

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
February 25, 2016
Approved March 24, 2016**

CALL TO ORDER

President Thibodeau called the February 25, 2016 meeting of the Legislative Council to order at 2:07 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Cushing, and Senator Hill
Absent: Senator Mason
Arrived late: Senator Alfond
Representatives: Speaker Eves, Representative McCabe, Representative Fredette and Representative Espling
Arrived late: Representative Gideon
Legislative Officers: Heather Priest, Secretary of the Senate
Robert Hunt, Clerk of the House
Jennifer McGowan, Assistant Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance 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 2:07 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 **Old Business, Item 1.**

OLD BUSINESS

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

The Legislative Council moved to reconsider and accept one bill request (LR 2384). The council authorized 1 requests 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.

Item #2: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2575 An Act to Amend the Maine Veterinary Practice Act

Submitted by: Senator James Dill
Approved: February 4, 2016
Vote: 7-2-0-1 in favor (with Sen. Mason and Rep. Espling opposed and Rep. Fredette absent)

LR 2663 An Act to Extend the Time for Commencing an Action Relating to Death Caused by Homicide

Submitted by: Senator Linda Valentino
Approved: February 16, 2016
Vote: 8-2 in favor (with Rep. Fredette and Espling opposed)

LR 2698 An Act Regarding Stolen Valor

Submitted by: Senator Michael Thibodeau
Approved: February 23, 2016
Vote: 10-0 in favor

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 7 requests for introduction in the 2nd Regular Session of the 127th Legislature and 6 were tabled. Of the 12 previously tabled bill requests, the council reconsidered 1 request (LR 2556) and tabled it again, and all others remain tabled. The council took no action on the previously tabled joint resolution, so it remains 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 JANUARY 28, 2016 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for January 28, 2016 be accepted and placed on file. Motion by Speaker Eves. Second by Representative McCabe. **Motion passed unanimous (8-0-0-2**, with Senator Mason and Representative Gideon absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

1. Priority Security Screening Update

Although we continue to receive applications for the priority security screening passes, the new requests have slowed to a trickle. Since October, we have received 132 applications. The authorizations for these passes expire at the end of this Legislature in early December. Current card holders can reapply to extend their passes for the 128th Legislature later this fall for a renewal fee of \$30.

2. Active Shooter Training

A training session to prepare for and react to active shooter incidents that was scheduled for February 17th had to be rescheduled and is now set for next Wednesday, March 2nd.

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

As of Wednesday, we have sold 190 total mementos (73 plaques and 117 framed pictures). We have also sold approximately 1045 square feet of the copper in rough form.

4. Public Art Commission Phase of Copper Reuse Project

The Legislature has made its appointments to the artist selection committee as part of the public art commission phase of the copper reuse project, but I have had difficulty getting the Maine Arts Commission to advance this phase. I received an email contact on this phase just this morning, the first time in several weeks. If we are unable to start this phase soon, I may be coming back to the Council to reconsider the implementation of this phase, which was approved by the 126th Legislative Council. This phase includes a significant unbudgeted cost of at least \$15,000 for the artist's commission. The cost of this phase will continue to grow if it is delayed too long and we incur new storage costs after June.

Fiscal Report

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

General Fund Revenue Update

Total General Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$300.3	\$327.4	\$27.0	9.0%	\$308.1	6.3%
FYTD	\$1,938.8	\$2,000.7	\$61.9	3.2%	\$1,781.8	12.3%

General Fund revenue was over budget by \$27.0 million (9.0%) for the month of January and over budget by \$61.9 million (3.2%) for the fiscal year through January. Individual income tax revenue was \$28.0 million over budget for the month of January and \$42.2 million over budget for the fiscal year through January. Estimated payments were over budget by \$14.9 million while withholding was over budget by \$8.4 million. The final estimated payment due January 15th was \$14.9 million over budget and 17.5% higher than January 2015. The December 2015 and January 2016 estimated payments combined increased 7.2% over last year. Sales and use tax revenue was under budget by \$0.1 million for the month and over budget by \$4.9 million for the fiscal year to date, mainly attributed to use tax being under budget by \$1.7 million for the month of January. Taxable sales for the month of December were 2.1% over December 2014. Transfers for tax relief programs were over budget for the month (more transfers than budgeted) by \$5.5 million, but still \$13.8 under budget (less transfers than budgeted) for the year to date. Lottery revenue was over budget for the month by \$3.6 million due to the extraordinarily high Powerball jackpot in January.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2016 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$25.6	\$26.4	\$0.8	3.2%	\$24.8	6.6%
FYTD	\$190.7	\$195.4	\$4.7	2.5%	\$170.3	14.8%

Highway Fund revenue was over budget by \$0.8 million (3.2%) for the month of January and over budget by \$4.7 million (2.5%) for the fiscal year through January. Fuel taxes were slightly under budget for the month of January, while motor vehicle registration and fees were over budget by \$0.5 million. Highway Fund "other revenue" was over budget by \$0.2 million in January because of several highway opening permits due to natural gas lines.

Cash Balances Update

January's total average cash balances of \$835.3 million were well above both last year's balances for January of \$678.0 million and the ten-year average for January of \$533.3 million. For the fifth month this fiscal year, there was no General Fund internal borrowing from other funds in January. The average Highway Fund balance of \$39.1 million in January increased slightly from December's average of \$36.7 million but was below last year's balance for January of \$53.6 million.

Review and Update of Revenue Forecast

The Revenue Forecasting Committee (RFC) met on February 22nd to review and update the current revenue forecast to comply with this year's statutory reporting date of March 1st. Mr. Nolan also presented a summary of the preliminary findings of the RFC.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report

2. State House Facilities Committee

Senator Cushing reported the State House Facilities Committee met on Thursday, February 18th to consider the following items.

