

MAINE STATE LEGISLATURE

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REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



SEN. GARRETT P. MASON
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REP. SARA GIDEON
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

127TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**127th Legislature
Legislative Council**

**February 26, 2015
1:30 PM**

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE JANUARY 29, 2015 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
❖ 10	<ul style="list-style-type: none">Executive Director's Report (Mr. Pennoyer)	Information
11	<ul style="list-style-type: none">Fiscal Report (Mr. Nolan)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	<ul style="list-style-type: none">Personnel Committee No reportState House Facilities Committee No report	
	OLD BUSINESS	
15	Item #1: Council Actions Taken By Ballot (No Action Required)	Information
	NEW BUSINESS	
❖ 16	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote
20	Item #2: Proposed Legislative Council Policy on Legislative Studies (Ms. Hylan Barr)	Decision
❖ 26	Item #3: Request to serve lunch to attendees of Maine Credit Union Day in the Hall of Flags on April 2, 2015 (Request by Maine Credit Union League)	Decision

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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**LEGISLATIVE COUNCIL
MEETING SUMMARY
January 29, 2015**

CALL TO ORDER

Speaker Eves called the January 29, 2015 meeting of the Legislative Council to order at 2:23 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, and Representative Espling

Arrived after start of meeting: Representative Fredette

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
Chris Nolan, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

Speaker Eves convened the meeting at 2:23 p.m. with a quorum of members present.

SUMMARY OF JANUARY 8, 2015 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for January 8, 2015 be accepted and placed on file. Motion by Speaker Eves. Second by Senator Mason. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

Legislative Council Chair Thibodeau asked if there was any objection to taking several items 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 / Addendum

Revisor of Statutes Suzanne Gresser reviewed the criteria and general procedures to be used for considering after deadline bill requests, the criteria being: why the bill request is late (filed after the cloture deadline), why it is an emergency, necessary to be considered this session, and whether there is a related bill that has been or will be introduced that could be used as the vehicle to address the issue without the necessity of introducing an after deadline bill. Legislative sponsors may speak briefly to their bill request to explain how it meets the criteria for introduction.

The Legislative Council then considered and voted on the bill requests in accordance with the established protocol. Of the 5 bill requests, the council authorized 4 requests for introduction in the 1st Regular Session of the 127th Legislature, 1 failed to be authorized. Of the 5 joint resolutions, the council authorized 2, and 3 were tabled. Of the 4 Late-filed Major Substantive Rule requests, the council authorized 2, and 2 were tabled. 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.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, reported on the following:

1. Paint Adhesion Issue on Balustrade at the base of the State House Dome

Recently, some of the white paint of the newly painted sections at the base of the State House Dome lost adhesion and now appear as bare copper. The problem is limited to the base of some of the posts of the balustrade. As soon as it is warm enough, we will have representatives from Sherwin Williams back to research the issue in these limited locations and remedy the problem. No staging is required to access and fix the affected areas.

2. Heating and Plumbing Issues

We have completed work on all of the immediately known leaking heating pipes with exception of one heating line that serves 2 heating units, one in the Legislative Conference Room and the other immediately above in the a staff office within the Office of the Governor.

3. Installation of Backup Cooling System for Computer Server Room

The backup cooling system for the Computer Server Room is now available for installation. We had initially planned to install it tomorrow, but now weather may delay the installation. We continue to be fortunate that we have not experienced an issue with existing cooling units that can fail when we have extremely cold weather.

4. Orientation Session for New Legislative Employees

On Friday, January 16th, we held an orientation session for new legislative employees. This year's attendance was quite large with 42 attendees. Topics covered included: payroll and benefits, sexual harassment, violence in the workplace, building and computer security, basic computer and email tips, and ergonomics.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, reported on the following:

General Fund Revenue Update

Total General Fund Revenue - FY 2015 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$251.8	\$265.8	\$14.0	5.6%	\$248.6	6.9%
FYTD	\$1,454.8	\$1,473.7	\$18.9	1.3%	\$1,356.3	8.7%

General Fund revenue was over budget by \$14.0 million (5.6%) for December, increasing the positive variance of the fiscal year through December to \$18.9 million (1.3%). These positive variances do now reflect the December revenue forecast, which increased budgeted revenue for FY 2015 by \$45.5 million.

Individual income tax revenue was \$13.2 million over budget for the month of December driven largely by estimated payments being over budget by \$8.1 million, and by withholding exceeding budget by \$3.6 million. The estimated payment line will be looked at closely when January revenues are posted. Historically, strong December and January estimated payments have been an indicator that April receipts may be higher than forecasted. The sales and use tax category came in on budget for the month and for the fiscal year to date. Total taxable sales for the month of November (December revenue) were 1.8% higher than November 2013. Reduced energy prices have contributed to this increase. These positive variances were partially offset by a negative variance of \$3.4 million (-4.2%) in corporate income tax receipts largely caused by estimated payments being lower than expected. This negative variance is expected to even out over the coming months, as estimated payments are difficult to forecast on a monthly basis.

There are a number of other revenue variances that reflect purely timing issues in the monthly distribution of budgeted revenue for FY 2015. An example is the Transfers for Tax Relief Programs category, which was over budget by \$7.0 million for the first half of FY 2015.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2015 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$22.7	\$24.6	\$2.0	8.6%	\$22.4	9.8%
FYTD	\$143.0	\$145.5	\$2.5	1.7%	\$142.9	1.8%

Highway Fund revenue was over budget by \$2.0 million (8.6%) in December and by \$2.5 million (1.7%) for the fiscal year through December. These positive variances reflect the December revenue forecast, which increased budgeted Highway Fund revenue for FY 15 by \$7.5 million.

