

SEN. MICHAEL D. THIBODEAU  
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REP. MARK W. EVES  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



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

SEN. GARRETT P. MASON  
SEN. ANDRE E. CUSHING  
SEN. JUSTIN L. ALFOND  
SEN. DAWN HILL  
REP. JEFFREY M. MCCABE  
REP. SARA GIDEON  
REP. KENNETH W. FREDETTE  
REP. ELEANOR M. ESPLING

LEGISLATIVE COUNCIL  
MEETING SUMMARY  
September 22, 2016  
Approved November 30, 2016

**CALL TO ORDER**

President Thibodeau called the September 22, 2016 meeting of the Legislative Council to order at 1:44 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Thibodeau, Senator Cushing, and Senator Hill  
Absent: Senator Mason and Senator Alfond  
Representatives: Representative McCabe, Representative Fredette and Representative Espling  
Absent: Speaker Eves (arrived late) and Representative Gideon  
Legislative Officers: Heather Priest, Secretary of the Senate  
Robert Hunt, Clerk of the House  
Grant T. Pennoyer, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Jackie Little, Human Resource Director  
Marion Hylan Barr, Director, OPLA  
Christopher Nolan, Director, OFPR  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Kevin Dieterich, Director, Legislative Information Technology

President Thibodeau convened the meeting at 1:44 p.m. with a quorum of members present.

## SUMMARY OF AUGUST 4, 2016 MEETING OF LEGISLATIVE COUNCIL

**Motion:** That the Meeting Summary for August 4, 2016 be accepted and placed on file. Motion by Senator Hill. Second by Senator Cushing. **Motion passed unanimous (6-0-0-4**, with Senators Mason and Alford, Speaker Eves and Representative Gideon absent).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, reported on:

#### 1. Status of Major Construction Projects for this Interim

- State House Roof - Work on both the State House roof has gone well and will be wrapping up very soon. The siding on the penthouses remains to be completed as well as the shelf on the south face.
- House Chamber – Plaster and molding repairs from water damage have been completed as well as the painting. Scaffolding was dismantled and removed on Tuesday, the 13<sup>th</sup>, ahead of the carpet installation scheduled to begin Monday, September 19<sup>th</sup>. Microphone replacements are the last part of the project to be completed shortly after the carpet is installed in early October.
- State Street Sidewalk – The replacement of the State Street sidewalk in front of the State House was largely completed on Monday, September 12<sup>th</sup>. Some sealing of the seams remain and will be completed soon.
- Security Screening Changes – The central kiosk at the State House main entrance has been removed and a temporary screening lane has been established. Some final electrical work is scheduled for Saturday, September 17<sup>th</sup>, leaving only some minor touch up work to do.

#### 2. Heating and Cooling System Repairs

This interim we have repaired many leaks in the State House heating and cooling system and will be assessing what risk areas with the failing fittings still remain unaddressed to prepare for the replacement of those remaining problem areas. The most significant area unaddressed is in the ceiling of the Law and Legislative Reference Library. The State House Facilities Committee approved the replacement of these fittings this fall, the costs of which will be largely offset by some insurance recoveries for water damage caused by roof and heating system leaks.

#### 3. Copper from the State House Dome

We still have a few mementos for sale and a small amount of rough copper from the dome still available, but sales have dropped off. We will do some additional marketing after the election to both parting and new Legislators. The Artist Selection Committee met on September 21<sup>st</sup> to review possible locations for the art work using some of the rough copper and establish some guidelines for the artists that will submit proposals. This art work is the last phase of the copper reuse project.

#### 4. Electric Vehicle Charging Stations

Two electric vehicle charging stations in the Parking Garage have been installed, but remain inoperative pending the resolution of some payment and accounting issues. The administration is hoping to work out these issues in the next couple of weeks so that the stations can become operational.

#### 5. Blaine House Landscaping Project

The major landscaping project for the Blaine House grounds to which the Legislative Council contributed \$151,000 is being reevaluated after the contractor bids received for the project came in significantly higher than the original estimate and the funds provided by the Legislative Council. The Legislature's contribution was the primary source of funding for the construction phase of the project.

Senator Hill thanked the Executive Director for his care of the State House grounds and how nice they look.

On another topic, Representative Fredette mentioned that he thought it would be extremely helpful to have evacuation procedures and drills during session as well as lockdown trainings. Mr. Pennoyer responded that in the past few months several active shooting trainings were held for staff and more are planned. A drill is anticipated for session.

### Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, reported on the following. Please note that the following includes amended information that was pointed out during the meeting.

