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CHAIR
SEN. MICHAEL D. THIBODEAU
VICE-CHAIR



SEN. GARRETT P. MASON
SEN. ANDRE E. CUSHING
SEN. TROY D. JACKSON
SEN. NATHAN L. LIBBY
REP. ERIN D. HERBIG
REP. JARED F. GOLDEN
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

EXECUTIVE DIRECTOR
GRANT T. PENNOYER

128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

128th Legislature
Legislative Council

July 19, 2017
12:00 PM

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MAY 25, 2017 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
10	• Executive Director's Report (Mr. Pennoyer)	Information
11	• Fiscal Report (Mr. Nolan)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee	
	• State House Facilities Committee No report	
	OLD BUSINESS	
12	Item #1: Council Actions Taken by Ballot (No Action Required)	Information
	NEW BUSINESS	
13	Item #1: Consideration of After Deadline Bill Requests	Roll Call Vote

❖ 15 Item #2: Consideration of Legislative Study Requests (details in separate notebook – available online)

Decision

Item #3: Executive Session

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. SARA GIDEON
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**LEGISLATIVE COUNCIL
MEETING SUMMARY
May 25, 2017**

CALL TO ORDER

Speaker Gideon called the May 25, 2017 meeting of the Legislative Council to order at 3:30 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Thibodeau, Senator Mason, Senator Jackson and Senator Libby
Absent: Senator Cushing
Representatives: Speaker Gideon, Representative Herbig, Representative Golden, Representative Fredette, and Representative Espling
Legislative Officers: Heather Priest, Secretary of the Senate
Robert Hunt, Clerk of the House
Grant T. Pennoyer, Executive Director of the Legislative Council
Suzanne Gresser, Revisor of Statutes
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Chris Nolan, Director, Office of Fiscal and Program Review
John Barden, Director, Law and Legislative Reference Library
Kevin Dieterich, Director, Legislative Information Technology

Speaker Gideon convened the meeting at 3:30 p.m. with a quorum of members present.

SUMMARY OF APRIL 27, 2017 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for April 27, 2017 be accepted and placed on file. Motion by Representative Fredette. Second by Representative Herbig. **Motion passed unanimous (9-0-0-1, with Senator Cushing absent).**

Legislative Council Chair Gideon 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 Bill Requests

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 4 new bill requests, the council authorized 2 requests for introduction in the 1st Regular Session of the 128th Legislature, 1 failed and 1 was tabled. The council took no action on the 3 bill requests previously tabled. Of the 4 joint resolutions, 1 passed, 1 was tabled and the council took no action on the 2 remaining items. 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.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, submitted a written report as follows.

1. RFP for MELD Bill Production System Replacement

We held a vendor conference call on Friday, May 5th to receive and answer questions from the firms interested in bidding on our bill production system replacement project. The four major firms with prior legislative experience suggested by NCSL each participated in the conference call. We have also been posting questions posed by each of the vendors with our responses to those questions on the Legislature's web site for all vendors to review. The deadline for submitting the proposals was extended to May 26th based on the lateness of the vendor conference and to give the vendors more time to react to the clarifications provided in the vendor conference call and the posted online responses.

2. Copper Reuse Project – Artist Selection Process

The final stage of the Copper Reuse Project, selecting an artist to reuse the copper from the dome in an art project, is in process. Thirty proposals have been scored by the Artist Selection Committee and the committee is working on scheduling a meeting in June. At that meeting, the Artist Selection Committee will advance the selection process to the finalist review phase by selecting four finalists to present more detailed proposals.

3. Electric Vehicle Charging Stations

The electric vehicle charging stations in the Parking Garage were successfully tested this past week. Rep. Grohman volunteered and successfully charged his vehicle. They still have to test the payment process by credit card through the smart phone app required to operate the stations. The two parking spaces in the Parking Garage have been barricaded off to keep the spaces available for this testing. There are currently plans to add some charging stations on the East Campus when a parking lot is redone. That parking lot project has begun and will be completed this year.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, submitted a written report as follows.

General Fund Revenue Update

Total General Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$383.4	\$386.5	\$3.2	0.8%	\$402.9	-4.1%
FYTD	\$2,774.7	\$2,790.6	\$15.9	0.6%	\$2,751.8	1.4%

General Fund revenue was over budget by \$3.2 million (0.8%) for the month of April and over budget by \$15.9 million (0.6%) for the fiscal year to date. These variances do not reflect the May revenue forecast, which decreased budgeted revenue for FY 2017 by \$16.8 million. The May monthly revenue report will reflect the new monthly distribution resulting from the May forecast. Individual income tax revenues were over budget for the month by \$1.6 million and over budget for the fiscal year to date by \$7.6 million. Individual income tax withholding was under budget for April by \$0.6 million and under budget by \$11.9 million for the fiscal year to date. Estimated payments for April, reflecting the first estimated payments for tax year 2017, were under budget by \$8.8 million for the month. Individual income tax refunds were over budget for the month (less refunded than budgeted) by \$8.8 million. Sales and use taxes for April (March sales) were under budget by \$0.3 million for the month and are over budget by \$1.4 million for the fiscal year to date. Corporate income tax revenue was over budget by \$8.2 million in April. This April positive variance is the result of the timing of final corporate payments and largely offsets March's negative variance.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$26.7	\$27.4	\$0.7	2.6%	\$26.2	4.4%
FYTD	\$272.6	\$276.5	\$3.9	1.4%	\$274.0	0.9%

