

REP. SARA GIDEON  
CHAIR

SEN. MICHAEL D. THIBODEAU  
VICE-CHAIR

EXECUTIVE DIRECTOR  
GRANT T. PENNOYER



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

SEN. GARRETT P. MASON  
SEN. AMY F. VOLK  
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**

**March 22, 2018**

**Approved June 26, 2018**

**CALL TO ORDER**

Speaker Gideon called the March 22, 2018 meeting of the Legislative Council to order at 2:53 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Thibodeau, Senator Jackson and Senator Libby  
Absent: Senator Mason, Senator Volk (both arrived late)

Representatives: Speaker Gideon, Representative Herbig, Representative Golden, and Representative Espling  
Absent: Representative Fredette

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  
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 2:53 p.m. with a quorum of members present.

**SUMMARY OF FEBRUARY 27, 2017 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for February 27, 2017 be accepted and placed on file. Motion by Senator Jackson. Second by Representative Herbig. **Motion passed unanimous (7-0-0-3**, with Senators Mason and Volk and Representative Fredette absent).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

Grant Pennoyer, Executive Director, presented the following report.

1. Copper Reuse Artwork Installed at the State House

The first of the two Copper Reuse Artworks was installed on Friday, March 16<sup>th</sup>, above the door of the Law and Legislative Reference Library. More information about the Copper Reuse Project and the related artwork will be posted to the Executive Director's website. The second piece of art using the copper will be installed on the exit hallway wall at the main entrance in June. Word has been spreading among the art community about the copper and the remaining sheets of rough copper available after these two works have been starting to sell quickly. If you know someone who is interested in some of this copper, they should act quickly and contact the Executive Director's Office.

2. Harassment Training Update

Jackie Little, Human Resources Director, has provided training for the four major caucuses and the Independents and Green Independents. A final training session for the House Republican Caucus is planned for Tuesday, March 27<sup>th</sup>. Not counting the pending session, she has trained 149 Legislators. Ms. Little will be scheduling additional small group training sessions for any remaining Legislators that missed the training sessions conducted in caucus meetings.

3. Blood Drive on April 11th

There will be a blood drive on Wednesday, April 11<sup>th</sup> from 9:30 am - 2:30 pm in the Capitol Complex. It will be conducted using the large Red Cross Bloodmobile, which will be parked near the green space between the State House, Cultural Building and the Cross Office Building. Online registration is open now. Registrations to date are already at 40% of their goal for this drive.

4. Updated Emergency Information Distributed

Updated emergency information packets were distributed to each office based on updated employee information. In addition, those offices that were affected by the recent revisions in the State House evacuation plan were provided with updated evacuation sheets specific to their office. The packet regarding the new House Chamber evacuation route out the north entrance was also distributed to the House members on their desks.

### 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 2018 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$160.3	\$157.7	(\$2.6)	-1.6%	\$155.4	1.5%
FYTD	\$2,231.0	\$2,310.3	\$79.2	3.6%	\$2,208.4	4.6%

General Fund revenue was under budget by \$2.6 million (1.6%) for the month of February but over budget by \$79.2 million (3.6%) for the fiscal year to date. These variances do not

reflect the March 2018 revenue forecast, which increased budgeted revenue by \$38.9 million for FY 2018. Individual income tax revenue was under budget by \$8.6 million for the month but over budget by \$49.4 million for the fiscal year to date. Most of this February variance was a timing issue related to income tax refunds. The IRS did not open the 2017 filing season until the end of January, and as a result, very few refunds were made in January but instead made in February. Sales and use tax revenue (January sales) was over budget by \$2.4 million for the month and \$6.8 million for the fiscal year to date.

## 2. Highway Fund Revenue Update

**Total Highway Fund Revenue - FY 2018 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$25.5	\$27.0	\$1.5	5.8%	\$25.3	6.4%
FYTD	\$219.8	\$226.2	\$6.4	2.9%	\$223.6	1.2%

Highway Fund revenue was over budget by \$1.5 million (5.8%) for the month of February and over budget by \$6.4 million (2.9%) for the fiscal year to date. These positive variances do not reflect the March 2018 revenue forecast, which increased budgeted revenue by \$1.6 million for FY 2018. The gasoline tax, long-term trailer registration fees and title fees were the main drivers of the positive variance to date.

## 3. Cash Balances Update

The average balance in the cash pool for February was \$1,203.9 million, up from January's average of \$1,200.5 million, and above both last year's average balance for February and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in February (last done in April of 2016). The average Highway Fund balance of \$14.8 million in February was up from January's average balance of \$8.3 million.

# REPORTS FROM COUNCIL COMMITTEES

## 1. Personnel Committee

Speaker Gideon reported that the Personnel Committee met on February 28<sup>th</sup> to consider the following matters:

### 1. SOMER Update

Ms. Little updated the committee about the status of the SOMER HR system implementation. No action by the Legislative Council is needed at this time.

