

# MAINE STATE LEGISLATURE

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REP. SARA GIDEON  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



129<sup>TH</sup> 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  
May 23, 2019  
Approved June 17, 2019**

**CALL TO ORDER**

Speaker Gideon called the May 23, 2019 meeting of the 129<sup>th</sup> Legislative Council to order at 2:37 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: Senator Libby

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

Representatives: Speaker Gideon, Representative Moonen, Representative Fecteau, Representative Dillingham and Representative Stewart

Legislative Officers: Darek Grant, 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

Speaker Gideon convened the meeting at 2:37 p.m. with a quorum of members present.

**SUMMARY OF APRIL 25, 2019 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for April 25, 2019 be accepted and placed on file. Motion by Senator Libby. Second by Representative Stewart. **Motion passed unanimously (6-0-0-4**, with President Jackson and Senators Vitelli, Dow and Timberlake absent).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

#### 1. Remote Public Testimony Application

The application to allow for the submission of testimony online has been working well for the last month. The Office of Legislative Information Technology (LIT) and the Legislative Information Office (LIO) worked cooperatively to quickly address identified issues with the application. I would like to thank those offices for their efforts to make the implementation of this application successful. As I mentioned last month, we will be evaluating the shift from emailed testimony to testimony submitted using this new application and reporting back to you after the session with options for the future.

#### 2. Archived Committee Audio

Pursuant to the Legislative Council's motion at its last meeting, LIT has made the archived versions of the committee audio files available on the Legislature's website. I have not made a broad announcement of its availability as I was waiting for LIT to address some minor issues in the way the files are accessed. When LIT completes the corrections and makes it available, I will be sending out an announcement of its availability both internally and to the interested parties lists.

#### 3. Fiscal Year 2019-20 Insurance Premium Increases

The Department of Administrative and Financial Services recently released the proposed rate changes for fiscal year 2019-20 for both Health Insurance and Dental Insurance that will take effect July 1<sup>st</sup>. Health Insurance premiums will increase by 3.8% and dental insurance premiums will increase by 9%. I would note that this is the first increase in dental insurance premiums since 2013. Coverage changes are available on the website of the Office of Employee Health and Benefits within the Bureau of Human Resources.

### 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
April	\$447.0	\$520.2	\$73.2	16.4%	\$432.0	20.4%
FYTD	\$3,085.8	\$3,179.4	\$93.5	3.0%	\$2,934.4	8.3%

General Fund revenue was over budget by \$73.2 million (16.4%) for the month of April and by \$93.5 million (3.0%) for the fiscal year to date. These positive variances **do not reflect the May 2019 revenue forecast**, which increased budgeted revenue by \$66.7 million for FY 2019. Individual income tax revenue was over budget by \$53.0 million for the month and by \$35.3 million for the fiscal year to date; \$25 million of this positive year-to-date variance is reflected in the May 2019 revenue forecast. The positive variance in individual income tax revenue in April was largely the result of a positive variance in year-end filing receipts of \$54.3 million. Corporate income tax revenue was over budget by \$13.2 million for the month and by \$35.2 million for the fiscal year to date; \$35 million of this positive year-to-date

variance is reflected in the May 2019 revenue forecast. Sales and use tax revenue (March sales) was under budget for the month by \$0.6 million and on budget for the fiscal year to date; the May 2019 forecast made no changes in these lines.

## 2. Highway Fund Revenue Update

### Total Highway Fund Revenue - FY 2019 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$27.7	\$28.9	\$1.2	4.3%	\$27.7	4.4%
FYTD	\$284.0	\$289.2	\$5.2	1.8%	\$278.4	3.9%

Highway Fund revenue was over budget by \$1.2 million (4.3%) for the month of April and by \$5.2 million (1.8%) for the fiscal year to date. These variances **do not reflect the May 2019 revenue forecast**, which increased budgeted revenue by \$4.8 million for FY 2019. Fuel taxes were over budget by \$0.2 million for the month but under budget by \$0.8 million for the fiscal year to date. Motor vehicle registrations and fees were over budget for the month by \$0.8 million and over budget for the fiscal year to date by \$6.1 million; \$4.5 million of this positive year-to-date variance is reflected in the May 2019 revenue forecast.

