



REP. SARA GIDEON
CHAIR
SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER

128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

LEGISLATIVE COUNCIL MEETING SUMMARY

May 25, 2017

Approved July 20, 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 consolidated 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