### 2. Harassment Prevention Update

Ms. Little provided the committee with an update of staff and legislator training as well as other information with respect to harassment prevention.

### 3. OPEGA Director Recruitment

Ms. Little shared a draft job description and recruitment plan for the OPEGA Director position. The committee provided guidance for this recruitment.

4. Legislative IT Director Recruitment

Ms. Little shared a draft job description and recruitment plan for the Legislative Information Technology Director position. The committee provided input for this recruitment.

5. NCSL Job Classification and Compensation Study Update

The committee received an update on the NCSL job classification and compensation study.

**2. State House Facilities Committee**

No report.

**OLD BUSINESS**

**Item #1: Consideration of the Tabled Bill Requests for Introduction in the Second Regular Session of the 128<sup>th</sup> Legislature – from October and November**

The Legislative Council proceeded to consider ten (10) tabled bill requests in accordance with the adopted protocol. One bill was withdrawn by the sponsor and the Legislative Council took no action on the remaining nine requests. The Legislative Council's action on the bill requests is attached.

**Item #2: Council Actions Taken by Ballot**

**Requests for Introduction of Legislation:**

**LR 2885      An Act Regarding Financial Orders Requested by the Attorney General**

Submitted by: Representative Aaron Frey  
 Date: February 27, 2018  
 Vote: 7-3-0-0 Passed (with Senator Mason, Representatives Fredette and Espling opposed)

**LR 2916      An Act to Clarify the Dispensing of Naloxone Hydrochloride by Pharmacists**

Submitted by: Speaker Sara Gideon  
 Date: March 6, 2018  
 Vote: 9-1-0-0 Passed (with Representative Espling opposed)

**LR 2958      An Act to Protect Children from Abuse**

Submitted by: Representative Ellie Espling  
 Date: March 6, 2018  
 Vote: 10-0-0-0 Passed

**LR 2927      Joint Resolution Condemning the Violence in Charlottesville, VA, Expressing the Commitment to the Legislature to Uphold Constitutional Rights and Urging Congress to Strengthen Laws Against Mass Violence and Domestic Terrorism**

Submitted by: Senator Benjamin Chipman  
 Date: March 6, 2018  
 Vote: 7-3-0-0 Passed (with Senator Mason, Representatives Fredette and Espling opposed)

**LR 2956      An Act to Ensure the Continued Provision of Services to Maine Children and Families**

Submitted by: Representative Pinny Beebe-Center  
 Date: March 6, 2018  
 Vote: 10-0-0-0 Passed

**LR 2976      An Act to Amend the Laws Governing Affiliated Self-insurance Groups**

Submitted by: Senator Amy Volk  
 Date: March 20, 2018  
 Vote: 8-2-0-0 Passed (with Representatives Fredette and Espling opposed)

**NEW BUSINESS**

**Item #1: Consideration of After Deadline Bill Requests for Introduction in the Second Regular Session of the 128<sup>th</sup> Legislature**

The Legislative Council proceeded to consider and vote on twenty (20) after deadline bill requests. The Legislative Council authorized two (2) bills for introduction in the Second Regular Session, two (2) bills failed, two (2) bills tabled, and the Council took no action on the remaining fourteen (14) bill requests. The Legislative Council's action on the bill requests is attached.

**Item #2: Acceptance of the Study of Conserved Lands Owned by Nonprofit Organizations**

The Study of Conserved Lands Owned by Nonprofit Organizations submitted its report for acceptance by the Legislative Council.

**Motion:** That the report from the Study of Conserved Lands Owned by Nonprofit Organizations be accepted and placed on file. Motion by Senator Mason. Second by Senator Jackson. **Motion passed unanimous (9-0-0-1**, with Representative Fredette absent).

**ANNOUNCEMENTS AND REMARKS**

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 3:20 p.m.

**Legislative Council Action Taken on  
Tabled Pre Cloture Bills Requests  
From October and November 2017  
March 22, 2018**

**SPONSOR: Sen. Justin Mark Chenette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2650	An Act To Close Loopholes in Election Laws and Ban the Use of Leadership Political Action Committees for Personal Profit	Tabled 01/26/18

**SPONSOR: Sen. Andre E. Cushing III**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2754	Resolve, To Study Methods for Better Transportation for Students and Workers in Maine	Tabled 12/14/17

**SPONSOR: Sen. Troy D. Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2506	An Act To Support Funding for Workforce Development in Maine	Tabled 10/26/17

**SPONSOR: Sen. Brian D. Langley**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2783	An Act To Extend Secondary Student Eligibility in the Competitive Skills Scholarship Program	Tabled 12/14/17 WITHDRAWN BY SPONSOR

