

# MAINE STATE LEGISLATURE

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SEN. MICHAEL D. THIBODEAU  
CHAIR

REP. MARK W. EVES  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



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

SEN. GARRETT P. MASON  
SEN. ANDRE E. CUSHING  
SEN. JUSTIN L. ALFOND  
SEN. DAWN HILL  
REP. JEFFREY M. MCCABE  
REP. SARA GIDEON  
REP. KENNETH W. FREDETTE  
REP. ELEANOR M. ESPLING

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
March 26, 2015  
Approved June 24, 2015**

**CALL TO ORDER**

President Thibodeau called the March 26, 2015 meeting of the Legislative Council to order at 2:30 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Thibodeau, Senator Mason, Senator Cushing, Senator Alfond and Senator Hill

Representatives: Speaker Eves, Representative McCabe, Representative Gideon, Representative Fredette and Representative Espling

Legislative Officers: Robert Hunt, Clerk of the House  
Jennifer McGowan, Assistant Clerk of the House  
Grant T. Pennoyer, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Chris Nolan, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Kevin Dieterich, Director, Legislative Information Technology  
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

President Thibodeau convened the meeting at 2:30 p.m. with a quorum of members present.

**SUMMARY OF FEBRUARY 26, 2015 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for February 26, 2015 be accepted and placed on file. Motion by Senator Alfond. Second by Senator Mason. **Motion passed unanimous (10-0).**

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, reported on the following:

1. Heating and Plumbing Issues

A new leak in the heating system developed late last week in the west wall of the Legislative Conference Room. The affected supply and return lines have been isolated and shut off to stop any further water damage. However, this means that the Legislative Conference Room and the Governor's Chief of Staff's office are without heat until repairs can be completed. Electric heaters have been placed in the Legislative Conference Room as a temporary heat source. We are in the process of scheduling the repairs, which will need to take place on a weekend or in the evening.

2. Update on Living Memorial from the Summit Display

At its January 8<sup>th</sup> meeting, the Legislative Council approved Rep. Golden's request to display the Living Memorial from the Summit in the Hall of Flags with a time to be determined by the Executive Director and Rep. Golden. The display is now tentatively planned for the two-week period that will begin the Tuesday after the Memorial Day weekend, May 26<sup>th</sup>. The display's planned location will be in the southeast corner of the Hall of Flags.

3. Facebook Page for Law and Legislative Reference Library

The Law and Legislative Reference Library is in the process of developing and setting up a Facebook page as a means of expanding connections with potential patrons and the library community at large. Libraries use Facebook to post information about their resources and events, and Facebook's algorithm steers that information toward users who are likely to be interested in it. Other libraries in the state have requested to "friend" the Law and Legislative Reference Library. The proposed page development will make that possible. The new Facebook page will be an additional tool that the Law and Legislative Reference Library uses to meet its statutory mission of providing for "the informational needs of the Legislature, other branches of State Government, and the citizens of Maine." No other Nonpartisan Offices are planning any such social media initiatives.

4. 2015 Senate and House Registers Update

The Secretary of the Senate and the Clerk of the House are in the final stages of proofing the *2015 Senate and House Registers*. The release of this very popular booklet was delayed to capture the results of the recent special election to replace former Rep. Dickerson from Rockland. This pocket size booklet is printed once each biennium as soon as possible during the First Regular Session of each Legislature. It includes a wealth of information about individual Legislators and includes the complete Joint Rules of the Legislature. The Secretary and the Clerk are going to time the release of this booklet in order to incorporate some recent changes that were unanimously approved by the Joint Select Committee on Joint Rules, but not yet passed by the full Legislature. The booklet also includes the Legislative Code of Ethics that was adopted by the 100<sup>th</sup> Legislature. Some interest was expressed by some members of the Joint Select Committee on Joint Rules to update that Legislative Code of Ethics, which has been unchanged for more than 50 years. If this update to the code can be implemented

expeditiously, the Secretary and Clerk will incorporate an adopted update to the Legislative Code of Ethics in this year's booklet.