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

The committee discussed 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 felt that further discussions by the full membership of Legislative Council of the implications of recorded committee meetings that are made accessible to the public and whether to archive and record committee meetings this session. This issue will be discussed further under New Business.

2. Update from Subcommittee on Rebidding Construction Manager and Architect Services for Legislature

The subcommittee reported that it has begun its work to review rebidding the construction manager role. The subcommittee sought input from interested parties to explore options for rebidding the Construction Manager contract. The subcommittee plans to make a report to the State House Facilities Committee at its April meeting.

3. Improving Security in State House and Cross Office Building

Mr. Pennoyer and Chief Gauvin presented a plan to upgrade the security cameras in the State House. The cost of the cameras themselves is minimal. The next step is to determine the costs of the installation of these cameras due to the difficulties in connecting these cameras in the State House. A full estimate of this work is anticipated to be presented at the next State House Facilities Committee meeting.

Chief Gauvin also updated the committee on his explorations of options for an emergency broadcast. He will continue his work and make a recommendation to the committee at a future meeting.

4. Request for Funding for Blaine House Grounds Renovation

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 asked the Executive Director to prepare options for this funding and report back to the committee prior to the March Legislative Council meeting.

5. Updates from the Executive Director

Mr. Pennoyer updated the committee 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, various mechanical/heating system issues, and once again having to repaint parts of the copper dome. Mr. Pennoyer noted that the State House roof project would begin during the week of statutory adjournment.

NEW BUSINESS

Item #2: Video/Audio Webcasts Recording and Archiving

Motion: That the Legislative Council table this item for discussion at a future meeting. Motion by Representative McCabe. Second by Senator Cushing. **Motion passed unanimous (6-0-0-4**, with Senators Mason and Alfond and Representatives Gideon and Fredette absent).

Item #3: Submission of the Report of the Commission to Strengthen and Align the Services Provided to Maine's Veterans

Motion: That the Legislative Council accept the Report of the Commission to Strengthen and Align the Services Provided to Maine's Veterans and place it on file. Motion by Senator Alfond. Second by Senator Cushing. **Motion passed unanimous (7-0-0-3**, with Senator Mason, Representatives Gideon and Fredette absent).

Item #4: Submission of the Report of the Task Force on School Leadership

Motion: That the Legislative Council accept the Report of the Task Force on School Leadership and place it on file. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (8-0-0-1**, with Senator Mason and Representative Gideon absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:08 p.m.

**127th Legislature - Second Regular Session
Legislative Council Action Taken January 28, 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
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 Malaby of Hancock

LR 2384 An Act To Fix Changes Made to Maine's Provider Tax TABLED 10/22/15
PASSED 2/25/16

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**

As of: February 25, 2016

AFTER DEADLINE BILL REQUESTS (includes Addendum items)

SPONSOR: Sen. Justin L. Alford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2687	An Act To Provide an Exemption from State Tax Liability for Employers Who Pay the Student Loan Debt of Their Employees	TABLED

SPONSOR: Sen. Roger J. Katz

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2693	An Act To Address Employee Recruitment and Retention Issues at State Mental Health Facilities	PASSED

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2718	An Act To Improve and Enhance the Controlled Substances Prescription Monitoring Program	PASSED

SPONSOR: Sen. Brian D. Langley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2714	An Act To Increase Education Funding	TABLED

SPONSOR: Rep. Louis J. Luchini

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2664	An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law	TABLED

SPONSOR: Sen. David R. Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2659	An Act To Expedite Health Care Programs for Maine Veterans	TABLED

SPONSOR: Sen. Kimberley C. Rosen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2683	An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin	PASSED

SPONSOR: Rep. Diane M. Russell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2697	An Act To Authorize the Treatment of Opioid Addiction through Medicinal Cannabis	TABLED

SPONSOR: Pres. Michael D. Thibodeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2698	An Act Regarding Stolen Valor	Approved by ballot 2/23/16

SPONSOR: Rep. Beth P. Turner

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2723	An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit	PASSED

DEORGANIZATION BILLS

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2635	An Act Authorizing the Deorganization of Cary Plantation	PASSED
2636	An Act Authorizing the Deorganization of Oxbow Plantation	PASSED

LATE-FILED MAJOR SUBSTANTIVE RULES

<u>LR #</u>	<u>Title</u>	<u>Action</u>
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	TABLED

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2719	Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Late-filed Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal	PASSED

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Justin L. Alford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2594	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
------	---	-----------------

SPONSOR: Rep. Henry E. Beck

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2638	An Act To Tax Electronic Cigarettes	Tabled 01/28/16

SPONSOR: Sen. James F. Dill

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2558	An Act To Provide Assistance to Laid-off Workers	Tabled 12/17/15

SPONSOR: Rep. Michelle Ann Dunphy

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2561	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: Rep. Kenneth W. Fredette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2592	An Act To Create the Maine Energy Office	Tabled 12/17/15

SPONSOR: Rep. Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2640	An Act To Protect Maine's Wood Products Industry	Tabled 01/28/16

SPONSOR: Sen. Roger J. Katz

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2630	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: Rep. Jeff M. McCabe

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2569	An Act To Establish a Commission on the Blind and Visually Impaired	Tabled 12/17/15

SPONSOR: Rep. Richard A. Pickett

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2556	An Act To Allow Certain Retirees To Buy Back Lost Pay	Tabled 12/17/15 Tabled 2/26/16

SPONSOR: Rep. Arthur C. Verow

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2625	An Act Concerning Visitation Rights for Adult Children of Adults under Guardianship	Tabled 01/28/16

JOINT RESOLUTIONS

SPONSOR: **Rep. Henry John Bear**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
163	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