

# 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  
January 23, 2014**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the January 23, 2014 Legislative Council meeting to order at 2:07 p.m. in the Legislative Council Chamber.

**ROLL CALL**

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

Absent: Senator Katz arrived after the start of the meeting

Representatives: Speaker Eves, Representative Berry and Representative McCabe

Absent: Representative Fredette and Representative Willette

Legislative Officers: David E. Boulter, Executive Director of the Legislative Council  
Darek Grant, Secretary of the Sentate  
Millicent MacFarland, Clerk of the House  
Robert Hunt, Assistant Clerk of the House  
Jackie Little, 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 2:07 p.m. with a quorum of members present.

Legislative Council Chair Eves asked if there was any objection to taking an item out of order. There was no objection. The Chair then moved to **New Business, Item 1.**

## 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 28 bill requests, the council authorized 11 requests for introduction in the 2<sup>nd</sup> Regular Session of the 126<sup>th</sup> Legislature, 2 failed to be authorized, 5 were tabled until a future Legislative Council meeting and the Legislative Council took no action on 6 requests previously tabled. Of the 2 joint resolutions, the council 2 were tabled until a future Legislative Council meeting. The Legislative Council's actions on the requests are included on the attached list.

The Legislative Council then returned to the other items on its agenda.

## SUMMARY OF DECEMBER 19, 2013 MEETING OF LEGISLATIVE COUNCIL

**Motion:** That the Meeting Summary for December 19, 2013 be accepted and placed on file. Motion by Senator Haskell. Second by President Alfond. **Motion passed unanimous (6-0-0-4**, with Senators Jackson and Katz and Representatives Fredette and Willette absent).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. Piping Failures in the State House

The investigation into the numerous failures of piping of the HVAC in the State House has concluded. The results indicate that the leaks are due to accelerated corrosion of pipe joints, joint failures and some improperly installed piping, piping supports or insulation.

Immediate repair of high risk areas has been completed and a systematic repair of replacement of piping and valves, and other repairs are planned to be conducted following the legislative session this year.

2. 2014 Copper Roofing Project

Preparation is underway for replacement of the copper of the State House dome. Technical drawings and specifications have been completed. Sub-contractor interviews were conducted, bids were received and sub-contractor selection is being finalized. Work is anticipated to begin in late March 2014 and to continue into October 2014.

3. MDF Breakfast Forums

The Maine Development Foundation has held two of its scheduled policy forums for Legislators. The last two policy forums are scheduled for next week (January 28<sup>th</sup> and 30<sup>th</sup>). According to MDF, the policy forums have been attended by about 30 Legislators per session.

Representative McCabe inquired about spring weather conditions that might delay the work schedule. Mr. Boulter responded that the construction management firm is aware of the unpredictability of March and April weather and considered that in its schedule. Some of the initial work will involve preparation, such as scaffold erection, rather than roof work itself.

President Alford asked if there is any estimate at this time of the cost to replace the at-risk piping in the building. Mr. Boulter responded that no estimate is currently available since the initial work was investigation into the cause and extent of the piping failures. The next level of assessment is the cost to repair, and it is anticipated that repair or replacement of the flexible piping and fittings will be the most costly. He anticipated that the State House Facilities Committee would be reviewing the issue before any large scale retrofitting takes place.

## 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
December	\$243.5	\$248.6	\$5.1	2.1%	\$240.2	3.5%
FYTD	\$1,355.1	\$1,356.3	\$1.2	0.1%	\$1,304.7	4.0%

General Fund revenue was ahead of budget projections by \$5.1 million (2.1%) in December and \$1.2 million (0.1%) for the first half of the fiscal year. The positive variances now reflect the revised December revenue forecast, which increased budgeted revenue for FY 2014 by \$12.7 million. December's positive variance was due to positive variances in the Individual Income Tax and Sales and Use Tax categories; projections for both of these categories were increased in the December revenue forecast.

The Individual Income Tax \$6.6 million positive variance was primarily due to higher than projected final payments and lower than projected refund activity. The fourth estimated payments for the 2013 tax year, due by January 15<sup>th</sup>, were \$0.5 million (2.0%) over budget in December. This positive performance will be assessed with January's performance to determine whether the spike in these payments earlier this fall would likely translate into an upward revision for this category in the March 2014 revenue forecast.

The Sales and Use Tax was over budget despite a slowing of the strong growth of automobile and building supply sectors earlier this fall. Other retail sectors showed improved growth for the beginning of the holiday shopping season.

Some areas of concern include the Corporate Income Tax, which was under budget by \$2.7 million in December, and the Business Equipment Tax Exemption transfers from the General Fund, which have exceeded projections have resulted in a \$3.2 million negative variance through December.

### Highway Fund Revenue Update

#### Total Highway Fund Revenue - FY 2014 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$22.2	\$22.4	\$0.2	1.0%	\$21.2	5.8%
FYTD	\$139.4	\$142.9	\$3.5	2.5%	\$145.3	-1.7%

Highway Fund revenue was over budget by \$0.2 million (1.0%) in December and \$3.5 million (2.5%) for the fiscal year through December. The FY 2014 \$0.7 million increase in Highway Fund budgeted revenue in the December revenue forecast is now reflected in these variances. The Fuel Taxes category, which was not revised in the December revenue forecast, was over budget again in December and has a \$3.5 million positive variance for the fiscal half of the fiscal year.

