

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

SEN. TROY D. JACKSON
CHAIR

REP. SARA GIDEON
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



SEN. NATHAN L. LIBBY
SEN. ELOISE A. VITELLI
SEN. DANA L. DOW
SEN. JEFFREY L. TIMBERLAKE
REP. MATTHEW W. MOONEN
REP. RYAN M. FECTEAU
REP. KATHLEEN R.J. DILLINGHAM
REP. HAROLD TREY STEWART III

129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

129th Legislature
Legislative Council

January 24, 2019

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE DECEMBER 6, 2018 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
12	<ul style="list-style-type: none">Executive Director's Report (Mr. Pennoyer)	Information
13	<ul style="list-style-type: none">Fiscal Report (Mr. Nolan)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	<ul style="list-style-type: none">Personnel CommitteeState House Facilities Committee	
	OLD BUSINESS	
17	Item #1: Council Actions Taken by Ballot (No Action Required)	Information
	NEW BUSINESS	
❖ 18	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote
❖ 22	Item #2: Plaque Honoring the 100 th Anniversary of the American Legion	Decision
❖ 26	Item #3: Amendment to the <i>Legislative Council Policy on Security Screening Protocols for the Maine State House</i>	Decision
27	Item #4: Acceptance of the Thirteenth Annual Report of the Right to Know Advisory Committee	Acceptance
	ANNOUNCEMENTS AND REMARKS	
	ADJOURNMENT	

SEN. TROY D. JACKSON
CHAIR

REP. SARA GIDEON
VICE- CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. NATHAN L. LIBBY
SEN. ELOISE A. VITELLI
SEN. DANA L. DOW
SEN. JEFFREY L. TIMBERLAKE
REP. MATTHEW W. MOONEN
REP. RYAN M. FECTEAU
REP. KATHLEEN R.J. DILLINGHAM
REP. HAROLD TREY STEWART III

**LEGISLATIVE COUNCIL
MEETING SUMMARY
December 6, 2018**

CALL TO ORDER

Speaker Gideon called the December 6, 2018 organizational meeting of the 129th Legislative Council to order at 3:07 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Jackson, Senator, Libby, Senator Vitelli, Senator Dow and Senator Timberlake

Representatives: Speaker Gideon, Representative Moonen and Representative Dillingham

Absent: Representative Fecteau (arrived late), and Representative Stewart

Legislative Officers: 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
Chris Nolan, Director, Office of Fiscal and Program Review
John Barden, Director, Law and Legislative Reference Library
Nik Rende, Director, Legislative Information Technology

Speaker Gideon convened the meeting at 3:07 p.m. with a quorum of members present.

Speaker Gideon, declaring that a quorum was present and pursuant to the Rules of Procedure adopted by the 128th Legislative Council and the Joint Rules adopted by the 128th Maine Legislature, called the first meeting of the 129th Legislative Council to order for the purposes of electing a Chair and a Vice-chair of the Legislative Council, adoption of rules of procedures and such other matters of the Legislative Council.

The Legislative Council's Rules of Procedure prescribe the following with regard to the election of Legislative Council Officers:

Rule #2 provides that the position of Chair alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Thus, pursuant to these Rules, the Chair for this new Legislative Council should be a Legislative Council member who serves in the Maine Senate.

Rule #3 provides that the Vice-chair not be a member of the same body of the Legislature as the Chair. Thus, the Vice-chair for the 129th Legislative Council should be a member who serves in the House of Representatives.

Speaker Gideon stated that unless there was objection, the Legislative Council would continue its long-standing practice of conducting the vote by a showing of hands. Upon the election of a chair, the chair will preside over the remainder of this meeting.

Hearing no objection, Speaker Gideon opened the floor for nominations for Chair of the Legislative Council.

Nomination: That Senate President Troy Jackson of Allagash serve as Chair of the Legislative Council for the 129th Legislature. (Nominated by Senator Libby, seconded by Representative Moonen).

Speaker Gideon asked if there were further nominations. Hearing none, Speaker Gideon closed the nominations. The vote for Legislative Council Chair was taken. Senate President Jackson was elected to serve as Chair of the Legislative Council for the 129th Legislature. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

President Jackson then presided for the remainder of the meeting. President Jackson proceeded to open the floor for nominations for Vice-chair of the Legislative Council.

Nomination: That House Speaker Gideon of Freeport serve as Vice-chair of the Legislative Council for the 129th Legislature. (Nominated by Senator Libby, seconded by Representative Moonen).

President Jackson asked if there were further nominations. Hearing none, President Jackson closed the nominations. The vote for Legislative Council Vice-chair was taken. Speaker Gideon was elected to serve as Vice-chair of the Legislative Council for the 129th Legislature. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

ADOPTION OF RULES OF PROCEDURE

Proposed Rules of Procedure for Legislative Council Adoption

Executive Director Pennoyer briefly explained the provisions of the suggested *Rules of Procedure* for the Legislative Council of the 129th Legislature, which was revised from the rules for the Legislative Council of the 128th Legislature.

Motion: That the Legislative Council adopt the proposed Rules of Procedure for the Legislative Council of the 129th Legislature. Motion by Senator Libby. Second by Speaker Gideon. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

[Note: A copy of the Rules of Procedure as adopted by the Legislative Council is attached.]

SUMMARY OF SEPTEMBER 20, 2018 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for September 20, 2018 be accepted and placed on file. Motion by Speaker Gideon. Second by Senator Libby. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Decisions by Legislative Council Ballot:

Motion: That the Legislative Council approve the proposed Legislative Document Service Rates for the First Regular Session of the 129th Legislature as submitted by the Clerk of the House.

Motion by: Speaker Gideon Second by: President Thibodeau
Date: October 29, 2018
Vote: 10-0 Passed

NEW BUSINESS

Item #1: Summary of Legislative Council Authority and Duties

Mr. Pennoyer gave an overview of the authority and duties of the Legislative Council as set forth in Maine law. No action by the Legislative Council was required.

Item #2: Establishment of Salaries for Constitutional Officers and State Auditor

One of the initial decisions required of the Legislative Council once a new Legislature is convened is the assignment of the salary for newly elected Constitutional Officers and a newly elected State Auditor. State law prescribes the salary grade and the initial salary step for each official or allows for step-increases for continuous service. The State Auditor has already obtained the highest step in her salary grade.