#### 5. Legislative Council Policies and Procedures Posted on the Web

There are numerous policies and procedures that have been adopted by the Legislative Council over the years, which have not been readily available to the Legislature. The Executive Director's Office recently completed a web page under the Legislative Council's heading with links to each of the adopted policies and procedures grouped by subject matter. Some of these policies have not been updated for many years. I am planning to work with the Council and the appropriate Council committees to review these policies and procedures and incorporate appropriate updates. The link to the page is:

<http://legislature.maine.gov/execd/legislative-council-policies-and-procedures/9280/>.

### **Fiscal Report**

Chris Nolan, Director, Office of Fiscal and Program Review, reported on the following:

#### **General Fund Revenue Update**

##### **Total General Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$110.9	\$148.7	\$37.8	34.0%	\$110.0	35.2%
FYTD	\$1,888.1	\$1,930.5	\$42.4	2.2%	\$1,765.0	9.4%

General Fund revenue was over budget by \$37.8 million (34.0%) for February, increasing the positive variance for the fiscal year through February to \$42.4 million (2.2%).

Individual income tax revenue was \$51.9 million over budget for the month of February driven largely by lower refunds than budgeted. Maine Revenue Services has consistently processed refunds this tax season, so this situation could be an indicator that refunds were over estimated. The next few months will be an indicator of whether this situation is an anomaly for the month or an indicator that refunds were over estimated. Corporate income tax revenue was \$6.7 million under budget for the month due largely to refunds. These refunds are for 2013 final corporate returns. Review of the remaining returns is expected to be completed over the next few months and this line is still expected to be close to budget for the year. The sales and use tax category came in \$2.8 million under budget but continues to track close to budget for the fiscal year to date. February's revenue (January sales) appears to have been negatively affected by the weather.

Other significant revenue variances for February reflected purely timing issues in the monthly distribution of revenue for FY 2015, including the Transfers for Tax Relief Programs category, which was over budget by \$2.1 million for February but only slightly over budget for the fiscal year to date.

#### **Highway Fund Revenue Update**

##### **Total Highway Fund Revenue - FY 2015 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$26.7	\$26.6	(\$0.1)	-0.4%	\$25.5	4.3%
FYTD	\$196.1	\$196.9	\$0.8	0.4%	\$195.1	0.9%

Highway Fund revenue was under budget by \$0.1 million (-0.4%) in February but still over budget by \$0.8 million (0.4%) for the fiscal year through February.

Long-term trailer registration fees were under budget by \$1.2 million in February due to a significant February payment received at the beginning of March. These revenues are over budget for the fiscal year to date by \$0.4 million. Motor vehicle registration fees were over budget by \$0.5 million in February and continue to run close to budget year to date. Title fee revenue is \$0.4 million under budget and appears to be adversely affected by the winter storms.

### **Cash Balances Update**

Average cash balances decreased slightly in February after an increase in January. February's total cash balance of \$675.4 million was still well above both last year's balance for February of \$444.1 million and the ten-year average for February of \$485.9 million. General Fund internal borrowing decreased in February to \$113.0 million from \$116.8 million in January and was significantly lower than last February's borrowing of \$190.5 million. The average Highway Fund balance of \$54.2 million in February was slightly above January's average of \$53.6 million and was significantly higher than last February's balance of \$33.2 million.

## **REPORTS FROM COUNCIL COMMITTEES**

### **1. Personnel Committee**

No Report

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

Senator Mason, Chair of the State House Facilities Committee, reported that the State House Facilities Committee, with Senator Cushing presiding, met on Tuesday, March 10, 2015 to consider the following items.

#### **1. Review of the Security Screening Policy**

The committee began a discussion of a possible change to the security screening process at the State House based on a new security screening process for the new Augusta Courthouse. The committee discussed a number of security-related topics with the Chief of Capitol Police, Russell Gauvin that included:

- The effectiveness of State House security screening;
- The inconsistent treatment of the Cross Office Building; and
- The costs of security personnel at the State House.

