

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



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
April 25, 2019
Approved May 23, 2019**

CALL TO ORDER

President Jackson called the April 25, 2019 meeting of the 129th Legislative Council to order at 1:51 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Jackson, Senator Libby, Senator Dow and Senator Timberlake
Absent: Senator Vitelli (arrived late)

Representatives: Speaker Gideon, Representative Dillingham and Representative Stewart
Absent: Representative Moonen (arrived late) and Representative Fecteau

Legislative Officers: Darek Grant, Secretary of the Senate
Marcia Homstead, Assistant 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
Chris Nolan, Director, Office of Fiscal and Program Review
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
John Barden, Director, Law and Legislative Reference Library
Nik Rende, Director, Legislative Information Technology

President Jackson convened the meeting at 1:51 p.m. with a quorum of members present.

SUMMARY OF MARCH 28, 2019 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for March 28, 2019 be accepted and placed on file. Motion by Senator Libby. Second by Speaker Gideon. **Motion passed unanimously (7-0-0-3**, with Senator Vitelli and Representatives Moonen and Fecteau absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

1. Remote Public Testimony

Last month in my report to you, I introduced the new online process for accepting remote testimony being developed by the Office of Legislative Information Technology (LIT), the Legislative Information Office (LIO) and the Law and Legislative Reference Library. The significant growth of emailed testimony over the last few years has made the implementation of this automated processing of remote testimony a high priority. The Clerks even with the assistance of LIO staff have not been able to keep up and process all the emailed testimony as this process is very labor intensive.

Shortly after last month's Council meeting, LIT was able to resolve some of the final "bugs" in this new application and we reached out to the committee chairs with a description of the new remote testimony process. Their feedback added a significant improvement to the subject line of the automated emails forwarding with the testimony to committee members, adding the LD#(s) to the subject line in addition to the committee abbreviation and date of the hearing. Early last week, we sent out a broadcast email announcing the implementation of the new application beginning Monday, April 22nd. After concerns were raised about no longer accepting any emailed testimony, we issued a new announcement indicating that we would continue to accept testimony by email, but we are strongly encouraging the public to use the testimony application.

If an insufficient percentage of the public switch from email to using the new web-based application, then I will be asking the Council to address the significant demands related to processing and posting emailed testimony, which could include: additional session-only staff; no longer posting testimony submitted by email; or next session making the use of the application mandatory for remote testimony and no longer accepting email.

2. MELD Bill Production System Replacement Project

The Revisor of Statutes has been testing the new Bill Production System (BPS) about three weeks producing test bills and amendments. Some of the more recent phases of the project have involved much more complicated programming and has resulted in the timeline for completing the project being extended by about two weeks. We are still confident that we can have a fully functioning BPS in time for producing bills during the 2nd Regular Session.

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 2019 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$176.4	\$217.0	\$40.6	23.0%	\$192.2	12.9%
FYTD	\$2,629.3	\$2,649.7	\$20.3	0.8%	\$2,502.4	5.9%

General Fund revenue was over budget by \$40.6 million (23.0%) for the month of March and by \$20.3 million (0.8%) for the fiscal year to date. Individual income tax revenue was over budget by \$26.2 million for the month but is still under budget by \$17.7 million for the fiscal year to date. The positive variance in individual income tax revenue in March was largely the result of a negative variance in income tax refunds of \$16.3 million (an increase in net revenue) and a positive variance in individual income tax withholding payments of \$8.0 million. The negative variance in March individual income tax refunds offsets February's positive variance of \$17.0 million (a reduction in net revenue). Corporate income tax revenue was over budget by \$10.6 million for the month and by \$22.1 million for the fiscal year to date, largely the result of corporate estimated payments exceeding budgeted levels. Sales and use tax revenue (February sales) was over budget for the month by \$0.8 million and for the fiscal year to date by \$1.1 million.

2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2019 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$25.2	\$25.4	\$0.2	0.8%	\$24.4	3.8%
FYTD	\$256.3	\$260.2	\$4.0	1.5%	\$250.6	3.8%

Highway Fund revenue was over budget by \$0.2 million (0.8%) for the month of March and by \$4.0 million (1.5%) for the fiscal year to date. Fuel taxes were under budget by \$0.9 million for the month and under budget by \$1.1 million for the fiscal year to date. Motor vehicle registrations and fees were over budget for the month by \$1.3 million and over budget for the fiscal year to date by \$5.4 million.

