

SEN. TROY D. JACKSON  
CHAIR

REP. SARA GIDEON  
VICE- CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



129<sup>TH</sup> 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  
January 23, 2020**

**CALL TO ORDER**

Speaker Gideon called the January 23, 2020 meeting of the 129<sup>th</sup> Legislative Council to order at 1:38 pm in the Legislative Council Chamber.

**ROLL CALL**

Senators: Senator Vitelli, Senator Dow and Senator Timberlake  
Absent: President Jackson and Senator Libby  
Representatives: Speaker Gideon, Representative Moonen, Representative Stewart  
Absent: Representative Fecteau and Representative Dillingham  
Legislative Officers: Darek Grant, Secretary of the Senate  
Robert Hunt, Clerk of the House  
Grant Pennoyer, Executive Director  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law & Legislative Reference Library  
Jackie Little, Human Resources Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Nik Rende, Director, Office of Legislative Information Technology

Speaker Gideon convened the meeting at 1:38 pm. with a quorum of members present.

**SUMMARY OF DECEMBER 19, 2019 MEETING OF THE LEGISLATIVE COUNCIL**

**Motion: That the Meeting Summary for December 19, 2019 be accepted and placed on file.**

**Motion by Representative Stewart. Second by Representative Moonen. Motion passed unanimous (6-0-0-4)**

## **NEW BUSINESS**

### **Item #1: Consideration of After-Deadline Bill Requests**

Speaker Gideon announced that the Legislative Council would not be considering after-deadline bill requests at today's meeting, and she and President Jackson have instead approved the circulation of ballots for sponsors to seek approval of their after-deadline bills.

## **OLD BUSINESS:**

### **Item #1: Consideration of Tabled Bill Requests from October and December 2019**

Not Taken Up

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

### **Executive Director's Report**

Grant Pennoyer, Executive Director, gave the following report.

#### 1. MELD Replacement Project

Despite best efforts by our contractor, the Revisor's Office and Legislative Information Technology, the implementation of the new bill production system has been delayed by some system bugs that need to be resolved before the Revisor's Office is able to fully transition to the new system to produce bills and amendments. In the meantime, they have been producing bills and amendments using MELD, the old bill production system. We are still hopeful that the remaining system bugs will be worked out soon so that we may fully transition to the new system and convert those bills and amendments that were developed in MELD into the new system so that we may take full advantage of the features of the new system that includes a more efficient and accurate statute update process that was used to update the statutes after the 1<sup>st</sup> Regular Session.

#### 2. Benefits Fair

Representatives from Employee Health & Benefits, Maine Public Employees Retirement System, WellStarME (Health Screening), and representatives of the Deferred Compensation Plans will be in the Hall of Flags on the morning of Tuesday, February 4, for a Benefits Fair. The WellStarME staff will also be scheduling appointments for Health Screenings to help meet the requirements of the 2020 Health Credit Premium Program.

### **Fiscal Report**

In the absence of Mr. Nolan, the Speaker directed members to the Fiscal Report included in the packet. Mr. Pennoyer noted that the next meeting of the Consensus Economic Forecasting Commission will meet on January 30, 2020 to begin the mid-session revenue forecast. The Revenue Forecasting Committee has a March 1<sup>st</sup> deadline for the final revenue forecast, so that the final forecast will be available to the Legislature as it wraps up the session.

## 1. General Fund Revenue Update

### Total General Fund Revenue - FY 2020 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$291.4	\$296.3	\$4.9	1.7%	\$309.3	-4.2%
FYTD	\$1,973.3	\$1,979.1	\$5.8	0.3%	\$1,904.2	3.9%

General Fund revenue was over budget by \$4.9 million (1.7%) for the month of December and by \$5.8 million (0.3%) for the fiscal year to date. These positive variances now reflect the December 2019 revenue forecast, which increased budgeted General Fund revenue by \$52.7 million for FY 2020.

Individual income tax revenue was under budget by \$4.9 million for the month and by \$4.9 million for the fiscal year to date. Individual income tax withholdings were under budget by \$10.3 million while refunds were over budget (less refunded than budgeted) for the month by \$4.4 million. The withholding tax revenue may be a timing variance between December and January which will be reviewed in more detail next month. Corporate income tax revenue was over budget by \$0.3 million for the month and by \$0.3 million for the fiscal year to date. Sales and use tax revenue (November sales) was over budget for the month by \$5.5 million and by \$1.2 million for the fiscal year to date.

## 2. Highway Fund Revenue Update

### Total Highway Fund Revenue - FY 2020 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
December	\$23.6	\$24.7	\$1.1	4.6%	\$24.1	2.5%
FYTD	\$180.3	\$181.2	\$0.9	0.5%	\$177.5	2.1%

Highway Fund revenue was over budget by \$1.1 million (4.6%) for the month of December and by \$0.9 million (0.5%) for the fiscal year to date. These positive variances now reflect the December 2019 revenue forecast, which increased budgeted Highway Fund revenue by \$3.1 million for FY 2020.

