

MAINE STATE LEGISLATURE

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REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER

128TH 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
September 19, 2017
Approved October 26, 2017**

CALL TO ORDER

Speaker Gideon called the September 19, 2017 meeting of the Legislative Council to order at 11:12 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Cushing, and Senator Jackson
Absent: Senator Mason, Senator Libby
Representatives: Speaker Gideon, Representative Herbig and Representative Espling
Absent: Representative Golden, 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
Suzanne Gresser, Revisor of Statutes
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Chris Nolan, Director, Office of Fiscal and Program Review
Kevin Dieterich, Director, Legislative Information Technology
John Barden, Director, Law & Legislative Reference Library

Speaker Gideon convened the meeting at 11:12 a.m. with a quorum of members present.

SUMMARY OF AUGUST 16, 2017 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for August 16, 2017 be accepted and placed on file. Motion by President Thibodeau. Second by Senator Cushing. **Motion passed unanimous (6-0-0-4**, with Senators Mason and Libby and Representatives Golden and 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 in the process of scheduling a second demonstration with each of the top 2 bidders for the MELD Bill Production System Replacement project. We are planning to make a recommendation to the Council after these next demonstrations.

2. State House Window Repair Project

We have awarded the bid for the State House Window Repair Project to Jacobs Glass. Work on the South Wing west elevation windows will begin this week. This year's project will replace failed window panes and paint the exterior of the State House windows on the South Wing and the south elevation of the West Wing.

3. RFP for State House Plaster Repair and Painting

We are in the process of finalizing a second facilities-related RFP to solicit bids to repair damaged plaster and paint of interior spaces in the State House. This year's work will include more work inside offices within the State House.

4. Copper Reuse Project – Artist Selection Process

The Artist Selection Committee met on September 12th to receive detailed presentations from the four finalists to reuse the copper from the State House dome. The committee will be submitting a recommendation to the State House Facilities Committee at its meeting on October 5th. The Facilities Committee will then make a recommendation at the October meeting of the full Legislative Council currently scheduled to meet on October 26th.

5. NCSL Job Classification Project

NCSL kicked off its job classification project with a visit to Maine last week conducting interviews with office directors, chiefs of staff and the Secretary of the Senate and the Clerk of the House. Legislative Staff will be given a questionnaire to fill out to gather information about each of their responsibilities. NCSL staff will be visiting again in November to interview various staff.

6. Updating Card Readers and New Access Cards

The Administration is in the process of an overdue upgrade of the security card readers. This upgrade will require the replacement of all existing security cards with new ones including new pictures. The State House upgrades and card replacements will occur this fall. Timing has not been finalized.

Fiscal Report

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

1. General Fund Revenue Update

Total General Fund Revenue - FY 2018 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$300.8	\$306.1	\$5.3	1.8%	\$297.3	3.0%
FYTD	\$537.7	\$550.7	\$13.0	2.4%	\$535.5	2.8%

General Fund revenue was over budget by \$5.3 million (1.8%) for the month of August and over budget by \$13.0 million (2.4%) for the fiscal year to date. Individual income tax revenue was over budget for the month by \$5.0 million and over budget for the fiscal year by \$10.2 million. Strong withholding payments and estimated payments both contributed to the positive variance. Sales and use taxes for August (July sales) were over budget by \$2.0 million for the month and over budget by \$4.6 million for the fiscal year. Corporate income tax revenue was under budget by \$3.7 million in August but over budget by \$2.5 million for the fiscal year to date. Cigarette and tobacco taxes were \$7.8 million under budget for the fiscal year to date. This shortfall was largely the result of a timing issue as payments for cigarette stamps expected in July were received in June.

2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2018 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$30.5	\$32.0	\$1.5	5.0%	\$31.0	3.3%
FYTD	\$60.3	\$58.4	(\$1.8)	-3.0%	\$60.9	-4.1%

Highway Fund revenue was over budget by \$1.5 million (5.0%) for the month of August but under budget by \$1.8 million (3.0%) for the fiscal year to date. The positive monthly variance occurred in the Motor Vehicle Registration and Fees revenue lines. The fiscal year to date negative variance was largely the result of fuel tax payments received in June that were expected in July.

