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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 24, 2019  
Approved February 28, 2019**

**CALL TO ORDER**

President Jackson called the January 24, 2019 meeting of the 129<sup>th</sup> Legislative Council to order at 1:46 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Jackson, Senator, Libby, Senator Vitelli, Senator Dow and Senator Timberlake

Representatives: Speaker Gideon, Representative Moonen, Representative Fecteau, Representative Dillingham and Representative Stewart

Legislative Officers: Darek Grant, 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 Resources Director  
Suzanne Gresser, Revisor of Statutes  
Chris Nolan, Director, Office of Fiscal and Program Review  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
John Barden, Director, Law and Legislative Reference Library  
Nik Rende, Director, Legislative Information Technology

President Jackson convened the meeting at 1:46 p.m. with a quorum of members present.

**SUMMARY OF DECEMBER 6, 2018 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for December 6, 2018 be accepted and placed on file. Motion by Speaker Gideon. Second by Senator Libby. **Motion passed unanimously (10-0).**

President Jackson asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to **Reports from Council Committees.**

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

President Jackson reported that the Personnel Committee met on Tuesday, January 22<sup>nd</sup> to consider the following matters:

1. Workday Maine (formerly SOMER) Update

Ms. Little provided the committee with background information and updates regarding the Workday Maine HR System project.

2. Harassment Prevention Update

Ms. Little provided updates about harassment prevention training for staff, supervisors, legislators and lobbyists. The committee reviewed the draft policy. No action is required. This item will be discussed at a future meeting.

3. Vacation Policy and Use of Accrued Leave

Mr. Pennoyer updated the committee with background information and his implementation of guidance from the previous Personnel Committee. No action is required. This item will be discussed at a future meeting.

4. New Member Orientation/Pre-Legislative Conference

This item was tabled for a future meeting.

5. Personnel Committee Orientation

Ms. Little provided a brief orientation to the committee and reviewed past discussion items and upcoming agenda items.

6. Electronic Communication Guidelines for Legislators and Legislative Staff.

This item was tabled for a future meeting.

7. Request for Temporary Disability from a Nonpartisan Staff

The committee considered a request by the legislative employee for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines. Upon the recommendation of the Executive Director, the committee voted unanimously to approve the request up to an amount not to exceed 100% of the employee's pre-disability earnings. No Legislative Council action is required.

8. Request for Temporary Disability from a Partisan Staff

The committee considered a request by the legislative employee for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines. Upon the

recommendation of the Executive Director, the committee voted unanimously to approve the request. No Legislative Council action is required.

9. Performance Evaluation and Step Increase – Suzanne Gresser

The committee voted unanimously to approve the step increase for Suzanne Gresser, Revisor of Statutes. The committee will review her performance at the next meeting.

10. Performance Evaluation – John Barden

This item was tabled for the next meeting.

**2. State House Facilities Committee**

Representative Moonen reported that the State House Facilities Committee met on Tuesday, January 22<sup>nd</sup>, to consider the following items.

1. Potential Uses of the State House Cafe

Mr. Pennoyer presented an overview of the difficulties that Mr. Desjardins, operator of Cross Café and State House Café, faced in trying to staff the State House Café. He also summarized the other options of uses of the State House Café space that were presented to the Facilities Committee of the 128<sup>th</sup> Legislature. The committee asked Mr. Pennoyer to research some additional questions and explore some other local vendors to operate the Café as a satellite facility and report back to the committee at its next meeting.

2. Press Access through the Connector

Mr. Pennoyer presented an overview of the issue that raised complaints from the press organizations that lease space in the Cross Office Building, not being able to access the State House after hours. Mr. Pennoyer indicated that he was exploring an additional programming option in the updated security system that might allow the press organizations to access the State House through the Connector even if the Cross Office Building and the Connector door are locked after 5PM. Mr. Pennoyer will report back to the committee at its next meeting.

3. Plaque Honoring the 100<sup>th</sup> Anniversary of the American Legion

Mr. Pennoyer reviewed the design of the plaque and what was presented as the best option for placing the plaque in the Hall of Flags. The committee voted unanimously to recommend approval of the plaque and its proposed location in the Hall of Flags. This recommendation is included under new business later in today's agenda.

4. Fee Waiver – Staff Member in each of Maine Congressional Delegation.

Mr. Pennoyer explained that a staff member of one of the Congressional Delegation Offices complained about having to pay the application fee to get access to the State House through the priority screening lane. Mr. Pennoyer explained that an amendment to the State House Security Screening Policy would need to be approved by the Council to avoid paying the fee. A proposed amendment was presented to do that and the committee voted unanimously that the Council approve the proposed amendment. This recommendation is included under new business later in today's agenda.

