

# MAINE STATE LEGISLATURE

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REP. SARA GIDEON  
CHAIR

SEN. MICHAEL D. THIBODEAU  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER

128<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON  
SEN. ANDRE E. CUSHING  
SEN. TROY D. JACKSON  
SEN. NATHAN L. LIBBY  
REP. ERIN D. HERBIG  
REP. JARED F. GOLDEN  
REP. KENNETH W. FREDETTE  
REP. ELEANOR M. ESPLING

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
February 14, 2017  
Approved March 23, 2017**

**CALL TO ORDER**

Speaker Gideon called the February 14, 2017 meeting of the Legislative Council to order at 1:41 p.m. in the Legislative Council Chamber.

**ROLL CALL**

**Senators:** President Thibodeau, Senator Mason, Senator Cushing, Senator Jackson and Senator Libby

**Representatives:** Speaker Gideon, Representative Herbig, Representative Golden and Representative Espling

**Absent:** Representative Fredette

**Legislative Officers:** Heather Priest, Secretary of the Senate  
Robert Hunt, Clerk of the House  
Grant T. Pennoyer, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Jackie Little, Human Resources Director  
Suzanne Gresser, Revisor of Statutes  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Chris Nolan, Director, Office of Fiscal and Program Review  
John Barden, Director, Law and Legislative Reference Library  
Kevin Dieterich, Director, Legislative Information Technology

Speaker Gideon convened the meeting at 1:41 p.m. with a quorum of members present.

**SUMMARY OF JANUARY 31, 2017 MEETINGS OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for January 31, 2017 be accepted and placed on file. Motion by Senator Mason. Second by President Thibodeau. **Motion passed unanimous (8-0-0-2, with Senator Cushing and Representative Fredette absent).**

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

1. Notices for Public Regarding Committee Web Broadcasts

The Legislative Information Office has been working with the Committee Clerks to improve the signs warning the public that committee public hearings and meetings are broadcast to the web and recorded. The scripts provided to committee chairs to open public hearings and work sessions have also been updated.

2. Blood Drive at the State House

The Red Cross blood drive on Wednesday, February 1<sup>st</sup>, in the Hall of Flags was incredibly successful, exceeding the Red Cross' goal by more than 160%.

3. Legislature's Copiers Being Replaced Next Week

All of the leased copiers provided through the central state program are being switched out next week. We worked out the timing of the switch over during the school vacation when committee activity was expected to be slower. The copiers are the same make and this transition should be relatively straight forward.

4. Inaugural Class of the Aspiring Leaders Program

The very first class of a brand new Aspiring Leaders Program concluded their series of sessions last week. This is a group of 14 legislative staff who applied to this program and were accepted from a larger pool of applicants and were recommended by their office directors or supervisors. This challenging program was an opportunity for these staff to explore multiple lessons on leadership and other areas of professional growth. These dedicated staff represent hope for the continuity of the Legislature's staff leadership as we deal with imminent retirement of Baby Boomers. The graduates of this inaugural class are: Al Boutot (Clerk's Office); Brad Sawyer (Secretary's Office); Amy Sylvester (House Democratic Office); Sherry Davis (Executive Director's Office); Alex Burnett (Law Library); Stacy Morang (LIT); Susan Johannesman, Ethan Keyes and Sarah McSorley (ROS); Anna Broome, Danielle Fox, Colleen McCarthy Reid and Lucia Nixon (OPLA); and Matt Kruk (OPEGA).

