

SEN. MICHAEL D. THIBODEAU
CHAIR

REP. MARK W. EVES
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER



127TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. JUSTIN L. ALFOND
SEN. DAWN HILL
REP. JEFFREY M. MCCABE
REP. SARA GIDEON
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

**LEGISLATIVE COUNCIL
MEETING SUMMARY
March 24, 2016
Approved April 28, 2016**

CALL TO ORDER

President Thibodeau called the March 24, 2016 meeting of the Legislative Council to order at 2:25 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Mason, Senator Cushing, Senator Alfond and Senator Hill

Representatives: Speaker Eves, Representative McCabe, Representative Gideon, Representative Fredette and Representative Espling

Legislative Officers: Robert Hunt, Clerk of the House
Jennifer McGowan, Assistant Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
Jackie Little, Human Resource Director
Marion Hylan Barr, Director, OPLA
Suzanne Gresser, Revisor of Statutes
Chris Nolan, Director, OFPR
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology

President Thibodeau convened the meeting at 2:25 p.m. with a quorum of members present.

Legislative Council Chair Thibodeau asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to **New Business, Item 1.**

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 13 new bill requests, the council authorized 6 requests for introduction in the 2nd Regular Session of the 127th Legislature, 1 failed to be authorized, 5 were tabled and 1 was withdrawn by the sponsor. Of the 15 previously tabled bill requests, the council reconsidered and authorized 1 request (LR 2664), 4 received motions to reconsider that failed (LRs: 2561, 2640, 2569 and 2697) therefore they remain tabled, and all others remain tabled. The council tabled the joint resolution (LR 2785) and took no action on the previously tabled joint resolution (LR 163), so it remains tabled. The council also authorized one agency bill (LR 2793) for introduction. The Legislative Council's actions on the requests are included on the attached list.

OLD BUSINESS

Item #1: Consideration of Bill Requests Tabled from October 22 and November 19

The Legislative Council moved to reconsider and authorize one bill request (LR 2200) for introduction in the 2nd Regular Session of the 127th Legislature. No action was taken on all other previously tabled bill requests, so all remain tabled. The Legislative Council's actions on the requests are included on the attached list.

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

SUMMARY OF FEBRUARY 25, 2016 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for February 25, 2016 be accepted and placed on file. Motion by Senator Alford. Second by Senator Hill. **Motion passed unanimous (9-0-0-1, with Representative Fredette absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

1. Active Shooter Incident Training and Preparation

We have had two training sessions for legislative staff to prepare for and react to active shooter incidents; the latest was held March 2nd. One of the major initiatives under way to prepare for these potential incidents is an effort to enhance secure-in-place options in the Cross Office Building and the State House. This effort includes adding locks to or modifying locks of interior office doors when possible so that they may be locked from inside the room. Interior offices with interior windows are having blinds or shades added to hide room occupants, if needed. This effort is currently in process in the Cross Office Building where the effort is easier to implement. The State House with a variety of door types and locks will be more difficult and is planned for after the Cross Office Building effort is finished.

2. Original Copper from the State House Dome – Progress Report

As of Wednesday, we have sold almost 200 mementos (74 plaques and 122 framed pictures). We have also sold approximately 1060 square feet of the copper in rough form. We will make a final marketing effort toward the end of the Legislative session to move as much of the remaining rough copper as possible before the end of June, when the lease on the storage unit ends.

3. Public Art Commission Phase of Copper Reuse Project

Approximately 1000 square feet of the rough copper has been set aside in separate storage for use in a commissioned work of art. The Maine Arts Commission has initiated the artist selection process by reaching out to members of the Artist Selection Committee to establish the first meeting and begin an intensive effort to select a site for the work and the artist.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, reported on:

General Fund Revenue Update

Total General Fund Revenue - FY2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$122.3	\$139.5	\$17.2	14.1%	\$148.7	-6.2%
FYTD	\$2,061.1	\$2,140.2	\$79.1	3.8%	\$1,930.5	10.9%

General Fund revenue was over budget by \$17.2 million (14.1%) for the month of February and over budget by \$79.1 million (3.8%) for the fiscal year through February. These positive variances do not reflect the March revenue forecast, which increased budgeted revenue for FY 16 by \$67.3 million. The March monthly revenue report will reflect the new monthly distribution resulting from the March forecast.

