

MAINE STATE LEGISLATURE

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MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL

July 27, 2006

1:00 p.m.

REVISED AGENDA

Page Item Action

CALL TO ORDER

ROLL CALL

1 **SUMMARY OF THE June 19, 2006 COUNCIL MEETING** Decision

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- 7 • Executive Director's Report (Mr. Boulter)
- 8 • Fiscal Report (Mr. Pennoyer)
- 9 • Information Technology Report (Mr. Mayotte)
- 10 • Interim Studies Status Report and Biennial Revisions to Legislator's Handbook (Mr. Norton)

REPORTS FROM COUNCIL COMMITTEES

- Personnel Committee (Rep. Cummings, Chair)
- State House Facilities Committee (Sen. Gagnon, Chair)

OLD BUSINESS

14 **Item #1: Maine Development Foundation's Proposal for Legislator Training - 123rd Legislature**

NEW BUSINESS

- 17 **Item #1:** Certification Relating to Contributions for Task Force to Study
 Cervical Cancer Prevention, Detection and Education
- 23 **Item #2:** Request by Joint Standing Committee on Judiciary Regarding
 Website Posting of Public Records Exceptions
- 25 **Item #3: OPEGA**
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| 1. OPEGA Recommendations for Legislative Action | Decision |
| 2. Communication between Legislative Council, Government
Oversight Committee, Legislative Council and OPEGA Staff | Discussion |
| 3. Annual Report on OPEGA Activities for FY 06 | Discussion |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

MEETING SUMMARY
June 19, 2006

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:48 p.m. in the Legislative Council Chamber.

ROLL CALL

- Senators: President Edmonds, Sen. Brennan, Sen. Davis,
Sen. Gagnon, Sen. Weston
- Representatives: Speaker Richardson, Rep. Cummings, Rep. Bowles,
Rep. Duplessie, Absent: Rep. Tardy
- Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
Patrick Norton, Director, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian

SUMMARY OF THE MAY 22, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of May 22, 2006 be accepted and placed on file. (Motion by President Edmonds, second by Rep. Duplessie, unanimous (7-0) Sen. Weston, Rep. Cummings and Rep Tardy absent).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

1. **New Hires**

A. The Law and Legislative Reference Library has hired Ms. Diane Vorpapel to fill the vacant Administrative Secretary position. She was formerly employed at Senior Spectrum in Augusta and Central Maine Power Company, and began work earlier this month.

B. The Office of Legislative Information Services has hired Mr. Mark Deering as a Senior Programmer Analyst. He was formerly employed by New Hampshire Electric Cooperative and has more than 10 years of database administration and programming experience. He begins work on June 19th.

2. **Construction along State Street**

The city of Augusta is installing granite curbing and a bituminous sidewalk along the west side of State Street, from the traffic circle to the Blaine House, to improve the main avenue to the State House. As part of the project, the street that is adjacent to the SPO (Gannett House) will be discontinued.

3. **Union Street Reconstruction**

At present there has been no decision by MDOT about cost-sharing to place utilities underground along the South side of Union Street. A meeting has been scheduled with DOT on Monday, June 19th to discuss the project.

4. **Enacted Law Digest**

The Enacted Law Digest that summarizes all laws enacted this past legislative session will be sent for printing by the end of the week and will be distributed to all legislators before the end of June. The Enacted Law Digest is prepared by OPLA and OFPR staff.

5. **Legislation Information Forums and Training**

The Maine Development Foundation is holding a meeting on Wednesday, June 21 to begin the planning for Legislator training and information forums for the 123rd Legislature. The Legislative Council's advisory committee is invited, once members have been selected.

President Edmonds inquired about the status of work being performed on the parking lot and Mr. Boulter responded that the first phase was scheduled for this summer, beginning in July.

Speaker Richardson suggested that in the future it would be nice to have new employees introduced at Legislative Council meetings so that members would be able to meet the new staff.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported the following:

1. **General Fund and Highway Fund Revenue Update**

- General Fund revenue was \$28.5 million over budget for the month of May, increasing the positive variance to \$69.4 million (+2.9%) for the fiscal year-to-date (FYTD). This variance reflects the March revenue revisions and all enacted laws through the 2nd Regular Session. Individual income tax and corporate income tax are the major contributors to this positive variance.
- Highway Fund revenue was over budget in May by \$2.0 million, reducing the negative variance for the FYTD to \$1.8 million (-0.6%). The Fuel Taxes line has been the major reason for the FYTD negative variance. It remained \$2.9 million under budget despite being revised downward by \$4.1 million in FY06 in the March 2006 revenue forecast. High gasoline prices have affected gasoline consumption. However, May's negative variance was not as large as that of the previous month.

2. **Cash Pool and Cash Balance Trends**

- Average balance of the Cash Pool was \$828.7 million in May. This is above the average balances of the last 5 years of \$601.4 million and above last May's balance of \$820.4 million.
- The positive revenue variances have offset the cash drain of MaineCare interim payment recovery performance. As a result, the General Fund internal borrowing from Other Special Revenue Funds, which increased to \$83.5 million in the early part of April, was eliminated at the end of April.
- Highway Fund cash balances have begun to recover over the last 4 months after dropping earlier this fiscal year as a result of the budget problems within the Department of Transportation. This recovery may be shortened by the additional demands on Highway Fund resources as a result of the flood damage in southern Maine.