### Fiscal Report

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

#### General Fund Revenue Update

Total General Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$310.3	\$323.7	\$13.4	4.3%	\$327.4	-1.1%
FYTD	\$2,017.1	\$2,052.9	\$35.8	1.8%	\$2,000.7	2.6%

General Fund revenue was over budget by \$13.4 million (4.3%) for the month of January and over budget by \$35.8 million (1.8%) for the fiscal year to date. Individual income tax revenues were over budget for the month by \$16.9 million and over budget for the fiscal year to date by

\$16.1 million. Withholding was under budget for the month by \$6.1 million. Estimated payments were over budget by \$11.8 million. This should reflect final 2016 estimated payments which were due January 15. Refunds were over budget (less refunded than budgeted) by \$11.6 million. Sales and use taxes for January (December sales) were over budget by \$1.8 million for the month and are over budget by \$2.7 million for the fiscal year to date. Transfers for tax relief programs were under budget (more transferred than budgeted) by \$8.0 million for the month but are still over budget by \$2.4 million for the fiscal year to date. BETE reimbursements to municipalities account for most of this January variance.

### Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$26.1	\$27.0	\$1.0	3.7%	\$26.4	2.3%
FYTD	\$194.6	\$198.3	\$3.6	1.9%	\$195.4	1.5%

Highway Fund revenue was over budget by \$1.0 million (3.7%) for the month of January and over budget for the fiscal year to date by \$3.6 million (1.9%). Fuel taxes were over budget by \$0.7 million for the month while motor vehicle registrations and fees were over budget by \$0.5 million for the month. As was discussed last month, motor vehicle registrations and fees were under budget in December, and since the last day of December was a Saturday, the variances are likely related to timing between the two months.

### Cash Balances Update

The average balance in the cash pool in January of \$1,006.7 million marks the first time in decades that the average daily balance has exceeded one billion dollars. January's average balance exceeded the December average of \$948.8 million and was well above both last year's average balance for January and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in January. The average Highway Fund balance of \$26.9 million in January decreased from December's average of \$27.5 million and from last year's January average of \$39.1 million. The decrease in January's average balance likely still reflects the annual payment to the Local Road Assistance program made in December.

Legislative Council Chair Gideon asked if there was any objection to taking 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

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 5 new bill requests, the council authorized 4 requests for introduction in the 1<sup>st</sup> Regular Session of the 128<sup>th</sup> Legislature, and 1 was tabled. Of the 9 bill requests previously tabled, the council authorized 5 and took no action on the remaining 4 requests. Of the 5 joint resolutions, the council tabled 2 items, 1 was withdrawn by the sponsor and the council took no action on the remaining 2 items. 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 COUNCIL COMMITTEES

### 1. Personnel Committee

Speaker Gideon reported that the Personnel Committee met on February 14<sup>th</sup> to consider the following items.

#### 1. Legislator Attendance Policy

The committee reviewed the revised policy pursuant to a request by the Legislative Council. The committee recommends adoption by the Legislative Council. This item will be continued on the agenda under Old Business.

#### 2. Work Life Balance Pilot Project

Ms. Little provided an update on the Work Life Balance Pilot Project. The committee gave direction on the future of this project. No action required by the Legislative Council.

#### 3. Emergency Preparedness Training for Legislators

Mr. Pennoyer discussed potential emergency preparedness training for legislators. The committee provided direction to Mr. Pennoyer to develop additional information resources. No action required by the Legislative Council.

#### 4. Committee Clerk Hiring Process

Ms. Little outlined the steps taken and noted the improvements in the process of hiring committee clerks. No action required by the Legislative Council.

#### 5. HR Update: Aspiring Leaders

Mr. Pennoyer and Ms. Little provided the committee with an overview of the new Aspiring Leaders Program. Information was provided earlier in the Executive Director's report. No action required by the Legislative Council.

Senator Mason shared his praise of the Aspiring Leaders Program with the Legislative Council.

### 2. State House Facilities Committee

No report

## OLD BUSINESS

### Item #1: Approval of the Legislator Attendance Policy

**Motion:** That upon the unanimous recommendation of the Personnel Committee, the Legislative Council adopt the proposed *Legislative Council Legislator Attendance Policy*.