The committee did not reach any decisions on security policy changes, but will continue to review security issues and the screening process at its next meeting.

#### **2. Proposal to Relocate the Legislative Information Office and Legislative Conference Room**

Executive Director Pennoyer asked the committee to consider a proposal to switch the locations of the Legislative Information Office and the Legislative Conference Room. This proposal is intended to make the Legislative Information Office more accessible to visitors to the State House, to address some work environment issues for the Kiosk staff person and open up the main entrance lobby to enhance security screen processing with 2 lanes of screening. The committee discussed this matter and is planning on scheduling a visit to see the Legislative Information Office current location.

### 3. Review of Bidding Process for State House Projects

Mr. Pennoyer reviewed the draft policy on Procurement Guidelines for State House Facilities Capital Improvement Projects. Representative McCabe suggested that the committee review the draft policy and bring any suggested changes back to the committee prior to any decisions or recommendations are made.

### 4. Updates on Current Facilities Projects

Mr. Pennoyer summarized the major projects that have been approved and are in process for the upcoming interim between Legislative Sessions, which include replacing the rubber roof of the State House, replacing siding on the mechanical penthouses on the State House roof and replacing the entry doors.

### 5. Discussion of New Facilities Projects

The committee briefly discussed several new projects including: care and maintenance of statehouse portraits, Capitol Street crosswalk safety improvements, cameras in committee rooms, the copper reuse project, electric vehicle charging stations, adding a new interior door in OPLA, repairs to the House Chamber and security card access to the Senate Chamber.

No action was taken by the Committee.

## **OLD BUSINESS**

### **Item #1: Legislative Council Actions Taken by Ballot Since the January 29, 2015 Meeting**

#### **Requests for Introduction of Legislation:**

LR 1941 An Act to Remove Barriers to School Construction Financing in Regional School Administrative Units

Submitted by:	Representative Christopher Babbidge	
Approved:	March 11, 2015	Vote: 9-1 in favor (with Rep. Espling opposed)

LR 1949 An Act to Assist School Districts with Regard to Extra Snow Days

Submitted by:	Representative Chuck Kruger	
Approved:	March 11, 2015	Vote: 8-2 in favor (with Rep. Fredette and Espling opposed)

LR 1961 An Act to Amend the Definition of "Property Fiscal Capacity" in the School Funding Law to Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value

Submitted by:	Representative Stephen Stanley	
Approved:	March 13, 2015	Vote: 8-2 in favor (with Rep. Fredette

and Espling opposed)

LR 1964 An Act to Prohibit the Sale and Possession of Powdered Alcohol in the State

Submitted by: Representative Jeff McCabe  
Approved: March 18, 2015                      Vote: 9-1 in favor (with Rep. Espling opposed)

LR 1981 An Act Regarding the Purchase of Essential Tools for the Repair of Motor Vehicles

Submitted by: Representative Michael McClellan  
Approved: March 26, 2015                      Vote: 9-1 in favor (with Rep. Espling opposed)

**Legislative Council Decision:**

That the Legislative Council authorize an exception to the Use of the Hall of Flags Policy to allow electric cooking appliances to be used to cook ployes on Franco-American Day, March 18, 2015.

Motion by: President Thibodeau  
Second by: Speaker Eves  
Approved: March 11, 2015                      Vote: 10-0 in favor

**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 15 bill requests, the council authorized 8 requests for introduction in the 1<sup>st</sup> Regular Session of the 127<sup>th</sup> Legislature, 1 failed, 5 were tabled, and the council took no action on 1 previously tabled item. Of the 5 joint resolutions, the council failed to authorize 2 requests, 2 were tabled, and the council took no action on 1 previously tabled item. Of the 2 Late-filed Major Substantive Rule requests, the council authorized 2. The Legislative Council's actions on the requests are included on the attached list.

**ANNOUNCEMENTS AND REMARKS**

Speaker Eves updated the members in regards to LD 681 An Act To Increase the Effectiveness of the Legislature, which came out of the Personnel Committee. The public hearing was held on March 23<sup>rd</sup> and the work session is scheduled for April 1<sup>st</sup>.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:35 p.m.

