CALL TO ORDER

President Jackson called the February 28, 2019 meeting of the 129th Legislative Council to order at 1:39 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Legislative Officers: Darek Grant, Secretary of the Senate
Robert Hunt, Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
Suzanne Gresser, Revisor of Statutes
Chris Nolan, Director, Office of Fiscal and Program Review
John Barden, Director, Law and Legislative Reference Library
Nik Rende, Director, Legislative Information Technology

President Jackson convened the meeting at 1:39 p.m. with a quorum of members present.

SUMMARY OF JANUARY 24, 2019 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for January 24, 2019 be accepted and placed on file. Motion by Senator Libby. Second by Speaker Gideon. Motion passed unanimously (8-0-0-2, with Senator Timberlake and Representative Dillingham absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director’s Report
Grant Pennoyer, Executive Director, presented the following report.

1. **Committee Room Microphone Replacements**
   New microphones were installed in the Legislative Council Chamber on Monday, February 25th. With this replacement completed, only the Senate Chamber microphones remain to be replaced. We will be working with the Senate to schedule the upgrade.

2. **MELD Replacement Project**
   The information system project to replace the outdated bill production system, MELD, continues to progress well. While some of the more complex system development has fallen slightly behind schedule, we are still on track to do some parallel production testing of bills and amendments during the 1st Regular Session of the 129th Legislature beginning in April with the complete switch over to the new Bill Production System by the 2nd Regular Session.

3. **Legislators' Tax Packages**
   A packet of tax information prepared by the Legislative Finance Director was released to current Legislators and mailed to former Legislators on Tuesday, January 22nd. This year’s tax package included more information than previous years about all income, reimbursements and allowances from the Legislature in an effort to preempt frequently asked questions. We also included some guidance from the Maine Society of CPA’s and NCSL to help with recent federal tax changes.

4. **New Employee Orientation**
   On Friday, January 25th, we held an additional new employee orientation session for those that were not able to make the first one scheduled in December or that were hired after the first orientation session. 33 staff attended this 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's in Millions) |
   |-----------------|---------------|---------------|-------------|-------------|
   | Budget          | Actual        | Var.          | % Var.      | Prior Year  |
   | January         | $383.7        | $378.8        | ($4.9)      | $367.6      | 3.0%        |
   | FYTD            | $2,274.9      | $2,283.0      | $8.1        | $2,152.5    | 6.1%        |

General Fund revenue was under budget by $4.9 million (1.3%) for the month of January but over budget by $8.1 million (0.4%) for the fiscal year to date. Individual income tax revenue was under budget by $14.7 million for the month and by $18.8 million for the fiscal year to date. Individual estimated income tax payments were $10.2 million under budget for January and are $21.9 million under budget for the fiscal year to date. It is still possible that once April’s returns are processed, actual payments will be closer to budgeted levels. Individual withholding income tax payments were $10.5 million under budget for January but are still slightly above budget for the fiscal year to date. Corporate income tax revenue was over budget by $1.4 million for the month and by $19.1 million for the fiscal year to date. Sales and use tax revenue (December sales) was under budget by $2.2 million for January but is still slightly above budget for the fiscal year to date. BETE reimbursements to municipalities continue to exceed budget levels for the fiscal year to date (negative impact on revenue) while BETR reimbursements continue to lag behind budgeted levels.
2. Highway Fund Revenue Update

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Actual</th>
<th>Var.</th>
<th>% Var.</th>
<th>Prior Year</th>
<th>% Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$27.1</td>
<td>$29.4</td>
<td>$2.3</td>
<td>8.4%</td>
<td>$28.2</td>
<td>4.3%</td>
</tr>
<tr>
<td>FYTD</td>
<td>$204.9</td>
<td>$206.8</td>
<td>$2.0</td>
<td>1.0%</td>
<td>$199.3</td>
<td>3.8%</td>
</tr>
</tbody>
</table>

Highway Fund revenue was over budget by $2.3 million (8.4%) for the month of January and by $2.0 million (1.0%) for the fiscal year to date. Fuel taxes were over budget by $0.6 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 $1.9 million and over budget for the fiscal year to date by $2.9 million.

3. Cash Balances Update

The average balance in the cash pool for January was $1,434.4 million, an increase from December’s average of $1,371.4 million and above both last January’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 $27.7 million in January was up from December’s average of $25.3 million and well above last January’s average balance.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Gideon reported that the Personnel Committee met on Wednesday, February 20th to consider the following matters:

1. Workday Maine (formerly SOMER) Update

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

2. Harassment Prevention Update

   Ms. Little provided updates about harassment prevention training for staff, supervisors, legislators and lobbyists. The committee reviewed the draft policy and provided Ms. Little with guidance. No action is required. This item will be discussed at a future meeting.