Motor fuel excise taxes through the first six months of the FY 15 are \$0.7 million (0.8%) over budget. Compared to the first six months of FY 14, motor fuel excise tax receipts have increased by 0.7%. Continued decreased fuel prices compared to last fiscal year are contributing to higher revenues in this category. In addition, motor vehicle registration and fees revenues are \$2.2 million (5.6%) over budget through December. The majority of this variance relates to long-term trailer revenue which continued to perform well in December. Trailer renewals are due in January, so it remains to be seen whether or not companies will opt to renew all trailers or decide to scale back. This line will be reevaluated during the next revenue forecast.

Cash Balances Update

December cash balances while down from November continue to remain strong. December's total cash balance of \$585.2 million is well above both last year's balance for December of \$432.7 million and the ten-year average for December of \$474.0 million. General Fund internal borrowing decreased in December and is still significantly lower than the prior two Decembers. The average Highway Fund balance of \$28.6 million in December decreased from November's average of \$36.3 million with the drop-off reflecting the early December annual payment for the Local Road Assistance program.

Interim Legislative Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported that all interim legislative studies and commissions have completed their work and all reports are either done or being printed. (Refer to status report in the agenda materials.) Ms. Hylan Barr also drew Members attention to the websites listed for the studies that were staffed by other agencies.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Personnel Committee Chair Eves reported the Personnel Committee held a meeting on January 29, 2015 to consider the following matters:

1. Policy Request, Clerk of the House

The committee reviewed and denied the request for policy change from the Clerk of the House.

2. Request for Temporary Disability Benefit for a Partisan Staff 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 was required.

3. Step Increase for John Barden

The committee considered a step increase for Mr. Barden and voted unanimously to approve this step increase.

4. Reappointment of Beth Ashcroft

The committee considered the reappointment of Beth Ashcroft as Director. The committee met with Beth and discussed her accomplishments and challenges during the past 5 years and goals for the upcoming years. The Personnel Committee voted unanimously to recommend that the Legislative Council reappoint Ms. Ashcroft to a new 5-year term.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council appoint Beth Ashcroft to a new 5-year term as Director of the Office of Program Evaluation and Government Accountability, the date of her reappointment being retroactive to January 18, 2015. Motion by Speaker Eves. Second by Senator Mason. **Motion passed unanimous (8-0-0-2,** with Senator Cushing and Representative Fredette absent).

5. Proposed legislation affecting nonpartisan directors

The committee reviewed proposed legislation. No action was required.

2. **State House Facilities Committee**

No Report

OLD BUSINESS

None

NEW BUSINESS

Item #2: Submission of the 2014 Annual Report on Activities and Performance (OPEGA)

OPEGA Director Ashcroft presented OPEGA's Annual Report for 2014. She noted that the report is required by law to be submitted to the Legislature. She then proceeded to summarize key aspects of the report.

Ms. Ashcroft reminded members that OPEGA goals are to provide timely, relevant and useful information and recommendations, conduct all work with objectivity and accuracy, communicate regularly on OPEGA activities, results and impacts, and to utilize resources effectively, efficiently and economically. She briefly discussed OPEGA accomplishments and the percentage of recommendations that have been partially or fully implemented by agencies.

Motion: That the Legislative Council accept the 2014 Annual Report on Activities and Performance (OPEGA) and place it on file. Motion by Speaker Eves. Second by Senator Mason. **Motion passed unanimous (7-0-0-3,** with Senator Cushing and Representatives McCabe and Fredette absent).

Item #3: Submission of the Report of the Task Force to End Student Hunger in Maine

The Task Force to End Student Hunger in Maine has submitted its report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the report of the Task Force to End Student Hunger in Maine and place it on file. Motion by Senator Alford. Second by Senator Mason. **Motion passed unanimous (7-0-0-3**, with Senator Cushing and Representatives McCabe and Fredette absent).

Item #4: Submission of the Report of the Commission to Study the Effects of Coastal and Ocean Acidification and its Existing and Potential Effects on Species that are Commercially Grown along the Maine Coast

The Commission to Study the Effects of Coastal Ocean Acidification and its Existing and Potential Effects on Species that are Commercially Grown along the Maine Coast has submitted its report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the report of the Commission to Study the Effects of Coastal Ocean Acidification and its Existing and Potential Effects on Species that are Commercially Grown along the Maine Coast and place it on file. Motion by Senator Mason. Second by Senator Alford. **Motion passed unanimous (7-0-0-3**, with Senator Cushing and Representatives McCabe and Fredette absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:13 p.m.

**Legislative Council Action on
Requests to Introduce Legislation
First Regular Session
January 29, 2015**

SPONSOR: Sen. Catherine Breen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1848	Resolve, To Establish a Study Group To Determine a Method for Assessing Natural Gas Infrastructure	FAILED

SPONSOR: Sen. James F. Dill

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1850	An Act To Require Snow and Ice To Be Removed from Vehicles before Operation	PASSED

SPONSOR: Rep. Jeffrey Evangelos

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1891	An Act To Provide Funding to Municipalities To Assist with the Maintenance of Veterans' Graves	PASSED

SPONSOR: Rep. Catherine M. Nadeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1877	An Act To Facilitate the Completion of Training by Certain Students	PASSED

SPONSOR: Sen. John L. Patrick

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1883	An Act To Amend the Charter of the Canton Water District	PASSED

JOINT RESOLUTION

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
242	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE EQUITABLE INDIAN LAND CLAIM COMPENSATION TO THE MALISEET TRIBE COMPARABLE TO THAT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	TABLED