Motion: That the Legislative Council establishes the salaries for the Constitutional Officers and the State Auditor as follows: The Secretary of State to receive a step increase from Step 8 to Step 9, effective January 1, 2019; the State Treasurer's initial salary upon taking office to be set at Step C (Step 3) within Salary Grade 88; and the Attorney General's initial salary upon taking office to be set at Step E (Step 5) within Salary Grade 91. Motion by Speaker Gideon. Second by Senator Libby. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

Item #3: Establishment of Salaries for Secretary of the Senate and Clerk of the House

Another initial decision required of the Legislative Council once a new Legislature is convened is establishing the initial salary for a newly elected Secretary of the Senate and a newly elected Clerk of the House. State law also prescribes the salary grade and the initial salary options for each of the Legislative officials. Both the Secretary of the Senate and the Clerk of the House having previously served in these positions qualify for step increases.

Motion: That the Legislative Council approves step increases for the Secretary of the Senate to **Step 4** and the Clerk of the House to **Step 7** of Salary Grade 14 of the Legislature's salary schedule, in accordance with State law, effective December 5, 2018. Motion by Speaker Gideon. Second by Senator Libby. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

Item #4: Legislative Council Policy on Processing Closely Related Legislator Bill Requests

Revisor Suzanne Gresser explained that in past sessions, the Legislative Council has established a policy whereby the Office of the Revisor of Statutes was directed to combine legislator bill requests for duplicate or closely related bills (Joint Rule 206). This provision of Joint Rule 206 has existed since the 118th Legislature.

Joint Rule 206, Section 2 provides that:

For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests.

Before the above language was adopted by the 118th and subsequent legislatures, every bill was simply processed and printed without regard to whether it was closely related to another. Since the advent of the rule, however, each Legislative Council has used its authority to direct that the Revisor's Office in some manner combine closely related bills in order to facilitate the efficient processing of bills.

When the 124th Legislature adopted a cloture deadline of mid-January, the process was modified slightly in order to allow the printing of some bills in advance of the later cloture deadline. The Legislative Council of the 124th Legislature directed the Revisor's Office to make reasonable efforts to identify duplicate bills as the office processed them before cloture and to notify sponsors as in the past, setting up primary and "mandatory" cosponsors. The Council recognized that by printing bills prior to cloture, a number of potential duplicates would not be identified and combined; however, the Council did not want to suspend the printing of bills until after the cloture date because it would not further the Legislature's goal of expeditious processing and printing of bills.

Because the cloture deadline of the 129th Legislature is December 31, 2018, in order to facilitate the expeditious processing of bills in the same manner as was done in the first regular sessions since the 124th Legislature, Ms. Gresser recommended that the Legislative Council adopt the process that was established by the those legislatures.

Motion: That the Legislative Council adopt the Policy on Processing of Closely-Related Legislator Bill Requests recommended by the Revisor for the 129th Legislature. Motion by Senator Libby. Second by Senator Timberlake. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

Item #5: Legislative Council Policy on Legislator Attendance

Mr. Pennoyer reviewed provisions of the policy on Legislator Attendance. Pursuant to statute, the Legislative Council must adopt this policy at the beginning of each new legislature.

Motion: That the Legislative Council adopt the Policy on Legislator Attendance for the 129th Legislature. Motion by Senator Libby. Second by Senator Vitelli. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

Item #6: Legislative Council meeting schedule for 2019

Mr. Pennoyer reviewed the proposed Legislative Council meeting schedule for 2017. Representative Fredette requested an additional Legislative Council meeting to be added to the schedule. Speaker Gideon said that she would consider adding an additional meeting to the schedule after she has had the opportunity to meet with the Governor.

Motion: That the Legislative Council adopt the proposed Legislative Council meeting schedule for 2019. Motion by Senator Libby. Second by Senator Timberlake. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

Item #7: Acceptance of Task Force on Health Care Coverage for All of Maine

The Task Force on Health Care Coverage for All of Maine submitted its report for acceptance by the Legislative Council.

Motion: That the report from the Task Force on Health Care Coverage for All of Maine be accepted and placed on file. Motion by Senator Vitelli. Second by Senator Timberlake. **Motion passed unanimously (9-0-0-1, with Representative Stewart absent).**

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:43 p.m.



129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MAINE LEGISLATIVE COUNCIL
129th LEGISLATURE
RULES OF PROCEDURE

1. **Organizational Meeting:** The Speaker shall call the biennial organizational meeting of the Legislative Council into session in December following the convening of the new Legislature and shall preside until the election of the chair of the Legislative Council.
2. **Chair:** At its organizational meeting, the Legislative Council shall elect a chair, who shall preside at all meetings of the council when he or she is present. The position of Legislative Council chair must alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Therefore, for the 129th Legislature, the chair must be a Senator.
3. **Vice Chair:** The Legislative Council shall elect a vice-chair who shall serve as chair in the absence of the chair. The vice-chair may not be a member of the same chamber of the Legislature as that of the chair.
4. **Quorum/Action:** The Legislative Council may conduct business only when a quorum of members is present, which consists of six (6) members. Any action of the council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The meeting schedule for the Legislative Council is determined by the call of the chair for the 129th Legislature or by a majority vote of the council. The council shall meet on a regular schedule.
6. **Meeting Room and Location:** The official meeting location of the Legislative Council is the Legislative Council Chamber, Room 334, in the State House, and the chair shall convene all meetings there unless an alternative location is specified in the call of the meeting. Meetings of the Legislative Council or its committees take precedence over all other functions in the Legislative Council Chamber.

The Legislative Council Chamber may not be used for press conferences or other media events; however, the chair of the Legislative Council or the Executive Director, if

delegated by the chair, may authorize an exception when the chair determines that such use is appropriate and will not interfere with legislative activities.

7. **Meeting Notice:** The chair or designee shall issue written calls for all regular and special meetings of the Legislative Council. The call must give the date, time, and place of the meeting and such other information as the chair directs.
8. **Public Meetings:** All meetings of the Legislative Council are public meetings except for executive sessions; the council may not take any final action in an executive session.
9. **Council Committees:** The chair shall make all appointments to committees established by the Legislative Council. Each committee must include at least three council members and must have representation from each of the two major political parties. At a minimum, the council shall establish the committees of Personnel, State House Facilities and the Legislative Budget Subcommittee.
10. **Approval of Step Increases:** All step increases that require a vote of the Legislative Council during the 129th Legislature are approved for the term of this council if, after review, a majority of the Personnel Committee approves the step increases.
11. **Council Agenda and Records:** The Executive Director of the Legislative Council shall prepare, in consultation with the chair, meeting notices and a council agenda in advance of each meeting. The executive director shall also maintain an accurate, permanent public record of all meetings, proceedings and votes of the Legislative Council.
12. **Order of Business:** The regular order of business of the Legislative Council is:
 1. Call to Order
 2. Roll Call
 3. Summary of Previous Council Meeting
 4. Reports from the Executive Director and Staff Office Directors
 5. Reports from Council Committees
 6. Old Business
 7. New Business
 8. Announcements and Remarks
 9. Adjournment

Items not on the Legislative Council's agenda may be considered only by leave of the council's presiding officer or by a majority vote of the Legislative Council.