#### General Fund Revenue Update

Total General Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$278.4	\$297.3	\$18.9	6.8%	\$259.3	14.7%
FYTD	\$519.7	\$535.5	\$15.8	3.0%	\$505.6	5.9%

General Fund revenue was over budget by \$18.9 million (6.8%) for the month of August and over budget by \$15.8 million (3.0%) for the fiscal year to date. Individual income tax revenues were over budget for the month by \$1.1 million and over budget for the fiscal year to date by \$3.5 million. Withholding was the primary factor for the August variance. Sales and use taxes were over budget by \$3.2 million for the month and over budget by \$5.3 million for the fiscal year to date. July sales (August revenue) were 6.0% higher than the previous year. Corporate income tax revenue was over budget by \$4.3 million for the month of August and over budget by \$2.5 million for the fiscal year to date. The majority of this variance was due to estimated payments. Transfers for tax relief programs were over budget (less transferred than budgeted) by \$4.0 million due to timing of the BETR transfer.

#### Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2017 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$29.6	\$31.0	\$1.4	4.6%	\$30.1	2.9%
FYTD	\$59.0	\$60.9	\$1.9	3.2%	\$59.2	2.9%

Highway Fund revenue was over budget by \$1.4 million (4.6%) for the month of August. Fuel taxes were over budget by \$0.5 million for the month. Motor vehicle registrations and fees were over budget by \$1.0 million for the month, with motor vehicle registrations and title fees accounting for the majority of the variance.

### **Cash Balances Update**

The average balance in the cash pool in August of \$925.4 million was down from the July average of \$946.9 million but was well above both last year's average balance for August and the ten-year average for the month. General Fund internal borrowing from other funds was once again not needed in August. The average Highway Fund balance of \$56.1 million in August decreased from July's average of \$74.3 million. The State Controller transferred \$10 million to the Maine Budget Stabilization Fund (MBSF) on July 25, 2016, bringing the balance in the MBSF to just over \$122 million. The transfer was authorized to be made by October 30, 2016, in PL 2015, c.481, Part A (LD 1606).

### **Studies Update and Report**

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported on the status of the Interim Legislative Studies and Committee meetings (please see the attached report). Almost all of the studies are underway, with one just beginning its work today. There are a few with non-Legislative appointments still pending. One has put in a request to hold a fifth meeting which will be acted upon later in this agenda.

## **REPORTS FROM COUNCIL COMMITTEES**

### **1. Personnel Committee**

No report

### **2. State House Facilities Committee**

Senator Cushing reported that the State House Facilities Committee met on September 7<sup>th</sup> to consider the following items.

1. Review of State House lobby changes and discussion of Legislative Information Office relocation for better public access

Mr. Pennoyer reviewed the security screening changes that have occurred in the State House lobby. The Capitol Police Officer has now been relocated to the desk in the corner previously used by the Legislative Information Office. A space in the opposite corner has been set up for the State House Tour Guide. A lengthy discussion followed regarding the pros and cons of moving the Legislative Information Office into the space currently occupied by the Legislative Conference Room which would then be moved into room 121. The Committee voted to bring this item to the Legislative Council for final decision.

2. Additional security cameras in the State House

Mr. Pennoyer reviewed the plans to install security cameras in various areas in the State

House. At this time, Mr. Pennoyer recommended to the Committee that it approve installation of only the cameras in the House and Senate Chambers with other cameras to be installed in the future under appropriate circumstances. The Committee approved Mr. Pennoyer's recommendation to install cameras in the House and Senate Chambers at this time.

3. Progress Reports

Mr. Pennoyer reported that the recruitment process for the Facilities Manager has concluded and the new employee is anticipated to be on board by the end of the month. Mr. Pennoyer has worked with the architect through this year's roof project but expects that the Facilities Manager will be able to fulfill some of the duties that the architect has performed.

4. Discussion of audio recording of committee meetings and MPBN *Capitol Connection*

This item was tabled for a future meeting.

5. Priority Screening Applications and Fees – policy review

Mr. Pennoyer reviewed the total number of applications for priority screening received in the initial year, the costs of the background checks, and the financial summary. Mr. Pennoyer proposed changes to the current policy including reducing the initial application fee to \$75, the renewal fee to \$25 and the fee for state agency staff not already exempted to \$25. The Committee voted to recommend to the Legislative Council that these fee changes be made in the current policy. These amendments to the policy will be presented under New Business on today's agenda.