#### 5. State House Items in Storage

Mr. Pennoyer presented a list of the items in storage at PRO Moving. He also explained that he, the Clerk of the House and the former Secretary of the Senate had a chance to tour the storage facility and inspect many of the items. Mr. Pennoyer and Mr. Hunt explained that many of the items will not be used again and the Legislature should consider some other possible options for selling or donating many of the items. The current Secretary of the Senate hoped to have a chance to review the many items that came from the Senate Chamber as part of the chamber renovation in 1999. The committee directed the Secretary to report back at a future meeting once he has had a chance to visit the facility.

#### 6. Request for a Virtual Online Tour of the State House

Mr. Pennoyer indicated that he was approached about implementing a virtual online tour of the State House. He explained that there were any number of ways to implement the option and indicated the Massachusetts had a very nice online tour produced by the same vendor that the Legislature is currently using to implement the replacement bill production system. Several other options were discussed including the use of students to help produce the tour. The Clerk of the House indicated that there was a YouTube tour of the State House produced by the former State House tour guide. The committee will review some of the many options again at a future meeting.

#### 7. Status of Current Facilities Projects

Mr. Pennoyer summarized the on-going maintenance and major improvement projects that were approved as part of the last long-range facilities plan adopted by the Legislative Council. He also noted several projects that had to be deferred in 2018 to be finished in 2019. These projects and any new projects will be reviewed at the next committee meeting when the long-range plan is updated.

President Jackson asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to **New Business**.

### **NEW BUSINESS**

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

The Legislative Council proceeded to consider and vote on seventeen (17) after deadline bill requests and eight (8) Joint Resolutions. The Legislative Council authorized nine (9) bills for introduction in the Second Regular Session, six (6) bills tabled, two (2) bills were withdrawn by the sponsor and the Council tabled all eight (8) Joint Resolutions. The Legislative Council's action on the bill requests is attached.

#### **Item #2: Plaque Honoring the 100<sup>th</sup> Anniversary of the American Legion**

Speaker Gideon provided some background information about the plaque to the Legislative Council as this item was discussed and voted on by the 128<sup>th</sup> Legislative Council.

**Motion:** That upon the recommendation of the State House Facilities Committee, the Legislative Council approve the design and the location in the Hall of Flags of the plaque honoring the 100<sup>th</sup> Anniversary of the American Legion. Motion by Representative Moonen. Second by Senator Libby. **Motion passed unanimously (10-0).**

**Item #3: Amendment to the *Legislative Council Policy on Security Screening Protocols for the Maine State House***

Mr. Pennoyer reviewed the circumstances surrounding this requested change to the policy.

**Motion:** That upon the recommendation of the State House Facilities Committee, the Legislative Council approve the revision to the *Legislative Council Policy on Security Screening Protocols for the Maine State House* effective immediately. Motion by Representative Moonen. Second by Senator Libby. **Motion passed unanimously (10-0).**

**Item #4: Acceptance of the Thirteenth Annual Report of the Right to Know Advisory Committee**

The Right to Know Advisory Committee submitted its Thirteenth Annual Report for acceptance by the Legislative Council.

**Motion:** That the Legislative Council accept the Thirteenth Annual Report of the Right to Know Advisory Committee and place it on file. Motion by Representative Moonen. Second by Representative Fecteau. **Motion passed unanimously (9-0-0-1, with Speaker Gideon absent).**

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

**OLD BUSINESS**

**Item #1: Council Actions Taken by Ballot**

**Requests for Introduction of Legislation:**

**LR 2247      JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT FEDERAL EMPLOYEES IN MAINE AFFECTED BY THE GOVERNMENT SHUTDOWN AND TO TAKE IMMEDIATE CONGRESSIONAL ACTION**

Submitted by: Representative Catherine Nadeau  
Date: January 15, 2019  
Vote: 10-0-0-0 Passed

**LR 2242      Resolve, To Name the Route 7 Bridge in Corinna in Honor of PFC Paul Earl Sudsbury**

Submitted by: Senator Paul Davis  
Date: January 23, 2019  
Vote: 9-0-0-1 Passed (with Senator Libby absent)

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

1. Committee Room Microphone Replacements

All of the committee room microphones have now been updated. Only the Legislative Council Chamber still is using the old microphones. Replacement microphones have been ordered and when they arrive, we will schedule the upgrade. The Senate Chamber also needs to be updated. That work will be scheduled for the upcoming interim.