13. **Circulation of Ballots:** The chair and the vice-chair, jointly, may authorize a ballot to be circulated for Legislative Council action when they determine that the matter to be voted on must be decided before the next regular meeting of the council. The executive director shall prepare all ballots authorized for circulation among council members and shall certify votes taken by ballot. Each member of the Legislative Council must be presented with the ballot and given an opportunity to vote on the ballot. If a member is unable to vote on a ballot by virtue of his or her absence from the State House, the member may authorize the Executive Director to record and attest to his or her vote. Voting may also

take place electronically via email through the Executive Director or designee. Upon certification of the votes on a ballot, the executive director will report the results of the voting to the members of the Legislative Council. In addition, actions taken by Legislative Council ballot must be reported at the next or following regular meeting of the council.

14. **Roll Call Votes:** Votes requiring a roll-call shall be made by the executive director calling the roll, a showing of hands or by electronic tabulation as long as the matter being voted on, how each member voted and the results of the vote are accurately determined and recorded. The executive director shall announce the vote following a roll-call. All decisions of the Legislative Council regarding the introduction of bills or other measures must be by a roll-call vote.
15. **Statements to News Organizations:** Only the chair of the Legislative Council, executive director or persons specifically authorized by the chair may make official statements to news organizations or to the public on behalf of or representing the Legislative Council.
16. **Rules of Order:** The Legislative Council's presiding officer shall conduct the proceedings of the council in accordance with Robert's Rules of Order except as otherwise specified in the council's own rules or by law.
17. **Amendments to Rules:** The Legislative Council may amend these rules, with the exception of Rules 2 and 4, upon a two-thirds vote of the Council members present and voting, provided that a vote to amend is by at least six affirmative votes. Rules 2 and 4 may not be amended during the term of the 129th Legislative Council unless otherwise changed by law.
18. **Decisions Affecting Capitol Park:** Any action affecting Capitol Park, be it a temporary or permanent alteration or change in use, must be approved by a majority of the Council, consistent with these rules and 3 MRSA §162(17). Prior to a final decision on any proposal affecting Capitol Park, the Council or its executive director shall consult with the State House and Capitol Park Commission.

Adopted by the Legislative Council of the 129th Maine Legislature on December 6, 2018 at Augusta, Maine.

By:


Grant T. Pennoyer, Executive Director of the Legislative Council

SEN. TROY D. JACKSON
CHAIR

REP. SARA GIDEON
VICE- CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. NATHAN L. LIBBY
SEN. ELOISE A. VITELLI
SEN. DANA L. DOW
SEN. JEFFREY L. TIMBERLAKE
REP. MATTHEW W. MOONEN
REP. RYAN M. FECTEAU
REP. KATHLEEN R.J. DILLINGHAM
REP. HAROLD TREY STEWART III

Legislative Council Policy on Legislator Attendance

Pursuant to 3 MRSA, section 2, third paragraph, the 129th Legislative Council adopts the following policy regarding excessive unexcused Legislators absences and the means of reducing the offending member's salary.

Recording Attendance

At the beginning of each session of the Senate, the Secretary of the Senate shall record the Senators that are absent each legislative day. Senators that arrive late for a Senate session must notify the Secretary of the Senate directly or indirectly through one of their floor leaders. The President must approve all leave from a Senate session.

At the beginning of each session of the House, the quorum call will be the official record of attendance. Members who miss the quorum call but did attend the session must notify the Clerk of the House. The House shall provide forms to members to request leave for a legislative day.

Reporting Absences

At least on a monthly basis, the Secretary of the Senate and the Clerk of the House shall notify Legislators who have one or more absences without leave.

After a member has accumulated 10 excused absences for the First Regular Session or 6 excused absences for the Second Regular Session, the Clerk or Secretary will report the Member to their respective presiding officer for further review. The presiding officer may refer the matter to the Legislative Council's Personnel Committee for further action.

Reducing Legislator Salaries for Excess Absences without Leave

Members that exceed the statutory threshold of number of absences without leave will have the member's salary reduced using the following graduated reductions.

During the First Regular Session, salaries will be reduced by \$25 for each day above 5 days but less than 11 days, by \$50 per day for each day above 10 days but less than 16 days and \$100 per

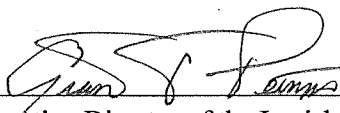
day for each day greater than 15 days. Total salary reductions for absences without leave may not exceed the member's salary for the First Regular Session.

During the Second Regular Session, salaries will be reduced by \$25 for each day above 3 days but less than 7 days, by \$50 per day for each day above 6 days but less than 10 days and \$100 per day for each day greater than 9 days. Total salary reductions for absences without leave may not exceed the member's salary for the Second Regular Session.

During either session, if a member is absent without leave for more than 8 consecutive legislative days, the Secretary of the Senate or the Clerk of the House shall inform the Executive Director of the Legislative Council, who shall suspend the member's biweekly salary payments pending the member's return or approval of leave.

A Legislator may appeal salary reductions under this policy to the Personnel Committee of the Legislative Council.

This revised policy is adopted by the Legislative Council and is effective as of the date of amendment.

