

# 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  
December 19, 2013**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the December 19, 2013 Legislative Council meeting to order at 2:55 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Alfond and Senator Jackson  
Absent: Senator Haskell, Senator Thibodeau and Senator Katz  
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

Speaker Eves convened the meeting at 2:55 p.m. with a quorum of members present.

**SUMMARIES OF OCTOBER 30, 2013 AND NOVEMBER 21, 2013 MEETINGS OF  
LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summaries for October 30, 2013 and November 21, 2013 be accepted and placed on file. Motion by President Alfond. Second by Representative Willette.  
**Motion passed unanimous (7-0, with Senators Haskell, Thibodeau and Katz absent).**

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

David Boulter, Executive Director, reported on the following:

#### 1. HVAC Piping Leaks in the State House

Mr. Boulter reported earlier that numerous leaks and corroded piping have been discovered in the HVAC system in the State House this year. An engineering firm has investigated the problems and has completed its initial investigation. The firm is scheduled to prepare a report within its findings and recommendations within 2 weeks. In the meantime, corrective measures are being taken immediately in high risk areas in the building.

#### 2. Status of Bill Drafting

In anticipation of today's "Bill Signing Day," the Revisor's office has drafted and sent nearly 170 bills to sponsors for their review and signature. Of these, 11 have been finalized and sent to the chambers for printing and referral to committees. Only 14 bills have not yet been completed by the Revisor's office and they will be ready for sponsor review shortly. Hopefully, Legislators will take full advantage of Bill Signing Day to sign their bills so they may be printed and waiting for committee attention when the Legislature convenes on January 8<sup>th</sup>.

Mr. Boulter commended Ms. Gresser and her staff for their work.

### 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
November	\$217.0	\$227.2	\$10.2	4.7%	\$234.5	-3.1%
FYTD	\$1,079.6	\$1,107.6	\$28.1	2.6%	\$1,064.5	4.0%

General Fund revenue was over budget by \$10.2 million (4.7%) in November, increasing the positive variance of the fiscal year through November to \$28.1 million (2.6%). These positive variances are not reflected in the December revenue forecast, which increased budgeted revenue for FY 2014 by \$12.7 million.

The bulk of November's positive variance can be attributed to a recovery of Individual Income Tax withholding payments, which were over budget for the month by \$10.4 million and \$1.1 million over budget for the fiscal year. The \$17.0 million Individual Income Tax positive variance for the fiscal year is due primarily to the increase in the third estimated payments received in September. The December revenue forecast increased budgeted revenue for the Individual Income Tax upward by \$11.1 million for FY 2014, but did not factor in September's increase.

Corporate Income Tax also had a very strong performance in November. The \$5.1 million positive variance for the month resulted in Corporate Income Tax revenue being net positive

variance for the fiscal year through November. Maine Revenue Services is currently reviewing several tax returns requesting refunds. As a result, the December revenue forecast reduced budgeted revenue from this tax by \$10.4 million.

Sales and Use Tax revenue was \$0.4 million over budget in November and was \$13.0 million for the fiscal year through November. The December revenue forecast increased budgeted Sales and Use Tax revenue in FY 2014 by \$10.2 million.

### Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$28.1	\$29.7	\$1.6	5.8%	\$28.4	4.7%
FYTD	\$116.5	\$120.5	\$3.9	3.4%	\$124.1	-2.9%

Highway Fund revenue was over budget by \$1.6 million (5.8%) in November and \$3.9 million (3.4%) for the fiscal year through November. The FY 2014 \$0.7 million increase in Highway Fund budgeted revenue is not yet reflected in the December revenue forecast. The Fuel Taxes category, which was not revised in the December revenue forecast, has a \$3.2 million positive variance through November.

### Cash Update

November cash balances seem to be holding up well. General Fund internal borrowing has been increasing but remains below last year's levels through November. Positive revenue variances have helped offset the negative cash effects of the \$98.5 million Other Special Revenue borrowing in the Biennial Budget to balance FY 2014.

Representative Fredette asked when the revenue report will be prepared for the Appropriations and Financial Affairs Committee. Mr. Pennoyer responded that the revenue report will be completed by March 1<sup>st</sup>.