Highway Fund revenue was over budget by \$0.7 million (2.6%) for the month of April and over budget for the fiscal year to date by \$3.9 million (1.4%). These positive variances do not reflect the May revenue forecast, which increased budgeted revenue for FY 2017 by \$1.6 million. Fuel taxes were slightly over budget for the month and over budget for the fiscal year to date by \$1.0 million. Motor vehicle registrations and fees were over budget by \$0.3 million for the month and over budget by \$3.9 million for the fiscal year to date.

Cash Balances Update

The average balance in the cash pool for April was \$913.2 million, down from March's average of \$931.3 million but well above both last year's average balance for April and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in April. The average Highway Fund balance of \$50.5 million in April increased from March's average of \$36.9 million but was below last year's April average of \$55.6 million.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No Report

2. State House Facilities Committee

Representative Herbig reported that the State House Facilities Committee met on May 24th to consider the following items.

1. Funding for Blaine House Repairs and Renovations

The committee received a follow-up presentation from the Blaine House Director regarding a \$100,000 request for funding from the State House Preservation Fund to be able to complete several important improvement projects for the Blaine House and grounds. The committee unanimously recommended approval to transfer \$100,000 for the upcoming fiscal year to the Blaine House Repairs and Maintenance Fund.

Motion: That upon the unanimous recommendation of the State House Facilities Committee, the Legislative Council approve the transfer of a total of \$100,000 in the upcoming fiscal year from the State House Preservation and Maintenance Fund to the Blaine House Repairs and Maintenance Fund for the Blaine House Grounds Restoration Project. Motion by Representative Herbig. Second by Representative Golden. **Motion passed unanimous (8-0-0-2, with Senator Cushing and Representative Fredette absent).**

2. Approval Process for Construction Projects in the Capitol Area

Earle Shettleworth, the Chair of the Capitol Planning Commission, provided an overview of the process the CPC uses to approve construction projects, which are also required to be approved by the Legislative Council. After the overview, the committee recommended that the Executive Director consult with the Bureau of General Services and Capitol Planning Commission to develop a plan for the required reviews of construction projects in the Capitol Area and report back to the committee.

3. Discussion of audio recording of committee meetings

Mr. Pennoyer summarized a memo presented earlier to the Legislative Council with options for committee audio recordings, noting that there was an option to copyright the recordings. The Clerk of the House presented materials gathered on copyrighting processes in other states. The committee reviewed the options and the current status quo regarding the committee audio recordings and explored copyrighting the committee audio files. The committee directed the Executive Director to report back to the committee on the process and costs of copywriting the committee audio recordings.

4. New Proposed Projects for State House Facilities Plan

Mr. Pennoyer presented some potential new projects that were not previously presented as part of the long-range State House Facilities Plan. These included work on the inner-horseshoe and an audio-visual system upgrade for the Appropriations Committee room, the upgrading of water fountains in the State House to include filtered dispensers and a redesign of the entry to the Legislative Information Office. The committee recommended that all of these projects be developed further and included in the long-range plan for future approval.

5. Relocation request for a portrait of Margaret Chase Smith

Mr. Pennoyer presented a relocation request through the Governor's Office from the artist that painted the portrait of Margaret Chase Smith titled "That Lady from Maine." The portrait currently hangs in the House Republican Office's conference room. The artist requested that the portrait be moved to a more public space. The committee discussed possible locations and ultimately directed Mr. Pennoyer to present to the Governor's Office the reception area of the Senate Republican Office as a more public space for the portrait.

3. Legislative Budget Subcommittee

President Thibodeau reported that the Legislative Budget Subcommittee met on Thursday, April 27th to review the tentative consolidated budget request for the fiscal years 2017-18 and 2018-19. The Legislative Finance Director, Dawna Lopatosky, presented the materials compiled to explain the Legislature's tentative budget submission for the 2018-2019 biennium. After some discussion and some questions about the Legislature's budget, the members of the subcommittee voted unanimously to approve the tentative consolidate budget request as included in the Governor's Biennial Budget Bill.