By: 
Executive Director of the Legislative Council

Authority: 3 MRSA §2

Adopted: February 14, 2017

Effective Date: February 14, 2017

Amended Date: September 20, 2018
December 6, 2018

Legislative Council
Meeting Schedule for 2019

The schedule for Legislative Council meetings for calendar year 2019 is listed below:

Thursday, January 24, 2019
Thursday, February 28, 2019
Thursday, March 28, 2019
Thursday, April 25, 2019
Thursday, May 23, 2019
Thursday, June 27, 2019

Thursday, July 25, 2019
Thursday, August 22, 2019
Thursday, September 26, 2019
Thursday, October 24, 2019
Thursday, November 21, 2019
Thursday, December 19, 2019

All Legislative Council meetings are scheduled for Thursdays, usually the fourth Thursday of each month, in the Legislative Council Chamber, Room 334. Unless otherwise specified in the meeting notices, the meetings will begin at **1:30 P.M.**

SEN. TROY D. JACKSON
CHAIR

REP. SARA GIDEON
VICE- CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. NATHAN L. LIBBY
SEN. ELOISE A. VITELLI
SEN. DANA L. DOW
SEN. JEFFREY L. TIMBERLAKE
REP. MATTHEW W. MOONEN
REP. RYAN M. FECTEAU
REP. KATHLEEN R.J. DILLINGHAM
REP. HAROLD TREY STEWART III

Executive Director's Report **January 24, 2019**

1. Committee Room Micorphone Replacements

All of the committee room microphones have now been updated. Only the Legislative Council Chamber still is using the old microphones. Replacement microphones have been ordered and when they arrive, we will schedule the upgrade. The Senate Chamber also needs to be updated. That work will be scheduled for the upcoming interim.

2. MELD Replacement Project

The information system project to replace the outdated bill production system, MELD, is progressing well. We are on track to do some parallel production testing of bills and amendments during the 1st Regular Session of the 129th Legislature beginning in April with the complete switch over to the new Bill Production System by the 2nd Regular Session.

3. Blood Drive at the State House

On Wednesday, January 30, there will be a Red Cross blood drive in the Hall of Flags. To donate, register online in advance. Limited opportunity for walk-ins may be available.

4. Benefits Fair

Representatives from Employee Health & Benefits, Maine Public Employees Retirement System, WellStarME (Health Screening), and representatives of the Deferred Compensation Plans will be in the Hall of Flags on the morning of Tuesday, February 12, for a Benefits Fair. The WellStarME staff will also be scheduling appointments for Health Screenings on Wednesday, February 13 to help meet the requirements of the Health Credit Premium Program.

Fiscal Briefing

January 24, 2019

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached)

Total General Fund Revenue - FY 2019 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$299.4	\$309.3	\$9.9	3.3%	\$277.6	11.4%
FYTD	\$1,891.2	\$1,904.2	\$13.0	0.7%	\$1,784.9	6.7%

General Fund revenue was over budget by \$9.9 million (3.3%) for the month of December and by \$13.0 million (0.7%) for the fiscal year to date. These positive variances are in addition to the December 2018 revenue forecast, which increased budgeted revenue by \$99.2 million for FY 2019. Individual income tax revenue was under budget by \$4.1 million for the month. Individual estimated income tax payments were \$11.7 million under budget for December but are still expected to remain within budgeted levels when January's estimated payments are made. Individual withholding income tax payments were \$11.1 million over budget for December, part of which could also be a timing issue. Corporate income tax revenue was over budget by \$17.6 million for the month, with most of the positive variance resulting from increased corporate estimated payments. Sales and use tax revenue (November sales) was over budget by \$2.4 million for December. Partially offsetting these positive variances, BETE reimbursements to municipalities were \$10.2 million greater (negative impact on revenue) than budgeted for December and may exceed current budget levels for the fiscal year.

2. Highway Fund Revenue Update (see attached)

Total Highway Fund Revenue - FY 2019 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$23.9	\$24.1	\$0.2	0.9%	\$23.6	2.1%
FYTD	\$177.8	\$177.5	(\$0.3)	-0.2%	\$171.1	3.7%

Highway Fund revenue was over budget by \$0.2 million (0.9%) for the month of December but under budget by \$0.3 million (0.2%) for the fiscal year to date. These variances are in addition to the December 2018 revenue forecast, which increased budgeted revenue by \$4.9 million for FY 2019. Fuel taxes were under budget by \$0.4 million for the month and by \$1.4 million for the fiscal year to date. Motor vehicle registrations and fees were over budget for the month by \$0.2 million and over budget for the fiscal year to date by \$1.0 million. Motor vehicle inspection fees were over budget by \$0.3 million for the month but under budget by \$0.1 million for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for December was \$1,371.4 million, down from November's average of \$1,411.9 million but above both last December's average balance and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in December (has not been needed since April of 2016). The average Highway Fund balance of \$25.3 million in December was down from November's average of \$36.2 million but above last December's average balance. This normal December decrease was the result of the annual payment to the Local Road Assistance program being made in December.

General Fund Revenue
Fiscal Year Ending June 30, 2019 (FY 2019)

Updated 1/16/19

December 2018 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2019 Budgeted Totals
	December '18 Budget	December '18 Actual	December '18 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	108,029,666	110,402,753	2,373,087	818,265,751	820,638,852	2,373,101	0.3%	6.1%	1,502,180,767
Service Provider Tax	4,523,379	4,884,999	361,620	30,591,292	30,952,910	361,618	1.2%	2.1%	59,375,124
Individual Income Tax	146,000,000	141,927,491	(4,072,509)	831,519,204	827,446,690	(4,072,514)	-0.5%	3.5%	1,680,158,151
Corporate Income Tax	27,000,000	44,638,966	17,638,966	107,976,765	125,618,009	17,641,244	16.3%	70.0%	209,750,000
Cigarette and Tobacco Tax	9,955,238	11,054,912	1,099,674	68,520,107	67,667,606	(852,501)	-1.2%	8.0%	137,088,615
Insurance Companies Tax	118,736	2,334	(116,402)	13,323,206	13,169,930	(153,276)	-1.2%	5.7%	74,450,000
Estate Tax	1,600,000	22,168	(1,577,832)	4,040,401	2,462,569	(1,577,832)	-39.1%	-70.7%	9,140,409
Other Taxes and Fees *	8,737,898	9,088,004	350,106	71,748,847	72,267,417	518,570	0.7%	6.8%	143,264,258
Fines, Forfeits and Penalties	991,679	935,418	(56,261)	7,558,906	7,527,235	(31,671)	-0.4%	-12.8%	17,583,176
Income from Investments	759,985	1,001,412	241,427	3,961,567	4,202,995	241,428	6.1%	80.9%	8,721,242
Transfer from Lottery Commission	5,849,924	6,284,129	434,205	30,758,853	33,942,884	3,184,031	10.4%	2.8%	57,000,000
Transfers to Tax Relief Programs *	(11,000,000)	(17,770,749)	(6,770,749)	(44,809,357)	(51,389,915)	(6,580,558)	-14.7%	-25.9%	(68,368,623)
Transfers for Municipal Revenue Sharing	(5,192,685)	(5,192,686)	(1)	(36,571,886)	(36,571,887)	(1)	0.0%	-6.6%	(72,686,396)
Other Revenue *	2,009,169	1,992,349	(16,820)	(15,688,477)	(13,749,628)	1,938,849	12.4%	-15.9%	9,874,430
Totals	299,382,989	309,271,499	9,888,510	1,891,195,179	1,904,185,667	12,990,488	0.7%	6.7%	3,767,531,153

