

# 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  
April 28, 2016  
Approved by Ballot June 14, 2016**

**CALL TO ORDER**

President Thibodeau called the April 28, 2016 meeting of the Legislative Council to order at 1:53 p.m. in the Legislative Council Chamber.

**ROLL CALL**

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

Absent: Senator Cushing

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 Resource Director  
Marion Hylan Barr, Director, OPLA  
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 1:53 p.m. with a quorum of members present.

**SUMMARY OF March 24, 2016 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for March 24, 2016 be accepted and placed on file. Motion by Senator Alfond. Second by Representative Fredette. **Motion passed unanimous (9-0-0-1**, with Senator Cushing absent).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

#### 1. Status of Major Construction Projects for this Interim

- State House Roof - Work to replace the EPDM (rubber) roof on the north wing of the State House has begun and will continue through the end of June. The project will then shift to the south wing in July.
- House Chamber - Repairs of water damage and other improvements in the House Chamber will begin toward the end of June and are expected to end in late September or early October.
- State Street Sidewalk – The replacement of the State Street sidewalk will begin shortly after the selection of the contractor or contractors for this project. Bids are currently under review.

#### 2. Heating and Cooling System Repairs

The State House has experienced a number of leaks in the heating and cooling system towards the tail end of the heating system. Most of the areas affected are in the West Wing and include: the Legislative Council Chamber, the Governor's Office, staff offices in the Governor's Office, the House Republican Office, the Welcome Center, the kitchenette of the Clerk's Office and the Document Room. Repairs are currently in process for many of these areas. Work in the Legislative Council Chamber will begin Saturday, which will make the Council Chamber unavailable for much of May.

#### 3. Original Copper from the State House Dome

We made a final marketing effort by email to Legislators and Legislative Staff recently as we are reaching the end of the lease of the secure storage facility. The State House Facilities Committee discussed options for the remaining copper in the storage facility.

#### 4. Electric Vehicle Charging Stations

The Capitol Planning Commission recently voted to approve signage for the placement of the electric vehicle charging stations in the Parking Garage. This was the last hurdle in a very long effort led by the Greater Portland Council of Governments to get some charging station located at the Capitol complex. Two parking spots against the inside wall immediately inside the Chamberlain Street entrance will have charging units installed and be reserved for electric vehicles.

### Fiscal Report

Grant Pennoyer, Executive Director, on behalf of OFPR Director Christopher Nolan, reported on:

#### General Fund Revenue Update

**Total General Fund Revenue - FY 2016 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$224.2	\$208.7	(\$15.5)	-6.9%	\$200.5	4.1%
FYTD	\$2,338.0	\$2,348.9	\$10.9	0.5%	\$2,131.0	10.2%

General Fund revenue was under budget by \$15.5 million (6.9%) for the month of March but over budget by \$10.9 million (0.5%) for the fiscal year through March. These variances now reflect the March revenue forecast, which increased budgeted revenue for FY 16 by \$67.3 million.

Individual income tax revenue was \$4.3 million under budget for both the month of March and the fiscal year through March. Most of the negative variance was from withholding payments. Withholding payments will slow through the remainder of the fiscal year due to the tax cut enacted in the biennial budget. Refunds were also under budget for the month (more refunds paid out than budgeted). Sales and use tax revenue was over budget by \$4.5 million for the month and over budget by \$7.2 million for the fiscal year to date. February taxable sales (March revenue) increased by 11% over last year. Corporate income tax revenue was under budget by \$2.5 million for March but over budget by \$1.6 million for the fiscal year to date due mainly to refunds.

**Highway Fund Revenue Update****Total Highway Fund Revenue - FY 2016 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$23.7	\$25.0	\$1.3	5.6%	\$24.7	1.3%
FYTD	\$244.9	\$247.8	\$2.9	1.2%	\$221.6	11.8%

Highway Fund revenue was over budget by \$1.3 million (5.6%) for the month of March and over budget by \$2.9 million (1.2%) for the fiscal year through March. These positive variances now reflect the March revenue forecast, which increased budgeted revenue for FY 16 by \$2.5 million. Fuel taxes were under budget for the month of March by \$0.2 million but over budget for the fiscal year to date by \$0.4 million. Motor vehicle registration and fees were over budget by \$1.7 million for the month of March and over budget by \$2.1 million for the fiscal year to date.