## 3. Cash Balances Update

The average balance in the cash pool for April was \$1,415.6 million, an increase from March's average of \$1,337.1 million and above both last April'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. The average Highway Fund balance of \$65.0 million in April was up significantly from March's average of \$35.2 million and above last April's average balance. This positive variance was largely the result of receiving a distribution of bond funds in April.

## REPORTS FROM COUNCIL COMMITTEES

### Personnel Committee

Speaker Gideon reported that the Personnel Committee met on Thursday, May 16<sup>th</sup> to consider the following matters:

#### 1. Onsite Child Care

The committee met with Bert Bilodeau, Director of the Bureau of Real Estate Management to discuss possible locations for nearby childcare. The committee reviewed the results of the recent demographic study. This matter will be discussed at a future meeting.

#### 2. Harassment Prevention Policy Revision

Ms. Little reviewed the latest draft harassment policy. The committee unanimously recommends adoption of this revised policy by the Legislative Council.

**Motion:** That upon the unanimous recommendation of the Personnel Committee, the Legislative Council adopts the revised Legislative Council Policy on Harassment; and further, authorizes the Executive Director to insert the language of this policy into the *Personnel Policy and Guidelines* handbooks for all legislative employees and into the *Legislators' Handbook*. Motion by Senator Libby. Second by Representative Dillingham.  
**Motion passed unanimously (9-0-0-1, with Senator Vitelli absent).**

## 3. Workday Maine Update

Ms. Little provided the committee with a brief update regarding the Workday Maine HR System project. This matter will be discussed at a future meeting.

## 4. 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 matter will be discussed at a future meeting.

## 5. Performance Evaluation and Step Increase for Nik Rende [Ren-dee]

The committee reviewed the performance of and considered a step increase for Nik Rende, Director of Legislative Information Technology. The committee voted unanimously to approve this step increase.

## 6. Discussion of Clerk Evaluation Process and Chairs' Input

The committee provided direction to Mr. Pennoyer and Ms. Little regarding the annual performance evaluations for Committee Clerks. It is expected that these changes will be discussed during the Interim as part of the personnel policy updates.

**State House Facilities Committee**

No Report

**OLD BUSINESS****Item #1: Council Actions Taken by Ballot****Requests for Introduction of Legislation:****LR 2494      An Act To Ensure Public Notification of Air Quality Assessments and Violations**

Submitted by: Senator Rebecca Millett

Date: May 1, 2019

Vote: 6-4-0-0 Passed (with Sens. Dow and Timberlake and Reps. Dillingham and Stewart opposed)

**LR 2505      An Act To Exempt Purchases by Pet Food Pantries from Sales Tax**

Submitted by: Senator Erin Herbig

Date: May 1, 2019

Vote: 8-2-0-0 Passed (with Sens. Dow and Timberlake opposed)

**LR 2495      An Act To Ensure Accuracy and Reliability of Environmental Testing**

Submitted by: Senator Rebecca Millett  
 Date: May 2, 2019  
 Vote: 6-4-0-0 Passed (with Sens. Dow and Timberlake and Reps. Dillingham and Stewart opposed)

**LR 2529      An Act To Authorize the Transfer of a Plot of Land from the State to the Town of Allagash**

Submitted by: President Troy Jackson  
 Date: May 14, 2019  
 Vote: 7-3-0-0 Passed (with Sen. Timberlake and Reps. Dillingham and Stewart opposed)

**LR 2512      An Act To Provide a Sales Tax Exemption for Certain Community Nonprofit Agencies**

Submitted by: Representative Trey Stewart  
 Date: May 20, 2019  
 Vote: 8-2-0-0 Passed (with Sen. Timberlake and Rep. Moonen opposed)