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

General Fund Revenue
Fiscal Year Ending June 30, 2019 (FY 2019)

Updated 1/16/19

December 2018 Revenue Variance Report

Revenue Category	December '18 Budget	December '18 Actual	December '18 Variance	Fiscal Year-To-Date					FY 2019 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	12,431,431	12,769,543	338,112	2.7%	4.5%	14,694,831
- Real Estate Transfer Tax	1,186,179	1,184,295	(1,884)	11,223,874	11,221,989	(1,885)	0.0%	31.5%	17,767,433
- Liquor Taxes and Fees	1,854,793	2,054,424	199,631	11,959,567	12,223,404	263,837	2.2%	0.0%	22,220,860
- Corporation Fees and Licenses	170,144	211,857	41,713	1,672,484	1,953,304	280,820	16.8%	8.0%	9,838,649
- Telecommunication Excise Tax	4,643	0	(4,643)	9,559	0	(9,559)	-100.0%	-100.0%	6,000,000
- Finance Industry Fees	2,279,324	2,214,300	(65,024)	13,675,944	13,488,450	(187,494)	-1.4%	1.0%	27,891,990
- Milk Handling Fee	302,238	338,924	36,686	2,424,806	2,454,492	29,686	1.2%	41.4%	4,580,022
- Racino Revenue	666,113	663,607	(2,506)	4,271,906	4,269,408	(2,498)	-0.1%	0.0%	8,167,875
- Boat, ATV and Snowmobile Fees	174,137	217,463	43,326	1,737,463	1,633,144	(104,319)	-6.0%	6.9%	4,523,561
- Hunting and Fishing License Fees	949,087	1,149,415	200,328	7,759,321	8,222,731	463,410	6.0%	3.6%	16,004,283
- Other Miscellaneous Taxes and Fees	1,151,240	1,053,718	(97,522)	4,582,492	4,030,952	(551,540)	-12.0%	0.1%	11,574,754
Subtotal - Other Taxes and Fees	8,737,898	9,088,004	350,106	71,748,847	72,267,417	518,570	0.7%	6.8%	143,264,258
Detail of Other Revenue:									
- Liquor Sales and Operations	2,280	2,650	370	14,250.00	23,050	8,800	61.8%	3.3%	28,500
- Targeted Case Management (DHHS)	93,599	20,120	(73,479)	646,254	145,074	(501,180)	-77.6%	-62.9%	1,200,000
- State Cost Allocation Program	1,263,716	1,343,954	80,238	8,599,018	8,805,766	206,748	2.4%	0.2%	17,196,059
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	6,200,000
- Tourism Transfer	0	0	0	(18,109,058)	(17,171,837)	937,221	5.2%	-6.8%	(18,109,058)
- Transfer to Maine Milk Pool	(1,133,204)	(1,133,204)	(0)	(9,620,715)	(9,620,716)	(1)	0.0%	-49.3%	(13,220,037)
- Transfer to STAR Transportation Fund	0	0	0	(9,440,000)	(9,439,886)	114	0.0%	-6.1%	(9,440,000)
- Other Miscellaneous Revenue	1,782,778	1,758,829	(23,949)	12,221,774	13,508,922	1,287,148	10.5%	30.4%	26,018,966
Subtotal - Other Revenue	2,009,169	1,992,349	(16,820)	(15,688,477)	(13,749,628)	1,938,849	12.4%	-15.9%	9,874,430
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	0	36	36	0	3,562	3,562	N/A	-1.5%	0
- BETR - Business Equipment Tax Reimb.	(6,000,000)	(2,582,782)	3,417,218	(12,090,734)	(8,673,517)	3,417,217	28.3%	11.5%	(27,600,000)
- BETE - Municipal Bus. Equip. Tax Reimb.	(5,000,000)	(15,188,003)	(10,188,003)	(32,718,623)	(42,719,960)	(10,001,337)	-30.6%	-37.7%	(40,768,623)
Subtotal - Tax Relief Transfers	(11,000,000)	(17,770,749)	(6,770,749)	(44,809,357)	(51,389,915)	(6,580,558)	-14.7%	-25.9%	(68,368,623)
Inland Fisheries and Wildlife Revenue - Total	1,204,766	982,625	(222,141)	9,943,235	9,921,975	(21,260)	-0.2%	0.0%	21,482,520

Highway Fund Revenue
Fiscal Year Ending June 30, 2019 (FY 2019)

Updated 1/16/19

December 2018 Revenue Variance Report

Revenue Category	December '18 Budget	December '18 Actual	December '18 Variance	Fiscal Year-To-Date					FY 2019 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	17,023,217	16,128,589	(894,628)	110,267,310	109,372,683	(894,627)	-0.8%	-0.1%	208,474,404
- Special Fuel and Road Use Taxes	4,465,234	4,942,883	477,649	26,102,082	25,449,886	(652,196)	-2.5%	19.8%	48,309,400
- Transcap Transfers - Fuel Taxes	(1,578,412)	(1,550,111)	28,301	(10,014,472)	(9,906,561)	107,911	1.1%	-3.0%	(18,867,786)
- Other Fund Gasoline Tax Distributions	(425,701)	(403,328)	22,373	(2,757,458)	(2,735,083)	22,375	0.8%	0.2%	(5,213,319)
Subtotal - Fuel Taxes	19,484,338	19,118,034	(366,304)	123,597,462	122,180,925	(1,416,537)	-1.1%	3.3%	232,702,699
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	4,141,093	4,402,858	261,765	31,896,018	32,520,487	624,469	2.0%	0.2%	67,175,787
- License Plate Fees	288,659	321,840	33,181	1,937,540	2,042,563	105,023	5.4%	3.6%	3,612,343
- Long-term Trailer Registration Fees	740,025	805,085	65,060	5,299,985	5,365,045	65,060	1.2%	14.9%	10,884,523
- Title Fees	967,897	1,112,190	144,293	6,724,051	7,498,974	774,923	11.5%	4.6%	13,696,264
- Motor Vehicle Operator License Fees	659,738	605,405	(54,334)	4,890,527	4,734,416	(156,112)	-3.2%	18.9%	9,444,186
- Transcap Transfers - Motor Vehicle Fees	(3,482,768)	(3,729,151)	(246,383)	(7,767,947)	(8,158,961)	(391,014)	-5.0%	-1.2%	(15,600,414)
Subtotal - Motor Vehicle Reg. & Fees	3,314,644	3,518,227	203,583	42,980,174	44,002,524	1,022,350	2.4%	4.3%	89,212,689
Motor Vehicle Inspection Fees	400,208	679,168	278,960	1,951,250	1,820,311	(130,939)	-6.7%	-6.5%	3,202,500
Other Highway Fund Taxes and Fees	104,382	98,978	(5,404)	669,982	744,751	74,769	11.2%	-0.1%	1,280,229
Fines, Forfeits and Penalties	50,808	37,433	(13,375)	412,434	348,930	(63,504)	-15.4%	-15.4%	739,039
Interest Earnings	30,959	64,026	33,067	248,572	304,718	56,146	22.6%	102.1%	242,191
Other Highway Fund Revenue	529,417	611,578	82,161	7,952,357	8,101,648	149,291	1.9%	10.5%	11,252,423
Totals	23,914,756	24,127,443	212,687	177,812,231	177,503,807	(308,424)	-0.2%	3.7%	338,631,770