2. MELD Replacement Project

The information system project to replace the outdated bill production system, MELD, is progressing well. We are on track to do some parallel production testing of bills and amendments during the 1<sup>st</sup> Regular Session of the 129<sup>th</sup> Legislature beginning in April with the complete switch over to the new Bill Production System by the 2<sup>nd</sup> Regular Session.

3. Blood Drive at the State House

On Wednesday, January 30, there will be a Red Cross blood drive in the Hall of Flags. To donate, register online in advance. Limited opportunity for walk-ins may be available.

4. 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 12, for a Benefits Fair. The WellStarME staff will also be scheduling appointments for Health Screenings on Wednesday, February 13 to help meet the requirements of the Health Credit Premium Program.

### Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, presented the following report.

1. General Fund Revenue Update

**Total General Fund Revenue - FY 2019 (\$'s in Millions)**

|          | Budget    | Actual    | Var.   | % Var. | Prior Year | % Growth |
|----------|-----------|-----------|--------|--------|------------|----------|
| December | \$299.4   | \$309.3   | \$9.9  | 3.3%   | \$277.6    | 11.4%    |
| FYTD     | \$1,891.2 | \$1,904.2 | \$13.0 | 0.7%   | \$1,784.9  | 6.7%     |

General Fund revenue was over budget by \$9.9 million (3.3%) for the month of December and by \$13.0 million (0.7%) for the fiscal year to date. These positive variances are in addition to the December 2018 revenue forecast, which increased budgeted revenue by \$99.2 million for FY 2019. Individual income tax revenue was under budget by \$4.1 million for the month. Individual estimated income tax payments were \$11.7 million under budget for December but are still expected to remain within budgeted levels when January's estimated payments are made. Individual withholding income tax payments were \$11.1 million over budget for December, part of which could also be a timing issue. Corporate income tax revenue was over budget by \$17.6 million for the month, with most of the positive variance resulting from increased corporate estimated payments. Sales and use tax revenue (November sales) was over budget by \$2.4 million for December. Partially offsetting these

positive variances, BETE reimbursements to municipalities were \$10.2 million greater (negative impact on revenue) than budgeted for December and may exceed current budget levels for the fiscal year.

## 2. Highway Fund Revenue Update

### Total Highway Fund Revenue - FY 2019 (\$'s in Millions)

|          | Budget  | Actual  | Var.    | % Var. | Prior Year | % Growth |
|----------|---------|---------|---------|--------|------------|----------|
| December | \$23.9  | \$24.1  | \$0.2   | 0.9%   | \$23.6     | 2.1%     |
| FYTD     | \$177.8 | \$177.5 | (\$0.3) | -0.2%  | \$171.1    | 3.7%     |

Highway Fund revenue was over budget by \$0.2 million (0.9%) for the month of December but under budget by \$0.3 million (0.2%) for the fiscal year to date. These variances are in addition to the December 2018 revenue forecast, which increased budgeted revenue by \$4.9 million for FY 2019. Fuel taxes were under budget by \$0.4 million for the month and by \$1.4 million for the fiscal year to date. Motor vehicle registrations and fees were over budget for the month by \$0.2 million and over budget for the fiscal year to date by \$1.0 million. Motor vehicle inspection fees were over budget by \$0.3 million for the month but under budget by \$0.1 million for the fiscal year to date.

## 3. Cash Balances Update

The average balance in the cash pool for December was \$1,371.4 million, down from November's average of \$1,411.9 million but above both last December's average balance and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in December (has not been needed since April of 2016). The average Highway Fund balance of \$25.3 million in December was down from November's average of \$36.2 million but above last December's average balance. This normal December decrease was the result of the annual payment to the Local Road Assistance program being made in December.

## ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:34 p.m.

**129th Maine State Legislature  
Legislative Council Action Taken on  
Requests to Introduce Legislation  
First Regular Session  
January 24, 2019**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Rep. Kent Ackley**

| <u>LR #</u> | <u>Title</u>  | <u>Action</u> |
|-------------|---|---------------|
| 2258        | An Act To Establish "Ballad of the 20th Maine" as the Official State Ballad | PASSED        |

**SPONSOR: Rep. Seth A. Berry**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u>        |
|-------------|--|----------------------|
| 2231        | Resolve, To Rename the Richmond-Dresden Bridge   | WITHDRAWN BY SPONSOR |
| 2232        | RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Transportation Funding Come from the Highway Fund | WITHDRAWN BY SPONSOR |