3. Cash Balances Update

The average balance in the cash pool for March was \$1,337.1 million, a decrease from February's average of \$1,464.8 million but above both last March's average balance and the ten-year average for the month. Historically, March is a low point in the fiscal year for cash balances that are then usually replenished in April and May. General Fund internal borrowing from other funds was not needed in January (has not been needed since April of 2016). The average Highway Fund balance of \$35.2 million in March was up from February's average of \$32.2 million and above last March's average balance.

4. Economic/Revenue Forecast

The Consensus Economic Forecasting Commission (CEFC) convened on March 29, 2019, to review and update its forecast through 2023. The CEFC made only modest changes to the economic forecast. The Revenue Forecasting Committee (RFC) is scheduled to meet on May 1, 2019 to review and update as necessary the existing revenue forecast. The modest changes reflected in the new CEFC forecast are expected to have only a modest effect on the revenue forecast. The RFC will also consider the impact of April performance of individual and corporate income taxes at its May 1st meeting.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

President Jackson reported that the Personnel Committee met on Wednesday, April 17th to consider the following matters:

1. Workday Maine Update

Ms. Little provided the committee with an update regarding the Workday Maine HR System project. Mr. Phillip Platt, Director of Shared Services for DAFS, was available to answer the committee's questions. The committee is recommending to the Legislative Council that the Legislative Branch fully utilize the Workday Maine HR System.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council authorizes the executive director to explore the functionality of the Workday Maine human resource management system and implement this system for nonpartisan staff if he deems it appropriate to meet the recruiting, onboarding, timekeeping, accrual and leave time request needs for nonpartisan staff; and further, authorizes the Executive Director to implement the Workday Maine human resource management system if deemed appropriate by the Clerk and Secretary to meet the recruiting, onboarding, timekeeping, accrual and leave time request needs with respect to House and Senate employees respectively and sufficiently addresses access and security concerns; and further, directs the Executive Director to provide regular updates on this project at future Personnel Committee meetings. Motion by President Jackson. Second by Senator Libby. **Motion passed unanimously (7-0-0-3, with Representatives Moonen, Fecteau and Dillingham absent).**

2. Electronic Communication Guidelines for Legislators and Legislative Staff.

Mr. Rende, Director of LIT, provided information to the committee regarding electronic communications. The committee provided guidance. This item will be discussed later during New Business.

3. Harassment Prevention Update

Ms. Little reviewed the latest draft harassment policy. The committee provided Ms. Little with final guidance for policy edits. It is anticipated that the committee will be prepared to recommend a revised policy at its next meeting.

4. Onsite Child Care

The committee identified some next steps for Ms. Little to take regarding this matter. This matter will be discussed at a future meeting.

5. Collective Bargaining

Mr. Pennoyer and Ms. Little provided the committee with background information related to collective bargaining. This item will be discussed at a future meeting.

State House Facilities Committee

Senator Libby reported that the State House Facilities Committee met on Wednesday, April 24th to consider the following items.

1. Press Access through the Connector

At the committee meeting, Mr. Pennoyer provided an overview of a new solution that has been developed to quickly provide access to the State House for the Press through the Connector when warranted. During the Legislative Council meeting, Senator Libby

presented a proposed amendment to the Security Screening Policy which allows the media access to the State House through the connector if certain requirements are met.

Motion: That the Legislative Council approves an amendment to the *Legislative Council Policy on Security Screening Protocols for the Maine State House* as presented which creates a new section VI.F. Motion by Senator Libby. Second by Senator Vitelli. **Motion passed unanimously (8-0-0-2, with Representatives Moonen and Fecteau absent).**

2. Amendment to Security Screening Policy for MEMA Director Access

Mr. Pennoyer presented to the committee a proposed amendment to the Security Screening Policy to add the MEMA Director to the list of employees that have after-hours access to the State House to be able to meet with the Governor.

Motion: That the Legislative Council approves an amendment to the *Legislative Council Policy on Security Screening Protocols for the Maine State House* as presented which revises section VI.E. Motion by Senator Libby. Second by Representative Dillingham. **Motion passed unanimously (8-0-0-2, with Representatives Moonen and Fecteau absent).**

3. Security in the Cross Office Building

The committee discussed the idea of providing security screening in the Cross Office Building with Mr. Pennoyer and Chief Gauvin of Capitol Police. The committee is recommending that the Legislative Council direct Chief Gauvin and the Executive Director to develop some options for adding security screening at the Cross Office Building and present those to the State House Facilities Committee at a future meeting.

