

# 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  
August 28, 2013**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the August 28, 2013 Legislative Council meeting to order at 11:28 a.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Alfond, Senator Jackson, Senator Haskell 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: David E. Boulter, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance 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 11:28 a.m. with a quorum of members present.

**SUMMARY OF JULY 25, 2013 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for July 25, 2013 be accepted and placed on file. Motion by Representative Berry. Second by Representative Willette. **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. Employee Recognition Picnic

On Thursday, September 12<sup>th</sup>, the annual recognition picnic for legislative employees will be held in Capitol Park. A picnic lunch will be provided and employees with extensive state/legislative service will be recognized. The event will be held from 11:30 AM – 1:00 PM. All members of the Legislative Council are welcomed and encouraged to attend.

2. EMS Memorial

The first phase EMS Memorial that was authorized by legislative resolve has been constructed adjacent to Parking Lot O on the State House campus, and was completed earlier this month. The project construction was overseen by BGS staff.

3. Retirement of Teen Ellen Griffin, Manager, Legislative Information Office

Teen Griffin will be retiring from State service effective September 1<sup>st</sup> after nearly 30 years with the Legislature. Teen's service to the Legislature has been invaluable. A retirement reception to honor Teen and wish her well will be held August 28, 2013 at 2:00 PM in the Legislative Council Chamber.

### Fiscal Report

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

#### Revenue Update

Total General Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	\$216.6	\$218.2	\$1.6	0.7%	\$219.4	-0.5%
FYTD	\$216.6	\$218.2	\$1.6	0.7%	\$219.4	-0.5%

General Fund revenue was ahead of budget by \$1.6 million (0.7%) for the first month of FY 2014. FY 2014 revenue was projected to decline from budgeted FY 2013 levels, primarily due to the Individual Income Tax reductions enacted by the 125<sup>th</sup> Legislature. July's modest decline is much less than the decline budgeted for this fiscal year.

Sales and Use Tax revenue was slightly ahead of budget, which is encouraging given the higher assumed targeted growth in FY 2014 and the rather dismal weather in June. Corporate Income Tax was the only significant negative variance, largely due to a refund activity, which is most likely a timing issue.

## Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	\$27.4	\$28.5	\$1.1	4.1%	\$28.5	0.0%
FYTD	\$27.4	\$28.5	\$1.1	4.1%	\$28.5	0.0%

Highway Fund revenue was ahead of budget by \$1.1 million in July, virtually level with last fiscal year. Fuel Taxes and Bureau of Motor Vehicle revenue were ahead of budget. Motor Vehicle Inspection Fees was the only category significantly below budget projections. This negative variance is expected to be offset over the course of the fiscal year.

### FY 2013 Year-end Cascade Transfers

The FY2013 General Fund positive revenue variance and unbudgeted lapsed balances and other accounting adjustments provided \$57.9 million for the FY 2013 year-end cascade of General Fund dollars. This amount was sufficient to fully fund the statutory fixed dollar transfers to the Contingent Account, Loan Insurance Reserve at FAME and the retirement reserve for the COLA. However, the largest transfer totaled \$42.1 million to the Maine Budget Stabilization Fund (MBSF), which received 80% of the unappropriated surplus after the fixed dollar transfers. The FY 2013 percentage for the MBSF was increased on a one-time basis to offset net budgeted transfers of \$27.0 million from this reserve in FY 2013. The MBSF balance at the close of FY 2013 increased by a net amount of \$14.9 million to \$59.6 million. While the increase of reserve balances will help with General Fund cash flow needs, the \$98.5 million one-day interfund borrowing to balance FY 2014 will more than offset this effect and make it difficult to fund cash flow needs using internally.

For the Highway Fund, all but \$100,000 of the unallocated surplus was reserved at the close of FY 2013 and will result in increases to Highway Fund allocations of at least \$6.4 million in FY 2014 for highway and bridge improvement projects. The increase in FY 2014 Highway Fund allocations will be accomplished by financial order.

