

# 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  
April 15, 2014**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the April 15, 2014 Legislative Council meeting to order at 3:10 p.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  
Darek Grant, Secretary of the Senate  
Millicent MacFarland, Clerk of the House  
Robert Hunt, Assistant Clerk of the House  
Dawna Lopatosky, Legislative Finance Director  
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  
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

Speaker Eves convened the meeting at 3:10 p.m. with a quorum of members present.

Legislative Council Chair Eves asked if there was any objection to taking several items out of order. Hearing no objection, the Chair then moved to **New Business, Item #3.**

**NEW BUSINESS****Item #3: Consideration of Legislative Study Requests**

Mr. Boulter reminded the Legislative Council of the suggested protocol for considering proposed legislative studies, similar to the protocol that has been used in past years.

**Motion:** That the Legislative Council adopt the suggested protocol for considering and deciding proposed legislative studies. Motion by Senator Jackson. Second by President Alfond. **Motion passed unanimous (9-0-0-1, with Senator Thibodeau absent).**

The Legislative Council proceeded to consider and decide the requests for legislative studies. Twenty (20) legislative study requests were reviewed and decided by the Legislative Council. The decisions of the Legislative Council are attached.

**New Item #5: Request to Authorize Use of Unspent Balances in OPEGA Account for Review of Tax Expenditures**

If enacted, LD 1463: Resolve To Develop a Process for Tax Expenditure Review would direct the Office of Program Evaluation and Government Accountability (OPEGA) to develop a proposal for implementation of a process for ongoing review of tax expenditures by the Legislature. The office would be required to submit the proposal by March 1, 2015 to the Government Oversight Committee and the Joint Standing Committee on Taxation. Use of these funds would allow the office to carry out its responsibilities, and requires the approval of the Legislative Council. The funds would come from unspent balances in the Personnel Services and All Other line categories of the OPEGA account.

**Motion:** That the Legislative Council authorize use of up to \$109,254 in unspent balances in the OPEGA account for the purposes of carrying out the responsibilities of the office as directed by LD 1463, as amended. Motion by Senator Haskell. Second by Representative Berry. **Motion passed (7-1-0-2, with Representative Fredette opposed, and Senator Thibodeau and Representative Willette absent).**

**Item #1: Consideration of After Deadline Bill Requests**

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 3 bill requests, all failed to be authorized by the Legislative Council. The Legislative Council's actions on the requests are included on the attached list.

**Item #2: Suggested Purchase of Photograph of former Supreme Court Justice Glassman (Administrative Office of the Courts, Judicial Branch)**

Mr. Boulter drew Legislative Council members' attention to a letter by the State Court Administrator offering to arrange for the purchase of a portrait-like photograph of former Supreme Court Associate Justice Caroline Glassman to be hung in the State House. Justice Glassman was the first woman to serve on the Maine Supreme Judicial Court. The costs for the photograph and framing would be borne by the Legislature. Mr. Boulter explained that the work would be similar to one that is hung in the court, and the Judicial Branch would arrange for the

photographer to make a copy for the Legislature. Mr. Boulter explained that all other portraits that are in the State House Portrait Collection and hung in the State House are oil portraits, not photographs. Use of a photograph for Justice Glassman raises issues of suitability relative to the other portraits and durability for the long term. State Historian Earle Shettleworth was present at the meeting and spoke to those issues as did Rep. Charles Priest, Co-chair of the Judiciary Committee. Mr. Shettleworth suggested that an oil portrait would be more suitable for exhibit in the State House and although commissioning a portrait would be more costly than a replicating a photograph, he expressed confidence that sufficient private donations could be raised to cover the costs, if necessary. The Maine State Museum is the custodian of the State House Portrait Collection. Several members of the council also expressed concern about use of a photograph, rather than an oil portrait, being the medium for exhibit in the State House.

**Motion:** That the Legislative Council table the request to purchase a photograph of former Supreme Court Justice Glassman for further consideration at a future meeting of the Legislative Council. Motion by President Alford. Second by Representative Berry. **Motion passed unanimous (7-0-0-3**, with Senator Thibodeau and Representatives McCabe and Willette absent).

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

#### **SUMMARY OF MARCH 27, 2014 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for March 27, 2014 be accepted and placed on file. Motion by President Alford. Second by Senator Haskell. **Motion passed unanimous (7-0-0-3**, with Senator Thibodeau and Representatives McCabe and Willette absent).

#### **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

##### **Executive Director's Report**

No report

##### **Fiscal Report**

No report

#### **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 the March 27, 2013 Council Meeting

#### Requests for Introduction of Legislation:

#### LR 2901 An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach

Submitted by: Senator Linda Valentino

Approved: April 7, 2014

Vote: 10-0 in favor

## NEW BUSINESS

### Item #4: Executive Session

**Motion:** That the Legislative Council enter into an executive session. Motion by Senator Alford. Second by Representative Berry. **Motion passed unanimous (7-0-0-3**, with Senator Thibodeau and Representatives McCabe and Willette absent).

The Legislative Council entered into an executive session at 3:55 p.m. At the conclusion of its executive session, on a motion by Representative Berry, seconded by President Alford, the Legislative Council voted unanimously to end its executive session at 4:24 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 4:25 p.m.