

MAINE STATE LEGISLATURE

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SEN. MICHAEL D. THIBODEAU
CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



127TH 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
December 17, 2015
Approved January 28, 2016**

CALL TO ORDER

President Thibodeau called the December 17, 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: 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 2:30 p.m. with a quorum of members present.

SUMMARY OF NOVEMBER 19, 2015 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for November 19, 2015 be accepted and placed on file. Motion by Senator Mason. Second by Senator Cushing. **Motion passed unanimous (8-2, with Rep. Fredette and Espling absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

1. Upgrade to Senate, House and Committee Web Broadcasts

We are in the final stages of implementing enhancements to the web broadcasts of Senate, House and committee proceedings through a contract with Sliq Media Technologies. These enhancements expand the options for viewing and hearing these broadcasts to include mobile devices. They will also provide the ability to view or hear archived versions of proceedings during the 2nd Regular Session of the 127th Legislature, representing a significant improvement to the accessibility and transparency of the Legislative process. We will be working closely with Senate, House and Committee Staff to make this implementation as smooth as possible and address concerns that you may have.

2. Priority Security Screening Update

We have processed to completion most of the 94 applications for low-risk priority screening access cards. As the session approaches and even after it begins, we expect a few more applications for those that somehow were not aware of this option for State House security screening.

3. Original Copper from the State House Dome – Progress Report

The recent news articles about the copper from the State House dome has increased demand this week for the mementos and rough pieces of the old copper. As of Wednesday, we have sold 106 total mementos (the plaque or the framed picture with pieces of the copper from the State House dome). We have also sold approximately 400 square feet of the copper in rough form.

4. Update on State House Heating System

Two new leaks have been identified in the State House heating system and the supply lines turned off. The first identified was in the service entrance area that caused a significant amount of water damage. The second was in the floor of the north side of the Legislative Council Chambers that was located by water running down the north wall of the Governor's Office. The south heating units are still operational in the Council Chamber so we can select a good time to schedule repairs. Despite these identified leaks having been isolated and shut off, we are still experiencing reductions in pressure in the State House heating system indicating that there are still some unidentified leaks.

5. Active Shooter Training

On Wednesday, the members of the State House evacuation team was invited to a training program offered by the Capitol Police on preparing for and reacting to an "active shooter" situation. This relatively new training is being offered to all governmental agencies. It is very clear that we could be doing a lot more to be prepared for an "active shooter" event. We will also be working on scheduling additional training opportunities for the remainder of Legislative Staff and Legislators.

6. 127th Legislative Council Photo

We have scheduled the photographer to take the official photograph of the 127th Legislative Council at the beginning of the January 28th meeting. Please be prompt and dress appropriately. We will send out reminders as the date approaches.

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
November	\$243.5	\$247.7	\$4.2	1.7%	\$239.2	3.5%
FYTD	\$1,377.1	\$1,388.5	\$11.4	0.8%	\$1,208.0	14.9%

General Fund revenue was over budget by \$4.2 million (1.7%) for the month of November and over budget by \$11.4 million (0.8%) for the fiscal year through November. These positive variances do not reflect the December 2015 revenue forecast, which reduced budgeted revenue by \$2.2 million in FY 2016. Individual income tax revenue was \$4.3 million over budget for the month of November and \$18.9 million over budget for the fiscal year through November. The December revenue forecast increased budgeted revenue for Individual income tax by \$10.5 million in FY 2016. Sales and use tax revenue was over budget by \$3.0 million for the month and over budget by \$6.2 million for the fiscal year to date, indicating strong sales for the month of October. Corporate income tax revenue was under budget by \$5.9 million for the month of November and by \$13.2 million for the fiscal year through November. This category was adjusted downward by \$7.5 million in the December revenue forecast.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$28.2	\$30.7	\$2.5	8.7%	\$29.1	5.6%
FYTD	\$141.1	\$144.8	\$3.8	2.7%	\$120.9	19.8%

Highway Fund revenue was over budget by \$2.5 million (8.7%) for the month of November and over budget by \$3.8 million (2.7%) for the fiscal year through November. These positive variances do not reflect the December 2015 revenue forecast, which increased budgeted revenue by \$20 thousand in FY 2016. Fuel taxes were over budget for the month of November by \$0.6 million while motor vehicle registration and fees were over budget by \$1.1 million. These positive variances were likely caused by October 31 receipts (Saturday) posted as November revenue.

Cash Balances Update

The average total cash pool balance for November was \$801.8 million, a decrease from last month's average but significantly higher than both last November and the previous 10-year average balance for November. There was once again no General Fund internal borrowing from

other funds in November. July and August of this year were the first months in the nine years the State has been doing internal borrowing that such borrowing was not needed. Internal borrowing for the General Fund averaged \$6.7 million in September and \$17.4 million in October. The average Highway Fund balance increased slightly in November and is significantly greater than in October of 2014.