**Legislative Council Actions
Taken by Ballot Since the
December 6, 2018 Council Meeting**

Requests for Introduction of Legislation:

**LR 2247 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES
CONGRESS TO SUPPORT FEDERAL EMPLOYEES IN MAINE
AFFECTED BY THE GOVERNMENT SHUTDOWN AND TO TAKE
IMMEDIATE CONGRESSIONAL ACTION**

Submitted by: Representative Catherine Nadeau
Date: January 15, 2019
Vote: 10-0-0 Passed

**LR 2242 Resolve, To Name the Route 7 Bridge in Corinna in Honor of PFC Paul Earl
Sudsbury**

Submitted by: Senator Paul Davis
Date: January 23, 2019
Vote: 9-0-0-1 Passed (with Senator Libby absent)

**129th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Kent Ackley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2258	An Act To Establish "Ballad of the 20th Maine" as the Official State Ballad	

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2231	Resolve, To Rename the Richmond-Dresden Bridge	
2232	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Transportation Funding Come from the Highway Fund	

SPONSOR: Sen. Michael E. Carpenter

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2253	An Act To Provide Fair Contracts in the Logging Industry	

SPONSOR: Rep. Benjamin Thomas Collings

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2235	An Act To Continue Authorization of Seaplane Landings on Katahdin Lake	

SPONSOR: Sen. Paul Davis

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2242	Resolve, To Name the Route 7 Bridge in Corinna in Honor of PFC Paul Earl Sudsbury	In Ballot Process

SPONSOR: Rep. Erik C. Jorgensen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2234	An Act To Create an Endowment Fund for the State	

SPONSOR: Rep. Dennis L. Keschl

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2238	An Act To Improve State Park Facilities	

SPONSOR: Sen. Dave Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2243	An Act To Exempt Trailers Sold to Out-of-state Entities from Sales and Use Tax	

2251	An Act To Provide Consistency in the Laws Governing Culvert Replacement	
------	---	--

SPONSOR: Rep. Richard A. Pickett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2257	An Act To Require Doctors To Provide Patients Detailed Information on the Risks Associated with the Use of Schedule II Drugs Prior to Their Initial Prescription	

SPONSOR: Rep. Rachel Talbot Ross

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2236	An Act To Establish the 400 Years of African-American History Commission	

JOINT RESOLUTIONS

SPONSOR: Sen. Shenna Bellows

<u>LR #</u>	<u>Title</u>	<u>Action</u>
223	JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO SUPPORT THE SOCIAL SECURITY FAIRNESS ACT OR OTHER LEGISLATION TO REPEAL BOTH THE WINDFALL ELIMINATION PROVISION AND THE GOVERNMENTAL PENSION OFFSET PROVISIONS OF THE FEDERAL SOCIAL SECURITY ACT	

SPONSOR: Rep. Seth A. Berry

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

SPONSOR: Sen. Brownie Carson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2254	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EXPRESS THE STATE'S OPPOSITION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S REVISED SUPPLEMENTAL COST FINDING FOR THE MERCURY AND AIR TOXICS STANDARDS	

SPONSOR: Rep. Donna R. Doore

<u>LR #</u>	<u>Title</u>	<u>Action</u>
452	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT ELIMINATING THE WINDFALL ELIMINATION PROVISION FROM THE FEDERAL SOCIAL SECURITY ACT	

SPONSOR: Rep. Jeffrey Evangelos

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1339	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PLEDGES MADE BY THE UNITED STATES IN THE PARIS AGREEMENT	

SPONSOR: Sen. Geoff Gratwick

<u>LR #</u>	<u>Title</u>	<u>Action</u>
887	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR	

SPONSOR: Pres. Troy Dale Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1141	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES INTERNAL REVENUE SERVICE TO GRANT EVERY POSSIBLE CONSIDERATION TO THE OFFER IN COMPROMISE SUBMITTED BY OUR KATAHDIN	

SPONSOR: Rep. Chloe Sophia Maxmin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
801	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION	

129th Maine State Legislature
ADDENDUM
Legislative Council
Requests to Introduce Legislation
First Regular Session
As of January 24, 2019

SPONSOR: Sen. Russell Black

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2269	An Act To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care	

SPONSOR: Pres. Troy Dale Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2260	An Act To Promote the Use of Wood Pellet Central Heating Systems	
2261	An Act To Provide Relief to Federal Workers Affected by the Government Shutdown	
2266	An Act To Ban Use of Aerial Herbicide Spraying for the Purpose of Deforestation	
2267	An Act To Establish Clear Standards for Outcome-based Forestry	

SPONSOR: Sen. David Woodsome

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2268	An Act To Require That Certain Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways	

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

S.P. 731 - L.D. 1901

**Resolve, To Recognize the 100th Anniversary of the American Legion on the
Capitol Grounds**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the American Legion was founded in 1919 and the 100th Anniversary of the American Legion is an opportunity to look back on all the accomplishments and achievements of the American Legion and the impact the organization has had on American society, including the American Legion's contributions to national security and the welfare of veterans, veterans' families and communities; and

Whereas, in order to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion, the Department of the Secretary of State and the American Legion Department of Maine should work together as soon as funding is raised to design and construct the commemorative plaque; and

