

MAINE STATE LEGISLATURE

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REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

**LEGISLATIVE COUNCIL
MEETING SUMMARY
May 19, 2014
Approved May 27, 2014
Corrected June 23, 2014**

CALL TO ORDER

Legislative Council Chair Mark Eves called the May 19, 2014 Legislative Council meeting to order at 3:40 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Alfond, Senator Haskell and Senator Katz
Absent: Senator Jackson and Senator Thibodeau
Representatives: Speaker Eves, Representative Berry, Representative McCabe, and Representative Willette
Absent: Representative Fredette (arrived after the start of the meeting)
Legislative Officers: David E. Boulter, Executive Director of the Legislative Council
Robert Hunt, Assistant Clerk of the House
Dawna Lopatosky, Legislative Finance 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

Speaker Eves convened the meeting at 3:40 p.m. with a quorum of members present.

SUMMARY OF APRIL 15, 2014 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for April 15, 2014 be accepted and placed on file. Motion by Representative Berry. Second by President Alford. **Motion passed unanimous (7-0-0-3**, with Senators Jackson and Thibodeau and Representative Fredette absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. Copper Dome Replacement Project

Work on the State House dome is proceeding smoothly and on schedule. Currently, the Lady of Wisdom statue is being repaired and refurbished. Completion of the statue work is anticipated by the end of the first or second week in June. Removal of copper from the top third of the dome should begin during the week of June 23rd. Staging removal will be done in stages as sections of the dome are completed. Project completion is scheduled for the end of October.

2. State Parking Garage

The Bureau of General Services has undertaken a condition appraisal report of the State parking garage located on Sewall Street in Augusta. Although the structure had an estimated 35 year service life when it was constructed in 1971, the report indicates that with some additional work, the useful life of the parking garage could be extended another 5-10 years. The report estimates the costs for the engineering repairs to be \$400,000-\$450,000.

BGS has identified some funds for the repairs but is also looking for contributions from the entities that use the parking garage including potentially the Legislature at some point in the future. Until more assessments are made and detailed costs are developed, no action by the Legislative Council is needed at this time.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2014 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$382.1	\$392.7	\$10.6	2.8%	\$429.7	-8.6%
FYTD	\$2,338.7	\$2,371.5	\$32.9	1.4%	\$2,349.0	1.0%

General Fund revenue was over budget by \$10.6 million (2.8%) in April and \$32.9 million (1.4%) for the fiscal year through April. Individual Income Tax refunds were lower than projected by \$14.7 million in April, which was partially offset by final payments falling short of projections by \$6.4 million. This revenue line was over budget by \$8.7 million in April and \$28.1 million for the fiscal year through April and was the primary generator of the General Fund revenue variances this fiscal year. Sales and Use Tax revenue fell short of budget by \$1.0 million

in April (March taxable sales), but it remained over budget for the fiscal year. The Insurance Companies Tax revenue category was over budget by \$4.7 million in April. However, this tax was due on the last day of April and it now appears that much of this variance was caused by receipts that were budgeted to be received in early May.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$25.9	\$25.4	(\$0.5)	-1.8%	\$27.0	-5.8%
FYTD	\$239.6	\$243.9	\$4.3	1.8%	\$246.4	-1.0%

Highway Fund revenue was under budget by \$0.5 million (1.8%) in April, but remained over budget for the fiscal year through April by \$4.3 million (1.8%). The Fuel Taxes revenue category was slightly under budget in April. A positive variance in the Gasoline Tax portion of this category was more than offset by a negative variance from Special Fuel and Road Use Taxes portion. Special fuel tax reporting is also due at the end of the month and as a result monthly volatility is common. Also of note in April was a \$0.5 million negative variance for the month from Motor Vehicle Inspection Fees, which had caught up to budgeted amounts in the previous couple of months after initially falling below budget this fiscal year. Establishing an accurate monthly distribution for this category has been difficult and it is still assumed that this is just a timing issue.

Cash Update

Average cash balances in FY 2014 both for the total cash pool and the General Fund have been better than the previous 2 years from January on. The average balance in the total cash pool for April exceeded the 10-year average for that month, which marks the first time this fiscal year that the total in a month has exceeded its 10-year average. The office is currently analyzing what has contributed to the improved cash balances despite the negative cash flow effects of the \$98.5 million one-day borrowing to balance the FY 2014 General Fund budget.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Legislative Council Chair Eves reported that the Personnel Committee held a meeting on May 19, 2014 to consider the following matters:

1. Procedure for Deciding Nonpartisan Employee's Appeal for Position Reclassification.

The Personnel committee considered the procedural options for deciding a nonpartisan employee's appeal for position reclassification. Speaker Eves then offered the following motion.

