

REP. MARK W. EVES  
CHAIR

SEN. JUSTIN L. ALFOND  
VICE-CHAIR

ACTING EXECUTIVE DIRECTOR  
SUZANNE M. GRESSER



126<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. TROY D. JACKSON  
SEN. MICHAEL D. THIBODEAU  
SEN. ANNE M. HASKELL  
SEN. ROGER J. KATZ  
REP. SETH A. BERRY  
REP. KENNETH W. FREDETTE  
REP. JEFFREY M. MCCABE  
REP. ALEXANDER R. WILLETTE

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
July 24, 2014  
Approved September 30, 2014**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the July 24, 2014 Legislative Council meeting to order at 2:10 p.m. in the Legislative Council Chamber.

**ROLL CALL**

|                       |   |
|-----------------------|---|
| Senators:             | Senator Jackson, Senator Haskell  |
| Absent:               | President Alfond, Senator Thibodeau and Senator Katz  |
| Representatives:      | Speaker Eves, Representative Berry, Representative Fredette and Representative Willette   |
| Absent:               | Representative McCabe   |
| Legislative Officers: | Millicent MacFarland, Clerk of the House<br>Robert Hunt, Assistant Clerk of the House<br>Suzanne Gresser, Acting Executive Director<br>Dawna Lopatosky, Legislative Finance Director<br>Jackie Little, Human Resources Director<br>Grant Pennoyer, Director, Office of Fiscal and Program Review<br>Marion Hylan Barr, Director, Office of Policy and Legal Analysis<br>Ed Charbonneau, Acting Revisor of Statutes<br>John Barden, Director, Law and Legislative Reference Library<br>Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability |

Speaker Eves convened the meeting at 2:10 p.m. with a quorum of members present.

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

## OLD BUSINESS

### **Item #1: Acceptance of Funds to Support the Task Force to End Student Hunger in Maine**

**Motion:** That the Legislative Council accept the funds contributed to support the Task Force to End Student Hunger. Motion by Senator Jackson. Second by Representative Fredette. **Motion passed unanimous (6-0-0-4**, with President Alfond, Senator Thibodeau, Senator Katz and Representative McCabe absent).

## NEW BUSINESS

### **Item #1: Acceptance of Funds to Support the Commission to Study the Effects of Coastal and Ocean Acidification and its Existing and Potential Effects on Species that are commercially Harvested and Grown along the Coast of Maine**

**Motion:** That the Legislative Council accept the funds contributed to support the Commission to Study the Effects of Coastal and Ocean Acidification and its Existing and Potential Effects on Species that are Commercially Harvested and Grown along the Coast of Maine, and further to authorize the study to convene. Motion by Senator Haskell. Second by Representative Fredette. **Motion passed unanimous (6-0-0-4**, with President Alfond, Senator Thibodeau, Senator Katz and Representative McCabe absent).

### **Item #2: Acceptance of an In-kind Contribution to Support the Commission to Study the Effects of Coastal and Ocean Acidification and its Existing and Potential Effects on Species that are commercially Harvested and Grown along the Coast of Maine**

**Motion:** That the Legislative Council accept the in-kind contribution from the University of Maine's Darling Marine Center, Walpole, to pay for facility and meal costs for the first meeting of the Commission to Study the Effects of Coastal and Ocean Acidification and its Existing and Potential Effects on Species that are Commercially Harvested and Grown along the Coast of Maine. Motion by Representative Berry. Second by Senator Jackson. **Motion passed unanimous (6-0-0-4**, with President Alfond, Senator Thibodeau, Senator Katz and Representative McCabe absent).

### **Item #3: Request for Funding through a Fee-for-Service Contract for Continued Operation of the *Maine Capitol Connection***

Speaker Eves reviewed the request from Maine Public Broadcasting Network for funding for the *Maine Capitol Connection*. The expenditures that are being requested from the Legislature total approximately \$450K in FY15 and \$465K in FY16. Speaker Eves then invited Mark Vogelzang, President and CEO of MPBN, to speak on the proposal. Mr. Vogelzang reviewed MPBN's position on its continuing the funding of the MCC after the first two seasons and the request from MPBN that the Legislature fund MCC for the next two years. After discussion, the Legislative Council recommended that this matter be followed up by the State House Broadcasting Subcommittee for its review and recommendation.

**Item #4: FY15 Membership Dues to National Conference of State Legislatures and Council of State Governments**

Ms. Gresser reported that the membership dues for the National Conference of State Legislatures and the Council of State Governments have been paid up to the baseline amounts that were budgeted for, however there is a difference between what was budgeted and the actual amounts. The difference for NCSL is \$170 and for CSG is \$4,452.

