

# 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  
September 24, 2015  
Approved October 22, 2015**

**CALL TO ORDER**

President Thibodeau called the September 24, 2015 meeting of the Legislative Council to order at 1:44 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Thibodeau, Senator Cushing and Senator Hill  
Absent: Senator Mason and Senator Alfond  
Representatives: Speaker Eves, Representative McCabe and Representative Espling  
Absent: Representative Gideon and Representative Fredette  
Legislative Officers: Grant T. Pennoyer, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Chris Nolan, Director, Office of Fiscal and Program Review  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Kevin Dieterich, Director, Legislative Information Technology

President Thibodeau convened the meeting at 1:44 p.m. with a quorum of members present.

**SUMMARY OF AUGUST 27, 2015 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for August 27, 2015 be accepted and placed on file. Motion by Senator Cushing. Second by Speaker Eves. **Motion passed unanimous (6-0,** with Senators Mason and Alfond and Representatives Gideon and Fredette absent).

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

**Executive Director's Report**

Grant Pennoyer, Executive Director, reported on the following:

115 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0115  
TELEPHONE 207-287-1615 FAX 207-287-1621

1. Applications for Priority Security Screening began September 1st

We received 47 applications for low-priority screening for persons having regular business in the State House. We are reviewing the background checks for these applicants and will begin issuing cards in a few weeks.

2. Update on State House Projects

Repainting of the dome is nearing completion as are the main entrance doors and the old entrance to Capitol Park. The Senate Chamber card access project is beginning next week. Work on the heating/cooling system is nearing completion and heating should be back on line within a couple of weeks with a new pump that will improve flow to the State House. The new pump will include a monitor to detect pressure losses indicating leaks in the system.

3. Availability of Original Copper from the State House Dome

We are in the process of working out the logistics and pricing for the sale of the salvaged copper from the State House Dome. We are also in the final stages of developing sample mementos for sale that include a piece of the copper, which should be available for viewing and placing orders within the next couple of weeks.

4. Cloture is tomorrow, September 25<sup>th</sup>

Through Wednesday afternoon, approximately 230 bill requests have been filed in the Revisor's Office before tomorrow's cloture deadline of 4PM. Historically the last day of cloture can represent one-quarter of the total filings, so it is difficult to estimate the final number of bill requests filed. So far, the trend appears to be lower than 2 years ago. The next two Council meetings on October 22<sup>nd</sup> and November 19<sup>th</sup> will be very long meetings voting on the acceptance of these bills and any appeals for rejected bills.

## Fiscal Report

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

### General Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$263.7	\$259.3	(\$4.4)	-1.7%	\$80.5	221.9%
FYTD	\$496.8	\$505.6	\$8.8	1.8%	\$333.2	51.7%

General Fund revenue was under budget by \$4.4 million (1.7%) for the month of August but was \$8.8 million (1.8%) over budget for the fiscal year through August. Individual income tax revenue was \$12.2 million over budget for the month of August led mainly by withholding which exceeded budget by \$13.6 million. Sales and use tax revenue was over budget by \$1.4 million, continuing its strong performance for fiscal year 2016. Corporate income taxes were \$1 million under budget. Corporate tax refunds were \$1.9 million over budget due to prior year tax settlements. Various revenue transfer lines from the General Fund to other funds were over budget for August, offsetting the negative variance from the previous month that was likely the result of a timing issue in making the transfers.

### Highway Fund Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$30.1	\$30.1	\$0.0	0.2%	\$8.2	267.6%
FYTD	\$59.4	\$59.2	(\$0.2)	-0.4%	\$38.4	54.3%

Highway Fund revenue was on budget in August and was slightly under budget for the fiscal year through August. Fuel taxes were over budget for the month of August by \$0.1 million while registration fees were under budget by \$0.2 million.

**Cash Balances Update**

The average total cash pool balance for August was \$798.9 million, a decrease from July's average balance but significantly higher than both last August and the 10-year average balance for August. Following up on July, there was once again no General Fund internal borrowing from other funds in August. July had been the first month in the nine years the State has been doing internal borrowing that such borrowing was not needed. The average Highway Fund balance for August increased over July's average and was significantly higher than last July's balance.

**Studies Update and Report**

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported on the status of the Interim Legislative Studies and Committee meetings. Ms. Hylan Barr updated the Members on two changes that occurred after the printing of her written report: The Right to Know Advisory Committee has scheduled its next meeting for October 6<sup>th</sup>, and the VLA Subcommittee has been approved to hold meetings during the interim with its first meeting to be held on October 13<sup>th</sup>.