Motion: That the Legislative Council delegate to the Personnel Committee the authority to review an employee's appeal for position reclassification and to issue a determination on the appeal pursuant to Article 52 of the Agreement between the Legislative Council and the

Maine State Employees Association-SEIU Local 1989 on behalf of the Administrative Unit of Legislative Employees. Motion by Speaker Eves. Second by President Alford. **Motion passed unanimous (8-0-0-2, with Senators Jackson and Thibodeau absent).**

2. Appointment of Acting Director of Legislative Information Technology

The committee discussed the appointment of an acting IT Director following the resignation of Scott Clark and a process for a smooth transition to a new director.

2. **State House Facilities Committee**

No report

OLD BUSINESS

Item #1: Council Actions Taken by Ballot since the April 15, 2014 Council Meeting

Requests for Introduction of Legislation:

LR 2920 An Act to Authorize a General Fund Bond Issue to Create an Animal and Plant Disease and Insect Control Facility Administered by the University of Maine Cooperative Extension Service

Submitted by: Representative Kenneth Fredette
Approved: April 15, 2014 Vote: 10-0 in favor

LR 2911 An Act to Enhance the Availability of Special Restricted Licenses in Cases of Medical Need

Submitted by: Representative Kenneth Fredette
Approved: April 17, 2014 Vote: 10-0 in favor

LR 2921 An Act to Correct an Error in the Laws to Assist Victims of Human Trafficking

Submitted by: Representative Mark Dion
Approved: May 1, 2014 Vote: 10-0 in favor

LR 2924 An Act to Clarify the Specific Purposes of Recently Enacted Legislation Authorizing the Issuance of a General Fund Bond

Submitted by: Representative James Dill
Approved: May 1, 2014 Vote: 10-0 in favor

Legislative Council Decision:

That the Legislative Council authorize the sale of a surplus wooden chair for its fair market value of \$10.00 to be given as a gift to Legislative Information Office Manager Teen Ellen Griffin upon her leaving State employment.

Motion by: Senator Justin Alford
 Second by: Representative Mark Eves
 Approved: May 14, 2014 Vote: 10-0 in favor

NEW BUSINESS

Item #1: Potential Reuse of Copper Salvaged from State House Dome

Mr. Boulter reviewed the current status of the removal of the copper from the State House dome and options for reuse of the copper for Legislative Council consideration. At this time under the dome project, about 500 sf. of salvaged copper is scheduled to be retained by the Legislative Council for its use and the remaining 6500 sf. would be recycled with an estimated project savings of \$15,000. However a significant number of the public have expressed interest in the copper. Mr. Boulter and several Council Members mentioned options for retaining most or all of the copper for reuse as historical artwork or artifacts, including auctioning the copper for souvenirs or material for sculptures, keepsakes, and jewelry making. Representative Willette raised the concern that the project cost would increase if the Council decides to retain all the copper. After discussion, the following motion was made:

Motion: That the Legislative Council refer the matter of the potential reuse of the copper salvaged from the State House dome to the State House Facilities Committee for its review and recommendation. Motion by Representative Fredette. Second by Senator Haskell. **Motion passed unanimous (8-0-2,** with Senators Jackson and Thibodeau absent).

New Item: Executive Session

Motion: That, in accordance with 1 MRSA § 405, sub-§ 6A, the Legislative Council enter into an executive session to consider a personnel matter and to consult with counsel concerning the committee's legal rights and duties pursuant to 1 MRSA § 405, sub-§ 6E. Motion by Speaker Eves. Second by Representative Berry. **Motion passed unanimous (8-0-2,** with Senators Jackson and Thibodeau absent).

The Legislative Council entered into an executive session at 4:00 p.m. At the conclusion of its executive session, on a motion by Representative Berry, seconded by President Alford, the Legislative Council voted unanimously to end its executive session at 4:24 p.m. and reconvene its regular meeting. The following motion was then made:

Motion: That the Legislative Council authorize Speaker Eves and Senator Katz to execute on behalf of the Legislative Council the agreement recommended by the Personnel Committee. Motion by Speaker Eves. Second by Representative Willette. **Motion passed unanimous (7-0-0-3,** with Senators Jackson and Thibodeau and Representative Fredette absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 4:25 p.m.