243	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE COMPENSATION TO SURVIVING DESCENDANTS OF MALISEET AND OTHER WABANAKI TRIBAL SOLDIERS AND SAILORS WHO SERVED DURING THE AMERICAN REVOLUTIONARY WAR	<u>Action</u> TABLED
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SPONSOR: **Rep. Justin Mark Chenette**

<u>LR #</u> 162	- <u>Title</u> JOINT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD DONATION BY GAY MEN	<u>Action</u> TABLED
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SPONSOR: **Sen. Roger J. Katz**

<u>LR #</u> 236	- <u>Title</u> JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION	<u>Action</u> PASSED
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SPONSOR: **Sen. Garrett P. Mason**

<u>LR #</u> 1495	- <u>Title</u> JOINT RESOLUTION URGING CONGRESS TO TAKE ACTION TO HELP VETERANS OF THE WARS IN AFGHANISTAN AND IRAQ	<u>Action</u> PASSED
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LATE-FILED MAJOR SUBSTANTIVE RULES

<u>LR #</u> 1887	- <u>Title</u> Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	<u>Action</u> TABLED
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1888	Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	<u>Action</u> TABLED
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1889	Resolve, Regarding Legislative Review of Portions of Chapter 60: New School Siting Approval, a Late-filed Major Substantive Rule of the Department of Education, State Board of Education	<u>Action</u> PASSED
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1890

Resolve, Regarding Legislative Review of Portions of
Chapter 61: Rules for Major Capital School Construction
Projects, a Late-filed Major Substantive Rule of the
Department of Education, State Board of Education

Action
PASSED

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Legislative Council

Executive Director's Report February 26, 2015

1. Heating and Plumbing Issues

Work to reconnect two remaining heating units that have been off line due to leaks in the supply line is in the process of being scheduled. The work to correct one of the two heating units in the Legislative Conference Room is going to be delayed until after the session due to the amount of the work required to resupply the unit. The work to resupply and connect a heating unit in a staff office within the Governor's Office will be scheduled as soon as a part arrives to tap into existing supply lines in the ceiling of the Legislative Conference Room.

2. Installation of Backup Cooling System for Computer Server Room

The backup cooling system for the Computer Server Room is now installed. We were fortunate that despite all the bitterly cold weather this winter, we did not experience an issue with regular cooling units that can fail when we have extremely cold weather.

Fiscal Briefing

Legislative Council Meeting – February 26, 2015

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2015 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$322.3	\$308.1	(\$14.2)	-4.4%	\$298.8	3.1%
FYTD	\$1,777.1	\$1,781.8	\$4.7	0.3%	\$1,655.1	7.7%

General Fund revenue was under budget by \$14.2 million (4.4%) for January but still \$4.7 million (0.3%) over budget for the fiscal year through January. These variances reflect the December revenue forecast, which increased budgeted revenue for FY 2015 by \$45.5 million.

Individual income tax revenue was \$6.1 million under budget for the month of January driven largely by refunds exceeding budgeted amounts. Fiscal year to date individual income tax revenue is \$6.8 million over budget. Estimated payments were \$1.9 million over budget which could be an indicator that April receipts may be higher than forecasted. Corporate income tax revenue was \$4.2 million under budget for the month due largely to refunds. Estimated corporate income tax payments were over budget by \$1.2 million. The sales and use tax category came in \$2.1 million (1.9%) over budget budget for the month and is \$2.1 million (0.3%) above budget for the fiscal year to date. Total taxable sales for the month of December (January revenue) were 8.8% higher than December 2013. Reduced energy prices contributed to this increase.

Other significant revenue variances for January reflected purely timing issues in the monthly distribution of revenue for FY 2015 including the Transfers for Tax Relief Programs category, which was over budget by \$4.9 million for January. Lottery revenue was under budget by \$1.4 million for January due to a large jackpot payout in December.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2015 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$26.4	\$24.8	(\$1.6)	-6.0%	\$26.7	-7.0%
FYTD	\$169.4	\$170.3	\$0.9	0.5%	\$169.5	0.4%

Highway Fund revenue was under budget by \$1.6 million (6.0%) in January but still over budget by \$0.9 million (0.5%) for the fiscal year through January. These variances reflect the December revenue forecast, which increased budgeted Highway Fund revenue for FY 15 by \$7.5 million.

Motor fuel excise taxes were \$1.5 million under budget driven mainly by special fuel. These taxes are due on the last day of the month, and since the 31st was on a Saturday, that day's receipts (just under \$1.2 million) were posted in February. Motor vehicle registration and fees revenues were \$0.5 million under budget in January. The majority of this variance related to title fees directly related to car sales.

3. Cash Balances Update

Average cash balances increased in January after a slight drop off in December. January's total cash balance of \$678.0 million was well above both last year's balance for January of \$499.0 million and the ten-year average for January of \$515.4 million. General Fund internal borrowing decreased in January to \$116.8 million from \$155.5 million in December and was significantly lower than last January's borrowing. The average Highway Fund balance of \$53.6 million in January increased from December's average of \$28.6 million that reflected the early December annual payment for the Local Road Assistance program.

