

SEN. MICHAEL D. THIBODEAU  
CHAIR

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  
February 26, 2015  
Approved March 26, 2015**

**CALL TO ORDER**

President Thibodeau called the February 26, 2015 meeting of the Legislative Council to order at 1:40 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Thibodeau, Senator Mason, Senator Cushing and Senator Hill

Absent: Senator Alfond

Representatives: Speaker Eves, Representative McCabe, Representative Gideon, and Representative Fredette

Arrived after start of meeting: Representative Espling

Legislative Officers: Heather Priest, Secretary of the Senate  
Robert Hunt, Clerk of the House  
Jennifer McGowan, Assistant Clerk of the House  
Grant T. Pennoyer, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Jackie Little, Human Resources Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Chris Nolan, Director, Office of Fiscal and Program Review  
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 1:40 p.m. with a quorum of members present.

Legislative Council Chair Thibodeau asked if there was any objection to taking several 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 / Addendum**

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 13 bill requests, the council authorized 12 requests for introduction in the 1<sup>st</sup> Regular Session of the 127<sup>th</sup> Legislature, 1 was tabled. Of the 3 joint resolutions, the council took no action on the 3 previously tabled items. Of the 2 Late-filed Major Substantive Rule requests, the council authorized 2. 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.

## **SUMMARY OF JANUARY 29, 2015 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for January 29, 2015 be accepted and placed on file. Motion by Representative Fredette. Second by Senator Hill. **Motion passed unanimous (7-0-0-3,** with Senator Alford, Representatives Eves and Espling absent).

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

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

Grant Pennoyer, Executive Director, reported on the following:

1. Heating and Plumbing Issues

Work to reconnect two remaining heating units that have been off line due to leaks in the supply line is in the process of being scheduled. The work to correct one of the two heating units in the Legislative Conference Room is going to be delayed until after the session due to the amount of the work required to resupply the unit. The work to resupply and connect a heating unit in a staff office within the Governor's Office will be scheduled as soon as a part arrives to tap into existing supply lines in the ceiling of the Legislative Conference Room.

2. Installation of Backup Cooling System for Computer Server Room

The backup cooling system for the Computer Server Room is now installed. We were fortunate that despite all the bitterly cold weather this winter, we did not experience an issue with regular cooling units that can fail when we have extremely cold weather.

### **Fiscal Report**

Chris Nolan, Director, Office of Fiscal and Program Review, reported on the following:

## General Fund Revenue Update

### Total General Fund Revenue - FY 2015 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$322.3	\$308.1	(\$14.2)	-4.4%	\$298.8	3.1%
FYTD	\$1,777.1	\$1,781.8	\$4.7	0.3%	\$1,655.1	7.7%

General Fund revenue was under budget by \$14.2 million (4.4%) for January but still \$4.7 million (0.3%) over budget for the fiscal year through January. These variances reflect the December revenue forecast, which increased budgeted revenue for FY 2015 by \$45.5 million.

Individual income tax revenue was \$6.1 million under budget for the month of January driven largely by refunds exceeding budgeted amounts. Fiscal year to date individual income tax revenue is \$6.8 million over budget. Estimated payments were \$1.9 million over budget which could be an indicator that April receipts may be higher than forecasted. Corporate income tax revenue was \$4.2 million under budget for the month due largely to refunds. Estimated corporate income tax payments were over budget by \$1.2 million. The sales and use tax category came in \$2.1 million (1.9%) over budget for the month and is \$2.1 million (0.3%) above budget for the fiscal year to date. Total taxable sales for the month of December (January revenue) were 8.8% higher than December 2013. Reduced energy prices contributed to this increase.

Other significant revenue variances for January reflected purely timing issues in the monthly distribution of revenue for FY 2015 including the Transfers for Tax Relief Programs category, which was over budget by \$4.9 million for January. Lottery revenue was under budget by \$1.4 million for January due to a large jackpot payout in December.

## Highway Fund Revenue Update

### Total Highway Fund Revenue - FY 2015 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$26.4	\$24.8	(\$1.6)	-6.0%	\$26.7	-7.0%
FYTD	\$169.4	\$170.3	\$0.9	0.5%	\$169.5	0.4%

Highway Fund revenue was under budget by \$1.6 million (6.0%) in January but still over budget by \$0.9 million (0.5%) for the fiscal year through January. These variances reflect the December revenue forecast, which increased budgeted Highway Fund revenue for FY 15 by \$7.5 million.

Motor fuel excise taxes were \$1.5 million under budget driven mainly by special fuel. These taxes are due on the last day of the month, and since the 31<sup>st</sup> was on a Saturday, that day's receipts (just under \$1.2 million) were posted in February. Motor vehicle registration and fees revenues were \$0.5 million under budget in January. The majority of this variance related to title fees directly related to car sales.

## Cash Balances Update

Average cash balances increased in January after a slight drop off in December. January's total cash balance of \$678.0 million was well above both last year's balance for January of \$499.0 million and the ten-year average for January of \$515.4 million. General Fund internal borrowing decreased in January to \$116.8 million from \$155.5 million in December and was significantly lower than last January's borrowing. The average Highway Fund balance of

\$53.6 million in January increased from December's average of \$28.6 million that reflected the early December annual payment for the Local Road Assistance program.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

No Report

### 2. State House Facilities Committee

No Report

## OLD BUSINESS

### Item #1: Legislative Council Actions Taken by Ballot Since the January 29, 2015 Meeting

#### LR 1902 An Act to Limit the Use of Ropes and Buoys in Great Ponds

Submitted by: Representative Michael Shaw  
Approved: February 10, 2015      Vote: 10-0 in favor

#### LR 1913 An Act Regarding Gaming

Submitted by: Representative Louis Luchini  
Approved: February 12, 2015      Vote: 9-0-1-0 in favor (with Rep. Fredette abstaining)

#### LR 1901 An Act to Increase Funding for the Maine Community College System

Submitted by: Representative Jeff McCabe  
Approved: February 12, 2015      Vote: 9-0-1-0 in favor (with Rep. Espling abstaining)

## NEW BUSINESS

### Item #2: Proposed Legislative Council Policy on Legislative Studies

Ms. Hylan Barr reviewed the proposed Legislative Council Policy on Legislative Studies as well as the background and procedures relevant to this policy. Mr. Pennoyer explained that the proposed policy is consistent with the ones for previous years.