Motion: That, upon the unanimous recommendation of the Legislative Budget Subcommittee, the Legislative Council accepts the legislative budget proposed in Part A of LD 390 (Governor's proposed 2018-2019 biennial budget) and LD 1440 (Governor's proposed 2018-2019 Highway Fund biennial budget) as submitted without amendment; and further, that the Legislative Council directs the Executive Director to prepare memos informing the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Transportation of the Legislative Council's recommendations. Motion by President Thibodeau. Second by Senator Libby. **Motion passed unanimous (7-0-0-3, with Senator Cushing and Representatives Fredette and Espling absent).**

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

LR 2352 An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists

Submitted by: Representative Karen Vachon
Date: May 3, 2017
Vote: 10-0-0-0 Passed

LR 2353 An Act to Address Vehicle Inspection Stickers

Submitted by: President Michael Thibodeau
Date: May 8, 2017
Vote: 4-6-0-0 Failed

LR 2355 An Act to Allow Androscoggin County Commissioners to Establish Reasonable Office Hours for County Offices

Submitted by: Senator Nathan Libby
Date: May 16, 2017
Vote: 9-1-0-0 Passed

Item #2: Proposed Amendment to *Legislative Council Policy on the Use of Capitol Park*

Motion: That upon the unanimous recommendation of the State House Facilities Committee, the Legislative Council approve the amendments to the *Legislative Council Policy on the Use of Capitol Park*. Motion by Representative Herbig. Second by Representative Golden. **Motion passed unanimous (8-0-0-2**, with Senator Cushing and Representative Fredette absent).

Item #3: Request for exception to policy to hold Drone Day in the Park

Mr. Pennoyer explained that this would be an exception to the Capitol Park Policy to allow the State Law Library to hold Drone Day in the Park on August 26th (rain day August 27th). Senator Mason reported that Senator Cushing's previous concerns had been addressed.

Motion: That the Legislative Council authorize the one-time exception to the *Legislative Council Policy on the Use of Capitol Park* as requested by the State Law Library to hold Drone Day in Capitol Park. Motion by Representative Herbig. Second by Senator Mason. **Motion passed unanimous (8-0-0-2**, with Senator Cushing and Representative Fredette absent).

NEW BUSINESS

Item #2: Proposed Cloture Date & Related Schedule for Second Regular Session

Suzanne Gresser, Revisor of Statutes, presented a recommended schedule that establishes dates and deadlines for events related to cloture for legislator bill requests for the second regular session. Ms. Gresser proposed the following dates relating to the cloture and the Legislative Council action on bill requests:

- September 29, 2017 at 4:00 pm. – Filing Deadline (Cloture)
- Thursday, October 26, 2017 at 10:00 am – Legislative Council meeting for consideration of Legislators' requests
- Tuesday, October 27, 2017 – Notification of Council's action mailed to sponsors
- Tuesday, November 1, 2017 – Deadline for filing appeals
- Thursday, November 16, 2017 at 10:00 am – Legislative Council meeting to consider appeals
- Monday, December 18, 2017 – "Bill Signing" Day
- Wednesday, January 3, 2018 – Legislature reconvenes

Ms. Gresser explained that the purpose of a bill signing day is to allow the members to meet with their peers to get their bills signed and turned in, which then allows the Revisor's office the opportunity to complete and print the bills so that they are finalized and printed by the time the Legislature convenes in January, thus allowing the committees a prompt start on bills in January.

Motion: That the Legislative Council establish the Cloture Date and Related Schedule, as recommended by Ms. Gresser. Motion by Representative Herbig. Second by Senator Mason. **Motion passed unanimous (8-0-0-2**, with Senator Cushing and Representative Fredette absent).

Item #3: Submission of the Task Force to Address the Opioid Crisis in the State Interim Report

The Task Force to Address the Opioid Crisis in the State submitted their Interim Report to the Legislative Council for acceptance.

Motion: That the Legislative Council accept the interim report of the Task Force to Address the Opioid Crisis in the State. Motion by Senator Libby. Second by Representative Herbig. **Motion passed unanimous (8-0-0-2**, with Senator Cushing and Representative Fredette absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 4:07 p.m.

**128th Maine State Legislature
Legislative Council Action Taken
Requests to Introduce Legislation
First Regular Session
5/25/2017**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2358	An Act To Allow Municipalities To Establish Ordinances Banning or Moratoria on Marijuana Caregivers within 500 Feet of a School	TABLED

SPONSOR: Sen. Catherine Breen

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2373	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting	PASSED

SPONSOR: Sen. Garrett Mason (sponsor change)

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2375	An Act To Repeal the Ranked-choice Voting Law	PASSED

SPONSOR: Sen. Geoffrey M. Gratwick

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2374	Resolve, Directing the Department of Transportation To Place Signs Directing Motorists to the Katahdin Woods and Waters National Monument	FAILED

JOINT RESOLUTIONS

SPONSOR: Rep. Walter A. Kumiega III

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2366	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO NEGOTIATE TRADE AGREEMENTS WITH THE EUROPEAN UNION TO KEEP MAINE AND DOMESTIC LOBSTER AND SEAFOOD PRODUCTS COMPETITIVE WITH CANADIAN LOBSTER AND SEAFOOD PRODUCTS	PASSED

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2278	An Act To Encourage Support of the Tribal Government of the Houlton Band of Maliseet Indians through On-reservation Business Activity	Tabled 03/24/17