Individual income tax revenue was \$15.4 million over budget for the month of February and \$57.5 million over budget for the fiscal year through February. This line should be closer to the budget amount once the March adjustment is made. Estimated payments and withholding again showed strong performance. Sales and use tax revenue was over budget by \$2.7 million for the month and over budget by \$7.6 million for the fiscal year to date. Corporate income tax revenue was under budget by \$0.9 million for February but over budget by \$4.1 million for the fiscal year to date.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$25.6	\$27.3	\$1.6	6.3%	\$26.6	2.4%
FYTD	\$216.4	\$222.7	\$6.4	2.9%	\$196.9	13.1%

Highway Fund revenue was over budget by \$1.6 million (6.3%) for the month of February and over budget by \$6.4 million (2.9%) for the fiscal year through February. These positive variances do not reflect the March revenue forecast, which increased budgeted revenue for FY 16 by \$2.5 million. Fuel taxes were over budget for the month of February by \$0.5 million and over budget for the fiscal year to date by \$0.5 million. Motor vehicle registration and fees were over budget by \$1.3 million for the month of February and over budget by \$4.5 million for the fiscal year to date.

Cash Balances Update

February's total average cash balances of \$840.6 million were well above both last year's balances for February of \$675.4 million and the ten-year average for February of \$500.7 million. There was no General Fund internal borrowing from other funds in February. The average Highway Fund balance of \$40.0 million in February increased slightly from January's average of \$39.1 million but was below last year's balance for February of \$54.2 million.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report

2. State House Facilities Committee

Senator Mason reported the State House Facilities Committee met on Thursday, March 17th to consider the following items.

1. Video and audio webcasts – recording and archiving Legislative Proceedings

The committee continued its discussion of the upgrades to the Legislature's video and audio webcasts that included options for recording and accessing archived meetings beginning with this session. The committee recommends that the legislature stop recording for the 128th Legislature until approved by the Legislative Council. This issue was discussed further under Old Business.

2. Rebidding Construction Manager and Architect Services for Legislature

After further review, the Executive Director is now considering a change that would eliminate the contracted Construction Manager after this interim and filling that role with a revised Facilities Support Staff position. Mr. Pennoyer reported that the contract with the current Architect expires at the end of this year and the contract for those services would be rebid this fall.

3. Security Cameras in the State House

Mr. Pennoyer reported that the cost for cameras and wiring in the State House is estimated to be \$48,160.00. The Committee approved this project to be added to the current work plan contingent on achieving general savings in various work projects already scheduled.

4. Request for Funding for Blaine House Grounds Restoration

A request was made to provide funding for renovation of the Blaine House Grounds. The committee was in favor of providing the funding. The committee approved the Phase II request of \$15,000 of identified savings be transferred to the Blaine House Renovations and Repairs Fund. The committee further requested that the Blaine House and the Executive Director reach out to the Chief Executive to see if he will assist with the \$151,000 estimated cost for Phase III. This issue was discussed further under New Business.

5. Policy Updates for State House Facilities

Mr. Pennoyer presented revisions to the following policies which clarify or adjust various provisions regarding the Legislative Council Chamber, the Legislative Conference Room and the Welcome Center. The committee voted to recommend approval by the Legislative Council of the policy changes. Those policy changes are included under New Business.

6. Tartan Stone Proposal for the State of Maine

The committee voted to table this item to its next meeting.

7. Updates from the Executive Director

Mr. Pennoyer presented to the committee a written update on the following issues: the Liberty Bell relocation to the public space of the State Library, the repair needed on the flag pole on the south wing's low dome, continuing paint issues on the dome, chamber camera replacement estimates and copper reuse project status.

