

MAINE STATE LEGISLATURE

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SEN. MICHAEL D. THIBODEAU
CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



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

127TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
October 22, 2015
Approved November 19, 2015**

CALL TO ORDER

President Thibodeau called the October 22, 2015 meeting of the Legislative Council to order at 10:59 a.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: Heather Priest, Secretary of the Senate
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
Jackie Little, Human Resources Director
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology

President Thibodeau convened the meeting at 10:59 a.m. with a quorum of members present.

SUMMARY OF SEPTEMBER 24, 2015 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for September 24, 2015 be accepted and placed on file. Motion by Senator Cushing. Second by Senator Mason. **Motion passed unanimous (10-0).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, submitted the following written report:

1. Priority Security Screening Update

The Executive Director's Office has completed processing of roughly half of the applications for low-risk priority screening passes received to date (34 completed of 69 received). Cards were issued this week for this first batch of completed applications.

2. Update on State House Projects

Construction and cosmetic repair work in the State House is wrapping up for this interim. Repainting of the dome is finally completed. Some final work remains on the Senate Door card access project and the main entrance doors of the State House. The refilling of the State House heating system after the installation of a new pump and being empty for a several months exposed some new leaks, which have been repaired. The refilling of the heating system also resulted in multiple service calls over a couple of weeks to address air pockets affecting the flow to certain heating units.

3. Availability of Original Copper from the State House Dome

Earlier this month, the Office of the Executive Director announced that it was ready to receive orders for the 2 mementos (a plaque and a framed picture with pieces of the copper from the State House dome) and for sheets of the copper in rough form. So far, we have received orders for roughly 30 mementos and 80 square feet of the copper sheets in rough form.

4. Youth in Government Program – November 13th to 15th

As a reminder, the Youth in Government Program of the Maine YMCA is scheduled to be in the State House and Cross Office Building for its annual weekend in the State House beginning Friday, November 13th and ending Sunday, November 15th.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, submitted the following written report:

General Fund Revenue Update

Total General Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$352.9	\$354.9	\$2.0	0.6%	\$351.7	0.9%
FYTD	\$849.7	\$860.5	\$10.8	1.3%	\$685.0	25.6%

General Fund revenue was over budget by \$2.0 million (0.6%) for the month of September and \$10.8 million (1.3%) over budget for the fiscal year through September. Individual income tax revenue was \$4.9 million over budget for the month of September led mainly by estimated payments. Estimated payments have exceeded fiscal year 2015, and it remains to be seen whether this is an anomaly or not. This line will be looked at closely in the December forecast.

Sales and use tax revenue was under budget by \$1.7 million but over budget by \$2.6 million for the fiscal year to date. These revenues are expected to rebound in October (September sales), since the September variance could be attributed to the late Labor Day holiday. Transfers for tax relief programs were over budget by \$5.8 million mainly due to timing of reimbursements under the BETR program which should correct itself over the next few months.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$25.4	\$27.1	\$1.7	6.9%	\$25.6	5.8%
FYTD	\$84.8	\$86.3	\$1.5	1.8%	\$64.0	34.9%

Highway Fund revenue was over budget by \$1.7 million (6.9%) for the month of September and \$1.5 million (1.8%) over budget for the fiscal year through September. Fuel taxes were over budget for the month of September by \$0.5 million while motor vehicle registration and fees were over budget by \$1.0 million.

Cash Balances Update

The average total cash pool balance for September was \$798.9 million, a 6.4% increase from last month's average and significantly higher than both last September and the previous 10-year average balance for September. Internal borrowing for the General Fund averaged \$6.7 million in September which is, obviously, up from the rare zero borrowing in the past two months but well below the past two Septembers (\$153.7 million and \$142.0 million in 2013 and 2014 respectively). The average Highway Fund balance increased 3.9% from August to September and by 21.4% from July to September.