SPONSOR: Rep. Janice E. Cooper

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2330	An Act To Allow Nonresidents To Serve on Volunteer Boards in Island Communities	Tabled 04/27/17

SPONSOR: Rep. Nathan J. Wadsworth

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2209	An Act To Make Performing Arts Centers Exempt from Sales Tax	Tabled 01/31/17

JOINT RESOLUTIONS

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1255	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA	Tabled 01/31/17 TABLED

SPONSOR: Rep. Heidi E. Brooks

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1554	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	Tabled 02/14/17

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2201	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENDORSE THE AMERICAN RECOVERY AND REINVESTMENT ACT	Tabled 01/31/17

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128TH MAINE STATE LEGISLATURE
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Executive Director's Report July 19, 2017

1. RFP for MELD Bill Production System Replacement

We are still reviewing the 4 bids submitted for the MELD Bill Production System Replacement project. The plan is to invite the top 2 bidders to present and provide a demonstration of their proposed systems in mid-August. After these meetings, we will reach a final recommendation to submit to the Council.

2. RFP for State House Window Project

We are in the process of putting out an RFP to solicit bids to repair and paint State House windows. This interim's window maintenance project will focus on the South Wing of the State House and the south face of the West Wing. These windows have sustained more severe weathering from their exposure to the sun.

3. Copper Reuse Project – Artist Selection Process

The Artist Selection Committee met on June 15th and narrowed the field of proposals submitted by artists to four finalists. At its next meeting on September 12th, the committee will receive detailed presentations from the four finalists and make a final decision on the artist that will reuse the remaining copper removed from the State House Dome. I would like to note that there no longer is any rough copper remaining for sale however, we still have mementos available should anyone want a piece of history and a remembrance of their time at the State House.

4. Drone Day in Capitol Park

Drone Day in Capitol Park, which was recently approved for as an exception to the general policy prohibiting drones in Capitol Park, has been delayed. The State Library has decided to delay Drone Day until next summer. It was originally scheduled for late next month.

Fiscal Briefing

July 19, 2017

Prepared by the Office of Fiscal & Program Review

1. Preliminary General Fund Revenue Update

Total General Fund Revenue - FY 2017 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$363.1	\$406.0	\$42.9	11.8%	\$369.6	9.8%
FYTD	\$3,403.6	\$3,450.0	\$46.4	1.4%	\$3,366.2	2.5%

General Fund revenue was over budget by \$42.9 million (11.8%) for the month of June and over budget by \$46.4 million (1.4%) for the fiscal year to date. It is important to note that these are **preliminary numbers** as the month of June has not been fully closed.

Individual income tax revenue was over budget for the month by \$24.0 million and over budget for the fiscal year to date by \$14.5 million (1.0%). Withholding and estimated payments both appear to have been over budget for the month. Sales and use taxes for June (May sales) were under budget by \$0.8 million for the month but over budget by \$4.9 million (0.4%) for the fiscal year to date. Corporate income tax revenue was over budget by \$5.8 million in June and over budget by \$11.1 million (6.8%) for the fiscal year to date.

2. Preliminary Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2017 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$25.3	\$29.7	\$4.3	17.0%	\$25.7	15.5%
FYTD	\$327.3	\$334.3	\$7.0	2.1%	\$327.4	2.1%

Highway Fund revenue was over budget by \$4.3 million (17.0%) for the month of June and over budget for the fiscal year to date by \$7.0 million (2.1%). It is important to note that these are also **preliminary numbers** as the month of June has not been fully closed. Fuel taxes were over budget for the month by \$3.1 million, some of which could be timing as last month fuel taxes were slightly under budget. Motor vehicle registrations and fees were over budget by \$0.9 million for the month and over budget by \$2.8 million for the fiscal year to date.

3. Cash Balances Update

The average balance in the cash pool for June was \$992.7 million, down from May's average of \$1,010.7 million but well above both last year's average balance for June and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in June and not needed for all of FY 2017. The average Highway Fund balance of \$27.8 million in June decreased from May's average of \$42.8 million. This is likely a seasonal impact reflecting the increased activity during the construction season.

**Legislative Council Actions
Taken by Ballot Since the
May 25, 2017 Council Meeting**

Requests for Introduction of Legislation:

LR 2358 An Act to Allow Municipalities to Establish Ordinances Banning or Moratoria on Marijuana Caregivers within 500 feet of a School

Submitted by: Representative Seth Berry
Date: May 31, 2017
Vote: 10-0-0-0 Passed

LR 2392 An Act to Allow the Issuance of Open Burn Permits through Private Online Services

Submitted by: Senator Thomas Saviello
Date: June 14, 2017
Vote: 8-2-0-0 Passed (with Representatives Fredette and Espling opposed)

LR 2394 An Act to Clarify Licensing Provisions for the Manufacture and Sale of Liquor

Submitted by: Representative Louis Luchini
Date: June 19, 2017
Vote: 9-1-0-0 Passed (with Representative Espling opposed)

Decision by Legislative Council Ballot:

Motion: **That the Legislative Council authorize legislative budget adjustments that total \$5,000,000 to be implemented by lapsing unspent balances in legislative accounts to the General Fund with \$2,500,000 lapsing no later than June 30, 2018 and \$2,500,000 no later than June 30, 2019. And further, that the Legislative Council direct the Executive Director to prepare and submit implementing language reflecting this decision of the Legislative Council to the Office of the Revisor of Statutes on behalf of the Legislative Council for inclusion in a floor amendment to the Governor's budget bill, LD 390.**

Motion by: President Michael Thibodeau Second by: Speaker Sara Gideon
Date: June 14, 2017
Vote: 8-2-0-0 Passed (with Representatives Fredette and Espling opposed)

**128th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
First Regular Session
As of: 7/14/2017**

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Kent Ackley

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2379	An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance	

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2380	Resolve, To Name the Bridge over the Kennebec River between Richmond and Dresden on Route 197 the Sgt. Kevin B. Balduf Memorial Bridge	

SPONSOR: Rep. John L. Martin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2393	An Act To Allow Municipalities To Regulate Pesticide Use	

SPONSOR: Sen. David R. Miramant

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2387	Resolve, Directing the Department of Environmental Protection To Develop a Plan for Meeting the Standards Set in the Paris Climate Accord	

TABLED BY THE LEGISLATIVE COUNCIL

AFTER DEADLINE BILL REQUESTS

SPONSOR: Rep. Henry John Bear

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2278	An Act To Encourage Support of the Tribal Government of the Houlton Band of Maliseet Indians through On-reservation Business Activity	Tabled 03/24/17

SPONSOR: Rep. Janice E. Cooper

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2330	An Act To Allow Nonresidents To Serve on Volunteer Boards in Island Communities	Tabled 04/27/17

SPONSOR: Rep. Nathan J. Wadsworth

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2209	An Act To Make Performing Arts Centers Exempt from Sales Tax	Tabled 01/31/17

JOINT RESOLUTIONS

SPONSOR: Rep. Seth A. Berry

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1255	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA	Tabled 01/31/17

SPONSOR: Rep. Heidi E. Brooks

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1554	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SENATE TO RATIFY THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	Tabled 02/14/17

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2201	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ENDORSE THE AMERICAN RECOVERY AND REINVESTMENT ACT	Tabled 01/31/17

Protocols for Review of Legislative Study Proposals
128th Legislature
Legislative Council Meeting
July 19, 2017

Background: Requirements Relevant to Studies in the First Regular Session

Under the terms of the Joint Rules of the 128th Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On January 31, 2017, the Legislative Council unanimously adopted a policy on legislative studies for the 128th Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevant as part of study legislation. Copies of the Joint Rules and the adopted policy are in your notebook (see appendices).

Decision: Suggested Protocol for Authorizing Legislative Studies

- The Legislative Council will review study requests in LD order grouped by funding source.
- Voting will be by a show of hands, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting.
- Committee chairs and others are welcome to observe the council's deliberations on the study requests, but discussion of the requests will be confined to council members. However, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- The Legislative Council shall specifically review those studies that do not conform to applicable standards and policies approved by the Council. The Council will include as part of its motion to authorize a study acceptance of any non-conforming elements of the study. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Majority Leader, except for studies tabled in the House which will be in the name of the House Majority Leader.

Issues: Policy Issues Needing Decision

1. **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
2. **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
3. **Interim committee meetings-Recommendation:** Unless authorized by law or joint order or approved jointly by the presiding officers, joint standing and joint select committees may not meet during the legislative interim. The number of authorized days may not exceed availability of budgeted funds. Committee clerks are not authorized to staff interim committee meetings or studies. Joint standing and joint select committees must complete all assigned work within their authorized meeting days.