**REPORTS FROM COUNCIL COMMITTEES****1. Personnel Committee**

Speaker Eves, Chair of the Personnel Committee, reported that the Personnel Committee held a meeting on September 24<sup>th</sup> to consider the following matters:

**1. Constitutional Officers' Salary Increase**

The committee reviewed the statute regarding the Legislative Council's authority over salaries for the Constitutional Officers and the State Auditor. No action was needed by the committee or by the Legislative Council for a general salary increase.

**2. Clerk and Assistant Clerk – Timing of Step Increases**

The committee discussed the timing of approving step increases for the Clerk of the House and the Assistant Clerk of the House. Due to their original Pro Tem status, the committee decided to wait until their work anniversary dates in December to approve step increases.

**3. Employee Engagement Survey – Possible Expansion**

Mr. Pennoyer reviewed a recent survey conducted with the nonpartisan staff. Ms. Little has offered to expand the survey to include partisan offices if there is interest.

4. Process for Executive Director's Performance Review

The committee reviewed the process for the Executive Director's performance review. No action was taken by the committee at this time.

5. Collective Bargaining Guidance

Mr. Pennoyer reviewed the status of the collective bargaining negotiations. The committee gave guidance to Mr. Pennoyer regarding how to proceed. No action was taken by the committee at this time.

**2. State House Facilities Committee**

Senator Cushing of the State House Facilities Committee reported that the State House Facilities Committee, met on Wednesday, August to consider the following items.

The committee reviewed the priority screening portion of the *Legislative Council Policy on Security Screening Protocols for the Maine State House*. Executive Director Pennoyer updated the committee regarding applications received and estimated costs involved. After discussion and questioning, the committee recommends a couple of modest revisions to the policy. Based on processing so far, the committee recommends that the initial application fee remain at \$100, but the renewal fee be reduced to \$30 and application be effective for a Legislature, i.e. remainder of 127<sup>th</sup> and then renewal for 128<sup>th</sup> and each subsequent Legislature.

The committee discussed with Capitol Police Chief Gauvin issues related to parking including parking permits and handicapped parking.

Mr. Pennoyer updated the committee on the status of various projects currently being done including the repainting of the dome, the repair to the original steps in Capitol Park and the West entrance doors.

As part of the copper reuse project, Mr. Pennoyer is having two kinds of mementos made up: a framed picture and a plaque that include pieces of copper. These will soon be available for sale. Also for sale will be larger pieces of copper to artists, etc. Finally, the Maine Arts Commission is in the process of putting together a selection committee for the artist who will create a piece that will be placed on the Capitol grounds. The committee recommends that Legislative Council choose two members to be on this selection committee.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Item #1: Request from the Task Force on School Leadership to Hold an Off-site Meeting**

Mr. Pennoyer reviewed the request from the Task Force on School Leadership to hold a meeting on October 6<sup>th</sup> in Ellsworth at the Hancock County Technical Center.

**Motion:** That the Legislative Council approve the request from the Task Force on School Leadership to hold an off-site meeting on October 6, 2015. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (6-0**, with Senators Mason and Alfond and Representatives Gideon and Fredette absent).

**Item #2: Revision to the Legislative Council Policy on Security Screening Protocols for the Maine State House**

This item was previously addressed and discussed during the State House Facilities Committee report.

**Motion:** That upon the recommendation of the State House Facilities Committee, the Legislative Council approve the revisions to the priority screening section of the *Legislative Council Policy on Security Screening Protocols for the Maine State House* effective September 24, 2015. Motion by Senator Cushing. Second by Speaker Eves. **Motion passed unanimous (6-0**, with Senators Mason and Alfond and Representatives Gideon and Fredette absent).

**Item #3: Choice of Members for the Artist Selection Committee**

Senator Cushing previously addressed this item during the State House Facilities Committee report. Discussion involved who should make this decision: the Legislative Council or the Presiding Officers.

**Motion:** That upon the recommendation of the State House Facilities Committee, the Legislative Council authorize the Presiding Officers to select two members to sit on the Artist Selection Committee for the copper reuse project being overseen by the Maine Arts Commission. Motion by Senator Cushing. Second by Senator Hill. **Motion passed unanimous (6-0**, with Senators Mason and Alfond and Representatives Gideon and Fredette absent).

**ANNOUNCEMENTS AND REMARKS**

President Thibodeau welcomed James Thelen, General Counsel for the University of Maine System who will be temporarily replacing John Lisnik as the System's legislative liaison.

**Item #4: Executive Session**

**Motion:** That in accordance with 1 MRSA § 405, sub§ 6, the Legislative Council enter into an executive session for the purpose of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (6-0**, with Senators Mason and Alfond and Representatives Gideon and Fredette absent) at 2:09 p.m.

**Motion:** That the Legislative Council end executive session and return to its regular meeting. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (6-0**, with Senators Mason and Alfond and Representatives Gideon and Fredette absent) at 2:47 p.m.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:48 p.m.