December 2015 Revenue Forecast

The Revenue Forecasting Committee (RFC) met on November 18, 2015 to review and update the current revenue forecast and released its report on December 1st to meet the statutory deadline. The Maine Consensus Economic Forecasting Commission (CEFC) convened on October 26, 2015, to review and revise its forecast through 2019. Both the CEFC and RFC made relatively minor adjustments to their forecasts released last April and May, respectively.

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

The Personnel Committee held a meeting earlier today to consider the following matters:

1. Step Increase for Executive Director

The committee reviewed the annual evaluation of and considered a step increase for Executive Director Grant Pennoyer. The committee voted unanimously to approve this step increase. No action required by the Legislative Council.

2. Step Increase for OPLA Director

The committee reviewed the annual evaluation of and considered a step increase for OPLA Director Marion Hylan Barr. The committee voted unanimously to approve this step increase. No action required by the Legislative Council.

3. Step Increase for OFPR Director

The committee reviewed the annual evaluation of and considered a step increase for OFPR Director Christopher Nolan. The committee voted unanimously to approve this step increase. No action required by the Legislative Council.

4. Secretary and Clerk Step Increases

The committee considered step increases for the Secretary of the Senate and the Clerk of the House and voted unanimously to approve these step increases. No action required by the Legislative Council.

5. Constitutional Officers' and State Auditor Step Increases

The committee considered step increases for the Constitutional Officers and the State Auditor and voted unanimously to approve these step increases. No action required by the Legislative Council.

6. Consideration of Reclassification Request

Mr. Pennoyer reviewed with the committee a request for a position reclassification in the Office of the Executive Director. The committee voted unanimously to recommend this request to the Legislative Council for approval.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council approve the Executive Director's proposed reclassification of one position in the Office of the Executive Director. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (10-0).**

7. Informational Updates

Mr. Pennoyer and Ms. Little reviewed for the committee updates on the following: collective bargaining implementation status, updates to the *Personnel Policies and Guidelines*, and a pilot project for potential improvements to employee work/life balance. No action was taken by the Personnel Committee at this time.

2. State House Facilities Committee

Senate Mason, Chair, reported that the State House Facilities Committee met earlier today to consider the following items.

1. Timing of the rebidding of Architect and Construction Manager contracts

The committee discussed the timing of the rebidding of the Architect and Construction Manager contracts, which had been planned for 2015. However, in light of the deferral of the State House roof project and State Street Sidewalk replacement, the committee decided to authorize a one-year extension for the contract with the Architect and appointed a subcommittee to review rebidding the construction manager role for projects other than the deferred projects.

2. Options for video in committee rooms

The committee also discussed the options for providing broadcast video of committee proceedings. Maine Public Broadcasting presented its plan for an integrated system to cover the Senate and House chambers and committee rooms. The committee directed Executive Director and Maine Public Broadcasting to revise the estimated costs of implementation and provide additional information to the committee in mid-January.

3. State House Security – Lane changes and other security concerns

The committee approved a plan for redesigning the security lanes to provide 2 lanes of security screening and a separate lane for low-risk priority screening that will be implemented after the 2nd Regular Session. The committee also discussed other State House security issues and security

concerns for the Cross Office Building. The Chief of Capitol Police will report back to the next committee meeting with options for enhancing security in the State House and the Cross Office Building.

4. Liberty Bell Relocation – between main entrances of the Cultural Building

The committee also directed the Executive Director to prepare a plan with estimates to relocate the Liberty Bell from the north lawn of the State House to the Cultural Building between the 2 main entrances.

5. Revisions to the *Legislative Council Policy on the Use of the Hall of Flags*

The committee discussed some proposed amendments to the Legislative Council Policy on the Use of the Hall of Flags, which is also an item on today's agenda under new business. The committee decided that they wanted more time to discuss these policies, which hadn't been updated since 2006, particularly with respect to the exemptions. The committee will be reviewing these proposals and some other issues regarding the use of the Hall of Flags at its next meeting and asking the Council to table the proposed changes on today's agenda.

Legislative Council Chair Thibodeau 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

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 29 bill requests, the council authorized 6 requests for introduction in the 2nd Regular Session of the 127th Legislature, 8 failed to be authorized, 14 were tabled and 1 was withdrawn by the sponsor prior to the meeting. Of the 2 joint resolutions, the council tabled 1 request and 1 failed to be authorized. 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.