General Fund Revenue
Fiscal Year Ending June 30, 2015 (FY 2015)
January 2015 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2015 Budgeted Totals
	January '15 Budget	January '15 Actual	January '15 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	111,368,838	113,451,620	2,082,782	649,233,971	651,285,504	2,051,533	0.3%	10.7%	1,194,004,518
Service Provider Tax	4,556,844	4,071,224	(485,620)	24,964,115	24,724,598	(239,517)	-1.0%	1.6%	50,303,776
Individual Income Tax	178,833,333	172,743,471	(6,089,862)	854,363,233	861,200,416	6,837,183	0.8%	4.0%	1,462,017,200
Corporate Income Tax	6,500,000	2,339,421	(4,160,579)	87,732,911	80,125,233	(7,607,678)	-8.7%	-5.3%	190,226,769
Cigarette and Tobacco Tax	10,508,838	10,565,677	56,839	80,920,900	81,736,799	815,899	1.0%	-0.4%	134,890,000
Insurance Companies Tax	55,470	306,732	251,262	13,870,896	13,684,732	(186,164)	-1.3%	6.6%	82,250,000
Estate Tax	2,295,000	2,574,371	279,371	22,459,951	21,471,084	(988,867)	-4.4%	133.9%	38,406,991
Other Taxes and Fees *	10,270,817	10,473,483	202,666	70,824,557	74,540,671	3,716,114	5.2%	5.8%	132,300,597
Fines, Forfeits and Penalties	1,512,344	1,443,616	(68,728)	12,785,818	12,601,847	(183,971)	-1.4%	-2.5%	23,000,770
Income from Investments	(2,263)	39,129	41,392	58,888	217,508	158,620	269.4%	42.0%	112,451
Transfer from Lottery Commission	5,452,931	4,011,654	(1,441,277)	34,128,167	32,092,307	(2,035,860)	-6.0%	8.0%	57,350,462
Transfers to Tax Relief Programs *	(6,967,041)	(11,895,476)	(4,928,435)	(53,657,053)	(51,587,363)	2,069,690	3.9%	11.5%	(59,183,362)
Transfers for Municipal Revenue Sharing	(5,732,239)	(6,208,580)	(476,341)	(33,082,776)	(34,348,594)	(1,265,818)	-3.8%	9.4%	(62,441,975)
Other Revenue *	3,643,988	4,135,986	491,998	12,521,612	14,039,175	1,517,563	12.1%	64.0%	49,587,338
Totals	322,296,860	308,052,328	(14,244,532)	1,777,125,190	1,781,783,916	4,658,726	0.3%	7.7%	3,292,825,535

* Additional detail by subcategory for these categories is presented on the following page.

General Fund Revenue
Fiscal Year Ending June 30, 2015 (FY 2015)
January 2015 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2015 Budgeted Totals
	January '15 Budget	January '15 Actual	January '15 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	10,571,602	11,203,639	632,037	6.0%	-6.6%	13,949,984
- Real Estate Transfer Tax	1,093,788	1,320,623	226,835	7,753,492	7,975,062	221,570	2.9%	52.7%	13,192,973
- Liquor Taxes and Fees	1,751,304	1,579,121	(172,183)	12,259,128	13,207,392	948,264	7.7%	1.7%	21,015,690
- Corporation Fees and Licenses	242,230	262,810	20,580	1,549,230	1,827,004	277,774	17.9%	9.1%	8,313,649
- Telecommunication Excise Tax	0	0	0	0	52,290	52,290	N/A	104.5%	8,250,000
- Finance Industry Fees	2,487,666	2,778,360	290,694	15,413,668	16,216,950	803,282	5.2%	3.0%	25,351,990
- Milk Handling Fee	132,536	97,693	(34,843)	718,431	637,299	(81,132)	-11.3%	-2.0%	1,381,114
- Racino Revenue	711,252	736,851	25,599	5,345,135	5,202,987	(142,148)	-2.7%	0.3%	8,922,512
- Boat, ATV and Snowmobile Fees	356,539	296,456	(60,083)	2,094,002	1,978,598	(115,404)	-5.5%	-5.0%	4,523,561
- Hunting and Fishing License Fees	2,303,518	2,281,422	(22,096)	9,899,713	10,337,034	437,321	4.4%	-2.7%	15,753,396
- Other Miscellaneous Taxes and Fees	1,191,984	1,120,148	(71,836)	5,220,156	5,902,415	682,259	13.1%	8.5%	11,645,728
Subtotal - Other Taxes and Fees	10,270,817	10,473,483	202,666	70,824,557	74,540,671	3,716,114	5.2%	5.8%	132,300,597
Detail of Other Revenue:									
- Liquor Sales and Operations	2,375	4,050	1,675	3,756,605	3,814,152	57,547	1.5%	13800.0%	13,483,364
- Targeted Case Management (DHHS)	206,577	0	(206,577)	1,457,672	1,411,564	(46,108)	-3.2%	14.6%	2,353,916
- State Cost Allocation Program	1,647,344	2,075,165	427,821	12,943,771	13,228,429	284,658	2.2%	19.0%	20,777,688
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	7,000,000
- Tourism Transfer	0	0	0	(11,624,127)	(11,624,127)	0	0.0%	-12.0%	(11,624,127)
- Transfer to Maine Milk Pool	0	0	0	(187,155)	0	187,155	100.0%	N/A	(563,777)
- Transfer to STAR Transportation Fund	0	0	0	(7,066,534)	(7,066,534)	0	0.0%	-16.4%	(7,066,534)
- Other Miscellaneous Revenue	1,787,692	2,056,770	269,078	13,241,380	14,275,691	1,034,311	7.8%	13.0%	25,226,808
Subtotal - Other Revenue	3,643,988	4,135,986	491,998	12,521,612	14,039,175	1,517,563	12.1%	64.0%	49,587,338
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	2,637	2,637	0	5,987	5,987	N/A	100.8%	0
- BETR - Business Equipment Tax Reimb.	(6,864,250)	(9,133,084)	(2,268,834)	(27,196,867)	(29,645,778)	(2,448,911)	-9.0%	12.9%	(32,080,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(102,791)	(2,765,029)	(2,662,238)	(26,460,186)	(21,947,572)	4,512,614	17.1%	6.7%	(27,103,362)
Subtotal - Tax Relief Transfers	(6,967,041)	(11,895,476)	(4,928,435)	(53,657,053)	(51,587,363)	2,069,690	3.9%	11.5%	(59,183,362)
Inland Fisheries and Wildlife Revenue - Total	2,783,606	2,687,181	(96,425)	12,579,924	12,968,071	388,147	3.1%	-3.3%	21,346,862