### Interim Legislative Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, provided a report as to the current status of the interim legislative studies and commissions. (Refer to status report in preliminary agenda materials.) She reported that most study commissions have been meeting and most have completed their meetings. The Commission to Study Long-term Care Facilities and the Commission to Study Transparency, Costs and Accountability of Health Care System Financing have completed their meetings and are preparing their reports. All of the authorized committees have concluded their interim meetings.

President Alfond asked for clarification about the Criminal Code Revision Planning Committee's report date. Ms. Hylan Barr explained that the Planning Committee's report date is March 1<sup>st</sup> and is for legislation.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Legislative Council Chair Eves reported that the Personnel Committee met earlier to go into an executive session and that there is no update at this time.

### 2. State House Facilities Committee

No report

## OLD BUSINESS

### Item #1: Council Actions Taken by Ballot Since the November 21, 2013 Council Meeting

#### Requests for Introduction of Legislation:

#### **LR 2707 An Act to Revoke MaineCare Transportation Contracts**

Submitted by: Senator Troy Jackson  
Approved: November 21, 2013      Vote: 6-4 in favor (with Senators Thibodeau and Katz, and Representatives Fredette and Willette opposed)

#### **LR 2709 An Act to Prohibit Possession of Simulated or Replica Firearms at or near a School**

Submitted by: Senator Dawn Hill  
Approved: December 17, 2013      Vote: 6-3-1-0 in favor (with Senators Thibodeau and Katz and Representative Willette opposed, and Representative Fredette abstained)

#### Legislative Council Decisions:

That the Legislative Council approve the request by the Commission to Study the Incidence of and Mortality Related to Cancer to extend its final report deadline to December 15, 2013.

Motion by: Representative Mark Eves  
Second by: Senator Justin Alford  
Approved: December 2, 2013      Vote: 10-0 in favor

## NEW BUSINESS

### **Item #1: Request to hold the Youth in Government Program on November 14-16, 2014**

Lonney Steeves, Program Director, State YMCA of Maine, requested approval to hold the YMCA's 2014 Youth in Government Program at the State House on November 14-16, 2014. Mr. Boulter reviewed other items on the calendar for that month.

**Motion:** That the Legislative Council approve the request to hold the 2014 Youth in Government Program on November 14-16, 2014. Motion by Representative Berry. Second by Representative Willette. **Motion passed unanimous (7-0**, with Senators Haskell, Thibodeau and Katz absent).

### **New Item: Consideration of Tabled Appeals of Council Action on Legislative Bill Requests**

Legislative Council Chair Eves placed a new item on the agenda at this time. The Legislative Council proceeded to reconsider and vote on two (2) appeals of Council action on bill requests in accordance with the previously adopted protocol, and using a roll call vote. The Legislative Council authorized two (2) bill requests. The Legislative Council's action on the appeals is attached.

### **Item #2: Executive Session**

**Motion:** That, in accordance with 1 MRSA, Section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council. Motion by Senator Alfond. Second by Representative Berry. **Motion passed unanimous (7-0**, with Senators Haskell, Thibodeau and Katz absent).

The Legislative Council entered into an executive session at 3:10 p.m. At the conclusion of its executive session, on a motion by President Alfond, seconded by Representative Berry, the Legislative Council voted unanimously to end its executive session at 3:36 p.m. and reconvene its regular meeting.

## ANNOUNCEMENTS AND REMARKS

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 3:37 p.m.

**126th Maine State Legislature**  
**Legislative Council**  
**Action Taken on Requests to Introduce Legislation**  
**or Appeals of Legislative Council Action on Bill Requests**  
**Second Regular Session**  
**As of: 12/19/2013**

**SPONSOR:**        **Rep. Peter B. Johnson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2448	Resolve, Authorizing the Director of the Division of Parks and Public Lands in the Department of Agriculture, Conservation and Forestry To Convey the Chesuncook Community Church Building in Chesuncook to the Greenville Union Church	<b>PASSED 12/19/13</b> Tabled 11/21/13

**SPONSOR:**        **Rep. Richard S. Malaby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2581	An Act To Amend the Laws Regarding Involuntary Commitment	<b>PASSED 12/19/13</b> Tabled 11/21/13