3. Cash Balances Update

The average balance in the cash pool for August was \$1,102.9 million, down from July's average of \$1,120.6 million but well above both last year's average balance for August and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in August. The average Highway Fund balance of \$37.2 million in August decreased from July's average of \$43.0 million.

Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, presented the following report. Three of the new studies have begun meeting. Others are waiting for appointments to be completed. Some of the on-going legislative studies (the Right to Know Advisory Committee and the Citizen Trade Policy Commission) and the authorized joint standing committees have been meeting or have meetings scheduled. See the detailed report in the agenda packet for more information.

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

Speaker Gideon reported that the Personnel Committee met earlier that morning to consider the following item.

1. Collective Bargaining

Mr. Pennoyer and Ms. Little briefed the committee about recent collective bargaining negotiations with MSEA and IANLP. This item will be discussed later in today's meeting.

2. **State House Facilities Committee**

No Report

OLD BUSINESS

Item #1: Task Force on Health Care Coverage Outside Funding

The Council received a request from the Task Force on Health Care Coverage to approve the outside funding received so far and to allow the Task Force to convene. The study is unique in that it covers two fiscal years. The Task Force has raised \$7,118 of the \$9,364 required to cover the total estimated costs of the study. The remaining \$2,246 must be raised and accepted before June 30, 2018 or the work of the task force may not continue after that date.

Motion: That the Legislative Council accepts the outside funding of the Task Force on Health Care Coverage and to authorizes the Task Force to convene and continue its work throughout Fiscal Year 2018. Motion by Representative Herbig. Second by President Thibodeau. **Motion passed unanimous (6-0-0-4**, with Senators Mason and Libby and Representatives Golden and Fredette absent).

NEW BUSINESS

Item #1: Request to Convene the Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services

The Council received a request from the Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services to convene the task force despite not having all of the members appointed. To date 10 of the 13 members have been appointed and due to a timing issue, the Task Force requests being allowed to meet while the rest of the appointments are made.

Motion: That the Legislative Council authorizes the Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services to convene. Motion by President Thibodeau. Second by Senator Cushing. **Motion passed unanimous (6-0-0-4**, with Senators Mason and Libby and Representatives Golden and Fredette absent).

Item #2: Executive Session: Collective Bargaining Matters and Employment Terms and Conditions for Legislative Employees

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. Motion by President Thibodeau. Second by Senator Cushing. **Motion passed unanimous (6-0-0-4**, with Senators Mason and Libby and Representatives Golden and Fredette absent).

The Legislative Council entered into an executive session at 11:34 a.m. At the conclusion of its executive session, on a motion by President Thibodeau, seconded by Senator Cushing, the Legislative Council voted unanimously to end its executive session at 11:47 a.m. and reconvene its regular meeting during which the following motion regarding collective bargaining was made.

Motion: That pursuant to its authority under 26 MRSA, §979-A, sub-§5, the Legislative Council of the 128th Legislature ratifies the collective bargaining agreements for the period October 1, 2017 through September 30, 2019 that were negotiated and tentatively agreed to by the authorized representatives of the Legislative Council and the Maine State Employees Association-SEIU Local 1989 on behalf of the Administrative Unit of Legislative Employees on September 11, 2017 and by the authorized representatives of the Legislative Council and the Independent Association of Nonpartisan Legislative Professionals (IANLP) on September 14, 2017. Further, that the Legislative Council authorizes the Executive Director to take all necessary steps to carry out the terms of these two Agreements; Further, that upon recommendation of the Personnel Committee, the Legislative Council exercises its right to adopt the revisions to its personnel policies, pending agreement from the respective authorities; to apply personnel policies and benefit provisions that are comparable to those contained in the ratified collective bargaining agreements; and directs its Executive Director to incorporate as appropriate and administer those provisions; and further that compensation provisions in the form of cost of living adjustments and salary steps comparable to that provided in the aforementioned ratified collective bargaining agreements be provided to legislative employees who are not represented by a collective bargaining agent, the effective dates of such compensation provisions to coincide with those contained in the aforementioned collective bargaining agreement ratified. Motion by President Thibodeau. Second by Representative Herbig. **Motion passed unanimous (6-0-0-4, with Senators Mason and Libby and Representatives Golden and Fredette absent).**

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 11:52 a.m.