

MAINE STATE LEGISLATURE

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VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



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SEN. MICHAEL D. THIBODEAU
SEN. TROY D. JACKSON
SEN. ROGER J. KATZ
REP. SETH A. BERRY
REP. KENNETH W. FREDETTE
REP. JEFFREY M. MCCABE
REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
June 26, 2013**

CALL TO ORDER

Legislative Council Chair Mark Eves called the June 26, 2013 Legislative Council meeting to order at 4:20 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Alfond, Senator Goodall, Senator Jackson, Senator Thibodeau and Senator Katz

Representatives: Speaker Eves, Representative Berry, Representative McCabe, Representative Fredette and Representative Willette

Legislative Officers: Robert Hunt, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director
Debra Olken, 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

Speaker Eves convened the meeting at 4:20 p.m. with a quorum of members present.

SUMMARY OF MAY 23, 2013 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for May 23, 2013 be accepted and placed on file. Motion by Senator Alfond. Second by Representative Willette. **Motion passed unanimous (10-0).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on a proposed Olympia Snowe Day at the Legislature.

Due to scheduling conflicts, Senator Snowe was not able to schedule a time prior to adjournment of the Legislature to address the Legislature in joint convention and attend a reception in her honor. She is hopeful that a time for her event can be arranged early in the Second Regular Session of the 126th Legislature.

Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

Revenue Update

Total General Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$228.2	\$249.6	\$21.4	9.4%	\$254.4	-1.9%
FYTD	\$2,580.3	\$2,598.6	\$18.3	0.7%	\$2,545.8	2.1%

General Fund revenue was over budget by \$21.4 million (9.4%) for the month of April and by \$18.3 million (2.6%) for this fiscal year through May. These variances are over the \$43.5 million higher benchmark for FY 2013 General Fund revenue set by the May 2013 revenue forecast. The positive performance remains primarily due to the performance of the Individual Income Tax, which was \$18.8 million over budget with just one month remaining in the fiscal year.

Sales tax collections showed some improvement in May and made progress toward offsetting April's variance. Some of the April taxable sales growth and May's performance compared to the previous year may likely be due to differences in the timing of spring purchases due to the weather differences.

Corporate Income Tax continues to underperform despite recent downward adjustments to budgeted revenue targets. This category was \$1.7 million below budget for the fiscal year through May despite downward revisions in the May revenue forecast.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$26.4	\$26.9	\$0.4	1.7%	\$27.0	-0.4%
FYTD	\$270.6	\$273.3	\$2.7	1.0%	\$270.8	0.9%

Highway Fund revenue was over budget by \$0.4 million (1.7%) in May and has a positive variance of \$2.7 million for the fiscal year with one month remaining. Fuel Taxes were under budget in May, but remained modestly ahead of budget with one month remaining in this fiscal year. The revenue collected by the Bureau of Motor Vehicles, which was \$2.4 million

over budget for the fiscal year through May, has been the primary reason for the Highway Fund overall positive variance.

Cash Balance Update

The average balance in the cash pool in May increased by \$131.4 million compared with April and was \$32.0 million higher than May 2012. May's average General Fund internal borrowing for cash flow needs decreased from the April average by \$152.3 million. As noted earlier, the improvement in the General Fund cash position is due primarily to April income tax collections.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report.

2. State House Facilities Committee

No report.

OLD BUSINESS

Item #1: Council Action Taken by Ballot since May 23, 2013 Meeting

Requests for Introduction of Legislation:

LR 2165 An Act to Amend the Laws Governing Secession from a Municipality

Submitted by: Representative Charles Theriault
 Approved: June 4, 2013 Vote: 7-3-0-0 in favor (with Senators Thibodeau and Katz and Representative Fredette opposing)

LR 2167 Joint Resolution Memorializing Congress to Oppose Section 8 of H.R. 1919, An Act to Amend the Federal Food, Drug and Cosmetic Act

Submitted by: Senator Troy Jackson
 Approved: June 4, 2013 Vote: 10-0 in favor

LR 2163 An Act to Amend the Charter of the Alfred Water District

Submitted by: Senator John Tuttle
 Approved: June 7, 2013 Vote: 10-0 in favor

LR 2176 An Act to Delay the Implementation of Changes to the Business Equipment Tax Exemption

Submitted by: Senator Anne Haskell
 Approved: June 13, 2013 Vote: 10-0 in favor

LR 2174 An Act to Preserve Code Enforcement Training and Implement Legislative Intent

Submitted by: Representative Michael Carey
Approved: June 17, 2013 Vote: 8-1-1-0 in favor (with Senator Thibodeau opposing and Senator Katz abstaining)

LR 2180 An Act Regarding School Budgets

Submitted by: Senator Rebecca Millett
Approved: June 18, 2013 Vote: 6-4-0-0 in favor (with Senators Thibodeau and Katz and Representatives Fredette and Willette opposing)

Legislative Council Decision:

That the Legislative Council accept the legislative budget proposed in Part A of LD 1509 (Governor's proposed 2014-2015 biennial budget), except the Legislative Council shall lapse a total of \$1.0 million from unspent balances in legislative accounts to the General Fund not later than June 30, 2014; further that the Legislature's attrition rate for fiscal years 2014 and 2015 not be increased from its fiscal year 2013 rate; and further, that the Legislative Council direct the Executive Director to prepare and submit implementing language reflecting this decision of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's budget bill, LD 1509.

Motion by: Senator Justin Alford
Second by: Representative Mark Eves
Approved: June 7, 2013 Vote: 10-0 in favor

No Legislative Council action was required.

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 3 bill requests, the council authorized 2 requests for introduction in the 1st Regular Session of the 126th Legislature and 1 failed to be authorized. Of the 1 joint resolution, the council authorized the request for introduction in the 1st Regular Session of the 126th Legislature. The Legislative Council's actions on the requests are included on the attached list.

Item #2: Consideration of Legislative Study Requests

Mr. Boulter reviewed the suggested protocol for considering proposed legislative studies. He summarized it as follows:

- The Legislative Council will review study requests alphabetically by policy area.

- Voting will be by a show of hands, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting. A 2/3^{rds} majority is required to authorize any study reporting to a subsequent Legislature.
- Committee chairs and others are welcome to observe the council's deliberations on the study requests, but discussion of the requests will be confined to council members. However, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- Unless otherwise specified by the Legislative Council, authorized studies are to be drafted consistent with applicable standards and policies approved by the Council. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Majority Leader, except for studies tabled in the House which will be in the name of the House Majority Leader.
- Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
- When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
- For interim committee meetings, the number of authorized days may not exceed availability of budgeted funds to cover meeting costs. Further, committee clerks are not authorized to staff interim committee meetings or studies.

The Legislative Council agreed to the suggested protocol and proceeded to consider and decide the requests for studies.

Eighteen (18) legislative study requests were reviewed and decided by the Legislative Council. The decisions of the Legislative Council are attached.

ANNOUNCEMENTS AND REMARKS

Representative Willette stated that it had come to his attention that nonpartisan employees who are covered by a union contract may be unable to take vacation leave around the 4th of July since the Legislature will not have adjourned by then. He inquired if there was a way that the Legislative Council could authorize vacation leave that had already been requested notwithstanding the contractual requirements.

Mr. Boulter responded that he has been authorized to make appropriate adjustments. He said that he had anticipated the situation for the week of the 4th of July and had negotiated a sidebar agreement with the union. If the Legislature is not in next week, he can move forward with the agreement that would allow vacation leave, but he would not make a decision until the Legislature has actually recessed to a date certain after next week (July 1st – 5th).

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 2:39 p.m.