### **Cash Update**

December cash balances fell below last year's balances and General Fund internal borrowing in December increased above last year's levels. The General Fund decline was expected due to the negative cash effects of the \$98.5 million Other Special Revenue borrowing in the biennial budget to balance FY 2014. The December Highway Fund average cash balance dropped below \$4.0 million due to a change from quarterly payments to a single annual payment by December 1<sup>st</sup> for the Local Road Assistance program. Highway Fund cash balances should recover from this temporary drop due to normal off-season reductions in demand for highway and bridge spending.

### **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 all the groups have finished their work with the exception of two: the Criminal Code Revision Commission, which has completed its meetings and its report which is legislation is being processed; and the Forensic Mental Health Services Oversight Committee which has a pending request before the Council. Final reports are accessible on the Legislature's website.

## **REPORTS FROM COUNCIL COMMITTEES**

### **1. Personnel Committee**

Legislative Council Chair Eves reported that the Personnel Committee held a meeting earlier today, January 23, 2014 to consider a request by a 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.

All other items on the Personnel Committee agenda were tabled to a future meeting.

### **2. State House Facilities Committee**

No report

## **OLD BUSINESS**

### **Item #1: Council Actions Taken by Ballot Since the December 19, 2013 Council Meeting**

**Requests for Introduction of Legislation:**

**LR 2719 An Act to Establish a Cold Case Homicide Department in the Office of the Attorney General**

Submitted by: Representative Stephen Stanley  
Approved: January 7, 2014      Vote: 7-2-1-0 in favor (with Senators Thibodeau and Katz opposed, and Representative Fredette abstained)

**LR 2724 Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through their Existing School Districts**

Submitted by: Senator Brian Langley  
Approved: January 8, 2014      Vote: 10-0 in favor

**LR 2727 An Act to Create New Jobs and Expand Consumer Choice for Wine**

Submitted by: Representative Sara Gideon  
Approved: January 16, 2014      Vote: 10-0 in favor

**Legislative Council Decisions:**

That the Legislative Council authorize expenditures of up to \$5,000 for the cost of food and related supplies for a reception for former U.S. Senator George J. Mitchell in the State House on Tuesday, January 28, 2014.

Motion by: Representative Mark Eves  
Second by: Senator Justin Alford  
Approved: January 14, 2014      Vote: 10-0 in favor

**NEW BUSINESS**

**Items #2-10: Acceptance of Reports**

Speaker Eves recommended that New Business Items #2 through 10 (submission of reports) be considered as a group. The following reports have been submitted for acceptance:

- Preliminary Report of the Maine Health Exchange Advisory Committee (December 2013)
- Final Report of the Commission to Study the incidence of and Mortality Related to Cancer (December 2013)
- Final Report of the Commission to Study Long-term Care Facilities (December 2013)
- Final Report of the Commission to Study Transparency, Costs and Accountability of Health Care System Financing (December 2013)
- Eighth Annual Report of the Right to Know Advisory Committee (January 2014)
- Annual Progress Report on Public Law 2005, Chapter 1, aka "LD 1" (Governor's Office of Policy and Management)

- Final Report of the Commission to Establish a Competitive Bidding Process for the Operation of Future Casinos and Slot Machine Facilities (January 2014)
- Overpayment Recovery Audit (State Controller's Office)
- Report of the Commission to Study the Board of Corrections and the Unified County Corrections Systems (December 2013)

**Motion:** That the Legislative Council accept and place on file the reports identified in items 2-10 on the Legislative Council agenda. Motion by President Alfond. Second by Representative Berry. **Motion passed unanimous (7-0-0-3**, with Senators Jackson, and Representatives Fredette and Willette absent).

**Item #11: Request for Extension of Reporting Date and Permission to Meet during the week of February 10, 2014 (Forensic Mental Health Services Oversight Committee)**

The Forensic Mental Health Services Oversight Committee submitted a request for approval to hold one additional meeting during the week of February 10, 2014. In addition, the committee requested an extension of its deadline to submit its final report and recommendations from January 15<sup>th</sup> to February 24, 2014.

**Motion:** That the Legislative Council approve the request by the Forensic Mental Health Services Oversight Committee to hold an additional meeting during the week of February 10, 2014 and to extend its final report deadline to February 24, 2014. Motion by President Alfond. Second by Representative McCabe. **Motion passed unanimous (6-0-0-4**, with Senators Jackson and Thibodeau and Representatives Fredette and Willette absent).

**Item #12: 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, and discussing collective bargaining negotiations between the employee representative for the Independent Association of Nonpartisan Legislative Professionals and the Legislative Council. Motion by Senator Alfond. Second by Senator Haskell. **Motion passed unanimous (6-0-0-4**, with Senators Jackson and Thibodeau and Representatives Fredette and Willette absent).

The Legislative Council entered into an executive session at 2:50 p.m. At the conclusion of its executive session, on a motion by Representative Berry, seconded by President Alfond, the Legislative Council voted unanimously to end its executive session at 3:14 p.m. and reconvene its regular meeting.

President Alfond then offered the following motion:

**Motion:** That the Legislative Council authorize its Executive Director to enter into negotiations with the bargaining agent for the Independent Association of Nonpartisan Legislative Professionals (IANLP) over terms and conditions of employment for legislative employees in the IANLP bargaining unit. Motion by Senator Alfond. Second by Representative Berry. **Motion passed unanimous (7-0-0-3**, with Senator Jackson and Representatives Fredette and Willette absent).

## **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 3:15 p.m.