

MAINE STATE LEGISLATURE

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REP. SARA GIDEON
CHAIR
SEN. MICHAEL D. THIBODEAU
VICE-CHAIR



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

EXECUTIVE DIRECTOR
GRANT T. PENNOYER

128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
July 19, 2017
Approved August 16, 2017**

CALL TO ORDER

Speaker Gideon called the July 19, 2017 meeting of the Legislative Council to order at 1:50 p.m. in the Legislative Council Chamber.

ROLL CALL

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

Speaker Gideon convened the meeting at 1:50 p.m. with a quorum of members present.

SUMMARY OF MAY 25, 2017 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for May 25, 2017 be accepted and placed on file. Motion by President Thibodeau. Second by Representative Herbig. **Motion passed unanimous (6-0-0-4**, with Senators Mason, Cushing and Libby and Representative Fredette absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

1. RFP for MELD Bill Production System Replacement

We are still reviewing the 4 bids submitted for the MELD Bill Production System Replacement project. The plan is to invite the top 2 bidders to present and provide a demonstration of their proposed systems in mid-August. After these meetings, we will reach a final recommendation to submit to the Council.

2. RFP for State House Window Project

We are in the process of putting out an RFP to solicit bids to repair and paint State House windows. This interim's window maintenance project will focus on the South Wing of the State House and the south face of the West Wing. These windows have sustained more severe weathering from their exposure to the sun.

3. Copper Reuse Project – Artist Selection Process

The Artist Selection Committee met on June 15th and narrowed the field of proposals submitted by artists to four finalists. At its next meeting on September 12th, the committee will receive detailed presentations from the four finalists and make a final decision on the artist that will reuse the remaining copper removed from the State House Dome. Mr. Pennoyer noted that there no longer is any rough copper remaining for sale however there are still mementos available should anyone want a piece of history and a remembrance of their time at the State House.

4. Drone Day in Capitol Park

Drone Day in Capitol Park, which was recently approved for as an exception to the general policy prohibiting drones in Capitol Park, has been delayed. The State Library has decided to delay Drone Day until next summer. It was originally scheduled for late next month.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, presented the following report.

General Fund Revenue Update

Total General Fund Revenue - FY2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$363.1	\$406.0	\$42.9	11.8%	\$369.6	9.8%
FYTD	\$3,403.6	\$3,450.0	\$46.4	1.4%	\$3,366.2	2.5%

General Fund revenue was over budget by \$42.9 million (11.8%) for the month of June and over budget by \$46.4 million (1.4%) for the fiscal year to date. It is important to note that these are **preliminary numbers** as the month of June has not been fully closed.

Individual income tax revenue was over budget for the month by \$24.0 million and over budget for the fiscal year to date by \$14.5 million (1.0%). Withholding and estimated payments both

appear to have been over budget for the month. Sales and use taxes for June (May sales) were under budget by \$0.8 million for the month but over budget by \$4.9 million (0.4%) for the fiscal year to date. Corporate income tax revenue was over budget by \$5.8 million in June and over budget by \$11.1 million (6.8%) for the fiscal year to date.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$25.3	\$29.7	\$4.3	17.0%	\$25.7	15.5%
FYTD	\$327.3	\$334.3	\$7.0	2.1%	\$327.4	2.1%

Highway Fund revenue was over budget by \$4.3 million (17.0%) for the month of June and over budget for the fiscal year to date by \$7.0 million (2.1%). It is important to note that these are also **preliminary numbers** as the month of June has not been fully closed. Fuel taxes were over budget for the month by \$3.1 million, some of which could be timing as last month fuel taxes were slightly under budget. Motor vehicle registrations and fees were over budget by \$0.9 million for the month and over budget by \$2.8 million for the fiscal year to date.

Cash Balances Update

The average balance in the cash pool for June was \$992.7 million, down from May's average of \$1,010.7 million but well above both last year's average balance for June and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in June and not needed for all of FY 2017. The average Highway Fund balance of \$27.8 million in June decreased from May's average of \$42.8 million. This is likely a seasonal impact reflecting the increased activity during the construction season.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

1. SOMER New HR System – Extent of Legislative Participation

Pursuant to previous instructions, Mr. Pennoyer reported back to the committee with additional information about the SOMER time and attendance module. The committee granted authority to Mr. Pennoyer, Mr. Hunt and Ms. Priest to decide for their respective employees regarding whether to proceed with the time and attendance module. The committee further instructed Mr. Pennoyer to provide regular updates at future meetings.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council authorizes the executive director to explore the functionality of the workforce management module of the new SOMER system and implement this system for nonpartisan staff if he deems it appropriate to meet the timekeeping, accrual and leave time request needs for nonpartisan staff as long as it does not incur additional costs; and further, authorizes the Executive Director to implement the workforce management module of the SOMER system if deemed appropriate by the Clerk and Secretary to meet the timekeeping, accrual and leave time request needs with respect to House and Senate employees respectively and sufficiently addresses access and security concerns as long as it does not incur additional costs; and further, directs the Executive Director to provide

regular updates on this project at future Personnel Committee meetings. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Cushing, and Representative Fredette absent).

2. Collective Bargaining

Mr. Pennoyer and Ms. Little briefed the committee about upcoming collective bargaining negotiations with MSEA and IANLP. This item will be discussed further at a future meeting. No Legislative Council action required.