## 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, August 28, 2013 to consider the following matter:

- General Salary Adjustment for Constitutional Officers and State Auditor:

The committee considered a request to approve a general salary adjustment for the Constitutional Officers and the State Auditor. Upon the recommendation of the Executive Director, the committee voted unanimously to approve the request.

**Motion:** That upon the unanimous recommendation of the Personnel Committee, the Legislative Council authorize a general salary increase of 1% effective the pay period closest to September 1, 2013 and a second general salary increase of 1% effective the pay period closest to July 1, 2014 for the Constitutional Officers and the State Auditor, consistent with those salary adjustments awarded to “confidential” and other employees of State

Government. Motion by Speaker Eves. Second by Senator Jackson. **Motion passed unanimous (7-0-0-3**, with Senators Alfond and Thibodeau and Representative Fredette absent).

## 2. State House Facilities Committee

Representative Berry, Chair of the State House Facilities Committee, gave the following report. The State House Facilities Committee met on Wednesday, August 7<sup>th</sup> to consider the following matters:

### 1. Renewal of MPBN Memorandum of Understanding

Mr. Mal Leary of MPBN met with the committee to review the proposed Memorandum of Understanding with the Legislature. Mr. Leary distributed to the committee a draft of the MOU with MPBN's proposed changes. The committee suggested that the Executive Director distribute this draft to all appropriate parties requesting feedback, and for the Executive Director to negotiate a revised MOU ready for the full Legislative Council at either the August or September meetings.

### 2. MPBN request that the Legislature replace/upgrade broadcasting equipment

MPBN is requesting, on the advice of its engineers, that the legislative cameras in the House and the Senate be replaced and that 3 new cameras be installed in Room 228 for the benefit of the MPBN broadcasts. The committee asked the Executive Director to distribute this proposal to all appropriate parties at the same time as the above discussed MOU, again requesting feedback, and to report back to the full Legislative Council at either the August or September Legislative Council meeting.

### 3. Request to recharge electric vehicle batteries in legislative parking areas

Representative Bruce MacDonald submitted a request to allow Legislators and the public use of electrical receptacles in legislative parking areas to recharge electric vehicle batteries. Mr. Boulter gave an overview of the initial research he had done on this subject to date, including projected costs of materials and installation. After discussion, the committee asked Mr. Boulter to do the following:

- Check with Central Maine Power to see if they can provide the units, costs and any incentives;
- Check to see if the State Parking Garage would be a suitable location for the charging stations
- Check with the Department of Transportation regarding access to equipment;
- Research how to charge users an appropriate fee for the use of the unit and electricity; and
- To report back to the committee on all of the above as well as costs and benefits of installing these units.

### 4. Guidelines on Procurement for State House Capital Projects

Mr. Boulter presented a draft of the Guidelines on Procurement for State House Capital Projects for the committee's review. The committee discussed possible minor changes to the process for trade or scope of work detailed in the Guidelines, then suggested to the Executive Director that he adjust the wording for review by the Committee.

5. Edible Landscaping Plan Progress Report

Mr. Boulter reported on the edible landscaping plan that is in progress as enacted by P.L. ch. 153. Mr. Boulter distributed a diagram of the edible garden and reviewed some of the types of plants that he anticipates will be implemented in this plan. He further explained that many of the varieties of edible plants are annuals, which would be very costly to the Legislature to maintain each year, so he is exploring perennials as well as trees and shrubs. The committee requested that Mr. Boulter work with the sponsor of the bill, Representative Hickman, to make sure that his suggested are considered for the plan.