OLD BUSINESS

Item #2: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2750 An Act to Establish a Presidential Primary System in Maine

Submitted by: Senator Justin Alford
Approved: March 11, 2016
Vote: 9-0-0-1 in favor (with Senator Mason absent)

LR 2708 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

Submitted by: Commission on Governmental Ethics and Election Practices
Approved: March 16, 2016
Vote: 10-0 in favor

LR 2761 Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Late-filed Major Substantive Rule of the Maine Health Data Organization

Submitted by: Maine Health Data Organization
Approved: March 16, 2016
Vote: 10-0 in favor

LR 2556 An Act to Allow Certain Retirees to Buy Back Lost Pay

Submitted by: Representative Richard Pickett
 Approved: March 17, 2016
 Vote: 10-0 in favor

Item #3: Webcasts and Archived Files

Senator Mason began the discussion expressing his concern over the recording of committee meetings without a full Legislative Council discussion and indicated that he would prefer that the recordings stop as soon as possible. He also noted the initial confusion within his caucus about when and which committees were being recorded. Representative McCabe expressed concern over suspending recording before the end of the session. Senator Hill also wondered about how interim committee meetings would be treated and hoped that State House Facilities Committee and the Legislative Council could make a recommendation soon.

Senator Hill and President Thibodeau asked questions about the provisions of the contract for the recording and archiving. Mr. Pennoyer provided an overview of the contract. Senator Hill raised a question about what would happen to the recordings on the remote storage and the State's liability and directed that the contract be reviewed more thoroughly.

President Thibodeau raised a concern that the recording of committee meeting might affect public participation in the legislative process. Representative McCabe noted that we should do a better job informing the public that meetings are broadcast over the internet and are already being recorded by Maine Public Broadcasting Network.

Motion: That the Legislature suspend recording committee meetings as of the 128th Legislature pending a recommendation of the State House Facilities Committee and a Legislative Council decision on recording. Motion by Senator Mason. Second by Senator Cushing. **Motion passed unanimous (9-0-0-1**, with Representative Fredette absent).

NEW BUSINESS**Item #2: Revision of the *Legislative Council Policy on the Use of the Legislative Council Chamber***

Motion: That the Legislative Council approve the changes to the *Legislative Council Policy on the Use of the Legislative Council Chamber*. Motion by President Thibodeau. Second by Senator Mason. **Motion passed unanimous (8-0-0-2**, with Representatives McCabe and Fredette absent).

Item #3: Revision of the *Legislative Council Policy on the Use of the Legislative Conference Room*

Motion: That the Legislative Council approve the changes to the *Legislative Council Policy on the Use of the Legislative Conference Room*. Motion by Senator Mason. Second by Senator Alfond. **Motion passed unanimous (8-0-0-2**, with Representatives McCabe and Fredette absent).

Item #4: Revision of the *Legislative Council Policy on the Use of the State House Welcome Center*

Motion: That the Legislative Council approve the changes to the *Legislative Council Policy on the Use of the State House Welcome Center*. Motion by Senator Alford. Second by Senator Mason. **Motion passed unanimous (8-0-0-2**, with Representatives McCabe and Fredette absent).

Item #5: Blaine House Grounds Restoration Funding

Senator Cushing introduced the proposal to provide funding for the Blaine House ground restoration by indicating that it is the Legislature obligation to help maintain the Blaine House. He also shared that the Governor indicated his willingness to support \$15,000 toward the project from the State Contingent Account. Mr. Pennoyer clarified that the total amount of funding needed for this project was \$166,000, leaving \$151,000 after Governor's commitment to fully satisfy the request to fund this restoration project.

Motion: That the Legislative Council approve the transfer of a total of \$151,000 from the State House Preservation and Maintenance Fund to the Blaine House Repairs and Maintenance Fund for the balance of funding required for the Blaine House Grounds Restoration Project and further that the Legislative Council authorize the transfer of savings identified by the Executive Director in accounts of the Legislature to the State House Preservation and Maintenance Fund to offset the transfer of \$151,000. Motion by Senator Cushing. Second by Senator Mason. **Motion passed unanimous (8-0-0-2**, with Representatives McCabe and Fredette absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:55 p.m.