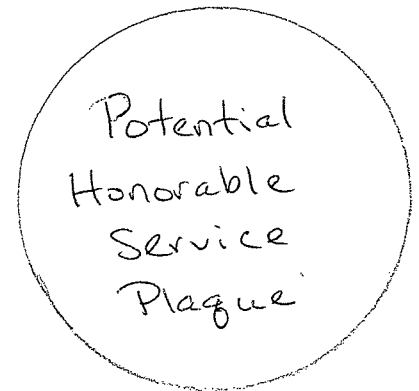
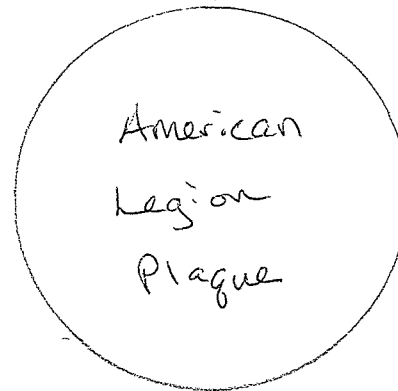
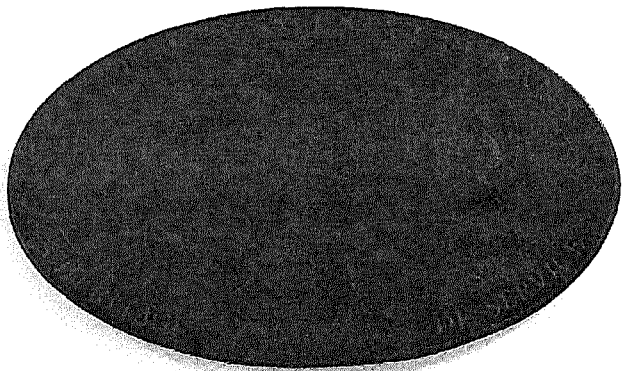
Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

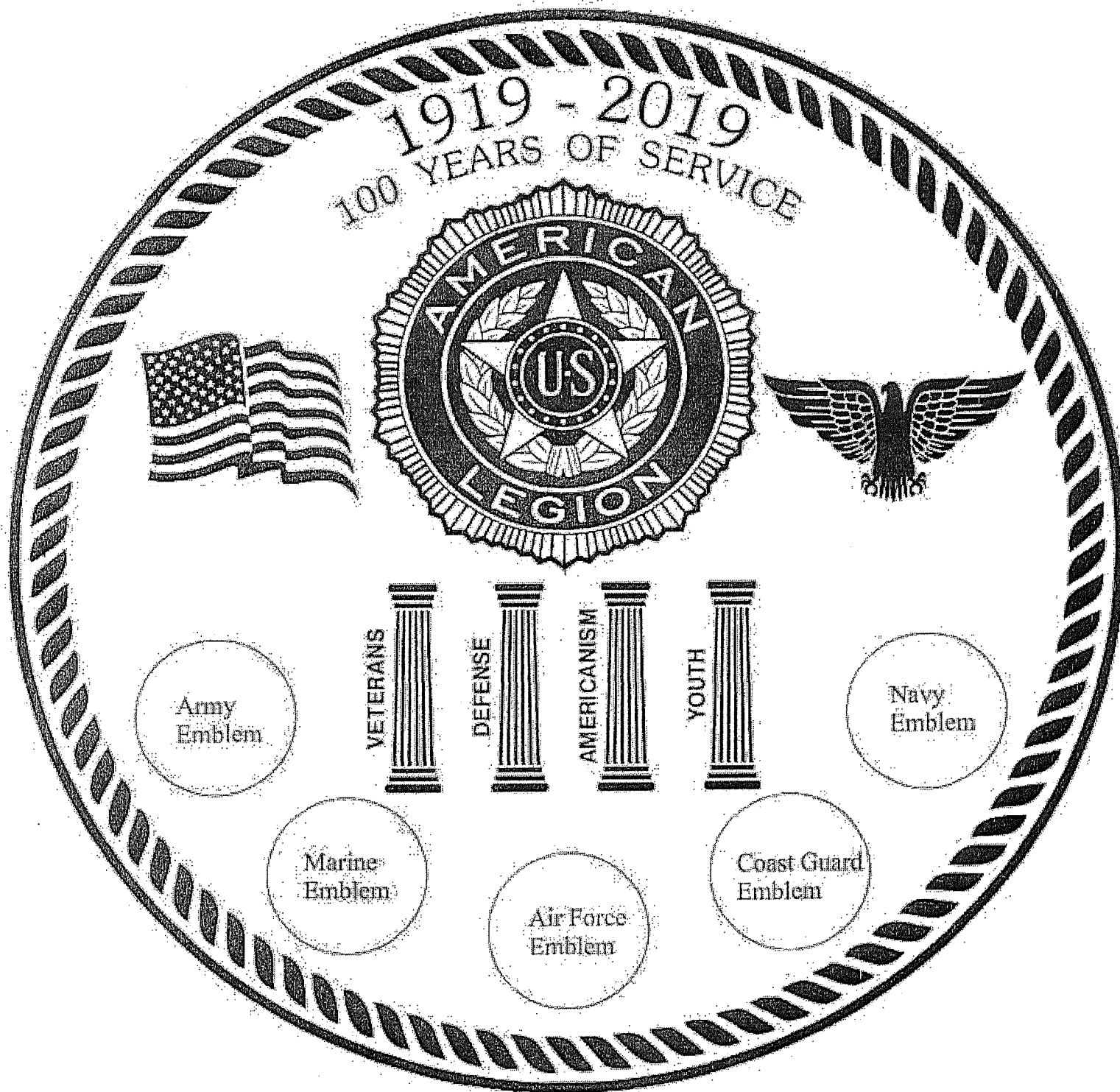
Sec. 1. American Legion plaque on capitol grounds. Resolved: That the Department of the Secretary of State, referred to in this resolve as "the department," shall work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House, as described in the Maine Revised Statutes, Title 3, section 902-A, subsection 2, to honor the 100th Anniversary of the American Legion; and be it further

Sec. 2. Funding assistance. Resolved: That the department may accept from outside sources, including the American Legion Department of Maine, donated goods, services and funding for the design and construction of the plaque; and be it further

Sec. 3. Report; final authorization. Resolved: That, prior to the creation of the plaque, the proposed design and location of the plaque must be submitted to the Executive Director of the Legislative Council for approval by the Legislative Council. The final authorization for the placement of the plaque must be made by the Legislative Council.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.