2. **State House Facilities Committee**

No Report

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2358 An Act to Allow Municipalities to Establish Ordinances Banning or Moratoria on Marijuana Caregivers within 500 feet of a School

Submitted by: Representative Seth Berry
Date: May 31, 2017
Vote: 10-0-0-0 Passed

LR 2392 An Act to Allow the Issuance of Open Burn Permits through Private Online Services

Submitted by: Senator Thomas Saviello
Date: June 14, 2017
Vote: 8-2-0-0 Passed (with Representatives Fredette and Espling opposed)

LR 2394 An Act to Clarify Licensing Provisions for the Manufacture and Sale of Liquor

Submitted by: Representative Louis Luchini
Date: June 19, 2017
Vote: 9-1-0-0 Passed (with Representative Espling opposed)

Decision by Legislative Council Ballot:

Motion: That the Legislative Council authorize legislative budget adjustments that total \$5,000,000 to be implemented by lapsing unspent balances in legislative accounts to the General Fund with \$2,500,000 lapsing no later than June 30, 2018 and \$2,500,000 no later than June 30, 2019. And further, that the Legislative Council direct the Executive Director to prepare and submit implementing language reflecting this decision of the Legislative Council to the Office of the Revisor of Statutes on behalf of the Legislative Council for inclusion in a floor amendment to the Governor's budget bill, LD 390.

Motion by: President Michael Thibodeau Second by: Speaker Sara Gideon
Date: June 14, 2017
Vote: 8-2-0-0 Passed (with Representatives Fredette and Espling opposed)

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 4 new bill requests, the council authorized 1 request for introduction in the 1st Regular Session of the 128th Legislature, 1 failed and the council took no action on the remaining 2 and the 3 bill requests previously tabled. The council also took no action on the 3 joint resolutions previously tabled. The Legislative Council's actions on the requests are included on the attached list.

Item #2: Consideration of Legislative Study Requests

The Legislative Council considered and voted on the legislative study requests in accordance with the established protocol. Of the 21 studies listed, the council authorized 8 studies, 6 failed, 3 were held for carryover and 4 were informational only. The Legislative Council's actions on the legislative studies are included on the attached list.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:36 p.m.

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

As of: 7/19/2017

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Kent Ackley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2379	An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance	PASSED

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2380	Resolve, To Name the Bridge over the Kennebec River between Richmond and Dresden on Route 197 the Sgt. Kevin B. Balduf Memorial Bridge	No Action Taken

SPONSOR: Rep. John L. Martin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2393	An Act To Allow Municipalities To Regulate Pesticide Use	No Action Taken

SPONSOR: Sen. David R. Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2387	Resolve, Directing the Department of Environmental Protection To Develop a Plan for Meeting the Standards Set in the Paris Climate Accord	FAILED

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2278	An Act To Encourage Support of the Tribal Government of the Houlton Band of Maliseet Indians through On-reservation Business Activity	Tabled 03/24/17

SPONSOR: Rep. Janice E. Cooper

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2330	An Act To Allow Nonresidents To Serve on Volunteer Boards in Island Communities	Tabled 04/27/17

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. 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 02/14/17

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

**LEGISLATIVE COUNCIL ACTION ON
REQUESTS FOR LEGISLATIVE STUDIES
FIRST REGULAR SESSION, 128th LEGISLATURE**

July 19, 2017

		Action:
LD 214	Commission to Streamline Veterans' Licensing and Certification	PASSED as nonconforming study
LD 309	Working Group to Restore Judicial Discretion	FAILED
LD 390 PL c.284 UUUU-17	Working Group to Improve the Provision of Indigent Legal Services	PASSED as nonconforming study
LD 523	Commission to Review the Laws Governing Domestic Violence	FAILED CJPS Directed to Study in January
LD 642	Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services	PASSED as nonconforming study
LD 1015	Commission to Study the Student Transfer Process	FAILED
LD 1021	Study Committee to Develop a Disposition Plan for Future Surplus State Property in York County	CARRYOVER
LD 1128	Committee to Study the Processing of Evidence from Sexual Assault Test Kits	FAILED
LD 1143	Maine Bicentennial Commission	PASSED with Emergency Preamble and as nonconforming study
LD 1260	Commission to Create a Plan to Enhance the Efficiency and Effectiveness of the Probate Court System	PASSED as nonconforming study
LD 1466	Commission to Study Long-term Care Workforce Issues	CARRYOVER
LD 243 PL c278 HP 96	Joint Select Committee on Marijuana Legalization Committee	Previously Passed Informational Only

LD 1006	Advisory Council on Senior Housing	CARRYOVER
LD 1008	Permanent Commission on the Status of Racial and Ethnic Populations	FAILED
SP 210	Task Force to Address the Opioid Crisis in the State	Previously Passed Informational Only
SP 294	Task Force on Maine's 21 st Century Economy and Workforce	Previously Passed Informational Only
LD 390 c.284 TT-2	Joint Standing Committee on Agriculture, Conservation and Forestry Study of Conserved Lands Owned by Nonprofit Conservation Organizations	PASSED as nonconforming study
LD 1150	Commission to Study Transportation Funding Reform	FAILED
SP 592	Task Force on Health Care Coverage for All of Maine	PASSED as nonconforming study with outside funding only
LD 512	Committee to Study the State's Response to the Commercial Sexual Exploitation of Youth	PASSED as nonconforming study
Resolve 2017 c.18	Legislative Staff Recodification and Revision of Title 28-A	Informational Only