**Motion:** That the Legislative Council approve the additional payments to the National Conference of State Legislatures and the Council of State Governments to cover the difference in membership dues fees for FY15. Motion by Representative Fredette. Second by Representative Berry. **Motion passed unanimous (6-0-0-4**, with President Alford, Senator Thibodeau, Senator Katz and Representative McCabe absent).

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

**SUMMARY OF JUNE 23, 2014 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for June 23, 2014 be accepted and placed on file. Motion by Representative Willette. Second by Senator Haskell. **Motion passed unanimous (6-0-0-4**, with President Alford, Senator Thibodeau, Senator Katz and Representative McCabe absent).

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

**Executive Director's Report**

Suzanne Gresser, Acting Executive Director, reported on the following:

1. Copper Dome Replacement

Progress on the copper dome replacement project is progressing on schedule. At this point, the top third of the dome has been completed. The project should be completed by November 2014.

2. Staff Retirements

Two long-term members of the nonpartisan staff are retiring.

Judy Paquette, a Paralegal in the Revisor's Office, is retiring after more than 28 years with the State, including 26 years with the Legislature. She is retiring effective August 1<sup>st</sup>.

Donna Sullivan, a Library Assistant in the Law & Legislative Reference Library, is retiring after more than 30 years of State service, including 14 years with the Legislature. During her tenure, she worked in the Office of Fiscal & Program Review as well as in the Executive Director's office. She is retiring effective August 1<sup>st</sup>.

3. Legislative Publications

The Office of Policy & Legal Analysis and the Office of Fiscal & Program Review have completed this session's compilation of enacted laws and bill summaries. A copy is posted on the Legislature's website for ready access by legislators and the public.

The Revisor's Office has completed the *Laws of Maine* for the Second Regular Session of the 126<sup>th</sup> Legislature. The hard copies are being distributed this week and a copy is also posted on the Legislature's website.

Senator Haskell expressed her thanks to the departments involved for their hard work in creating these publications.

## Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

### Revenue Update

| Total General Fund Revenue - FY 2014 (\$'s in Millions) |           |           |        |        |            |          |
|---|-----------|-----------|--------|--------|------------|----------|
|   | Budget    | Actual    | Var.   | % Var. | Prior Year | % Growth |
| June  | \$488.0   | \$508.4   | \$20.5 | 4.2%   | \$495.8    | 2.6%     |
| FYTD  | \$3,074.4 | \$3,113.5 | \$39.1 | 1.3%   | \$3,094.4  | 0.6%     |

General Fund revenue was over budget by \$20.5 million (4.2%) in June and ended FY 2014 with a positive variance of \$39.1 million based on preliminary data. The performance of the income taxes, both Individual Income Tax and Corporate Income Tax, was the primary factor in this revenue surplus with a combined positive variance of \$38.7 million for FY 2014. An overestimation of the cost of the Property Tax Fairness Credit was the primary generator of the positive variance within the Individual Income Tax category and an unexplained \$5.4 million positive variance from June's estimated payments was the primary generator of the positive variance within the Corporate Income Tax category.

### Highway Fund Revenue Update

| Total Highway Fund Revenue - FY 2014 (\$'s in Millions) |         |         |       |        |            |          |
|---|---------|---------|-------|--------|------------|----------|
|   | Budget  | Actual  | Var.  | % Var. | Prior Year | % Growth |
| June  | \$43.9  | \$45.8  | \$1.9 | 4.3%   | \$45.6     | 0.5%     |
| FYTD  | \$310.3 | \$317.1 | \$6.8 | 2.2%   | \$318.8    | -0.5%    |

Highway Fund revenue was over budget by \$1.9 million (4.3%) in June and ended FY 2014 with a \$6.8 million positive variance based on preliminary data. Highway Fund revenue declined by 0.5% from FY 2013, which was much less than the 2.7% budgeted decline. A \$5.7 million positive variance in the Fuel Taxes category was the primary contributing factor in FY 2014. All but \$100,000 of the increase in the Highway Fund unallocated surplus from the revenue variance, lapsed balances and other accounting adjustments will be transferred to the Department of Transportation for highway and bridge improvement projects.

### MaineCare Update

Supplemental funding and other legislative actions this past session were sufficient to meet MaineCare's FY 2014 funding requirements. Based on preliminary data, the MaineCare program appears to have an ending General Fund balance of roughly \$9 million that will carry forward for FY 2015 funding needs.