6. Mechanical repairs – possible preemptive work above the Law Library

Mr. Pennoyer explained to the Committee that the chases that are located in the mezzanine of the Law Library that also feed the House Chamber have the same faulty fittings that have been failing in other areas of the West and North wings of the State House. Mr. Pennoyer recommends using Insurance Claims Recovery funds to preemptively fix those fittings now while other work is being done in the House Chamber instead of waiting until leaks cause further damage in the future. The Committee approved Mr. Pennoyer's recommendation to make the repairs at this time.

7. Updates from the Executive Director

Mr. Pennoyer presented updates of the status for the following facilities projects planned for this interim: State House roof, House Chamber renovation, State Street Sidewalk repair, Kiosk removal and Security setup changes in the State House lobby, mechanical system repairs, and electric vehicle charging stations in the parking garage.

## **OLD BUSINESS**

### **Item #1: Proposal to Replace the MELD Drafting System**

Mr. Pennoyer requested the Legislative Council's approval to develop a Request for Proposals (RFP) and solicit bids from contractors to replace our bill drafting system. He proposes to edit

the original RFP from 1998 to focus solely on the drafting system replacement and updated for the Legislature's current information technology infrastructure. The timetable would be to distribute the updated RFP later this fall and award the contract no later than January so that the planning and system development work can begin immediately after the conclusion of the 128<sup>th</sup> Legislature's First Regular Session.

**Motion:** That the Legislative Council approves the request by the Executive Director to develop a Request for Proposals to replace the bill drafting system. Motion by Senator Hill. Second by Senator Cushing. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Alford, and Representative Gideon absent).

## NEW BUSINESS

### **Item #1: Revision to the *Legislative Council Policy on Security Screening Protocols for the Maine State House***

Mr. Pennoyer presented the following changes to the policy as proposed by the State House Facilities Committee. The changes relate to the fees charged for the priority screening applicants defined in Section VII subsection F of the policy. Mr. Pennoyer proposed to lower the initial application fee to \$75 and the renewal fee to \$25 and the same fees for State agency personnel would be \$25/\$25.

**Motion:** That the Legislative Council approves the proposed changes to the *Legislative Council Policy on Security Screening Protocols for the Maine State House*. Motion by Senator Cushing. Second by Representative Fredette. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Alford, and Representative Gideon absent).

### **Item #2: Relocation of the Legislative Information Office and the Legislative Conference Room**

Senator Cushing and Representative McCabe gave an overview of the discussion that was held by the State House Facilities Committee and presented both the positive and the negative issues associated with relocating the Legislative Information Office. Mr. Pennoyer proposed to relocate the Legislative Information Office to the space currently housed by the Legislative Conference Room immediately before security off of the main lobby and relocating the Legislative Conference Room to the space that currently houses the Legislative Information Office in room 121 of the . After discussion, the following motion was made.

**Motion:** That the Legislative Council authorizes the Executive Director to relocate the Legislative Information Office and the Legislative Conference Room switching their locations. Motion by Senator Cushing. Second by Representative Fredette. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Alford, and Representative Gideon absent).

### **Item #3: Adoption of Updates to Personnel Policies and Guidelines**

Mr. Pennoyer presented numerous updates to the four separate Personnel Policies and Guidelines for approval by the Legislative Council. These updates include a thorough review to ensure compliance with current law and optimum effectiveness from both the employee and management perspectives.

**Motion:** That the Legislative Council approves the updates to the four separate Personnel Policies and Guidelines as presented. Motion by Speaker Eves. Second by Senator Cushing. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Alford, and Representative Gideon absent).

Senator Cushing and Senator Hill expressed their thanks to Ms. Little for all of her hard work on the project of updating the personnel policies.

**Item #4: Revision to the *Legislative Council Policy on Harassment***

Mr. Pennoyer presented a revision to the *Legislative Council Policy on Harassment*. This is to make this separate policy in keeping with the updates to the Personnel Policy and Guidelines that were just approved. This is a separate policy from the personnel policies as it applies to the entire Legislature not just the staff. Senator Hill pointed out that this policy only contains a definition of Sexual Harassment and did not define Harassment itself. Senator Hill felt that this was an oversight and needed to be addressed before this policy should be approved. Ms. Little agreed to add a definition to the policy.

**Motion:** That the Legislative Council tables this item for a future meeting. Motion by Representative Fredette. Second by Representative McCabe. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Alford, and Representative Gideon absent).

**Item #5: Request to hold a fifth meeting from the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry**

Mr. Pennoyer presented a request from the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry to hold a fifth meeting before it completes its work. Representative McCabe stated that this meeting would not be an off-site meeting.

**Motion:** That the Legislative Council authorizes the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry to hold a fifth meeting. Motion by Senator Cushing. Second by Senator Hill. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Alford, and Representative Gideon absent).

**ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:36 p.m.