Highway Fund Revenue
Fiscal Year Ending June 30, 2015 (FY 2015)

January 2015 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2015 Budgeted Totals
	January '15 Budget	January '15 Actual	January '15 Variance	Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	15,833,942	15,662,227	(171,715)	102,994,214	102,772,987	(221,227)	-0.2%	0.0%	194,218,900
- Special Fuel and Road Use Taxes	3,952,394	2,517,889	(1,434,505)	24,209,146	23,604,579	(604,567)	-2.5%	-3.2%	45,679,700
- Transcap Transfers - Fuel Taxes	(1,454,278)	(1,334,115)	120,163	(10,909,230)	(10,841,628)	67,602	0.6%	1.0%	(17,628,133)
- Other Fund Gasoline Tax Distributions	(395,958)	(391,913)	4,045	(2,996,945)	(2,989,559)	7,386	0.2%	0.1%	(4,856,833)
Subtotal - Fuel Taxes	17,936,100	16,454,088	(1,482,012)	113,297,185	112,546,380	(750,805)	-0.7%	-0.5%	217,413,634
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	4,537,474	4,360,091	(177,383)	36,623,841	36,683,554	59,713	0.2%	0.6%	65,659,536
- License Plate Fees	109,606	75,486	(34,120)	1,809,532	1,956,093	146,561	8.1%	1.4%	3,351,681
- Long-term Trailer Registration Fees	1,250,467	1,302,458	51,991	3,688,818	5,289,933	1,601,115	43.4%	35.1%	9,384,523
- Title Fees	1,159,852	944,401	(215,451)	7,316,316	7,289,111	(27,205)	-0.4%	-4.1%	13,129,254
- Motor Vehicle Operator License Fees	625,376	537,732	(87,644)	4,234,705	4,239,875	5,170	0.1%	-9.8%	7,425,882
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(7,664,481)	(7,747,710)	(83,229)	-1.1%	0.0%	(15,483,404)
Subtotal - Motor Vehicle Reg. & Fees	7,682,775	7,220,168	(462,607)	46,008,731	47,710,855	1,702,124	3.7%	1.8%	83,467,472
Motor Vehicle Inspection Fees	123,398	413,854	290,456	1,865,796	1,625,922	(239,874)	-12.9%	-17.1%	2,982,500
Other Highway Fund Taxes and Fees	70,794	43,575	(27,220)	722,215	689,356	(32,859)	-4.5%	0.3%	1,270,229
Fines, Forfeits and Penalties	63,008	78,339	15,331	598,893	580,756	(18,137)	-3.0%	-4.1%	1,007,998
Interest Earnings	1,919	8,039	6,120	58,433	52,015	(6,418)	-11.0%	60.6%	105,523
Other Highway Fund Revenue	493,649	578,303	84,654	6,805,803	7,058,294	252,491	3.7%	13.2%	9,726,971
Totals	26,371,643	24,796,365	(1,575,278)	169,357,056	170,263,578	906,522	0.5%	0.4%	315,974,327

**Legislative Council Actions
Taken by Ballot Since the
January 29, 2015 Council Meeting**

Requests for Introduction of Legislation:

LR 1902 An Act to Limit the Use of Ropes and Buoys in Great Ponds

Submitted by: Representative Michael Shaw
Approved: February 10, 2015 Vote: 10-0 in favor

LR 1913 An Act Regarding Gaming

Submitted by: Representative Louis Luchini
Approved: February 12, 2015 Vote: 9-0-1-0 in favor (with Rep. Fredette
abstaining)

LR 1901 An Act to Increase Funding for the Maine Community College System

Submitted by: Representative Jeff McCabe
Approved: February 12, 2015 Vote: 9-0-1-0 in favor (with Rep. Espling
abstaining)

**127th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session
As of: 2/20/2015 8:52:02 AM**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Sen. Geoffrey M. Gratwick

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1921	An Act To Protect Maine Consumers from Medical Identity Theft	

SPONSOR: Sen. Anne M. Haskell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1917	An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime	

SPONSOR: Sen. Roger J. Katz

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1920	An Act To Establish the Maine Board of Court Reporting and Legal Recorders	

SPONSOR: Rep. Carol A. McElwee

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1900	An Act To Address the Issues Surrounding Smelting	

SPONSOR: Rep. Michael A. Shaw

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1903	An Act To Exempt Local Fuel Delivery Vehicles from Hours-of-service Restrictions during Winter Months	

SPONSOR: Rep. Heather W. Sirocki

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1919	Resolve, To Convene a Work Group To Recodify the Statutes Governing Dental Practice	

TABLED BY THE LEGISLATIVE COUNCIL

LATE-FILED MAJOR SUBSTANTIVE RULES

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1887	Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	Tabled 01/29/15
1888	Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	Tabled 01/29/15