Proposed Amendment to Policy on Security Screening

Provided below is the relevant portion of the Legislative Council Policy on Security Screening Protocols for the State House. The full text of this policy is available on-line at: <http://legislature.maine.gov/doc/1696>

- I. Priority screening for lower-risk individuals. The following persons may be given an access card for limited duration to permit passage through the priority, lower-risk screening lane at the main entrance to the State House, after applying to the Legislative Council's executive director and upon successful completion of a satisfactory background check performed regularly as determined by the Executive Director.
 - A. State House maintenance, property management and State Postal Service personnel who have a regular and necessary need to enter the State House;
 - B. State House Press Corps members who lease offices in the Legislature's State House Press Corps suite, and other members of the media who possess bona fide State House news media credentials issued pursuant to Section VIII;
 - C. Vendors and contractors who have a regular and necessary need to enter the State House. Express mail and package delivery personnel and supply vendors are not eligible for exception under this section;
 - D. Persons authorized by the Legislative Council's executive director, for specific, short-term Legislative operational or business;
 - E. Persons who have a medical condition or are disabled in a manner that prevents them from undergoing security screening and who have a regular and necessary need to enter the State House, upon documentation from a qualified medical provider that the person may not be subjected to magnetometer screening; and
 - F. Persons who have a regular and necessary on-going need to enter the State House as a result of their profession or employment, including registered professional lobbyists, State agency legislative liaisons, and attorneys representing clients on legislative matters. These persons are subject to an initial application fee of \$75 to offset the processing and security card costs, and a renewal fee of \$25 per legislature. State agency personnel that already have been issued an access card by their respective state agency are subject to a \$25 initial application fee and a \$25 renewal fee. The Executive Director may waive one initial application fee or one renewal per legislative biennium for one staff member from each member of Maine's Congressional Delegation.

Summary

This amendment authorizes the Executive Director to waive the initial application fee or the renewal fee for staff of Maine's Congressional Delegation to receive a security card that provides access to the Priority Screening Lane at the State House. One staff member from each of the four members of Maine's Congressional Delegation may receive a waiver from the fees for each legislative biennium.



**STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION**

**Thirteenth Annual Report
of the
Right to Know Advisory Committee

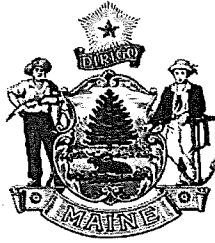
January 2019**

Staff:

**Margaret Reinsch, Sr. Legislative Analyst
Craig Nale, Legislative Analyst
Office of Policy & Legal Analysis
13 State House Station
215 Cross Building
Augusta, ME 04333-0013
(207) 287-1670
<http://legislature.maine.gov/opla/>**

Members:

**Sen. Lisa Keim, Chair
Rep. Christopher W. Babbidge
Amy Beveridge
Elaine Clark
James Campbell
Suzanne Goucher
Stephanie Grinnell
Richard LaHaye
Mary-Anne LaMarre
Judy Meyer
Paul Nicklas
Christopher Parr
Linda Pistner
Luke Rossignol
William D. Shorey
Eric Stout**



**STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION**

**Thirteenth Annual Report
of the
Right to Know Advisory Committee**

January 2019

Staff:

**Margaret Reinsch, Sr. Legislative Analyst
Craig Nale, Legislative Analyst
Office of Policy & Legal Analysis
13 State House Station
215 Cross Building
Augusta, ME 04333-0013
(207) 287-1670
<http://legislature.maine.gov/opla/>**

Members:

**Sen. Lisa Keim, Chair
Rep. Christopher W. Babbidge
Amy Beveridge
Elaine Clark
James Campbell
Suzanne Goucher
Stephanie Grinnell
Richard LaHaye
Mary-Anne LaMarre
Judy Meyer
Paul Nicklas
Christopher Parr
Linda Pistner
Luke Rossignol
William D. Shorey
Eric Stout**

Table of Contents

	Page
Executive Summary	i
I. Introduction.....	1
II. Committee Duties.....	2
III. Recent Court Decisions Related to Freedom of Access Issues.....	3
IV. Right to Know Advisory Committee Subcommittees	4
V. Committee Process.....	6
VI. Actions Related to Recommendations Contained in Twelfth Annual Report.....	12
VII. Recommendations	13
VIII. Future Plans	15

Appendices

- A. Authorizing legislation: 1 MRSA §411
- B. Membership list
- C. Recommended legislation to require municipal officials to complete Freedom of Access Act training when appointed to offices for which training is required if elected to those offices
- D. Recommended legislation to amend certain provisions of law in Titles 1 through 7-A relating to previously-enacted public records exceptions
- E. Recommended legislation to establish a tiered schedule of fines for repeated willful violations of the Freedom of Access Act
- F. Public records exceptions reviewed in 2017-2018 for which no statutory change is recommended, including those recommended for further review in 2019

EXECUTIVE SUMMARY

This is the thirteenth annual report of the Right to Know Advisory Committee. The Right to Know Advisory Committee was created by Public Law 2005, chapter 631 as a permanent advisory council with oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying Maine's freedom of access laws. The members are appointed by the Governor, the Chief Justice of the Supreme Judicial Court, the Attorney General, the President of the Senate and the Speaker of the House of Representatives.

As in previous annual reports, this report includes a brief summary of the legislative actions taken in response to the Advisory Committee's January 2018 recommendations and a summary of relevant Maine court decisions from 2018 on the freedom of access laws. This report also summarizes several topics discussed by the Advisory Committee that did not result in a recommendation or further action.

For its thirteenth annual report, the Advisory Committee makes the following recommendations:

- ☐ **Enact legislation to require municipal officials to complete Freedom of Access Act training when appointed to offices for which training is required if elected to those offices;**
- ☐ **Amend certain provisions of law in Titles 1 through 7-A relating to previously-enacted public records exceptions;**
- ☐ **Enact legislation to establish a tiered schedule of fines for repeated willful violations of the Freedom of Access Act within a four-year period; and**
- ☐ **Establish a legislative study on remote participation.**

In 2019, the Right to Know Advisory Committee will continue to discuss the unresolved issues identified in this report, including its discussion of the establishment of a joint select committee of the Legislature on government transparency and data privacy policy issues and the public availability of information contained in electronic databases. The Advisory Committee will also continue to provide assistance to the Joint Standing Committee on Judiciary relating to proposed legislation affecting public access. The FOAA Remedies Subcommittee will meet with the expectation to make recommendations concerning alternatives to enforcement of the FOAA through the court process to the Advisory Committee. The Advisory Committee looks forward to another year of activities working with the Public Access Ombudsman, the Judicial Branch and the Legislature to implement the recommendations included in this report.