**Cash Balances Update**

The average balance in the cash pool in March dropped to \$734.3 million from \$840.6 million in February. March is usually the low point for cash balances in the fiscal year, before the usual recovery in late April from income tax payments. March's total cash balances were still well above both last year's balances for March and the ten-year average for March. General Fund internal borrowing from other funds was \$29.8 million in March, This was only the third time this fiscal year such borrowing was necessary and the amount was well below historical levels for March. The average Highway Fund balance of \$46.6 million in March increased slightly from February's average of \$40.0 million but was below last year's balance for March of \$56.2 million.

**Tobacco Settlement Payments**

On April 18<sup>th</sup>, the State received its first 2015 tobacco settlement payment totaling \$51.8 million that accrues to the Fund for a Healthy Maine (FHM) - \$49.4 million was budgeted. It is not known if additional payments will be received.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Speaker Eves reported that the Personnel Committee held a meeting earlier today to consider the following matters:

#### 1. Reclassification of a Position in the Revisor of Statutes office

Mr. Pennoyer reviewed with the committee a request for a position reclassification in the Office of the Revisor of Statutes. 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 Revisor of Statutes. Motion by Speaker Eves. Second by Senator Mason. **Motion passed unanimous (9-0-0-1, with Senator Cushing absent).**

#### 2. Request for Temporary Disability Benefits for Nonpartisan Employee

The committee considered a request by the 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.

#### 3. Discussion about Committee Clerk Hiring Process

The committee reviewed the current Committee Clerk hiring process. No action required by the Legislative Council at this time.

### 2. State House Facilities Committee

Senator Mason reported the State House Facilities Committee met earlier today to consider the following items.

#### 1. Video and audio recordings of Legislative Proceedings

As directed at the last Council meeting, the committee reviewed the contract with Sliq Media Technology that provides video and audio recording and archiving of Legislative proceedings and found that it provided sufficient control of the recordings to the Legislature and was a good value assuming the Legislature planned to use all of the services in the contract.

The committee decided that it had no issues with the recording and archiving of House and Senate proceedings and making these recording available upon request. This issue will be discussed further under Old Business.

The committee once again continued its discussion of whether or not to continue recording committee meetings. Some committee members still had concerns about recording of committee meetings. The committee discussed copyrighting and having a disclaimer for the use of the recordings and that there needs to be better notification of the public about the

broadcasting and recording of committee meetings. Ultimately, the committee decided to table this discussion regarding recording and archiving of committee meetings for a future meeting.

2. Tartan Stone Proposal for the State of Maine

The committee approved a request by a California sculptor for some pieces of copper from the State House dome and for a small piece of scrap granite cut from the end of a step in the old Capitol Park entrance that will be returned to the State as a gift of a Tartan Stone for Maine. The artist has been doing this for several states as is currently working on most of the New England states.

**Motion:** That upon the recommendation of the State House Facilities Committee, the Legislative Council authorizes the Executive Director to gift a piece of granite and some rough copper to stone artist, Frank Maurer, for the creation of the Maine Tartan Stone, the location of the finished stone to be determined. Motion by Senator Mason. Second by Representative McCabe. **Motion passed unanimous (9-0-0-1**, with Senator Cushing absent).

3. Options for Remaining Copper

The committee discussed options for the use of the remaining copper currently stored in the storage facility, the lease for which is ending in June. After recovering a little more than half the costs associated with foregoing the original salvage savings, the committee believes that the remaining copper should be salvaged.

**Motion:** That upon the recommendation of the State House Facilities Committee, the Legislative Council authorizes the Executive Director to salvage any rough copper remaining at the end of the lease for the storage unit. Motion by Senator Mason. Second by Senator Alford. **Motion passed unanimous (9-0-0-1**, with Senator Cushing absent).

4. Updates from the Executive Director

Mr. Pennoyer presented updates of the status for the various facilities projects planned for this interim. The highlights of these updates were included in the Executive Director's Report presented earlier.

## OLD BUSINESS

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

The Legislative Council took no action on all previously tabled pre-cloture bill requests, so all remain tabled. The Legislative Council's actions on the requests are included on the attached list.