Motion: That the Legislative Council directs the Executive Director to coordinate with Chief Gauvin, Bureau of Capitol Police, to develop some options for adding security screening in the Cross Office Building and to present those options to the State House Facilities Committee. Motion by Senator Libby. Second by Representative Dillingham. **Motion passed unanimously (8-0-0-2, with Representatives Moonen and Fecteau absent).**

4. Multi-year Plan for Maintenance and Improvements

The committee reviewed the multi-year plan for maintenance and improvement projects for the State House and grounds. The committee recommended that the Legislative Council approve the plan as presented. This matter will be discussed later under new business in today's agenda.

President Jackson asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to **New Business, Item #5.**

NEW BUSINESS

Item #5: Adoption of the Maine State House and Grounds Multi-Year Plan for Maintenance and Improvements

Senator Libby gave a brief overview of the Multi-Year Plan and then presented the following motion.

Motion: That upon the unanimous recommendation of the State House Facilities Committee the Legislative Council approves the maintenance and improvement projects as presented in the 2019 update of the Maine State House and Grounds Multi-Year Plan for Maintenance and Improvements. Motion by Senator Libby. Second by Representative Dillingham. **Motion passed (6-2-0-2**, with Senator Timberlake and Representative Stewart opposed and Representatives Moonen and Fecteau absent).

The Legislative Council then returned to the other items on its agenda.

REPORTS FROM COUNCIL COMMITTEES

Legislative Budget Subcommittee

Speaker Gideon reported the Budget Subcommittee met on Wednesday, April 24th to review the Legislature's Budget. Dawna Lopatosky, Legislative Finance Director, reviewed the budget materials she had prepared for the committee. In addition to the provisional budget recommendations submitted last summer to the Bureau of the Budget and included in the Governor's proposed Biennial Budget, the subcommittee also considered several new initiatives. A motion was made and withdrawn regarding a proposed Legislative budget with the determination that changes may need to be made. It was recommended that these changes be reviewed before submitting a new motion for a Legislative budget.

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2489 An Act Directing That the Towns Comprising Hospital Administrative District No. 4 Hold a Vote on the Proposed Merger with Northern Light

Submitted by: Senator Paul Davis
Date: April 9, 2019
Vote: 10-0-0-0 Passed

LR 2490 An Act To Amend the Charter of the Mayo Regional Hospital To Give It Authority To Merge with Northern Light Hospital

Submitted by: Representative Norman Higgins
Date: April 9, 2019
Vote: 10-0-0-0 Passed

LR 2491 An Act Regarding On-premise Liquor Licenses

Submitted by: Senator Louis Luchini
Date: April 16, 2019
Vote: 10-0-0-0 Passed

LR 2475 An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission

Submitted by: Senator Justin Chenette
 Date: April 16, 2019
 Vote: 7-3-0-0 Passed (with Sen. Timberlake and Reps. Dillingham and Stewart opposed)

LR 2496 An Act To Return Funds to Maine Property Taxpayers

Submitted by: Speaker Sara Gideon
 Date: April 18, 2019
 Vote: 9-1-0-0 Passed (with Sen. Timberlake opposed)

LR 2487 An Act To Prohibit Prescription Drug Advertising in Maine

Submitted by: Senator Benjamin Chipman
 Date: April 18, 2019
 Vote: 7-3-0-0 Passed (with Sens. Dow and Timberlake and Rep. Dillingham opposed)

LR 2502 An Act To Clarify the Definition of Consumer-owned Transmission and Distribution Utility

Submitted by: Representative Nicole Grohoski
 Date: April 24, 2019
 Vote: 6-4-0-0 Passed (with Sens. Dow and Timberlake and Reps. Dillingham and Stewart opposed)

NEW BUSINESS

Item #1: Consideration of After Deadline Requests

The Legislative Council proceeded to consider and vote on fourteen (14) after deadline bill requests and four (4) Joint Resolutions. The Legislative Council authorized 4 (4) bills for introduction in the Second Regular Session, six (6) bills were tabled, and four (4) bills remained tabled from a previous meeting. The Legislative Council tabled one (1) Joint Resolution and three (3) Joint Resolutions remained tabled from a previous meeting. The Legislative Council's action on the bill requests is attached.

