review and recommendation to the full Legislative Council. Motion by Senator Alfond. Second by Representative Berry. **Motion passed unanimous (9-0-0-1, with Senator Thibodeau absent).**

#### **ANNOUNCEMENTS AND REMARKS**

President Alfond recognized Debra Olken, HR Director, on her retirement from State service. Ms. Olken has served over 30 years with the State, with over 9 of those years with the Legislature. President Alfond thanked Ms. Olken on behalf of the entire Legislative Council for her professionalism and efficiency, and wished her well in her future endeavors.

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 11:15 a.m.