Senator Hill asked if there were any changes that the Council should be considering. Mr. Pennoyer pointed out that the provision requiring prior approval by the Legislative Council of non-conforming studies before being reported out of committee has not been enforced or followed in the past. Ms. Hylan Barr pointed out that any change to this section of the policy

would require a change to the Rules. The Council decided to consider this matter further with the idea that the Rules Committee would also consider it.

**Motion:** That the Legislative Council adopt the proposed Legislative Council Policy on Legislative Studies for the 127<sup>th</sup> Maine Legislature. Motion by Senator Mason. Second by Senator Cushing. **Motion passed unanimous (6-0-0-4**, with Senator Alford, Representatives Eves, Fredette and Espling absent).

**Item #3: Request to serve lunch to attendees of Maine Credit Union Day in the Hall of Flags on April 2, 2015** (Request by the Maine Credit Union League)

Ms. Elise Baldacci, Director of Governmental Affairs for the Maine Credit Union League (MCUL), requested that for its event, Maine Credit Union Day, to be held in the Hall of Flags on April 2, 2015, the Maine Credit Union League be given an exemption to the limitation on food served as established in the *Legislative Council Policy on the Use of the Hall of Flags*.

Mr. Pennoyer explained the request by the Maine Credit Union League to serve a meal to legislators in the Hall of Flags on "Maine Credit Union Day". He also drew Legislative Council members attention to the *Legislative Council Policy on the Use of the Hall of Flags* adopted in January 2006. Under the policy, food is allowed in the Hall of Flags subject to limitations, including that with few exceptions, the food served may not constitute a meal. The request by MCUL would not be consistent with the policy and, therefore, would require Legislative Council approval.

**Motion:** That the Legislative Council approve the request by the Maine Credit Union League to serve lunch in the Hall of Flags on April 2, 2015. Motion by Senator Cushing. Second by Representative McCabe. **Motion passed unanimous (6-0-0-4**, with Senator Alford, Representatives Eves, Fredette and Espling absent).

#### **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:08 p.m.

**127th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session  
As of: 2/26/2015 1:39:19 PM**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Paul T. Davis, Sr**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1926	An Act To Ensure the Stocking of Inland Waters in the State	PASSED
1927	An Act To Amend the Laws Governing the Taking of Live Smelts	PASSED

**SPONSOR: Sen. Geoffrey M. Gratwick**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1921	An Act To Protect Maine Consumers from Medical Identity Theft	PASSED

**SPONSOR: Sen. Anne M. Haskell**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1917	An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime	PASSED

**SPONSOR: Sen. Roger J. Katz**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1920	An Act To Establish the Maine Board of Court Reporting and Legal Recorders	PASSED

**SPONSOR: Rep. Joyce A. Maker**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1923	An Act To Prohibit the Selling of Humans	PASSED

**SPONSOR: Rep. John L. Martin**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1930	An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug and Cosmetic Act	PASSED

**SPONSOR: Rep. Carol A. McElwee**

LR #	Title	Action
1900	An Act To Address the Issues Surrounding Smelting	PASSED

**SPONSOR: Rep. Matthew G. Pouliot**

LR #	Title	Action
1928	An Act To Establish a Tax-free Savings Program for Individuals with Disabilities	PASSED

**SPONSOR: Rep. Michael A. Shaw**

LR #	Title	Action
1903	An Act To Exempt Local Fuel Delivery Vehicles from Hours-of-service Restrictions during Winter Months	PASSED

**SPONSOR: Rep. Heather W. Sirocki**

LR #	Title	Action
1919	Resolve, To Convene a Work Group To Recodify the Statutes Governing Dental Practice	PASSED
1929	An Act To Require Lobbyists To Be Sworn in When Registering as Lobbyists	TABLED 2/26/15

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

LR #	Title	Action
1922	An Act To Strengthen the Craft Distillery Industry in Maine	PASSED

**TABLED BY THE LEGISLATIVE COUNCIL****LATE-FILED MAJOR SUBSTANTIVE RULES****SPONSOR:**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
1887	Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	Tabled 01/29/15 PASSED 2/26/15
1888	Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	Tabled 01/29/15 PASSED 2/26/15

## JOINT RESOLUTIONS

**SPONSOR: Rep. Henry John Bear**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
242	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE EQUITABLE INDIAN LAND CLAIM COMPENSATION TO THE MALISEET TRIBE COMPARABLE TO THAT PROVIDED TO THE PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE	Tabled 01/29/15
243	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PROVIDE COMPENSATION TO SURVIVING DESCENDANTS OF MALISEET AND OTHER WABANAKI TRIBAL SOLDIERS AND SAILORS WHO SERVED DURING THE AMERICAN REVOLUTIONARY WAR	Tabled 01/29/15

**SPONSOR: Rep. Justin Mark Chenette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
162	JOINT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECONSIDER ITS LIFETIME DEFERRAL ON BLOOD DONATION BY GAY MEN	Tabled 01/29/15