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		General Fund Miscellaneous Studies								
P16	LD 214, as amended by Committee Amendment "A" (on Study Table)	Emergency	VIA	Commission To Streamline Veterans' Licensing and Certification	Study and address military service members' transition from military service to civilian workforce; make recommendations to streamline licensing and certification processes for service members and veterans.	TOTAL: 13 Legis: 5 Sen: 2(LCRED or VIA) House: 3(LCRED or VIA) Chairs: First-named Senator and Representative	January 15, 2018 Labor, Commerce, Research and Economic Development Committee and Veterans and Legal Affairs Committee	Legislative Council	Nonconforming Membership - majority not legislators; does not specify that members include 2 parties holding largest # of seats Report: late (12/09/17) LC staff - for nonconforming study	\$ 2,750
P20	LD 309, as amended by Committee Amendment "A" and House Amendment "A" (on Study Table)	Not an emergency	JUD	Working Group to Restore Judicial Discretion	Review mandatory minimum sentences that are currently required under the state law and make recommendations to amend or repeal specific mandatory minimum sentence requirements as appropriate.	TOTAL: 5 Legis: 5 Sen: 2 House: 3 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Conforming	\$ 2,750
P23	*PL 2017, c. 284, Sec. UUUL-17 (LD 390) (law but not yet started)	Emergency	JUD	Working Group to Improve the Provision of Indigent Legal Services	Develop recommendations to improve the delivery of indigent legal services to those eligible to receive such services in the State. The recommendations must focus on ensuring adequate representation, increasing the efficiency in delivering legal services, verifying eligibility throughout representation and reducing costs while still fully honoring the constitutional and statutory obligations to provide representation.	TOTAL: 11 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	\$ 2,250
P26	LD 523, as amended by Committee Amendment "A" (on Study Table)	Emergency	CJPS	Commission to Review the Laws Governing Domestic Violence	Conduct a comprehensive examination of the laws governing domestic violence in Maine to determine whether principles of ensuring victim safety and batterer accountability are upheld under the existing statutory scheme; examine domestic violence cases from investigation through court process and evaluate needs of victims and how to deter batterers' behavior.	TOTAL: 11 Legis: 7 Sen: 3 House: 4 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Conforming	\$ 3,750
P29	LD 642, as amended by Committee Amendment "A" (on Study Table)	Emergency	EDU	Task Force to Identify Special Education Cost Drivers and Innovative Approaches to Services	Address the rising cost of special education and the maintenance of high-quality services that accommodate the needs of all children by identifying cost drivers and recommending innovative approaches to serving students.	TOTAL: 13 Legis: 2 Sen: 1(EDU) House: 1(EDU) Chairs: Senator and Representative	December 6, 2017: Education and Cultural Affairs Committee	Legislative Council	Nonconforming Membership - majority not legislators; does not specify that members include 2 parties holding largest # of seats LC staff - for nonconforming study	\$ 1,500

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P33	LD 1015, as amended by Committee Amendment "A" (on Study Table)	Not an emergency	EDU	Commission to Study the Student Transfer Process	Conduct a comprehensive review of the appeal process under the laws governing the transfer of a student from one school administrative unit to another school administrative unit, including, but not limited to, a review of the criteria used by the Commissioner of Education and the State Board of Education to make a decision regarding a parent's request to review a decision to not approve a transfer.	TOTAL: 11 Legis: 4 Sen: 1(EDU) House: 3(EDU) Chairs: Senator and first-named Representative	December 6, 2017: Education and Cultural Affairs Committee	Legislative Council	Nonconforming Membership - majority not legislators; does not specify that members include 2 parties holding largest # of seats LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings	\$	2,250		
P36	LD 1021, as amended by Committee Amendment "A" (on Study Table)	Emergency	SLG	Study Committee to Develop a Disposition Plan for Future Surplus State Property in York County	Study and plan the disposition of the 3 district courthouses and of associated surplus state property in York County to be vacated when the courts are consolidated into one building in 2021.	TOTAL: 10 Legis: 6 Sen: 3 House: 3 Chairs: First-named Senator and Representative	December 6, 2017: Second Regular Session of the 128th Legislature	Legislative Council	Nonconforming Membership - does not specify that members include 2 parties holding largest # of seats (York, Springvale, Biddeford only) LC staff - for nonconforming study	Legislative per diem and expenses; 6 meetings	\$	9,250		
P39	LD 1128, as amended by Committee Amendment "A" (on Study Table)	Not an emergency	CJPS	Committee to Study the Processing of Evidence from Sexual Assault Test Kits	Study the processing of evidence from sexual assault test kits, including: reviewing data from state, county and municipal law enforcement agencies and from programs that serve victims of sexual assault and advocates of victims of sexual assault; determining the current status of the processing of sexual assault test kits and the prevalence of and reasons for kits not being analyzed; and reviewing information on the resources and funding necessary to ensure the timely processing of sexual assault test kits.	TOTAL: 11 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Criminal Justice and Public Safety Committee	Legislative Council	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	Legislative per diem and expenses; 4 meetings (may seek funding to partially or fully fund costs of study)	\$	2,250		
P42	LD 1143, as amended by Committee Amendment "A" (on Special Appropriations Table)	Not an emergency	EDU	Maine Bicentennial Commission	Prepare and administer a comprehensive plan and program for adequate observance and celebration on a statewide basis of the bicentennial anniversary of the formation of the State of Maine, coordinate the program and activities of all public and private agencies and organizations in the State that are planned for the observance of the anniversary and engage in such other activities as the commission determines necessary and appropriate.	TOTAL: 22 Legis: 4 Sen: 2 House: 2 Chairs: Commission selects chair from among its members	December 6, 2017, November 7, 2018, December 4, 2019 and November 4, 2020: Education and Cultural Affairs Committee	Maine State Cultural Affairs Council	Nonconforming Membership - majority not legislators	Legislative per diem and expenses; 4 meetings (may accept contributions from outside sources)	\$	3,090	\$3,090	\$9,090