**SPONSOR: Sen. Russell Black**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2269        | An Act To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care | PASSED        |

**SPONSOR: Sen. Michael E. Carpenter**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2253        | An Act To Provide Fair Contracts in the Logging Industry | PASSED        |

**SPONSOR: Rep. Benjamin Thomas Collings**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2235        | An Act To Continue Authorization of Seaplane Landings on Katahdin Lake | PASSED        |

**SPONSOR: Pres. Troy Dale Jackson**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2260        | An Act To Promote the Use of Wood Pellet Central Heating Systems | PASSED        |



2261 An Act To Provide Relief to Federal Workers Affected by the Government Shutdown PASSED

2266 An Act To Ban Use of Aerial Herbicide Spraying for the Purpose of Deforestation TABLED

2267 An Act To Establish Clear Standards for Outcome-based Forestry TABLED

**SPONSOR: Rep. Erik C. Jorgensen**

| <u>LR #</u> | <u>Title</u>                                     | <u>Action</u> |
|-------------|--|---------------|
| 2234        | An Act To Create an Endowment Fund for the State | TABLED        |

**SPONSOR: Rep. Dennis L. Keschl**

| <u>LR #</u> | <u>Title</u>                            | <u>Action</u> |
|-------------|---|---------------|
| 2238        | An Act To Improve State Park Facilities | TABLED        |

**SPONSOR: Sen. Dave Miramant**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2243        | An Act To Exempt Trailers Sold to Out-of-state Entities from Sales and Use Tax | PASSED        |

2251 An Act To Provide Consistency in the Laws Governing Culvert Replacement TABLED

**SPONSOR: Rep. Richard A. Pickett**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2257        | An Act To Require Doctors To Provide Patients Detailed Information on the Risks Associated with the Use of Schedule II Drugs Prior to Their Initial Prescription | PASSED        |

**SPONSOR: Rep. Rachel Talbot Ross**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2236        | An Act To Establish the 400 Years of African-American History Commission | PASSED        |

**SPONSOR: Sen. David Woodsome**

| <u>LR #</u> | <u>Title</u>  | <u>Action</u> |
|-------------|---|---------------|
| 2268        | An Act To Require That Certain Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways | TABLED        |

## JOINT RESOLUTIONS

**SPONSOR: Sen. Shenna Bellows**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 223         | JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO SUPPORT THE SOCIAL SECURITY FAIRNESS ACT OR OTHER LEGISLATION TO REPEAL BOTH THE WINDFALL ELIMINATION PROVISION AND THE GOVERNMENTAL PENSION OFFSET PROVISIONS OF THE FEDERAL SOCIAL SECURITY ACT | TABLED        |

**SPONSOR: Rep. Seth A. Berry**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 248         | JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW DRUGS TO BE IMPORTED FROM CANADA | TABLED        |

**SPONSOR: Sen. Brownie Carson**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 2254        | JOINT RESOLUTION MEMORIALIZING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO EXPRESS THE STATE'S OPPOSITION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S REVISED SUPPLEMENTAL COST FINDING FOR THE MERCURY AND AIR TOXICS STANDARDS | TABLED        |

**SPONSOR: Rep. Donna R. Doore**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 452         | JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT ELIMINATING THE WINDFALL ELIMINATION PROVISION FROM THE FEDERAL SOCIAL SECURITY ACT | TABLED        |

**SPONSOR: Rep. Jeffrey Evangelos**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 1339        | JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PLEDGES MADE BY THE UNITED STATES IN THE PARIS AGREEMENT | TABLED        |

**SPONSOR: Sen. Geoff Gratwick**

| <u>LR #</u> | <u>Title</u>  | <u>Action</u> |
|-------------|---|---------------|
| 887         | JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO LEAD A GLOBAL EFFORT TO PREVENT NUCLEAR WAR | TABLED        |

**SPONSOR: Pres. Troy Dale Jackson**

| <u>LR #</u> | <u>Title</u>   | <u>Action</u> |
|-------------|--|---------------|
| 1141        | JOINT RESOLUTION MEMORIALIZING THE UNITED STATES INTERNAL REVENUE SERVICE TO GRANT EVERY POSSIBLE CONSIDERATION TO THE OFFER IN COMPROMISE SUBMITTED BY OUR KATAHDIN | TABLED        |

**SPONSOR: Rep. Chloe Sophia Maxmin**

| <u>LR #</u> | <u>Title</u>  | <u>Action</u> |
|-------------|---|---------------|
| 801         | JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION | TABLED        |