**127th Maine State Legislature  
Legislative Council Action Taken on  
Requests to Introduce Legislation  
First Regular Session  
3/26/2015**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Scott W. Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1971	An Act To Prohibit the Sale of Powdered Alcohol	TABLED

**SPONSOR: Sen. Paul T. Davis, Sr**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1982	An Act To Eliminate the Requirement That Truck Campers Be Registered	PASSED

**SPONSOR: Rep. Lori A. Fowle**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1942	An Act To Provide Expedited Court Review of Child Visitation Orders for Military Personnel on Duty out of State	PASSED

**SPONSOR: Rep. Kenneth W. Fredette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1939	An Act To Create Fairness with Regard to Pay for State Employees	TABLED
1943	An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges	TABLED

**SPONSOR: Rep. Sara Gideon**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1975	An Act To Carry Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust	FAILED

**SPONSOR: Rep. Scott M. Hamann**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1979	An Act To Allow Foster Children To Remain in Their Current Daycare	PASSED



**SPONSOR: Rep. Barry J. Hobbins**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1980	An Act To Study Court Facility Needs in Oxford, Waldo and York Counties	PASSED

**SPONSOR: Sen. Christopher K. Johnson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1958	An Act To Ensure the Proportional Offset against Social Security Retirement Benefits of Workers' Compensation Awards	TABLED

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1977	An Act To Allow the Treatment of Forensic Patients	PASSED

**SPONSOR: Sen. David R. Miramant**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1955	An Act To Allow a Student Who Resides in a Municipality without a High School and Attends a Private School That Does Not Offer Athletics To Participate in Athletics at a Public School	TABLED

**SPONSOR: Sen. Thomas B. Saviello**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1965	An Act To Expand the Educational Opportunity Tax Credit	PASSED
1966	An Act To Allow Persons To Train Dogs To Hunt Coyotes	PASSED
1967	An Act To Assist Municipalities with the Recycling of Solid Waste	PASSED

#### LATE-FILED MAJOR SUBSTANTIVE RULES

**SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1956	Resolve, Regarding Legislative Review of Rules for Permitting Overlimit Commercial Vehicles of Specified Configurations To Travel Designated Routes, a Late-filed Major Substantive Rule of the Department of Transportation	PASSED
1963	Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Late-filed Major Substantive Rule of the Department of Health and Human Services	PASSED

## JOINT RESOLUTIONS

SPONSOR: Sen. Catherine Breen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1938	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPROVE A GRANT APPLICATION TO DEVELOP A PIER PROGRAM	TABLED  Withdrawn 3/26/15

SPONSOR: Rep. Stanley Byron Short, Jr.

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1935	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RATIFY TRADE AGREEMENTS THAT ARE IN THE BEST INTERESTS OF THE AMERICAN PEOPLE AND ARE FAIR	TABLED

## TABLED BY THE LEGISLATIVE COUNCIL

## AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Heather W. Sirocki

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1929	An Act To Require Lobbyists To Be Sworn in When Registering as Lobbyists	Tabled 02/26/15

## JOINT RESOLUTIONS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
242	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE EQUITABLE INDIAN LAND CLAIM COMPENSATION TO THE MALISEET TRIBE COMPARABLE TO THAT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	Tabled 01/29/15 FAILED 3/26/15  *Requested by Sponsor
243	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE COMPENSATION TO SURVIVING DESCENDANTS OF MALISEET AND OTHER WABANAKI TRIBAL SOLDIERS AND SAILORS WHO SERVED DURING THE AMERICAN REVOLUTIONARY WAR	Tabled 01/29/15 FAILED 3/26/15  *Requested by Sponsor

**SPONSOR:**      **Rep. Justin Mark Chenette**

LR #  
162

Title  
JOINT RESOLUTION URGING THE UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES TO  
RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD  
DONATION BY GAY MEN

Action  
Tabled 01/29/15