Motion by President Thibodeau. Second by Senator Mason. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

## **NEW BUSINESS**

### **Item #2: Acceptance of the Report of the Task Force on Public-private Partnerships to Support Public Education (February 2017)**

**Motion:** That the Legislative Council accept the Report of the Task Force on Public-private Partnerships to Support Public Education and place it on file. Motion by Senator Cushing. Second by Representative Golden. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

## **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:16 p.m.

**128th Maine State Legislature  
Legislative Council Action Taken on  
Requests to Introduce Legislation  
First Regular Session  
February 14, 2017**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Spkr. Sara Gideon**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2248	An Act To Save the Lives of Stage-four Cancer Patients	PASSED

**SPONSOR: Rep. Peter A. Lyford**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2238	An Act To Allow Trapping of Canada Lynx	PASSED

**SPONSOR: Rep. Richard A. Pickett**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2240	An Act To Rename the Bridge over the Androscoggin River between Peru and Mexico	PASSED

**SPONSOR: Rep. Roger E. Reed**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2241	An Act To Require That Maine Taxpayer-subsidized Clean Election Funds Be Spent in the State	TABLED

**SPONSOR: Rep. Heather W. Sirocki**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2235	An Act To Safeguard Personal Information Provided to School Districts	PASSED

**TABLED BY THE LEGISLATIVE COUNCIL**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Rep. Seth A. Berry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2160	Resolve, To Require the Public Utilities Commission To Study the Security of Maine's Electric Grid	Tabled 01/31/17

**SPONSOR: Sen. Eric L. Brakey**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2182	An Act To Require That Landowners with Property Enrolled in the Tree Growth Tax Program Receive Timely Notice of Changes in Valuation of That Property	Tabled 01/31/17 PASSED

**SPONSOR: Sen. Geoffrey M. Gratwick**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2196	An Act Regarding MaineCare Coverage for Telehealth Services	Tabled 01/31/17 PASSED
2219	An Act Regarding Commercial Insurers and Telehealth	Tabled 01/31/17 PASSED

**SPONSOR: Rep. Stephanie Hawke**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2228	An Act To Ensure Proper Patient Care	Tabled 01/31/17

**SPONSOR: Rep. John J. Picchiotti**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2192	An Act Regarding the Natural Resources Protection Act	Tabled 01/31/17

**SPONSOR: Rep. Timothy S. Theriault**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2183	An Act To Disburse Funds to the Maine Fire Protection Services Commission	Tabled 01/31/17 PASSED

**SPONSOR: Sen. Amy F. Volk**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2165	An Act To Retain Skilled Workers in the State	Tabled 01/31/17 PASSED

**SPONSOR: Rep. Nathan J. Wadsworth**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2209	An Act To Make Performing Arts Centers Exempt from Sales Tax	Tabled 01/31/17

## JOINT RESOLUTIONS

**SPONSOR:** Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
249	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO PROVIDE TO THE HOULTON BAND OF MALISEET INDIANS JUST AND EQUITABLE COMPENSATION FOR NEGATIVE IMPACTS UPON MALISEET TRIBAL LANDS COMPARABLE TO THE LAND CLAIM SETTLEMENT PROVIDED TO THE PENOBSCOT NATION AND PASSAMAQUODDY TRIBE IN THE 1980 MAINE INDIAN CLAIMS SETTLEMENT ACT	Tabled 01/31/17 Withdrawn by Sponsor

**SPONSOR:** Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1255	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA	Tabled 01/31/17

**SPONSOR:** Rep. Heidi E. Brooks

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1554	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	Tabled 01/31/17 TABLED

**SPONSOR:** Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2201	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENDORSE THE AMERICAN RECOVERY AND REINVESTMENT ACT	Tabled 01/31/17

**SPONSOR:** Rep. Deane Rykerson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1224	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO INITIATE A REVENUE-NEUTRAL FEE ON THE PRODUCTION OF CARBON	Tabled 01/31/17 TABLED