

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
March 28, 2019
Approved April 25, 2019**

CALL TO ORDER

President Jackson called the March 28, 2019 meeting of the 129th Legislative Council to order at 1:59 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Jackson, Senator Vitelli and Senator Timberlake
Absent: Senator Libby and Senator Dow (arrived late)
Representatives: Speaker Gideon, Representative Fecteau and Representative Stewart
Absent: Representative Moonen and Representative Dillingham (arrived late)
Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
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
Danielle Fox, Director, Office of Program Evaluation and Government
Accountability

President Jackson convened the meeting at 1:59 p.m. with a quorum of members present.

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 #1.**

NEW BUSINESS

Item #1: Consideration of After Deadline Requests

The Legislative Council proceeded to consider and vote on nineteen (19) after deadline bill requests and four (4) Joint Resolutions. The Legislative Council authorized thirteen (13) bills for introduction in the Second Regular Session, one (1) bill was withdrawn, four (4) bills remained tabled from a previous meeting, and the Legislative Council took no action on one (1) bill request. The Legislative Council also took no action on 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.

SUMMARY OF FEBRUARY 28, 2019 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for February 28, 2019 be accepted and placed on file. Motion by Representative Dillingham. Second by Speaker Gideon. **Motion passed unanimously (8-0-0-2, with Senator Libby and Representative Moonen absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

1. MELD Replacement Project

The information system project to replace the outdated bill production system, MELD, continues to progress well. Beginning March 26th, a test version of the new system was deployed to allow the Office of the Revisor of Statutes to do some test parallel production of some bills and amendments. One bill has been tested on the system so far.

2. Remote Public Testimony

The Office of Legislative Information Technology has been working with the Legislative Information Office, the Law and Legislative Reference Library and me on a new process for the public to submit testimony for bills on line. The amount of testimony received by email has grown significantly this session and has become extremely difficult and time consuming to process and prepare for posting to the internet with the other testimony presented at the hearing. We are working on the final details of a new method that would give the public the opportunity to submit testimony on a bill through the Legislature's web page and automate much of the processing of this testimony submitted remotely. This process would replace accepting testimony by email. We are hoping that we are able to implement this new process in some fashion later this session.

NEW BUSINESS

Item #2: Adoption of the *Legislative Council Policy on Legislative Studies for the 129th Legislature*

Mr. Pennoyer reviewed the *Legislative Council Policy on Legislative Studies for the 129th Legislature* and explained that this policy is required under the Joint Rules.

Motion: That the Legislative Council adopt the *Legislative Council Policy on Legislative Studies for the 129th Legislature*. Motion by Representative Fecteau. Second by Senator Vitelli. **Motion passed unanimously (8-0-0-2, with Senator Libby and Representative Moonen absent).**

Item #3: Request from the State YMCA to hold the Youth In Government Program at the State House

The State YMCA has requested to hold the Youth In Government Program in the State House from November 8 through 10, 2019. Mr. Pennoyer explained that this is a yearly event involving several high schools from across the state.

Motion: That the Legislative Council authorize the State YMCA to hold its Youth In Government Program from November 8-10, 2019. Motion by Representative Fecteau. Second by Representative Dillingham. **Motion passed unanimously (8-0-0-2,** with Senator Libby and Representative Moonen absent).

Item #4: Request from Mr. Jason Curry to hold an event in the State House on a Saturday

Mr. Pennoyer explained that this is a request from Mr. Curry who represents the High School Debate Congress. This May 18th event would be the second time this group has used the State House on a weekend although on a smaller scale. The State House would remain closed to the public. The Secretary of the Senate has been working with them on the planning and does not have any issues with hosting this event in the Senate Chamber.

Motion: That the Legislative Council authorize the Maine DeMolay event to be held in the State House on Saturday, May 18, 2019. Motion by Representative Fecteau. Second by Representative Dillingham. **Motion passed unanimously (8-0-0-2,** with Senator Libby and Representative Moonen absent).

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Gideon reported that the Personnel Committee met on Tuesday, March 26th to consider the following matters:

1. Harassment Policy

Ms. Little reviewed the latest draft harassment policy. Assistant Attorney General Kelly Morrell provided legal guidance to the committee. The committee provided Ms. Little with guidance for further policy edits. No action was required. This item will be discussed at a future meeting.

2. Electronic Communication Guidelines for Legislators and Legislative Staff.

This item was tabled for a future meeting.

3. Workday Maine (formerly SOMER) Update

Ms. Little provided the committee with an update regarding the Workday Maine HR System project.

4. Speaker's Initiative: Onsite Child Care

Ms. Little provided the committee with an update related to 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.

2. State House Facilities Committee

Representative Fecteau reported that the State House Facilities Committee met on Tuesday, March 19th to consider the following matters:

1. Potential Uses of the State House Cafe

The committee once again discussed what to do with the State House Café space off the main entrance lobby to the State House. The committee was inclined to continue to pursue options for a vendor to operate some sort of food service option at least during the session, particularly in light of the difficulties operating a profitable service in the interim. Mr. Pennoyer will be reporting back on progress at a future meeting.

2. Press Access through the Connector

The Committee reviewed written testimony from several press organization and listened to a member of one of the Press organizations leasing space in the Cross Office Building requesting similar access to the State House as members of the Legislature. Chief Gauvin of Capitol Police also presented the security concerns with allowing after-hour access to the Press. He also mentioned that the Executive Director and he were waiting for a response from Honeywell on a programming option to be able to turn on access to cards within an assigned group. That response and a description of this change will be presented at the committee's next meeting.