## General Fund Year-end Cascade Transfers

Based on the revenue surplus alone, the increase in the General Fund unappropriated surplus will be sufficient to provide full funding to all of the fixed dollar statutory transfers at the close FY 2014 and also provide funding for the various reserves that receive a percentage of the remaining uncommitted year-end unappropriated surplus. The summary on the next page represents the distribution based on only the revenue surplus. Unbudgeted lapsed balances and other unbudgeted accounting adjustments usually add to the surplus. However, the usual additions from these other contributing factors may be limited this year due to a \$3 million plus shortfall in a budgeted General Fund transfer from the Department of Education's Oxford Casino revenue.

Legislative Council Chair Eves asked if there was any objection to taking an item out of order. There was no objection. The Chair then moved to **Reports from Council Committees, Personnel Committee.**

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Legislative Council Chair Eves reported that the Personnel Committee held a meeting on July 24, 2014 to consider the following matters:

1. Nonpartisan Employee's Request for Position Reclassification.

The Personnel Committee tabled the request for position reclassification.

2. Recruitment of Director, Legislative Information Technology

The committee received an update on the recruitment of the Director, Legislative Information Technology position. The committee selected an interview panel.

3. Recruitment of Executive Director

The committee received and approved the recommendations from the sub-committee with respect to the job description, the recruitment plan and schedule for the Executive Director position.

4. Proposed Reorganization of Legislative Information Office

The committee discussed the proposed reorganization and revised position descriptions for the Legislative Information Office. The Personnel Committee approved the plan as proposed.

**Motion:** That upon the unanimous recommendation of the Personnel Committee, the Legislative Council adopt the Human Resource Director's proposed reorganization of the Legislative Information Office to improve operations, increase efficiencies and improve delivery of services, including reclassifying two positions and revising position descriptions; further that the increase in personnel services expenditure will be met in FY15 within existing resources, and future expenses be incorporated through the budget process; and further that the HR Director work with the Acting Executive Director to implement the reorganization plan. Motion by Speaker Eves. Second by Representative Berry. **Motion passed unanimous**

(6-0-0-4, with President Alford, Senator Thibodeau, Senator Katz and Representative McCabe absent).

5. Acting Revisor of Statutes Position

Acting Executive Director Gresser reported that Ed Charbonneau has been selected to serve as Acting Revisor of Statutes.

6. Acting Director, Legislative Information Technology Position

Acting Executive Director Gresser reported that Nik Rende has been selected to serve as Acting Director for the Office of Legislative Information Technology.

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

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Interim Legislative Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported as to the current status of the interim legislative studies and commissions. (Refer to status report in the agenda materials.) Ms. Hylan Barr reported that the College Affordability Study will be meeting on August 5<sup>th</sup> and the Health Exchange Advisory Committee has a meeting scheduled for August 26<sup>th</sup>. She also brought Members attentions to the memo from the LCRED committee (page 11 in the agenda packet) that the Maine Workers' Compensation Board will be continuing with the working group regarding protections and insurance for injured workers, thus the chairs believe there is no need to move forward with the Commission established in SP759. Three additional committees have requested and received permission to meet during the interim: ENR, HHS, and LCRED.

Representative Berry announced that the State Education and Employment Outcomes Task Force will be meeting on August 11<sup>th</sup>. Not all of the appointments have been made but due to time constraints we will be moving forward.

## REPORTS FROM COUNCIL COMMITTEES

### 2. State House Facilities Committee

State House Facilities Committee Chair Representative Berry reported that the State House Facilities Committee met on Tuesday, July 22<sup>nd</sup> to further consider the potential reuse of the copper that will be removed when the State House dome is repaired this summer.

Julie Richard, Executive Director of the Maine Arts Commission, reviewed their report and recommendations (page 12 in the agenda packet). The recommendations included five options: Recycle, Commemorative Artifact, Jeweler/Artisan, Sculpture, and Public Art Commission. The committee discussed each of these recommendations and thanked the Commission for its work.

The committee requested additional information from Ms. Gresser to include: information on the Bangor Library project, tentative budget projections in regards to the Maine Arts Commission's recommendations, and to determine a plan for the "unveiling" of the new dome upon completion

along with a photographic display of the work done throughout the process. Ms. Gresser reported that the Maine State Library Archives has expressed interest in setting up just such a display.

Representative Berry announced and invited interested parties to Ms. Gresser's office after the meeting is adjourned to see some pieces of the copper that have been removed from the dome.

#### **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 2:37 p.m.

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