### **Item #2: Council Actions Taken by Ballot**

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

**LR 2640 An Act to Protect Maine's Wood Products Industry**

Submitted by: Representative Sara Gideon  
 Approved: April 1, 2016  
 Vote: 7-3 in favor (with Sen. Mason, Rep. Fredette and Rep. Espling opposed)

**Item #3: Council Actions on Legislative Studies Taken By Ballot**

		<b>Action:</b>
HP 1167	Working Group to Study Child Care Background Checks	PASSED
LD 1097	“Implementation Committee” to determine feasible options for Preventing TANF program benefits, through electronic benefits transfer cards, from being used to purchase prohibited projects or services	PASSED
LD 1311	Commission to Study Maine's Medical Malpractice Screening Panel System	FAILED
LD 1528	York County Court House Site Selection Commission	PASSED
LD 1615	Commission to Continue the Study of Difficult-to-place Patients	FAILED
LD 1629	Commission to Study the Public Reserved Lands Management Fund	PASSED
LD 1644	Commission to Study Ways to Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum	FAILED
LD 1675	Task Force on Public-private Partnerships to Support Public Education	PASSED with amendment
LD 1693	Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry	PASSED
LD 997	VLA Committee Study to Streamline the Laws Governing the Licensing and Conduct of Beano and Games of Chance	FAILED
LD 1110	TRA Committee Study of Transportation Funding Reform	FAILED
LD 633	Review of calculation and transfer of savings as a result of expansion of MaineCare eligibility	FAILED

**Item #4: Webcasts and Archived Files**

Senator Mason continued the discussion of recording and archiving of Legislative Proceedings. He noted that the State House Facilities Committee recommend the use of video and audio recordings and video streaming of House and Senate sessions. Senator Mason also stated that the

committee feels that more discussion is needed with the full Legislative Council on how to proceed with recordings of legislative committee meetings beginning with the 128<sup>th</sup> Legislature. Senator Hill suggested that the committee should invite the members of the Right To Know Advisory Committee to its meetings for their input on this subject. Representative Fredette asked after copyrighting the material recorded and also suggested that it would be a good idea to check on whether the immunity from prosecution/suit would still stand with recorded material.

**Motion:** That, upon the recommendation of the State House Facilities Committee, the Legislative Council approves the continued use of video and audio recordings of the House and Senate Legislative Proceedings available by request; further, the Legislative Council authorizes the video streaming of the House and Senate Legislative Proceedings and that the streaming is available on the legislative website; and further, the Legislative Council directs the Executive Director to explore the means to copyright the recorded and archived video files. Motion by Senator Mason. Second by Speaker Eves. **Motion passed unanimous (8-0-0-2, with Senator Cushing and Representative Fredette absent).**

## **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 3 new bill requests and joint resolution, the council authorized 2 requests for introduction in the 2<sup>nd</sup> Regular Session of the 127<sup>th</sup> Legislature and 1 was tabled. The Legislative Council took no action on any previously tabled bill requests or joint resolutions, thus they remain tabled. The Legislative Council's actions on the requests are included on the attached list.

## **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:31 p.m.



**127th Legislature - Second Regular Session**  
**Legislative Council Action Taken April 28, 2016 on**  
**Pre-Cloture Bill Requests Tabled**  
**October 22 and November 19, 2015**

**Action**

**Representative Campbell of Orrington**

LR 2330     An Act To Encourage the Development of Commercial  
 Transportation Opportunities in Bucksport     TABLED 11/19/15

LR 2331     An Act To Encourage the Development of Electrical and Natural  
 Gas Infrastructure in Bucksport     TABLED 11/19/15

**Representative Fowle of Vassalboro**

LR 2209     An Act To Amend the Public Safety Laws     TABLED 10/22/15

**Representative Fredette of Newport**

LR 2343     An Act To Authorize a General Fund Bond Issue to Invest in  
 Marine Transportation and Port Infrastructure at Mack Point to  
 Meet the Needs of the Marine Construction and Shipping Business  
 Sector and to Create Jobs     TABLED 10/22/15

**Representative Gattine of Westbrook**

LR 2432     An Act To Promote the Success and Accountability of Welfare  
 Reform Initiatives in Maine     TABLED 10/22/15

LR 2456     Resolve, To Improve Access to and the Quality of Services for  
 Persons with Mental Illness     TABLED 11/19/15

**Representative Gideon of Freeport**

LR 2479     An Act To Make Maine Energy-independent     TABLED 11/19/15

**Representative Herbig of Belfast**

LR 2401     An Act to Provide Job Opportunities to Families Participating in  
 the Temporary Assistance for Needy Families Program     TABLED 10/22/15

**Senator Hill of York**

LR 2408     An Act To Provide Accountability in State Government  
 Partnerships     TABLED 11/19/15