Studies Update and Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, submitted the attached written report.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Eves, Chair of the Personnel Committee, reported that the Personnel Committee held a meeting Wednesday, October 21st to discuss collective bargaining and related policy changes. Mr. Pennoyer and Ms. Little reviewed the status of the collective bargaining negotiations and related changes to personnel policy. No action was taken by the committee at this time.

2. State House Facilities Committee

No report.

OLD BUSINESS

None

NEW BUSINESS

Item #1: Suggested Procedures for Deciding Legislator Bill Requests

President Thibodeau and Mr. Pennoyer reviewed the procedures for deciding legislator bill requests.

Item #2: Consideration of Legislator Bill Requests for Introduction in the Second Regular Session of the 127th Legislature

The Legislative Council proceeded to consider and vote on three hundred ninety-six (396) bill requests in accordance with the adopted protocol, and using an electronic voting system. The Legislative Council authorized thirty-three (33) bills for introduction in the Second Regular Session, tabled eighteen (18) bill requests and declined to authorize three hundred forty-five (345) bill requests. Out of the 396 requests, two (2) bill requests were withdrawn by the sponsor prior to the Legislative Council's vote. The Legislative Council's action on the bill requests is attached.

Item #3: Legislative Council Meeting Schedule for 2016

Mr. Pennoyer reviewed the Legislative Council meeting schedule for 2016. These meetings are held on the fourth Thursday of each month at 1:30 pm unless otherwise stated.

Item #4: Notice of Single Audit of the State of Maine

The Office of the State Auditor notified the Legislative Council that the Single Audit of the State of Maine is being conducted at this time. The report will be issued in December 2015.

Item #5: Executive Session

Motion: That in accordance with 1 MRSA § 405, sub§ 6, the Legislative Council enter into an executive session for the purpose 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 Speaker Eves. Second by Senator Alford. **Motion passed unanimously (10-0).**

The Legislative Council entered into an executive session at 2:08 p.m. At the conclusion of its executive session, on a motion by Speaker Eves, seconded by Senator Alford, the Legislative Council voted unanimously to end its executive session at 2:39 p.m. and reconvene its regular meeting during which the following motion regarding collective bargaining was made.

Motion: That pursuant to its authority under 26 MRSA, §979-A, sub-§5, the Legislative Council of the 127th Legislature ratify the collective bargaining agreements for the period October 1, 2015 through September 30, 2017 that were negotiated and tentatively agreed to by the authorized representatives of the Legislative Council and the Maine State Employees

Association-SEIU Local 1989 on behalf of the Administrative Unit of Legislative Employees on October 15, 2015 and by the authorized representatives of the Legislative Council and the Independent Association of Nonpartisan Legislative Professionals (IANLP) on October 20, 2015. Further, that the Legislative Council authorize the Executive Director to take all necessary steps to carry out the terms of these two Agreements; Further, that due to the time-sensitive nature of the circumstances before us, that upon recommendation of the Personnel Committee, the Legislative Council exercise its right to adopt a revision to the Personnel Policies and Guidelines for Legislative Council employees and forego the tabling of the proposal, and to accept the Executive Director's prepared summary of updates as sufficient identification of the policy changes to be made; Further, that the Legislative Council modify its personnel policies and guidelines for Legislative Council employees and Committee Clerks, and for the employees of the Clerk of the House and the Secretary of the Senate and Legislative Leadership employees, pending agreement from those respective authorities, to apply personnel policies and benefit provisions that are comparable to those contained in the ratified collective bargaining agreements, and direct its Executive Director to incorporate as appropriate and administer those provisions; and Further that compensation provisions in the form of cost of living adjustments and salary steps comparable to that provided in the aforementioned ratified collective bargaining agreements be provided to legislative employees who are not represented by a collective bargaining agent, the effective dates of such compensation provisions to coincide with those contained in the aforementioned collective bargaining agreement ratified. Motion by Speaker Eves. Second by Senator Alfond. **Motion passed unanimously (10-0).**

ANNOUNCEMENTS AND REMARKS

Representative McCabe expressed his thanks to Mr. Pennoyer and Ms. Little for all of their hard work during the collective bargaining negotiations.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:43 p.m.