OLD BUSINESS

Item #1: Consideration of Bill Requests Tabled from October 22 and November 19

The Legislative Council moved to reconsider two bill requests (LR 2384 and LR 2324) however both failed the motion to be reconsidered and so remain tabled. No action was taken on all other previously tabled bill requests, so all remain tabled. The list can be found in the Agenda Packet.

Item #2: Council Actions Taken by Ballot

Legislative Council Decisions:

That the Legislative Council approve the request by the Commission to Study Difficult-to-Place Patients to extend its reporting deadline to December 15, 2015 and to hold an additional fifth meeting of the Commission on December 7, 2015.

Motion by: President Thibodeau
Second by: Speaker Eves
Approved: November 24, 2015
Vote: 7-0-0-3 in favor (with Sen. Cushing, Rep. Gideon and Rep. Fredette absent)

That the Legislative Council approve the request by the Commission to Strengthen and Align the Services Provided to Maine's Veterans to hold an additional fifth meeting of the Commission on December 17, 2015.

Motion by: President Thibodeau
Second by: Speaker Eves
Approved: December 7, 2015
Vote: 9-0-0-1 in favor (with Sen. Cushing absent)

NEW BUSINESS

Item #2: Proposed Document Service Fee Schedule for the 127th Legislature, 2nd Regular Session

Motion: That the Legislative Council approve the request by the Clerk of the House for the Document Service Fee Schedule for the 127th Legislature, 2nd Regular Session. Motion by Senator Cushing. Second by Representative Eves. **Motion passed (9-0-0-1**, with Senator Alfond absent).

Item #3: Youth in Government Program

The State YMCA of Maine has requested to hold the 2016 Youth in Government Program in the State House in November with suggested dates of November 11-13 or November 4-6.

Motion: That the Legislative Council approve the request by the State YMCA of Maine to hold the 2016 Youth in Government Program, with the dates to be determined by the Clerk and Secretary. Motion by Senator Cushing. Second by Senator Mason. **Motion passed (9-0-0-1**, with Senator Alfond absent).

Item #4: Request from the Maine Development Foundation to hold Policy Leaders Academy Forum Breakfasts and Civil Discourse Training in 2016.

Motion: That the Legislative Council approve the request by the Maine Development Foundation to hold Policy Leaders Academy Forum Breakfasts and Civil Discourse Training in 2016 with the dates to be determined by the Executive Director's office. Motion by Senator Cushing. Second by Representative McCabe. **Motion passed (9-0-0-1**, with Senator Alfond absent).

Item #5: Request by the Maine Credit Union League to have a luncheon in the Hall of Flags on Thursday, March 31st

Mr. Pennoyer explained that this request would be a Legislative Council approved exception to the *Legislative Council Policy on the Use of the Hall of Flags*.

Motion: That the Legislative Council approve the request by the Maine Credit Union League to hold a luncheon in the Hall of Flags on Thursday, March 31st. Motion by Senator Cushing. Second by Representative Fredette. **Motion passed (9-0-0-1, with Senator Alfond absent).**

Item #6: Revision of the *Legislative Council Policy on the Use of the Hall of Flags*

Motion: That the Legislative Council table this item. Motion by Senator Cushing. Second by Representative Fredette. **Motion passed (9-0-0-1, with Senator Alfond absent).**

Item #7: Submission of the Report of the Maine State Revenue Forecasting Committee

Motion: That the Legislative Council accept the December 2015 Report of the Maine State Revenue Forecasting Committee and place it on file. Motion by Senator Cushing. Second by Representative Fredette. **Motion passed unanimous (10-0).**

Item #8: Submission of the Report of the Working Group to Develop Solutions to Meet the Needs for Municipal Volunteer Personnel

Motion: That the Legislative Council accept the December 2015 Report of the Working Group to Develop Solutions to Meet the Needs for Municipal Volunteer Personnel and place it on file. Motion by Senator Cushing. Second by Senator Mason. **Motion passed unanimous (10-0).**

Item #9: Submission of the Report of the Commission to Study the Public Reserved Lands Management Fund

Motion: That the Legislative Council accept the December 2015 Report of the Commission to Study the Public Reserved Lands Management Fund and place it on file. Motion by Senator Cushing. Second by Senator Mason. **Motion passed unanimous (10-0).**

ANNOUNCEMENTS AND REMARKS

Mr. Pennoyer brought the Members' attention to an item in his written Executive Director's Report that the official 127th Legislature Legislative Council photograph will be taken at the beginning of the January 28th Legislative Council meeting. He asked the Members to be prompt and dressed appropriately.

Senator Cushing wished happy holidays to the Members and staff.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:50 p.m.