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P47	LD 1260, as amended by Committee Amendment "A" and Senate Amendment "A" (on Study Table)	Not an emergency	JUD	Commission to Create a Plan to Enhance the Efficiency and Effectiveness of the Probate Court System	Create a plan for a more efficient and effective probate court system and describe how the system would be funded. May consider for inclusion in the plan any features that the commission determines relevant, including, features that will ensure timely, convenient and meaningful access to justice, promote judicial responsibility and adherence to the code of judicial responsibility, provide for qualified judges, provide for adequate professional staff, reflect efficient practices in scheduling and case management throughout the system, allow for convenient and consumer-friendly processing of matters that are not contested and reflect economies of scale in all appropriate operational aspects.	TOTAL: 13 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Judiciary Committee	Legislative Council				\$	2,250		
P51	LD 1466, as amended by Committee Amendment "A" as amended by House Amendment "B" (on Special Appropriations Table)	Not an emergency	HHS	Commission to Study Long-term Care Workforce Issues	Study and make recommendations regarding: measuring current demand for direct care workers and projecting future needs; developing a statewide recruitment strategy; supporting career ladders; identifying education needs and methods to overcome hiring barriers; developing strategies to improve quality of long-term care jobs; increasing opportunities for shared staffing among long-term care providers; and making policy recommendations for public and private funding mechanisms to implement. Make recommendations for establishment of a program that will contribute to long-term care direct care workers' postsecondary education in related fields and for establishment of a pilot program to pool part-time home care workers' hours for purposes of providing greater employment opportunity and obtaining employee health benefits.	TOTAL: 18 Legis: 5 Sen: 2 House: 3 Chairs: First-named Senator and Representative	February 19, 2018: Health and Human Services Committee	Legislative Council	Nonconforming Membership - majority not legislators Report - late (12/06/17) LC staff - for nonconforming study			\$	2,750		

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P60	*PL 2017, c. 278 (LD 243) HP 96, Joint Select Committee on Marijuana Legalization Implementation (Approved during 1st Regular and in progress)	Emergency; MLI convened in 1st Regular (LD 243, An Act to Change the Oversight Agency for Recreational Marijuana from ACF to DAFS, BABLO and to Allocate Funds for Implementation)	MLI	Joint Select Committee on Marijuana Legalization Implementation	LD 243 appropriates funds for consultant services and necessary travel and expenses and other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation. HP 96 created JSC on MLI whose duties are to review existing MLA and identify and make recommendations (legislation) to resolve outstanding issues regarding implementation.	TOTAL: 17 Legis: 17 Sen: 5 House: 12 Chairs: First-named Senator and Representative	None	Contract staff during legislative session; Legislative Council staff during legislative interim						
P72	LD 1006, as amended by Amendment "A" (on Special Appropriations Table)	Not an emergency	LCRED	Advisory Council on Senior Housing	Study the unmet need for affordable housing units for elderly residents of the State as well as the financial burden of home modifications and repairs necessary to enable the State's elderly residents to remain in their homes; make recommendations to the director of MSHA for development by 01/01/23 of strategic elderly housing plan.	TOTAL: 12 Legis: 2 Sen: 1 House: 1 Chairs: Not specified	March 15th of each First Regular Session regarding progress of development or implementation of strategic plan: Labor, Commerce, Research and Economic Development Committee	Not specified	Exception to Joint Rule 353 Created in statute and codified in Title 5 exempted, except use of new legislative financial resources; (legislative per diems) must be referred to special study table for review and approval by LC regarding use of those resources; unclear who is staffing.		\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
P77	LD 1008, as amended by Amendment "A" (on Special Appropriations Table)	Not an emergency	SLG	Permanent Commission on the Status of Racial and Ethnic Populations	Promote, carry out and coordinate programs designed to improve opportunities for racial and ethnic populations by carrying out research to incorporate the study of income levels and opportunities available to historically disadvantaged racial and ethnic populations in the State and the examination of data regarding business ownership, household assets, debts and income, housing, employment and access to inherited wealth, capital and benefits.	TOTAL: 15 Legis: 5 Sen: 2 House: 3 Chairs: Governor selects chair from among the members of the commission	Initial report by March 1, 2018 to the Second Regular Session of the Legislature; Beginning January 1, 2019 and biennially thereafter to the Governor and the Legislature	Secretary of State	Nonconforming Membership - majority not legislators Chairs - not legislators		\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500