6. Request to Hold a Jewelry Cleaning Event for Legislative Staff

The committee reviewed the request submitted by Mr. Daniel Lane of the Village Jewelers, Gardiner, to hold a jewelry cleaning event for legislative staff, not only in the context of this specific request but in the context of whether a policy was needed for this topic. Mr. Boulter explained that the State already has a general “no solicitation” policy. After discussion, the committee asked the Executive Director to prepare a policy that would apply to all similar requests including Mr. Lane’s and a letter of thanks, with the policy reflecting that this type of service is not allowed in the State House.

No Legislative Council action was required.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Item #1: Consideration of Requests to Introduce Legislation in Special Session**

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 4 bill requests submitted for introduction in the Special Session of 1<sup>st</sup> Regular Session of the 126<sup>th</sup> Legislature, the council failed to authorize 1 request and 3 requests were tabled.

**Item #2: Acceptance of Funds to Support (in part) the Commission to Study the Incidence of and Mortality Related to Cancer**

Pursuant to Resolve 2013, c. 77, Establishing the Commission to Study the incidence of and Mortality Related to Cancer, acceptance of private funds to support the commission is subject to Legislative Council approval. The following organizations have proposed contributing \$250.00 each for a total of \$1500.00 to fund 50% of the study: the American Cancer Society, the American Lung Association of the Northeast, Maine Coalition to Fight Prostate Cancer, Maine Health, Maine Medical Association and Maine Osteopathic Association. Each of these organizations has certified that it has no pecuniary or other vested interest, as required by Legislative Council policy.

**Motion:** That the Legislative Council accept the funds to support (in part) the Commission to Study the Incidence of and Mortality Related to Cancer and authorize the Commission to convene. Moved by President Alfond. Second by Senator Katz. **Motion passed unanimous (10-0).**

**Item #3: Change in Schedule for Consideration of Legislators' Requests to Introduce Legislation**

Due to scheduling needs, Speaker Eves proposed the following changes to the previously approved schedule relating to the cloture and the Legislative Council action on bill requests:

- September 27, 2013 at 4:00 pm. – Filing Deadline (Cloture)
- **Wednesday, October 30, 2013** (originally Thursday, October 24, 2013) – Legislative Council meeting for consideration of Legislators' requests
- **Friday, November 1, 2013** (originally Tuesday, October 29, 2013) – Notification of Council's action mailed to sponsors
- **Wednesday, November 6, 2013** (originally 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

**Motion:** That the Legislative Council approve the revisions to the schedule relating to cloture and Legislator requests to introduce legislation for the 2<sup>nd</sup> Regular Session. Motion by Senator Alfond. Second by Representative Berry. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

**Item #4: General Salary Adjustment for Constitutional Officers and State Auditor**

This item was completed previously in the meeting under Reports from Council Committees: Personnel Committee.

No further action of the Legislative Council was required.

**Item #5: Payment of expenses for Legislators appointed to Commission to Study the State Board of Corrections and the Unified County Corrections System**

At the request of Speaker Eves, this matter was considered by the Legislative Council.

Legislative Council Chair Speaker Eves explained that 2 legislators were appointed to serve on the study commission. Under the joint study order authorizing the study commission, the commission was required to seek contributions to fund the cost of the study, subject to Legislative Council approval. The Maine County Commissioners' Association will support the study through in-kind contributions. It does not have sufficient funds to pay the Legislator expenses. The study commission plans to meet a total of 6 times. Legislator compensation would be travel expenses to attend each meeting and a \$55 per diem for each meeting, for each Legislator. Joint Rules authorize Legislator compensation for attendance at authorized study commission meetings. Mr. Boulter explained that the Legislator payments would be made from the appropriate legislative account, and balances exist to make the payments.

**Motion:** That the Legislative Council authorize payment of expenses and per diem, in accordance with law and the Joint Rules, to Legislators appointed to serve on the Commission to Study the State Board of Corrections and the Unified County Corrections System. Motion by Representative Berry. Second by President Alford. **Motion passed unanimous (8-0-0-2**, with Senator Thibodeau and Representative Fredette absent).

## **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 11:54 a.m.