JOINT RESOLUTIONS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
242	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE EQUITABLE INDIAN LAND CLAIM COMPENSATION TO THE MALISEET TRIBE COMPARABLE TO THAT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	Tabled 01/29/15
243	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE COMPENSATION TO SURVIVING DESCENDANTS OF MALISEET AND OTHER WABANAKI TRIBAL SOLDIERS AND SAILORS WHO SERVED DURING THE AMERICAN REVOLUTIONARY WAR	Tabled 01/29/15

SPONSOR: Rep. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
162	JOINT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD DONATION BY GAY MEN	Tabled 01/29/15

**127th Maine State Legislature
Addendum
Legislative Council
Requests to Introduce Legislation
First Regular Session**

Actions Taken After February 20, 2015

SPONSOR: Sen. Paul T. Davis, Sr

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1926	An Act To Ensure the Stocking of Inland Waters in the State	
1927	An Act To Amend the Laws Governing the Taking of Live Smelts	

SPONSOR: Rep. Joyce A. Maker

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1923	An Act To Prohibit the Selling of Humans	

SPONSOR: Rep. John L. Martin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1930	An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug and Cosmetic Act	

SPONSOR: Rep. Matthew G. Pouliot

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1928	An Act To Establish a Tax-free Savings Program for Individuals with Disabilities	

SPONSOR: Rep. Heather W. Sirocki

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1929	An Act To Require Lobbyists To Be Sworn in When Registering as Lobbyists	

SPONSOR: Rep. Nathan J. Wadsworth

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1922	An Act To Strengthen the Craft Distillery Industry in Maine	

MAINE COMMISSION ON INDIGENT LEGAL SERVICES**Summary of Proposed Major Substantive Rule Amendments**

The proposed amendments make adjustments to Commission rules governing eligibility of attorneys to provide representation in indigent legal services cases.

Chapter 2: Standards for Qualifications of Assigned Counsel

This amended rule strengthens requirements that attorneys report bar disciplinary proceedings and criminal charges to the Commission by requiring that the reports be in writing and specifying exactly when the duty to report arises. The amended rule also explicitly authorizes the Executive Director to remove or suspend attorneys from the roster of eligible attorneys and outlines the procedure for doing so.

The authority of the Commission to remove an attorney from the roster of eligible attorneys is ambiguous under the current rule. Recently, several attorneys have been charged with serious crimes, raising doubts about the attorneys' ability to effectively represent people in courts where they themselves have pending cases. This rule amendment clarifies the Commission's ability to act in such cases and in others that may arise in the future.

Chapter 3: Eligibility Requirements for Specialized Case Types

This rule governs attorney eligibility to handle the most serious and complex cases. The Commission has identified provisions in the existing rule that create unnecessary administrative burdens for both Commission staff and attorneys applying for eligibility. This amendment streamlines the application process to eliminate unnecessary administrative requirements. The rule also makes changes to the specific cases included in the specialized case type category, removing some and adding others.

Need for Late Filing Exception

The Commission provisionally adopted these rules in a timely fashion. The late filing was simply the result of staff error in calendaring the correct deadline. The Commission respectfully requests leave for these rule amendments to proceed through the legislative review process.

GRANT T. PENNOYER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

MEMO

To: Legislative Council Members
127th Legislature

A handwritten signature in black ink, appearing to be "GTP", written over the "From:" line.

From: Grant T. Pennoyer, Executive Director of the Legislative Council

Date: February 20, 2015

Re: Legislative Council Policy on Legislative Studies

Joint Rule 353, Section 11 requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. A copy of Joint Rule 353 governing legislative studies is attached. Policies adopted under this joint rule may include conditions on the funding of legislative studies, exceptions to the Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

Pursuant to that authority, the Legislative Council of the 123rd Legislature adopted policies on legislative studies on May 24, 2007. In February 2013, the Legislative Council of the 126th Legislature adopted its policy on legislative studies. The policies have been essentially the same since 2007.

To remain consistent with the Joint Rules, I recommend the Legislative Council review the attached proposed policy and make any changes you feel are appropriate before readopting them for the 127th Legislature.

Marion Hylan Barr and I would be happy to answer any questions you may have.

Attachments

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 Policy on Legislative Studies for 127th Maine Legislature

1. Introduction

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules. Joint Rules adopted by each successive legislature have included Joint Rule 353.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of Joint Rule 353.

2. Council authorization of legislative studies

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that approval of 2/3 of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

3. Funding of legislative studies

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the Legislative Account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall

provide sufficient money to enable the committees to reasonably conduct and complete the requirements of the studies.

4. Acceptance of private contributions to support legislative studies

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All contributions accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

5. Exceptions to Joint Rule 353

The following limited exemptions to Joint Rule 353 are provided.

- A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new board or commission or as the result of an amendment to an existing board or commission must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;
- B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources.
- C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in joint order establishing the joint select committee, introduce legislation to implement its recommendations.

6. Council review of committee requests to vary from Joint Rule 353

Pursuant to Joint Rule 353, joint standing and joint select committees may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with that joint rule. Such requests must be made in writing to the Legislative Council and must include the committee's recommended draft language for the proposed study along with a list of the ways in which the proposed study does not conform to Joint Rule 353 and an explanation of why those nonconforming provisions are needed. Such instruments reported to the Legislature by a committee with the prior approval of the Legislative Council remain subject to the provisions of Joint Rule 353 which requires that all legislative studies be referred to a special study table for review and funding authorization by the Legislative Council.

7. Authority and effective date

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 26th day of February, 2015.

This policy takes effect immediately.

BY: _____
Grant T. Pennoyer, Executive Director

Rule 353. Legislative Studies.