3. Vacation Policy and Use of Accrued Leave

   Mr. Pennoyer presented a potential revision to the Vacation Accrual Policy that would be discussed as part of collective bargaining. The committee provided some guidance and feedback. No action is required.

4. New Member Orientation/Pre-Legislative Conference

   The committee provided Mr. Pennoyer with guidance about future New Member Orientation and Pre-Legislative Conference events.

5. Electronic Communication Guidelines for Legislators and Legislative Staff.
Mr. Pennoyer provided an overview of the electronic communications policy that was presented as part of Chairs and Leads orientation. After discussion, the committee asked Mr. Pennoyer to provide some additional information at a future meeting.

6. Speaker’s Initiative: Onsite Child Care

The committee considered a request by the Speaker of the House regarding Onsite Child Care. Ms. Little provided the committee with some preliminary research. The committee identified some next steps for Ms. Little and Mr. Pennoyer to take regarding this matter. This matter will be discussed at a future meeting.

7. Performance Evaluation and Step Increase – Suzanne Gresser

The committee reviewed the performance of Susanne Gresser, Revisor of Statutes. No action is required.


The committee also reviewed the performance of John Barden, Director of the Law and Legislative Reference Library. No action is required.

2. State House Facilities Committee

No Report

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Requests for Introduction of Legislation:

LR 2271 An Act To Perform a Comprehensive Review of Emergency Medical Services in the State

Submitted by: Representative Kathleen Dillingham
Date: January 31, 2019
Vote: 10-0-0-0 Passed

LR 2272 An Act To Create a Task Force to Address and Improve Tribal Relations

Submitted by: Representative Kathleen Dillingham
Date: January 31, 2019
Vote: 10-0-0-0 Passed

LR 2271 An Act To Support E-9-1-1 Dispatchers and Corrections Officers Diagnosed with Post-traumatic Stress Disorder

Submitted by: Representative Kathleen Dillingham
Date: January 31, 2019
Vote: 10-0-0-0 Passed

LR 2386 An Act To Clarify That Food and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated
NEW BUSINESS

Item #1: Consideration of After Deadline Requests

The Legislative Council proceeded to consider and vote on twenty-four (24) after deadline bill requests and eight (8) Joint Resolutions. The Legislative Council authorized twenty (20) bills and five (5) Joint Resolutions for introduction in the Second Regular Session, three (3) bills were tabled, and one (1) bill and three (3) Joint Resolutions remain tabled from a previous meeting. The Legislative Council’s action on the bill requests is attached.

Item #2: Report from the Office of the State Auditor

The Office of the State Auditor submitted a report for the Legislative Council’s information regarding the audit for the year ending June 30, 2018.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:47 p.m.
129th Maine State Legislature  
Legislative Council Action Taken on  
Requests to Introduce Legislation  
First Regular Session  
February 28, 2019

AFTER DEADLINE BILL REQUESTS

<table>
<thead>
<tr>
<th>LR #</th>
<th>Title</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>2409</td>
<td>An Act To Amend Certain Laws Related to Members of the Military and Maine's National Guard</td>
<td>PASSED</td>
</tr>
<tr>
<td>2410</td>
<td>An Act To Amend the Laws Governing Veterans' Services</td>
<td>PASSED</td>
</tr>
<tr>
<td>2411</td>
<td>An Act To Amend the Laws Governing Military Services</td>
<td>PASSED</td>
</tr>
</tbody>
</table>

SPONSOR: Rep. Michael F. Brennan

<table>
<thead>
<tr>
<th>LR #</th>
<th>Title</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>2424</td>
<td>An Act To Support Infrastructure Improvements in Schools</td>
<td>PASSED</td>
</tr>
</tbody>
</table>

SPONSOR: Sen. Michael E. Carpenter

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<thead>
<tr>
<th>LR #</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>2412</td>
<td>An Act To Amend the Charter of the Fort Fairfield Utilities District</td>
<td>PASSED</td>
</tr>
</tbody>
</table>

SPONSOR: Spkr. Sara Gideon

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<thead>
<tr>
<th>LR #</th>
<th>Title</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>2427</td>
<td>An Act To Institute Performance-based Rates for Electric Utilities</td>
<td>PASSED</td>
</tr>
</tbody>
</table>

SPONSOR: Rep. Fran M. Head

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<tr>
<th>LR #</th>
<th>Title</th>
<th>Action</th>
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<tbody>
<tr>
<td>2294</td>
<td>An Act Authorizing the Deorganization of Magalloway Plantation</td>
<td>PASSED</td>
</tr>
</tbody>
</table>