127th Legislature - Second Regular Session
Legislative Council Action Taken March 24, 2016 on
Pre-Cloture Bill Requests Tabled
October 22 and November 19, 2015

Action

Representative Campbell of Orrington

LR 2330 An Act To Encourage the Development of Commercial
 Transportation Opportunities in Bucksport TABLED 11/19/15

LR 2331 An Act To Encourage the Development of Electrical and Natural
 Gas Infrastructure in Bucksport TABLED 11/19/15

Representative Fowle of Vassalboro

LR 2209 An Act To Amend the Public Safety Laws TABLED 10/22/15

Representative Fredette of Newport

LR 2343 An Act To Authorize a General Fund Bond Issue to Invest in
 Marine Transportation and Port Infrastructure at Mack Point to
 Meet the Needs of the Marine Construction and Shipping Business
 Sector and to Create Jobs TABLED 10/22/15

Representative Gattine of Westbrook

LR 2432 An Act To Promote the Success and Accountability of Welfare
 Reform Initiatives in Maine TABLED 10/22/15

LR 2456 Resolve, To Improve Access to and the Quality of Services for
 Persons with Mental Illness TABLED 11/19/15

Senator Gerzofsky of Cumberland

LR 2200 An Act To Amend and Clarify the Brunswick Naval Air Station
 Job Increment Financing Fund TABLED 10/22/15
PASSED 3/24/16

Representative Gideon of Freeport

LR 2479 An Act To Make Maine Energy-independent TABLED 11/19/15

Representative Herbig of Belfast

LR 2401 An Act To Provide Job Opportunities to Families Participating in the Temporary Assistance for Needy Families Program TABLED 10/22/15

Senator Hill of York

LR 2408 An Act To Provide Accountability in State Government Partnerships TABLED 11/19/15

Representative McCabe of Skowhegan

LR 2321 An Act To Amend the Maine Criminal Code to Clarify the Prohibition on the Exercise of Improper Influence TABLED 10/22/15

LR 2322 An Act To Ensure the Proper Functioning of State Government by Ensuring Execution of Executive Branch Duties TABLED 11/19/15

Representative Rotundo of Lewiston

LR 2399 An Act To Fund and Implement Wage Adjustments for All State Correctional Employees Who Perform Direct Care or Supervision of Prisoners TABLED 11/19/15

Senator Thibodeau of Winterport

LR 2417 An Act To Ensure Accountability in Maine's Welfare System TABLED 10/22/15

Representative Wadsworth of Hiram

LR 2489 An Act To Ensure a Timely Reduction in Energy Costs for Maine Consumers TABLED 11/19/15

**127th Maine State Legislature
Legislative Council Action Taken on
Requests to Introduce Legislation
Second Regular Session
March 24, 2016**

AFTER DEADLINE BILL REQUESTS

<u>LR #</u>	<u>Title</u>	<u>Action</u>
SPONSOR: 2793	Finance Authority of Maine An Act To Amend the Finance Authority of Maine Act	PASSED
SPONSOR: 2751	Senator Scott W. Cyrway An Act To Increase Penalties for the Use of Violence against Emergency Personnel	PASSED
SPONSOR: 2789	Senator Christopher K. Johnson An Act To Create a Veteran-friendly Business Designation	TABLED
SPONSOR: 2796	Representative Louis J. Luchini An Act To Assist Small Distilleries	PASSED
SPONSOR: 2792	Representative Joyce A. Maker An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes	PASSED
SPONSOR: 2739	Representative Richard S. Malaby An Act To Develop Plans for the Expansion of Infrastructure for State Forensic and Civil Mental Health Treatment	TABLED
SPONSOR: 2782	Representative Jeff M. McCabe An Act To Prevent the Separation of the Hydropower Assets at the Madison Paper Company for 2 Years	TABLED
2783	Resolve, Directing the Department of Economic and Community Development To Work with the University of Maine System To Study the Future of the Forest Products Industry	TABLED
2784	An Act To Address Job Losses and the Loss of Municipal Valuation in Mill Towns	TABLED
SPONSOR: 2779	Senator David R. Miramant An Act To Establish a Public Service Berthing Vessel License	PASSED

