

REP. HANNAH M. PINGREE
CHAIR

SEN. ELIZABETH H. MITCHELL
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. PHILIP L. BARTLETT II
SEN. KEVIN L. RAYE
SEN. LISA T. MARRACHE
SEN. JONATHAN T. E. COURTNEY
REP. JOHN F. PIOTTI
REP. JOSHUA A. TARDY
REP. SETH A. BERRY
REP. PHILIP A. CURTIS

MEETING SUMMARY
May 14, 2009
APPROVED JUNE 9, 2009

CALL TO ORDER

Legislative Council Chair, Speaker Pingree called the Legislative Council meeting to order at 8:10 P.M. in the Legislative Council Chambers.

ROLL CALL

Senators: President Elizabeth Mitchell, Sen. Philip Bartlett, Sen. Kevin Raye, Sen. Jonathan Courtney, Sen. Lisa Marraché [arrived after the start of the meeting]

Representatives: Speaker Hannah Pingree, Rep. John Piotti, Rep. Joshua Tardy, Rep. Philip Curtis

Absent: Rep. Seth Berry

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
Grant Pennoyer, Director, Office of Fiscal and Program Review

Chair Pingree convened the meeting at 8:10 P.M. with a quorum of members present.

SUMMARY OF APRIL 16, 2009 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of April 16, 2009 be accepted and placed on file. Motion by Senator Bartlett. Second by Senator Raye. **Motion passed unanimous (8-0).** [Senator Marraché and Representative Berry absent for vote]

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

Executive Director's Report

(No Report)

Fiscal Report

(No Report)

Information Services Report

(No Report)

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

(No Report)

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

Senate President Mitchell presented a motion on behalf of the Budget Subcommittee.

Motion: That upon the unanimous recommendation of the Budget Subcommittee, the Legislative Council approve General Fund budget savings totaling \$2,965,297 and Highway Fund budget savings of \$104,431 from legislative accounts over the 2010-2011 biennium in accordance with the subcommittee's recommendations, and direct the executive director to prepare and submit implementing language to the Appropriations Committee for inclusion in the biennial budget legislation. Further, these savings are to be achieved through a combination of General Fund deappropriations for on-going items and by lapsing funds to the General Fund and Highway Fund for one-time cost saving measures as recommended by the budget subcommittee.

FURTHER, that upon the unanimous recommendation of the Budget Subcommittee, the Legislative Council approve health insurance savings to be achieved through employee and legislator contributions to premiums, as adjusted by the wellness incentive in FY 11, consistent with the provisions contained in the Appropriations Committee amendment to the biennial budget bill.

FURTHER, that upon the unanimous recommendation of the Budget Subcommittee, the Legislative Council establish a limited voluntary employee incentive program for legislative employees and develop a policy and procedures to implement such a program in order to achieve Personal Services savings in the 2010-2011 biennium. Motion by Senator Mitchell. Second by Representative Tardy. **Motion passed unanimous (8-0).** [Senator Marraché and Representative Berry absent for vote]

Chair Pingree noted that the Legislative Council has achieved significant budget savings for the next biennium, in the amount of \$3.5M - \$3.8M including savings resulting from changes in group health insurance contributions by employees. She also noted that the savings were the result of making difficult budget decisions, some of which may not be popular with other legislators, including elimination of membership dues, reduced out-of-state travel and shortening the length of the legislative session.

President Mitchell thanked the members of the budget subcommittee for their work.

4. CSG Annual Meeting Planning Subcommittee

Senator Bartlett stated that the subcommittee has contracted with Moose Ridge Associates for event planning and fundraising. He noted that he and Moose Ridge Associates contractor John Hennessy have begun working with DECD's Bureau of Tourism regarding the August 2009 reception. \$5,000 will need to be raised very quickly to fund the event.

No action by the Legislative Council is required.

OLD BUSINESS

ITEM 1: Legislative Council Actions Taken by Ballot

A copy of the list of actions taken by ballot by the Legislative Council since its April 16, 2009 meeting was attached. No further action by the Legislative Council was required.

NEW BUSINESS

ITEM #1: Consideration of After Deadline Bill Requests/Addendum

The Legislative Council tabled five after deadline requests. The Legislative Council's actions on these requests are included on the attached list.

ITEM #2: L.D. 1428, "An Act Regarding the Pay of Tribal Representatives [Speaker Hannah Pingree]

Legislative Council Chair Pingree stated that the Joint Standing Committee on State and Local Government has unanimously reported out legislation that would change legislative compensation for the two tribal representatives to the Legislature. She indicated that there has been some discussion with the Attorney General whether the increased tribal pay can be paid retroactively if the legislation passes (the legislation does not contain a retroactivity clause). She said that the most appropriate way to resolve the issue of retroactivity is through a floor amendment to the committee amendment.

Mr. Boulter explained that the amendment by the State and Local Government Committee would provide a salary to the tribal representatives for each regular session rather than a per diem for attendance at daily legislative sessions. If a retroactive payment is authorized, the tribal representatives would receive the difference between the salary and what compensation they have already received this session.

Representative Tardy asked whether the tribal representatives currently receive compensation from any other entity for their attendance. He noted that in past years some tribal members had received \$70,000 - \$80,000 per year. Senator Courtney responded that the State and Local Government Committee was told that the tribal representatives no longer receive other compensation. He then asked whether money is available in the legislative budget to pay the additional compensation.

Mr. Boulter responded that there would be a cost, and therefore, the committee amendment will have a fiscal note attached.

After further discussion, the members concluded that the Legislative Council did not need to take any action to support or oppose a floor amendment that may be offered when the bill is considered in the House.

No Legislative Council action was taken.

ITEM #3: Resolution Supporting the Passage of LD 1020 “An Act to End Discrimination in Civil Marriage and Affirm Religious Freedom”

The resolution by the City of Portland in support of passage of LD 1020 was presented for informational purposes only. No action by the Legislative Council was required.

ITEM #4: Request for a proposed study from the Joint Standing Committee on Utilities and Energy for Approval under Joint Rule 353.

The committee has requested that the Legislative Council authorize the committee to report out the proposed study committee legislation that contains a provision that is inconsistent with Joint Rule 353 regarding legislative studies. Motion by Senator Bartlett. Second by Representative Tardy. **Motion passed unanimous (8-0). [Senator Marraché and Representative Berry absent for vote]**

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 8:25 P.M.