Fuel taxes were under budget by \$0.3 million for the month while motor vehicle registrations and fees were over budget by \$1.2 million.

## 3. Cash Balances Update

The average balance in the cash pool for December was \$1,571.6 million, a decrease from November's average of \$1,616.1 million but above both last December's average balance and the ten-year average for the month. The average Highway Fund balance of -\$9.7 million in November was down from November's average of \$0.9 million. The negative average balance in the Highway Fund for December was the result of increased expenditures for construction season spending and delays in the availability of federal reimbursements. The balance is now positive and expected to continue to improve with the release of federal funds.

## Studies Report

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, submitted the written studies report found in the agenda packet. She also stated that she has posted the last report by OPLA on the website and that the Council should be seeing proposed recommendations from committees in the near future.

## REPORTS FROM COUNCIL COMMITTEES

### Personnel Committee

Speaker Gideon reported that the Personnel Committee met on Thursday, December 19, 2019 and January 23, 2020 to consider the following matters:

1. Onsite Childcare

Ms. Little provided an update to the committee. This matter will continue to be discussed at future meetings.

2. Harassment Prevention

Ms. Little provided the committee an update about recent annual training for supervisors, staff and lobbyists. Ms. Little will continue to provide the committee with updates as training for the 2<sup>nd</sup> regular session continues.

3. Maine Leadership Development Program for Staff Supervisors

Ms. Little and Mr. Pennoyer presented a proposal from the National Conference of State Legislatures to provide a leadership development program for staff supervisors at the Maine Legislature. The committee voted unanimously to recommend that this proposal be presented to the full Legislative Council for their consideration. This item appears on your agenda today and will be discussed momentarily.

4. Merit Increases for the Secretary of the Senate and the Clerk of the House

The committee voted to approve step increases of one-step for both the Secretary of the Senate and the Clerk of the House.

5. Step Increases for Constitutional Officers

The committee reviewed and approved step increases for the two eligible Constitutional Officers.

6. Performance Evaluation and Step Increase – Grant Pennoyer, Executive Director

The committee reviewed the performance of Grant Pennoyer, Executive Director and voted unanimously to approve a step increase for him.

7. Performance Evaluation and Step Increase – Marion Hylan Barr, Director, OPLA

The committee reviewed the performance of Marion Hylan Barr, Director of the Office of Policy and Legal Analysis and voted unanimously to approve a step increase for her.

8. Performance Evaluation and Step Increase – Chris Nolan, Director, OFPR

The committee reviewed the performance of Chris Nolan, Director of the Office of Fiscal and Program Review and voted unanimously to approve a step increase for him.

9. Performance Evaluation and Step Increase – John Barden, Director, Law Library

The committee reviewed the performance of John Barden, Director of the Law and Legislative Reference Library and voted unanimously to approve a step increase for him.

10. Performance Evaluation and Step Increase – Suzanne Gresser, Revisor

The committee reviewed the performance of Suzanne Gresser, Revisor of Statutes and voted unanimously to approve a step increase for her.

**State House Facilities Committee**

No Report

**NEW BUSINESS:**

**Item #2 - #7** Acceptance of the reports.

**Motion: To accept Items #2-7**

**Motion by Representative Stewart. Second by Senator Timberlake. Motion passed unanimous (6-0-0-4)**

**Item #8** State Compensation Commission Final Report (January 2020)

Presented for informational purposes only.

**Item #9** Maine Leadership Development Program for Staff Supervisors

Jackie Little, Director of Human Resources presented the following information:

The Personnel Committee met on this item earlier on January 27, 2020. This is an opportunity to partner with NCSL for a 3-day intensive leadership opportunity for staff Supervisors. It would be an abbreviated program from their 8-day national program, pulling out the best items in the agenda and would be resource for our staff supervisors. The proposal begins on page 80 of the packet. NCSL would provide some cost sharing and our responsibility would be approximately \$40,500. The request today is to authorize this program to move forward and any additional expenses to come out of the available balances. The program would take place in May or June of 2020. At the December 2019 meeting, the Personnel Committee voted unanimously to proceed with the program, but wanted to present it to the whole Council.

**Motion: To approve the program**

**Motion by Senator Dow. Second by Representative Stewart. Motion passed unanimous (6-0-0-4)**

**ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 1:55 pm

**129<sup>th</sup> Maine State Legislature  
Legislative Council  
Tabled Pre Cloture Bill Requests  
From October 23, 2019 and December 6, 2019**

**SPONSOR: Rep. Kent Ackley**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2723	An Act To Allow Municipalities To Set Below-market Interest Rates for Senior Citizen Property Tax Deferral Programs	Tabled 12/06/19

**SPONSOR: Rep. Michael F. Brennan**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2847	An Act To Promote Justice for Victims of Sexual Abuse by Suspending the Statute of Limitations	Tabled 10/23/19