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P83	*SP 210 (approved during 1st Regular and in progress)		HHS	Task Force to Address the Opioid Crisis in the State	Examine the current laws in the State addressing opiate abuse and heroin use, including but not limited to existing laws focused on law enforcement, prevention, treatment and recovery; review recommendations of Maine Opiate Collaborative and review successful initiatives in other states including proposals for increased law enforcement, substance abuse prevention, treatment and peer recovery services and substance abuse prevention education in schools and communities.	TOTAL: 19 Legis: 8 Sen: 4 House: 4 Chairs: First-named Senator and Representative	April 30, 2017; initial report to the First Regular Session of the 128th Legislature; December 6, 2017, final report to the Second Regular Session of the 128th Legislature	Contract staff during legislative session; Legislative Council staff during legislative interim	Nonconforming Membership - majority not legislators LC staff - for nonconforming study	Legislative per diem and expenses; public members may receive per diem and expenses; 3 meetings held; 10 more possible	\$ 12,557	\$ 10,250	
P86	*SP 294 (approved during 1st Regular and in progress)		LCRED	Task Force on Maine's 21st Century Economy and Workforce	Review ways to strengthen the State's economy, improve the State's business climate and facilitate growth in the State, including strategies to make targeted and strategic investments in the State's workforce and businesses; to expand partnerships among the State's workers, educators and businesses to specifically address workforce needs and worker training; to develop strategies for attracting, retaining and training Maine workers in sectors of industry most acutely affected by workforce shortage; and to help improve the ability of small businesses to innovate and expand.	TOTAL: 18 Legis: 8 Sen: 4 House: 4 Chairs: First-named Senator and Representative	Initial report may be submitted prior to the adjournment of the 128th Legislature; final report due March 2018 to the Second Regular Session of the 128th Legislature	Contract staff during legislative session; Legislative Council staff during legislative interim	Nonconforming Membership - majority not legislators Report - late (12/06/17) LC staff - for nonconforming study	Legislative per diem and expenses; public members may receive per diem and expenses; 4 meetings	\$ 1,924	\$ 4,250	
P90	*PL 2017, c. 284, Sec. 77-2 (LD 390) (law but not yet started)	Emergency	ACF	Joint Standing Committee on Agriculture, Conservation and Lands Owned by Nonprofit Conservation Organizations	ACF Committee to study the financial and nonfinancial aspects of conserved lands owned by nonprofit conservation organizations, including property taxes paid, community benefits realized and value of lands to the State's economy.	TOTAL: 13 Legis: 13 Sen: 3 House: 10 Chairs: Chairs of the ACF Committee	February 15, 2018	Legislative Council	Nonconforming Report - late (12/06/17)	Legislative per diem and expenses; at least 3 meetings	\$ 5,415	\$ 32,125	

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						Membership	Report Dates	Staff	Conforming	Nonconforming	FY 2017	FY 2018	FY 2019	FY 2020
P92	LD 1150, as amended by Committee Amendment "A" (on Special Highway Table)	Not an emergency	TRA	Commission to Study Transportation Funding Reform	Study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability in a manner that allows the State to responsibly provide a safe and reliable transportation system; focus on funding the state highway and bridge system and consider capital funding of multimodal infrastructure.	TOTAL: 11 Legis: 10 Sen: 3 House: 7 Chairs: First-named Senator and Representative	December 6, 2017: Transportation Committee	Legislative Council	Conforming		\$ 5,250			
Other Special Revenue Funds														
P96	SP 592 (on House Study table)	Not an emergency	IFS	Task Force on Health Care Coverage for All of Maine	Propose at least three design options, including implementation plans, for creating a system of health care that ensures all residents of the State have access to and coverage for affordable, quality health care.	TOTAL: 18 Legis: 8 Sen: 4 House: 4 Chairs: First-named Senator and Representative	Initial report due January 1, 2018. Final report due November 1, 2018. First Regular Session of the 129th Legislature	Legislative Council may contract for staff during legislative sessions.	Nonconforming Membership - majority not legislators LC staff - for nonconforming study; possibly during legislative session		\$ 4,682	\$ 4,682		
P103	LD 512, as amended by Committee Amendment "A" (on Study Table)	Not an emergency	CIPS	Committee to Study the State's Response to the Commercial Sexual Exploitation of Youth	Assess the current policies, systems and resources related to preventing and responding to the commercial sexual exploitation of youth in the State to identify gaps and to make recommendations related to improving those policies, systems and resources.	TOTAL: 13 Legis: 4 Sen: 2 House: 2 Chairs: First-named Senator and Representative	December 6, 2017: Criminal Justice and Public Safety Committee and Health and Human Services Committee	Legislative Council	Nonconforming Membership - majority not legislators LC staff - for nonconforming study		\$ 2,250			
<p>Total Cost of Proposed Studies (All Funds):</p> <p>Available Studies Budget (General Fund):</p> <p>(Adjusted for previously authorized studies)</p> <p>Other Required Funding Sources (Federal & Other Special Revenue):</p> <p>General Fund Appropriation:</p> <p>Remaining Balance/(Shortfall) Studies Budget (General Fund):</p>											\$ 19,896	\$ 291,147	\$ 11,272	\$ 6,590

* Future budgets will be adjusted to include the cost of studies authorized on an ongoing basis.

Additional Legislative Resources for Interim Work

P106	*Resolve 2017, c. 18 (law but not yet started)	Not an emergency	VIA	Legislative staff Recodification and Revision of Title 28-A	Prepare a recodification and revision of the Maine Revised Statutes, Title 28-A.	TOTAL: 0 Legis: 0 Sen: 0 House: 0 Chairs: No chairs required	January 15, 2019: Veterans and Legal Affairs Committee	OPLA and ROS	No compensation or expenses required			
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