**127th Maine State Legislature
Legislative Council
Action Taken on
Requests to Introduce Legislation
Second Regular Session**

December 17, 2015

AFTER DEADLINE BILL REQUESTS

<u>LR #</u>	<u>Title</u>	<u>Action</u>
SPONSOR: Sen. Justin L. Alford		
2563	An Act To Improve School Facilities	WITHDRAWN by Sponsor
2564	An Act To Improve College Graduation Rates	FAILED
2594	An Act To Facilitate the Timely Processing of Applications for Supplemental Nutrition Assistance Program Benefits	TABLED
2595	An Act To Prohibit the Expenditure of Any Cash-based Benefits from the State on Lottery Tickets	TABLED
SPONSOR: Sen. Linda L. Baker		
2584	An Act To Allow Municipalities the Option To Prohibit Firearms in Municipal Buildings	FAILED
SPONSOR: Sen. Scott W. Cyrway		
2578	An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials	PASSED
SPONSOR: Rep. Matthea Elisabeth Daughtry		
2557	An Act To Amend the Laws Regarding Interference with the Custody of Children	FAILED
SPONSOR: Sen. G. William Diamond		
2573	An Act To Protect Maine Voters from Intimidating Videotaping at the Polls	PASSED
SPONSOR: Sen. James F. Dill		
2558	An Act To Provide Assistance to Laid-off Workers	TABLED
2575	An Act To Amend the Maine Veterinary Practice Act	TABLED

SPONSOR:	Rep. Michelle Ann Dunphy	
2561	An Act To Adjust the Property Tax Valuation of Old Town Following the Closure of the Old Town Expera Pulp Mill	TABLED
SPONSOR:	Rep. Robert A. Foley	
2559	An Act To Prohibit Testing as a Prerequisite for Graduation from Public Schools	FAILED
2560	An Act To Authorize the Maine Public Employees Retirement System To Provide Long-term Disability Insurance	TABLED
SPONSOR:	Rep. Kenneth W. Fredette	
2592	An Act To Create the Maine Energy Office	TABLED
SPONSOR:	Sen. Geoffrey M. Gratwick	
2562	An Act To Establish a Working Group To Examine State Practices Protecting Information	FAILED
SPONSOR:	Rep. Craig V. Hickman	
2586	An Act To Compensate Susan Cloutier for Damages in Connection with Her Vehicle Liability Claim against a State Employee at the Department of Labor	FAILED
SPONSOR:	Rep. Brian L. Hubbell	
2591	An Act To Amend Certain Education Laws	PASSED
SPONSOR:	Rep. Roland Danny Martin	
2583	An Act To Convey Property to the Sinclair Sanitary District	TABLED
SPONSOR:	Rep. Jeff M. McCabe	
2569	An Act To Establish a Commission on the Blind and Visually Impaired	TABLED
SPONSOR:	Rep. Michael D. McClellan	
2565	An Act To Ascertain the Accessibility of the Maine Legislative Process	FAILED
2566	An Act To Help Protect Social Workers	FAILED
2567	An Act To Provide Relief from the Construction Code for Campgrounds and Camps	TABLED

SPONSOR:	Rep. Richard A. Pickett	
2556	An Act To Allow Certain Retirees To Buy Back Lost Pay	TABLED
SPONSOR:	Rep. Christine B. Powers	
2582	Resolve, To Name the Naples Bay Bridge on Route 302 in Naples the Robert Neault Bridge	TABLED
SPONSOR:	Rep. Diane M. Russell	
2579	An Act To Encourage Roller Derby	PASSED
SPONSOR:	Rep. Robert J. Saucier	
2596	An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway	TABLED
SPONSOR:	Sen. Thomas B. Saviello	
2568	An Act Regarding the Educational Opportunity Tax Credit	TABLED
2574	An Act To Update Maine's Solid Waste Management Laws	PASSED
SPONSOR:	Rep. Karen Vachon	
2590	An Act To Reduce Morbidity and Mortality Related to Injected Drugs	PASSED

JOINT RESOLUTIONS

SPONSOR:	Rep. Susan M. Austin	
2168	JOINT RESOLUTION MEMORIALIZING CONGRESS TO DEFUND PLANNED PARENTHOOD AND OTHER ABORTION PROVIDERS	FAILED
SPONSOR:	Rep. Henry John Bear	
2163	JOINT RESOLUTION TO ALLEVIATE TRIBAL UNEMPLOYMENT AND FUND ECONOMIC DEVELOPMENT AND EMPLOYMENT PROGRAMS WITHIN THE HOULTON BAND OF MALISEET INDIANS BY URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ESTABLISH A PROCESS TO PROVIDE EQUITABLE MALISEET LAND CLAIMS SETTLEMENT COMPENSATION FOR THE OCCUPATION AND LOSS OF NEARLY 5,000,000 ACRES OF MALISEET TRIBAL HOMELAND IN THE AROOSTOOK COUNTY REGION	TABLED