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. A joint standing or joint select committee may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with this Joint Rule.

- **1. Definitions.** For the purposes of this Joint Rule, the following terms have the following meanings:
 - A. The term “legislative study” or “legislative study committee” means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;
 - B. The term “legislative resources” means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and
 - C. The term “non-legislative study” or “non-legislative study group” means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.
- **2. Establishing legislative studies.** A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.
- **3. Appointment of members.** A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.
- **4. Appointment of chairs.** Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer

of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer members shall appoint a chair pro tem from among the appointed members to serve in the chair's absence.

- **5. Committee size.** Legislative study committees may consist of no fewer than 3 and no more than 13 members.
- **6. Staffing.** Unless the Legislative Council directs otherwise, Legislative Council staff will only be assigned to legislative studies that conform to this Joint Rule.
- **7. Reporting dates.** All reports of legislative study committees that are to be submitted to a first regular session must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of legislative study committees that are to be submitted to a second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Upon request of the study committee, the Legislative Council may extend the reporting date, except that the extension may not go beyond December 15th in odd numbered years or beyond the first Wednesday of December in even numbered years.
- **8. Legislation may not be introduced by legislative studies or non-legislative study groups.** Legislative and non-legislative study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative or non-legislative study committee or group, the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.
- **9. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.
- **10. Study table.** All joint study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or House. The Legislative Council shall review the proposed studies and authorize the allocation of budgetary and staffing resources for those studies.
- **11. Legislative Council study policies.** The Legislative Council shall adopt policies governing legislative studies at the beginning of each legislative biennium. Those policies may include conditions on the funding of legislative studies, exceptions to this Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.



Maine Credit Union League

RECEIVED FEB 23 2015

2 Ledgeview Drive · Westbrook, ME 04092
Mailing Address: P.O. Box 1236 · Portland, ME 04104
207-773-5671 · 1-800-442-6715
www.maine cul.org

February 18, 2015

Legislative Council
115 State House Station
Augusta, Maine 04333

To Members of the Legislative Council:

Each year, the Maine Credit Union League hosts Credit Union Day at the Statehouse in the Hall of Flags. In years past, this event was typically held during the morning hours, from 9:00 a.m. to 11:00 a.m., where we have served coffee and breakfast pastries. In an effort to enable more credit union representatives from across the State to attend this event, we have decided to hold this annual event from 11:00 a.m. to 1:00 p.m., on Thursday, April 2, in the Hall of Flags.

In an effort to provide attendees of Credit Union Day with appropriate food options for the this time of day, we are asking the Legislative Council to please consider making an exception from the limitation on food service found in the Legislative Council Policy on the use of the Hall of Flags for our event. We would like to serve small finger sandwiches and chips, which currently are prohibited under the policy. Incorporating this change would not require any additional tables than used in past years (approximately 10 tables) nor would it require any additional space in the Hall of Flags.

On behalf of Maine's 60 credit unions, I greatly appreciate you taking this request under consideration.

Best regards,



Elise Baldacci

Director of Governmental Affairs

C: Jean Russell

REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

DAVID E. BOULTER
EXECUTIVE DIRECTOR

Legislative Council Policy On the Use of the Hall of Flags

1. Introduction

Since its construction, the Hall of Flags has had a long and distinguished tradition as a Reception room and gathering area for Legislators and the public. With its historic collection of battle flags from the Civil War forward, the Hall of Flags is a place for Maine citizens to honor and reflect upon the many Maine men and women who defended our Country and made the ultimate sacrifice defending freedom and our democratic values and way of life. It is also the most public room in the Maine State House, where members of the public, Executive and Judicial officials and Legislators freely intermingle and communicate in the course of legislative affairs.

In adopting this Hall Use Policy, the Legislative Council establishes protocols for use of the Hall of Flags that: protect the safety of the public; prohibit uses that are inappropriate in the presence of schoolchildren or others; and provide for social discourse and forums for education on governmental matters in ways that bestow respect for the Hall of Flags and honor to the people and events it symbolizes.

2. Authorized Uses

The Hall of Flags may be used only for organized events that have a bona fide educational purpose relating to governmental matters, legislative affairs, legislative or gubernatorial ceremonies or other like category of activity. The Hall of Flags may not be used for any substantially private activity or event unrelated to the conduct of the public's business.

Furthermore, the Hall of Flags may not be used for acts of civil disobedience, petition signing for referenda, clemency petitions or advocacy, private events such as weddings, funerals, dinners or dances, or mercantilism. In addition, activities, including the display or distribution of materials that a person would reasonably find to be offensive, harassing, degrading or unduly disruptive or activities that are inappropriate in the presence of schoolchildren are prohibited.

3. Health and Safety

Protection of the health and safety of persons in the State House takes precedence over all activities and events in the Hall of Flags. The Legislative Council authorizes the Executive Director to establish such procedures and standards as necessary to protect the

health and safety of occupants in the State House at all times and to protect the integrity of the building and its contents. At a minimum: adequate clearances for safe ingress and egress must be maintained at all times in the Hall of Flags; equipment or activities that pose a risk of fire or explosion are prohibited; toxic, noxious or infectious materials are prohibited; and any activity requiring the disabling of smoke detectors, fire alarms or security devices is prohibited. Except for Welcome Back Day and Maine Agriculture Day, the number of tables in the Hall of Flags may not exceed 15.

4. Security

Entities using the Hall of Flags must comply with all facility security requirements and all instructions by security personnel. The Bureau of Capitol Security may remove persons who are threatening, disruptive or in violation of provisions of this policy. Persons who violate this policy or who are disruptive or threatening may be denied future use of the Hall of Flags for any organized event.