Item #2: Archived Committee Audio Files

Mr. Pennoyer reviewed the status of archived committee audio files and presented the question of allowing the archived files to be put on the website for anyone to access for the Legislative Council to consider. After discussion, the following motion was made.

Motion: That the Legislative Council approves making the archived and all future committee audio files available to the public on the Legislative website. Motion by Speaker Gideon. Second by Representative Stewart. **Motion passed unanimously (7-0-0-3**, with Senator Libby and Representatives Moonen and Fecteau absent).

Item #3: Adoption of the *Legislative Council Policy on Electronic Communications*

The Legislative Council discussed this issue and it was recommended to send this policy back to the Personnel Committee for changes.

Motion: That the Legislative Council recommends that the Personnel Committee review this policy for changes and bring it back to the Legislative Council at a future time. Motion by Representative Dillingham. Second by Senator Timberlake. **Motion passed unanimously (6-0-0-4**, with Senators Libby and Vitelli and Representatives Moonen and Fecteau absent).

Item #4: Request regarding the ASLCS Professional Development Conference

Mr. Hunt, Clerk of the House, presented a request on behalf of Mr. Grant, Secretary of the Senate, and himself for Maine to host the 2020 ASLCS Conference in Portland with a trip to Augusta planned during the conference. Mr. Hunt gave an overview about the American Society of Legislative Clerks and Secretaries, which typically includes guests from other countries.

Motion: That the Legislative Council approves the request for Maine to host the ASLCS Conference in 2020. Motion by Representative Dillingham. Second by Speaker Gideon. **Motion passed unanimously (6-0-0-2**, with Senators Libby and Vitelli and Representatives Moonen and Fecteau absent).

Item #6: Funding for the Commission on Uniform State Laws

Commission member Ann Robinson gave a presentation about the commission. A discussion was held with several questions posed, including regarding the funding of this commission over time. A request was made to Ms. Robinson to provide more information. This matter will be discussed at a future meeting.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:28 p.m.

**129th Maine State Legislature
Legislative Council Actions Taken on
Requests to Introduce Legislation
First Regular Session
April 25, 2019**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Submitted by State Agencies

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2498	An Act Regarding the Timeliness of Payments to the State	PASSED
2508	An Act To Amend the Laws Governing Investigations by School Entities into Holders of Credentials	PASSED
2511	An Act To Amend Licensure for Professional Engineers	PASSED

SPONSOR: Sen. Erin Herbig

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2505	An Act To Exempt Purchases by Pet Food Pantries from Sales Tax	TABLED

SPONSOR: Rep. Colleen M. Madigan

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2499	Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children	TABLED

SPONSOR: Sen. Rebecca Millett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2494	An Act To Ensure Public Notification of Air Quality Assessments and Violations	TABLED
2495	An Act To Ensure Accuracy and Reliability of Environmental Testing	TABLED

SPONSOR: Rep. Trey Stewart

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2512	An Act To Provide a Sales Tax Exemption for Certain Community Nonprofit Agencies	TABLED

SPONSOR: Rep. Mike A. Sylvester

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2482	An Act To Provide a Workers' Compensation Tax Credit for Certain Businesses	TABLED

LATE-FILED MAJOR SUBSTANTIVE RULES

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2510	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a Late-filed Major Substantive Rule of the Department of Health and Human Services	PASSED

JOINT RESOLUTIONS

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2445	JOINT RESOLUTION MEMORIALIZING THE FEDERAL ENERGY REGULATORY COMMISSION TO REQUIRE THAT THE NEW ENGLAND POWER POOL MAKE ITS MEETINGS OPEN TO THE PUBLIC AND THE MEDIA	TABLED

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Pres. Troy Dale Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2267	An Act To Establish Clear Standards for Outcome-based Forestry	Tabled 01/24/19
2422	An Act To Open Maine's Primaries To Cast Ballots in Primary Elections Starting in 2020	Tabled 02/28/19

SPONSOR: Rep. Peter Lyford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2397	An Act To Allow Certain Licensees To Be Classified as Purveyors of Alcoholic Beverages and To Be Eligible To Conduct Additional Retail Taste-testing Events	Tabled 02/28/19

SPONSOR: Sen. Jeff Timberlake

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2415	An Act To Eliminate the Fee for Gold Star Family Vanity Registration Plates	Tabled 02/28/19

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	Tabled 01/24/19

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	Tabled 01/24/19

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	Tabled 01/24/19