**SPONSOR: Sen. Nathan L. Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2761	Resolve, To Require the Department of Labor To Receive Federal Workforce Innovation and Opportunity Act Funds	Tabled 10/26/17

**SPONSOR: Rep. Wayne R. Parry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2562	An Act To Waive Income Restrictions for Supplemental MaineCare Coverage for Children Diagnosed with Cystic Fibrosis	Tabled 11/30/17

**SPONSOR: Rep. Anne C. Perry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2523	An Act To Ensure Federal Funding for Job Training Services	Tabled 10/26/17

**SPONSOR: Rep. Harold L. Stewart III**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2472	An Act To Prevent Human Trafficking, Protect Children and Finance the Victims' Compensation Fund	Tabled 11/30/17

**SPONSOR: Pres. Michael D. Thibodeau**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2605	An Act To Amend the Laws Restricting Firearms on Public Lands	Tabled 11/30/17

**SPONSOR: Rep. Dustin Michael White**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2551	An Act To Increase the Bottle Redemption Rate To Counterbalance Increases in the Minimum Wage	Tabled 11/30/17

**128th Maine State Legislature  
Legislative Council Action Taken on  
Requests to Introduce Legislation  
Second Regular Session  
March 22, 2018**

**AFTER DEADLINE BILL REQUESTS**

**SPONSOR: Sen. Shenna Bellows**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2977	Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds	PASSED

**SPONSOR: Sen. Scott W. Cyrway**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2957	An Act To Deter School Violence by Imposing Responsibility on Parents for Costs of Investigation or Family Counseling	TABLED

**SPONSOR: Rep. Jared F. Golden**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2959	An Act To Fund Ranked-choice Voting	FAILED

**SPONSOR: Rep. Richard S. Malaby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2989	An Act To Increase Safety for Maine Citizens	PASSED

**SPONSOR: Rep. Wayne R. Parry**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2953	An Act To Allow a School To Hire as Security Personnel a Retired Full-time Police Officer Who Has Completed Necessary Training	TABLED

**TABLED BY THE LEGISLATIVE COUNCIL**

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

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2836	Resolve, To Require the Public Utilities Commission To Adopt Rates for Regulated For-profit Utilities Based on the Reduction in the Federal Corporate Income Tax Rates	Tabled 01/25/18

**SPONSOR: Rep. Owen D. Casas**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2795	RESOLUTION, AMENDING THE CONSTITUTION OF MAINE TO ALLOW FOR RANKED-CHOICE VOTING	Tabled 12/14/17



2950 Resolve, To Require the Office of the Attorney General To Temporarily Stay Disconnection Actions and Adverse Credit Reports Related To Billing Disputes with Central Maine Power Company Tabled 02/27/18

**SPONSOR: Sen. Andre E. Cushing III**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2866	An Act To Allow Individuals To Obtain Feline Rabies Vaccine To Vaccinate Feral Cats	Tabled 01/25/18

**SPONSOR: Rep. Ryan M. Fecteau**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2796	An Act To Improve Efficiency in the Delivery of Workforce Training	Tabled 12/14/17

**SPONSOR: Speaker Sara Gideon**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2822	An Act To Restore Net Neutrality Protections to Consumers in Maine	Tabled 01/25/18

2875 An Act To Discourage Sexual Harassment and Assault in the Workplace Tabled 01/25/18

**SPONSOR: Rep. Gary L. Hilliard**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2794	An Act To Educate the Public Concerning Health and Safety Matters Relating to the Use of Marijuana	Tabled 12/14/17

**SPONSOR: Sen. Troy D. Jackson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2846	Resolve, Directing the Public Utilities Commission To Give Final Approval for a Long-term Contract for Electricity from Experimental Floating Turbines	Tabled 01/25/18

2884 An Act Concerning Commercial Vehicle Weight Limit Exemptions That Are Advantageous to Canadian Truckers Tabled 01/25/18

**SPONSOR: Sen. Nathan L. Libby**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2837	An Act To Require Annual In-person Sexual Harassment Training for Legislators, Legislative Employees, Constitutional Officers and Liaisons and Registered Lobbyists	Tabled 01/25/18

2848                    An Act To Provide Reasonable Exemptions from the Work Requirements for MaineCare for Persons Who Are Elderly or Disabled                    Tabled 01/25/18

**SPONSOR:            Rep. Deborah J. Sanderson**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2913	An Act Regarding the Membership of the Board of Directors of the Hallowell Water District	Tabled 02/27/18 FAILED

**SPONSOR:            Sen. David Woodsome**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2812	An Act Regarding the Use by Fire Departments of Recertified Self-contained Breathing Apparatus	Tabled 12/14/17

#### JOINT RESOLUTIONS

**SPONSOR:            Sen. Justin Mark Chenette**

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2850	JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXEMPT MAINE FROM THE NEW OFFSHORE DRILLING RULES PROPOSED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR	Tabled 01/26/18