5. Limitation on Food Service

The Legislature compensates legislators for some legislative expenses including meals, and legislative staff are sufficiently compensated in their work such that it is unnecessary for others to provide legislators or staff with complementary meals. Escalating levels of food service at Hall of Flag events in recent years have had the unintended but inevitable result of increasing expectations of meal service to be provided by other groups as well as increasing costs to those groups using the Hall of Flags. Furthermore, the serving of meals is unduly disruptive, increases facility maintenance costs, detracts from the overall purposes for use of the Hall of Flags and presents potential facility security risks.

Therefore, except as provided below, the offering of food and beverages in the Hall of Flags is strictly limited to refreshments such as milk, juices, coffee, tea, soda, water, doughnuts, pastries, cookies, fruit, nuts, healthy snacks and other similar category of foods that does not constitute the offering or serving of a meal or partial meal.

Entities who use the Hall of Flags are not obligated to make available any food or beverage as a condition of their use of the hall. However, to the extent that allowable foods are offered, the proprietor of the State House café must be contacted by those entities for the opportunity to provide the desired food service. Furthermore, the Legislative Council encourages the use of locally grown or produced foods to the maximum extent practical when food is served in the State House.

Exceptions: The Legislative Council hereby authorizes such an exception for the following events: Welcome Back Day, New Member Orientation, the Pre-Legislative Conference and other legislative receptions hosted by the Legislature; Maine Agriculture Day; Maine Bankers Day; Maine Community College Day; Maine County Day(s); Maine Tourism Day; and school food service day.

6. Equipment and Furnishings

Equipment and furnishing such as chairs, tables, lights, podiums and sound systems used in the Hall of Flags must be those provided by the Legislative Council. However, The Legislative Council authorizes the use of LCD and slide projectors, laptop computers, tabletop displays and other such portable information presentation equipment to be provided by the entity authorized to use the Hall of Flags. Use of other equipment is not allowed unless it is consistent with the intent of this policy and is specifically authorized by the Clerk of the House when accepting hall reservations under paragraph 11.

7. Nonexclusive Use

The Hall of Flags is a public hall and entities authorized to reserve and use the Hall of Flags often are expected to share the hall with other entities or coordinate activities and schedules. Accordingly, such entities should neither expect nor demand exclusive use of the Hall of Flags. Legislative uses take precedent over other uses in the Hall of Flags, regardless of whether other, nonlegislative entities obtained advance reservations for its use.

8. Times Held for Legislative and Visitor Use

The Clerk of the House shall establish a reservation schedule that provides for unreserved blocks of time in the Hall of Flags each week for legislative press conferences or other unscheduled legislative activities that may arise during the course of the legislative session. In addition, the schedule must provide for convenient times when visitors to the State House may view and reflect upon the collection of historic flags uninterrupted by organized events in the Hall of Flags.

9. Prohibitions

At a minimum, the following are prohibited from the Hall of Flags:

- A. open flames except when used in a safe manner for warming dishes
- B. propane, gasoline, accelerants and other flammable materials
- C. compressed gases and helium-filled balloons
- D. toxic, noxious and infectious materials
- E. grills, frying pans and fryolators
- F. alcohol
- G. animals, except for service animals
- H. noisemakers, bullhorns and other sound amplification or broadcast devices. However, bona fide members of the news media may use broadcast equipment in the course of their work
- I. strobe lights
- J. signs and banners on wooden or rigid supports that may cause injury
- K. weapons of any type except on the person of a law enforcement who is on duty and when the presence of such weapons has first been disclosed to the Bureau of Capitol Security
- L. altering or disabling electrical, telecommunication or security devices or wiring

- M. affixing signs, banners, displays or other materials to walls, columns, flag cases or portraits
- N. active distribution of materials or leaflets
- O. soliciting, marketing or selling of goods or services

10. Security Deposit and Use Agreement

Nonlegislative entities, other than the Chief Executive, Chief Justice or Constitutional Officers, who reserve and use the Hall of Flags must, at the time of reservation or prior to use, provide a security deposit of \$100 and enter into a Use Agreement accepting the terms and conditions of use of the Hall of Flags. The agreement must require such entities to immediately report and accept financial responsibility for any damages to the facility or equipment occurring during their use of the Hall of Flags. The security deposit will be returned unless the entity that uses the Hall of Flags damages legislative equipment or facilities, does not set up or remove all items in a timely fashion, including removing all litter following use, or violates the terms of the Use Agreement. The Executive Director will notify the Clerk of the House when the director believes that an entity has caused damage to the facility, improperly used the Hall of Flags or left the Hall of Flags in an improper condition.

The security deposit may be waived for those entities using the Hall of Flags that require three or fewer tables to be set up. Furthermore, the security deposit may be waived or reduced in situations where paying the deposit would result in a serious economic hardship to the entity using the Hall of Flags.

11. Administration

The Clerk of the House of Representatives and the Executive Director of the Legislative Council, jointly, shall administer this policy. The Clerk is responsible for scheduling and reserving the Hall of Flags for authorized activities during regular business hours and for collecting applicable security deposits. The Executive Director is responsible for preparing the Hall for the scheduled activities and maintaining the Hall of Flags.

12. Authority and Effective Date

Pursuant to its authority under 3 MRSA, §162, the Legislative Council hereby adopts this Policy on the Use of the Hall of Flags on this 27th day of October, 2005.

This policy becomes effective on January 1, 2006.

BY: David E. Boudier
Maine Legislative Council