3. State House Items in Storage

The committee once again had a discussion of the many items in storage at PRO Moving. They also received input from Secretary of the Senate Grant on his impressions after his tour of the storage facilities. Mr. Pennoyer indicated that he would be working with the Secretary of the Senate and the Clerk of the House to figure out which items should be reviewed by the committee before deciding on a disposition of the items. Once the list has been pared back, Mr. Pennoyer suggested that a tour by interested committee members could be arranged after the session.

4. Status of Current Facilities Projects

Mr. Pennoyer presented three new facilities projects that had not previously been included in the list of Legislative Council approved projects. These projects included: refinishing the main entrance doors; repairing the east steps and walkway to Capitol Park; and replacing four fire escape doors.

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2460 An Act To Allow the City of Augusta To Adjust the Definition of “Original Assessed Value” for the City of Augusta’s Performance Food Group Municipal Tax Increment Financing District and To Validate the Assessment, Commitment and Collection of Property Taxes Dedicated for the Performance Food Group District for the Fiscal Years 2018-19 and 2019-20.

Submitted by: Senator Matthew Pouliot
 Date: March 26, 2019
 Vote: 9-0-0-1 Passed (with Senator Libby absent)

Decisions by Legislative Council Ballot:

Motion: That the Legislative Council approve an exception to its Policy of the Use of the Hall of Flags to allow the Frances Perkins Center Traveling Exhibit consisting of six 7’ by 3’ panels to remain in the Hall of Flags for the week beginning March 18th. (Attached is a photo of three of the 6 panels and a letter with background from the Frances Perkins Center.)

Motion by: President Jackson Second by: Speaker Gideon
 Date: March 5, 2019
 Vote: 9-1-0-0 Passed (with Senator Timberlake opposed)

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**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
February	\$178.0	\$149.6	(\$28.3)	-15.9%	\$157.7	-5.1%
FYTD	\$2,452.9	\$2,432.6	(\$20.3)	-0.8%	\$2,310.3	5.3%

General Fund revenue was under budget by \$28.3 million (15.9%) for the month of February and by \$20.3 million (0.8%) for the fiscal year to date. Individual income tax revenue was under budget by \$25.1 million for the month and by \$43.9 million for the fiscal year to date. The February negative variance in individual tax revenue was largely the result of income tax refunds exceeding budgeted levels by \$17.0 million (a reduction in net revenue), a likely timing issue that can be made up in subsequent months. For the fiscal year to date, individual estimated income tax payments continued to be under budget (\$21.0 million). Corporate income tax revenue was under budget by \$7.6 million for the month but was over budget by \$11.5 million for the fiscal year to date. As with individual income tax, the majority of the monthly variance was in the refunds line and is also believed to be a timing issue. Sales and use tax revenue (January sales) was essentially on budget for the month and for the fiscal year to date.

2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2019 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$26.2	\$28.0	\$1.8	6.9%	\$27.0	4.0%
FYTD	\$231.1	\$234.9	\$3.8	1.6%	\$226.2	3.8%

Highway Fund revenue was over budget by \$1.8 million (6.9%) for the month of February and by \$3.8 million (1.6%) for the fiscal year to date. Fuel taxes were over budget by \$0.6 million for the month but under budget by \$0.2 million for the fiscal year to date. Motor vehicle registrations and fees were over budget for the month by \$1.1 million and over budget for the fiscal year to date by \$4.0 million.

3. Cash Balances Update

The average balance in the cash pool for February was \$1,464.8 million, an increase from January's average of \$1,434.4 million and above both last February's average balance and the ten-year average for the month. 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 \$32.2 million in February was up from January's average of \$27.7 million and well above last February's average balance.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:07 p.m.

**129th Maine State Legislature
Legislative Council Action Taken on
Requests to Introduce Legislation
First Regular Session
March 28, 2019**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Kent Ackley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2477	An Act To Protect Maine Drivers from Loose Snow and Ice on Noncommercial Vehicles	WITHDRAWN

SPONSOR: Sen. Brownie Carson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2481	An Act To Authorize School Facilities in Career and Technical Education Regions To Enter into Energy Conservation Performance Contracts	PASSED

SPONSOR: Sen. Justin Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2475	An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission	No Action Taken

SPONSOR: Sen. Ned Claxton

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2470	An Act To Reduce the Cost of Prescription Drugs for Low-income Residents of the State	PASSED

SPONSOR: Rep. Diane M. Denk

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2444	An Act To Allow a Municipality To Choose Its Power Provider	PASSED

SPONSOR: Sen. Bill Diamond

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2480	Resolve, Establishing a Commission To Reform Child Protective Services	PASSED

SPONSOR: Sen. Jim Dill

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2440	An Act To Increase Funding for Career and Technical Education Programs	PASSED
2441	An Act To Cap the Number of Students Who May Attend a Virtual Public Charter School	PASSED

SPONSOR: Rep. Rick G. Mason

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2433	An Act To Allow Municipalities To Stock Ponds in Their Areas with Fish	PASSED

SPONSOR: Rep. Tina Riley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2452	Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry	PASSED

SPONSOR: Rep. Heidi H. Sampson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2435	An Act To Provide a Sales Tax Exemption for Purchases Made by Nonprofit Seasonal Camps	PASSED

SPONSOR: Rep. Thomas H. Skolfield

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2476	Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley	PASSED

SPONSOR: Rep. Holly B. Stover

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2450	An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District	PASSED

LATE-FILED MAJOR SUBSTANTIVE RULES

SPONSOR:

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2461	Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education	PASSED

2472	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services; Appendices B, C, D, E and F, a Late-filed Major Substantive Rule of the Department of Health and Human Services	PASSED
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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	No Action Taken

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