SPONSOR: 2752	Representative Catherine M. Nadeau An Act To Allow Municipalities To Make Decisions Regarding Firearms at Municipal Meetings	FAILED
SPONSOR: 2762	Representative Joel Stetkis An Act to Amend the Provisions of the Maine Clean Election Act Regarding Seed Money Contributions	WITHDRAWN by Sponsor
SPONSOR: 2787	Pres. Michael D. Thibodeau An Act To Clarify That Buprenorphine Is a Scheduled Drug	PASSED

JOINT RESOLUTIONS

SPONSOR: 2785	Representative Jeff M. McCabe JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ADDRESS THE NEGATIVE IMPACT OF TRADE AGREEMENTS ON MANUFACTURING IN MAINE	TABLED
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ACTION TAKEN ON REQUESTS PREVIOUSLY TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

<u>LR #</u>	<u>Title</u>	<u>Action</u>
SPONSOR: 2594	Senator Justin L. Alford An Act To Facilitate the Timely Processing of Applications for Supplemental Nutrition Assistance Program Benefits	Tabled 12/17/15
2595	An Act To Prohibit the Expenditure of Any Cash-based Benefits from the State on Lottery Tickets	Tabled 12/17/15
2687	An Act To Provide an Exemption from State Tax Liability for Employers Who Pay the Student Loan Debt of Their Employees	Tabled 02/25/16
SPONSOR: 2638	Representative Henry E. Beck An Act To Tax Electronic Cigarettes	Tabled 01/28/16
SPONSOR: 2558	Senator James F. Dill An Act To Provide Assistance to Laid-off Workers	Tabled 12/17/15
SPONSOR: 2561	Representative Michelle Ann Dunphy An Act To Adjust the Property Tax Valuation of Old Town Following the Closure of the Old Town Expera Pulp Mill	Tabled 12/17/15
SPONSOR: 2592	Representative Kenneth W. Fredette An Act To Create the Maine Energy Office	Tabled 12/17/15

SPONSOR: 2640	Representative Sara Gideon An Act To Protect Maine's Wood Products Industry	Tabled 01/28/16
SPONSOR: 2630	Senator Roger J. Katz An Act To Increase Access to Health Coverage for Drug Addiction Services and Qualify Maine for Federal Funding for Such Services	Tabled 01/28/16
SPONSOR: 2714	Senator Brian D. Langley An Act To Increase Education Funding	Tabled 02/25/16
SPONSOR: 2664	Representative Louis J. Luchini An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law	Tabled 02/25/16 PASSED 3/24/16
SPONSOR: 2569	Representative Jeff M. McCabe An Act To Establish a Commission on the Blind and Visually Impaired	Tabled 12/17/15
SPONSOR: 2659	Senator David R. Miramant An Act To Expedite Health Care Programs for Maine Veterans	Tabled 02/25/16
SPONSOR: 2697	Representative Diane M. Russell An Act To Authorize the Treatment of Opioid Addiction through Medicinal Cannabis	Tabled 02/25/16
SPONSOR: 2625	Representative Arthur C. Verow An Act Concerning Visitation Rights for Adult Children of Adults under Guardianship	Tabled 01/28/16

JOINT RESOLUTIONS

SPONSOR: 163	Representative Henry John Bear JOINT RESOLUTION TO ALLEVIATE TRIBAL UNEMPLOYMENT AND FUND ECONOMIC DEVELOPMENT AND EMPLOYMENT PROGRAMS WITHIN THE HOULTON BAND OF MALISEET INDIANS BY URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ESTABLISH A PROCESS TO PROVIDE EQUITABLE MALISEET LAND CLAIMS SETTLEMENT COMPENSATION FOR THE OCCUPATION AND LOSS OF NEARLY 5,000,000 ACRES OF MALISEET TRIBAL HOMELAND IN THE AROOSTOOK COUNTY REGION	Tabled 12/17/15
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