**LR 2536      An Act To Enhance Personal and Public Safety**

Submitted by: Senator Lisa Keim  
 Date: May 21, 2019  
 Vote: 8-2-0-0 Passed (with Reps. Moonen and Fecteau opposed)

**Item #2: Legislative Budget**

After discussion the following motion was made:

**Motion:** That the Legislative Council accepts the legislative budget proposed in Part A of LD 1001 (Governor's proposed 2020-2021 biennial budget) and LD 1002 (Governor's proposed 2020-2021 Highway Fund biennial budget) with the following adjustments: Appropriate \$74,920 in FY 20 and \$81,599 in FY 21 and establish one legislative position count for one Legislative Aide position; Appropriate \$83,375 in FY 20 and \$96,249 in FY 21 and establish one legislative position count for one Senior Systems Support Coordinator position; Appropriate \$74,920 in FY 20 and \$81,599 in FY 21 and establish one legislative position count for one Digital Director position; Appropriate \$8,792 in FY 20 and \$9,195 in FY 21, establish one legislative position count and reduce FTE count by .808 and increase the weeks authorized for one Executive Secretary position from 42 to 52. And further, that the Legislative Council directs the Executive Director to prepare and submit implementing language reflecting the decisions of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's budget bill, LD 1001. And further, that the Legislative Council authorizes the transfer of \$44,052 from unspent balances in legislative accounts to allow FY 20 annual dues requested by the Council of State Governments and by the National Conference of State Legislatures to be paid in full. And further, that the Legislative Council authorizes legislative budget adjustments to offset the cost of the position changes in the 2020-2021 biennium by lapsing an amount in each fiscal year of the 2020-2021 biennium sufficient to offset the additional General Fund costs from the position changes, from unspent balances in the legislative accounts. Motion by Speaker Gideon.



Second by Senator Libby. **Motion passed unanimously (9-0-0-1**, with Senator Vitelli absent).

## NEW BUSINESS

### **Item #1: Consideration of After Deadline Requests**

The Legislative Council took no action on all after deadline requests and joint resolution requests.

### **Item #2: Proposed Second Session Cloture Schedule and Related Dates**

Ms. Gresser, Revisor of Statutes, presented the proposed Second Session cloture schedule and explained the related dates to the Legislative Council.

**Motion:** That the Legislative Council approves the Second Session cloture schedule and related dates. Motion by President Jackson. Second by Senator Libby. **Motion passed unanimously (9-0-0-1**, with Senator Vitelli absent).

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

This item was completed during the report from the Personnel Committee.

### **Item #4: Request regarding the Yellow Tulip Project**

Mr. Pennoyer presented the request from the Quality Improvement Council regarding the Yellow Tulip Project. This project would be to plant yellow tulips in support of mental health in the State House gardens. Mr. Pennoyer reviewed the policy on the *Use of the State House for Political Purposes* and how this relates to this request. After discussion, the following motion was made.

**Motion:** That the Legislative Council denies the request from the Quality Improvement Council regarding the Yellow Tulip Project. Motion by Representative Dillingham. Second by Senator Libby. **Motion passed unanimously (9-0-0-1**, with Senator Vitelli absent).

### **Item #6: Bicentennial Briefing**

Jamie Ritter, Dana Connors, Kristen Muszynski and Brad Sawyer presented an overview of the plans for the Bicentennial. The kick-off is planned for July 26<sup>th</sup>. The nonprofit, Maine 200, was established to receive donations. The committee is working to match the public funds (\$1 million) that have been earmarked for the bicentennial. They plan to offer community grants of varying amounts for celebrations and events planned around the bicentennial. More information can be found at <https://www.maine200.org/>. Bicentennial merchandise (hats, shirts, buttons, magnets) are available. A large public relations push will be coming soon.

## ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:17 p.m.