SPONSOR: Sen. Erin Herbig

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<thead>
<tr>
<th>LR #</th>
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</thead>
<tbody>
<tr>
<td>2270</td>
<td>An Act To Exempt Auctioneers from Certain Record-keeping Requirements</td>
<td>PASSED</td>
</tr>
<tr>
<td>2423</td>
<td>An Act To Strengthen the School Transportation Workforce</td>
<td>PASSED</td>
</tr>
<tr>
<td>Sponsor</td>
<td>Title</td>
<td>Action</td>
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</tr>
<tr>
<td>Rep. Patty Hymanson</td>
<td>An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws</td>
<td>PASSED</td>
</tr>
<tr>
<td>Pres. Troy Dale Jackson</td>
<td>An Act To Open Maine's Primaries To Cast Ballots in Primary Elections Starting in 2020</td>
<td>TABLED</td>
</tr>
<tr>
<td>Sen. Lisa Keim</td>
<td>An Act To Increase the Availability of Foster Homes</td>
<td>PASSED</td>
</tr>
<tr>
<td>Rep. Dennis L. Keschl</td>
<td>An Act To Allow Insurance, Professional and Occupational, Financial Institution and Other Regulators To Lower Fees by Order</td>
<td>PASSED</td>
</tr>
<tr>
<td>Sen. Louis J. Luchini</td>
<td>An Act Regarding the Water Quality of the Union River</td>
<td>PASSED</td>
</tr>
<tr>
<td>Rep. Peter Lyford</td>
<td>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</td>
<td>TABLED</td>
</tr>
<tr>
<td>Rep. Danny Martin</td>
<td>An Act To Change the Name of the Township 17, Range 3 to Van Buren Cove</td>
<td>PASSED</td>
</tr>
<tr>
<td>Rep. Trey Stewart</td>
<td>An Act To Prevent Hazing on College Campuses in Maine</td>
<td>PASSED</td>
</tr>
</tbody>
</table>
SPONSOR: Sen. Jeff Timberlake

LR # Title Action
2415 An Act To Eliminate the Fee for Gold Star Family Vanity Registration Plates TABLED

LATE-FILED MAJOR SUBSTANTIVE RULES

SPONSOR:

LR # Title Action
2419 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40: Home Health Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services PASSED

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Pres. Troy Dale Jackson

LR # Title Action
2266 An Act To Ban Use of Aerial Herbicide Spraying for the Purpose of Deforestation Tabled 01/24/19 PASSED 2/28/19

2267 An Act To Establish Clear Standards for Outcome-based Forestry Tabled 01/24/19

SPONSOR: Rep. Dennis L. Keschl

LR # Title Action
2238 An Act To Improve State Park Facilities Tabled 01/24/19 PASSED 2/28/19

SPONSOR: Sen. Dave Miramant

LR # Title Action
2251 An Act To Provide Consistency in the Laws Governing Culvert Replacement Tabled 01/24/19 PASSED 2/28/19

SPONSOR: Sen. David Woodsome

LR # Title Action
2268 An Act To Require That Certain Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways Tabled 01/24/19 PASSED 2/28/19
JOINT RESOLUTIONS

SPONSOR: Sen. Shenna Bellows

LR # 223 Title 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

Action Tabled 01/24/19

SPONSOR: Rep. Seth A. Berry

LR # 248 Title JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA

Action Tabled 01/24/19 PASSED 2/28/19

SPONSOR: Sen. Brownie Carson

LR # 2254 Title JOINT RESOLUTION MEMORIALIZING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EXPRESS THE STATE'S OPPOSITION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY’S REVISED SUPPLEMENTAL COST FINDING FOR THE MERCURY AND AIR TOXICS STANDARDS

Action Tabled 01/24/19 PASSED 2/28/19

SPONSOR: Rep. Donna R. Doore

LR # 452 Title JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT ELIMINATING THE WINDFALL ELIMINATION PROVISION FROM THE FEDERAL SOCIAL SECURITY ACT

Action Tabled 01/24/19

SPONSOR: Rep. Jeffrey Evangelos

LR # 1339 Title JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PLEDGES MADE BY THE UNITED STATES IN THE PARIS AGREEMENT

Action Tabled 01/24/19 PASSED 2/28/19
SPONSOR:  Sen. Geoff Gratwick

LR #  
007  
Title  
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR  
Action  
Tabled 01/24/19  
PASSED 2/28/19

SPONSOR:  Pres. Troy Dale Jackson

LR #  
1141  
Title  
JOINT RESOLUTION MEMORIALIZING THE UNITED STATES INTERNAL REVENUE SERVICE TO GRANT EVERY POSSIBLE CONSIDERATION TO THE OFFER IN COMPROMISE SUBMITTED BY OUR KATAHDIN  
Action  
Tabled 01/24/19

SPONSOR:  Rep. Chloe Sophia Maxmin

LR #  
801  
Title  
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION  
Action  
Tabled 01/24/19  
PASSED 2/28/19