**SPONSOR: Sen. Ned Claxton**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2944	An Act To Minimize Potentially Objectionable License Plates	Tabled 12/06/19
2946	Resolve, Directing the Department of Education To Amend Its Certification Requirement Rules	Tabled 10/23/19

**SPONSOR: Sen. Scott Wynn Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2610	An Act To Require Warning Labels Regarding the Danger of Psychosis from the Consumption of Marijuana Products	Tabled 12/06/19

**SPONSOR: Rep. Matthea Elisabeth Larsen Daughtry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
3058	An Act To Protect Independent Contractors from Sexual Harassment	Tabled 10/23/19
3065	An Act To Properly Fund Early Childhood Education and Postsecondary Grant Opportunities	Tabled 10/23/19
3066	An Act To Require Transparency in Postsecondary Institutions with Regard to Sexual Assaults	Tabled 10/23/19

**SPONSOR: Rep. John C. DeVeau**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2805	An Act To Provide Additional Supplemental Funding to the Veterans' Homelessness Prevention Coordination Program	Tabled 12/06/19

**SPONSOR: Rep. Justin J. Fecteau**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2849	An Act To Protect Students from Individuals Convicted of Sex Crimes	Tabled 10/23/19

**SPONSOR: Sen. Geoff Gratwick**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2691	An Act To Restrict the Use of Chlorpyrifos in Farming	Tabled 10/23/19
2692	An Act To Codify Rules Regarding Firearms in Child Care Facilities, Nursery Schools and the Facilities of Home-based Child Care Providers	Tabled 10/23/19

**SPONSOR: Rep. Sheldon M. Hanington**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2658	An Act To Impose Penalties for the Failure of Municipalities To Keep the Grave Sites of Veterans in Public Burying Grounds in Good Condition and Repair	Tabled 10/23/19

**SPONSOR: Rep. Henry Ingwersen**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2884	Resolve, Directing the Department of Environmental Protection To Investigate Potential Sources of High-level Per- and Polyfluoroalkyl Substances Contamination of Land and Drinking Water	Tabled 10/23/19

**SPONSOR: Pres. Troy Dale Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2657	An Act To Allow Day Students at the Maine School of Science and Mathematics	Tabled 10/23/19
2713	An Act To Provide Tax Credits for Employers Who Employ Qualified Apprentices	Tabled 10/23/19
2714	An Act To Ensure Equitable Pricing for Fuel Delivered to Energy Markets	Tabled 10/23/19

2737 An Act To Ensure Access to Affordable Prescription Drugs Tabled 10/23/19

2985 Resolve, To Establish Guidelines for the Creation of Offshore Wind Projects That Include the Protection of Fisheries and Wildlife and the Creation of High-quality Local Jobs Tabled 10/23/19

**SPONSOR: Sen. Lisa Keim**

LR # Title Action  
2760 An Act To Provide MaineCare to Disabled Veterans Tabled 10/23/19

**SPONSOR: Rep. MaryAnne Kinney**

LR # Title Action  
2625 An Act To Protect the People of Maine from Drug Overdoses Tabled 10/23/19

**SPONSOR: Rep. Scott Landry**

LR # Title Action  
3060 An Act Relating to Energy Storage Tabled 10/23/19

**SPONSOR: Sen. Nate Libby**

LR # Title Action  
2855 Resolve, To Ensure Appropriate Case Management under the Behavioral Health Home Program and for Adults with Human Immunodeficiency Virus Infection Tabled 10/23/19

**SPONSOR: Rep. Jay McCreight**

LR # Title Action  
2968 An Act To Maintain and Enhance the Behavioral Health Workforce in Maine Tabled 10/23/19

**SPONSOR: Sen. Dave Miramant**

LR # Title Action  
2718 An Act To Amend the Laws Governing Aquaculture Leases Tabled 10/23/19



**SPONSOR: Sen. Marianne Moore**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2746	An Act To Clarify the Rights of Parties in Certain Foreclosure Actions	Tabled 12/06/19

**SPONSOR: Rep. Stephen Sullivan Stanley**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2808	An Act To Remove the Tax Cap on County Jail Funding	Tabled 10/23/19

**SPONSOR: Rep. Scott W. Strom**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2709	An Act To Prohibit the Collection of Campaign Contributions within a Voting Place	Tabled 10/23/19

**SPONSOR: Rep. Nathan J. Wadsworth**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2966	An Act To Provide Funding to the Maine Quality Centers within the Maine Community College System	Tabled 10/23/19
2967	An Act To Support Maine's Workforce Initiatives within the Maine Community College System	Tabled 10/23/19

**SPONSOR: Sen. David Woodsome**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2684	An Act To Provide Veterans with Educational Benefits	Tabled 10/23/19
2686	An Act To Ensure Maine Cable Service Franchises Are Nonexclusive	Tabled 12/06/19
2704	An Act To Establish Common Law Marriage in Maine	Tabled 12/06/19
2873	An Act To Remove Barriers to Entry to the Profession of Dental Therapy and Expand Access for the Underserved Dental Patient Population	Tabled 12/06/19