**Representative McCabe of Skowhegan**

LR 2321 An Act To Amend the Maine Criminal Code to Clarify the Prohibition on the Exercise of Improper Influence TABLED 10/22/15

LR 2322 An Act To Ensure the Proper Functioning of State Government by Ensuring Execution of Executive Branch Duties TABLED 11/19/15

**Representative Rotundo of Lewiston**

LR 2399 An Act To Fund and Implement Wage Adjustments for All State Correctional Employees Who Perform Direct Care or Supervision of Prisoners TABLED 11/19/15

**Senator Thibodeau of Winterport**

LR 2417 An Act To Ensure Accountability in Maine's Welfare System TABLED 10/22/15

**Representative Wadsworth of Hiram**

LR 2489 An Act To Ensure a Timely Reduction in Energy Costs for Maine Consumers TABLED 11/19/15

**127th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
Second Regular Session  
April 28, 2016**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Rep. Phyllis A. Ginzler**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2798	An Act To Allow Conveyance of Land Previously Conveyed by the State to the Town of Bridgton	<b>TABLED</b>

**SPONSOR: Sen. David Woodsome**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2828	An Act To Make Technical Changes to Public Law 2015, Chapter 483	<b>PASSED</b>

**JOINT RESOLUTIONS**

**SPONSOR: Sen. Justin L. Alfond**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2821	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO TAKE ACTION FOR STRONG ENFORCEMENT OF OUR NATION'S TRADE LAWS	<b>PASSED</b>

**TABLED BY THE LEGISLATIVE COUNCIL**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Justin L. Alfond**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2594	An Act To Facilitate the Timely Processing of Applications for Supplemental Nutrition Assistance Program Benefits	Tabled 12/17/15
2595	An Act To Prohibit the Expenditure of Any Cash-based Benefits from the State on Lottery Tickets	Tabled 12/17/15
2687	An Act To Provide an Exemption from State Tax Liability for Employers Who Pay the Student Loan Debt of Their Employees	Tabled 02/25/16

**SPONSOR: Rep. Henry E. Beck**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2638	An Act To Tax Electronic Cigarettes	Tabled 01/28/16

**SPONSOR: Sen. James F. Dill**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2558	An Act To Provide Assistance to Laid-off Workers	Tabled 12/17/15

**SPONSOR: Rep. Michelle Ann Dunphy**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2561	An Act To Adjust the Property Tax Valuation of Old Town Following the Closure of the Old Town Expera Pulp Mill	Tabled 12/17/15

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2592	An Act To Create the Maine Energy Office	Tabled 12/17/15

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2789	An Act To Create a Veteran-friendly Business Designation	Tabled 03/24/16

**SPONSOR: Sen. Roger J. Katz**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2630	An Act To Increase Access to Health Coverage for Drug Addiction Services and Qualify Maine for Federal Funding for Such Services	Tabled 01/28/16

**SPONSOR: Sen. Brian D. Langley**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2714	An Act To Increase Education Funding	Tabled 02/25/16

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2739	An Act To Develop Plans for the Expansion of Infrastructure for State Forensic and Civil Mental Health Treatment	Tabled 03/24/16

**SPONSOR: Rep. Jeff M. McCabe**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2569	An Act To Establish a Commission on the Blind and Visually Impaired	Tabled 12/17/15

2782	An Act To Prevent the Separation of the Hydropower Assets at the Madison Paper Company for 2 Years	Tabled 03/24/16
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2783                    Resolve, Directing the Department of Economic and Community Development To Work with the University of Maine System To Study the Future of the Forest Products Industry                    Tabled 03/24/16

2784                    An Act To Address Job Losses and the Loss of Municipal Valuation in Mill Towns                    Tabled 03/24/16

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2659	An Act To Expedite Health Care Programs for Maine Veterans	Tabled 02/25/16

**SPONSOR:            Rep. Diane M. Russell**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2697	An Act To Authorize the Treatment of Opioid Addiction through Medicinal Cannabis	Tabled 02/25/16

**SPONSOR:            Rep. Arthur C. Verow**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2625	An Act Concerning Visitation Rights for Adult Children of Adults under Guardianship	Tabled 01/28/16

#### JOINT RESOLUTIONS

**SPONSOR:            Rep. Henry John Bear**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
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 12/17/15

**SPONSOR:            Rep. Jeff M. McCabe**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2785	JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ADDRESS THE NEGATIVE IMPACT OF TRADE AGREEMENTS ON MANUFACTURING IN MAINE	Tabled 03/24/16