3. **Fund Status Reports**

- General Fund available resources during the 122nd Legislature, 2nd Regular Session, which totaled \$118.1 million prior to Legislative actions, were nearly fully committed for various purposes by the supplemental budget and the bills enacted off the Special Appropriations Table (only \$18,747 remains uncommitted).
- Highway Fund available resources, which totaled \$5.0 million, remained at slightly over \$1.0 million at the close of the 2nd Regular Session. This net change of only -\$4.0 million understates the effort to provide approximately \$31.0 million of new Highway Fund allocations for the Highway and Bridge Improvements program shortfall.

Rep. Cummings asked Mr. Pennoyer if reduced fuel consumption was the contributing factor in the highway fund negative variance.

Mr. Pennoyer responded that he thought that it did have an impact on the negative variance.

- **Office of Information Services' Report**

Legislative Information Services Director Paul Mayotte was unable to attend the meeting, but submitted a written report, that was included in the Legislative Council packet.

- **Study Commissions Report**

Pat Norton, Director, Office of Policy and Legal Analysis reported that initial staffing assignments had been made for the study commissions and stated that meetings would be scheduled once members had been appointed. A listing of approved legislative studies was included in the Legislative Council packet.

PERSONNEL COMMITTEE

Rep. Cumming, Chair of the Personnel Committee, reported that the committee met prior to the Legislative Council meeting on June 19, 2006 to consider several items:

1. It unanimously approved a request for temporary disability income benefits, consistent with the Personnel Policies and Guidelines for Legislative Leadership Employees, for a member of the Senate Majority Office. No action by the Legislative Council is required.
2. It met with OFPR director Grant Pennoyer to review his performance over the past year and to provide guidance for the next year. No action by the Legislative Council is required.
3. It met with Law Librarian Lynn Randall to review her performance over the past year and to consider her re-appointment to a new 3-year term. The committee was in support of Ms. Randall's re-appointment and Rep. Cummings stated that he would offer a motion under New Business on the agenda.

REPORTS FROM COUNCIL COMMITTEES

Sen. Gagnon said that the State House Facilities Committee had not met since the meeting of May 22, 2006 and therefore, did not have a report.

OLD BUSINESS

Item #1: Council actions taken by ballot

A copy of a list of actions taken by ballot by the Legislative Council since May 16, 2006 is attached. No further action by the Legislative Council is required.

NEW BUSINESS

Item #1: Reappointment of Lynn Randall as State Law Librarian

Rep. Cummings made the following motion:

That upon the unanimous recommendation of the Personnel Committee, the Legislative Council re-appoint Lynn E. Randall to a new 3 year term as State Law Librarian retroactive to June 16, 2006. Second by President Edmonds. (Motion Approved 8 – 1, Rep. Bowles opposed)

Item #2: Request from State Representative William Smith requesting payment for Special Session, 121st Legislature

Rep. William Smith of Van Buren requested that the Legislative Council reconsider its earlier decision not to make payment to legislators who had not requested payment by the deadline (May 2005). By earlier letter, Executive Director Boulter explained to Rep. Smith that payment was not authorized because the deadline had passed nearly a year earlier. The matter was then presented to the Legislative Council for its review. The Legislative Council members reviewed the attached written materials and a general discussion followed.

The Chair, Speaker Richardson, made a motion that the Executive Director request that the Attorney General's Office review the payment request by Rep. Smith and advise the Legislative Council whether the Legislature is legally obligated to make payment. Second by Senate President Edmonds.

Further discussion followed. Several members inquired as to whether other legislators might be entitled to payment and if so how many. Mr. Boulter indicated that the legislators affected were those who served in the 121st Legislature. 135 members had received payment. The remaining members had either refused payment or did not return the required acceptance/refusal form.

Senator Weston agreed with Speaker Richardson that seeking legal advice as to the Legislature's legal obligation was a prudent course of action. Rep. Bowles noted the long delay between the deadline for making a payment request and Rep. Smith's request. He asked if there had been communication on this matter in the intervening period.

Mr. Boulter responded that until receipt of Rep. Smith's May 2006 letter, there had been no communication between the Executive Director's office and Rep. Smith after Mr. Boulter notified Rep. Smith in writing on June 1, 2005 that Rep. Smith had not completed, signed and submitted a Special Pay Calculation/Refusal form to the Executive Director's Office, and thus would not receive any Special Session payment.

Speaker Richardson then restated his motion, adding that the request by Rep. Smith would be tabled until such time as the Attorney General's Office has advised the Legislative Council on its legal obligations, second by President Edmonds. Motion passed unanimous 9-0.

Item #3: Status of Bureau of Capitol Security

The Chair, Speaker Richardson, brought up a new item not on the agenda. Speaker Richardson suggested that with the retirement of Capitol Security Chief Don Switter, the Legislative Council might want to consider whether the Bureau of Capitol Security's reporting authority should be changed to the Chief of the Maine State Police rather than the Commissioner of Public Safety as it is now. He stated that having Capitol Security report directly to the Chief of the State Police might provide better accountability and synergy. He also suggested that State House security might also be enhanced if Capitol Security hired retired state police officers. Sen. Gagnon offered to discuss this matter with members of the State House Facilities Committee. Speaker Richardson suggested inviting Colonel Poulin, Chief of the Maine State Police, to the next meeting. Commissioner Cantara is already a participant in the State House Facilities Committee's Working Group on Capitol Security. Sen. Gagnon, Chair of the State House Facilities Committee will schedule a facilities committee meeting this summer.

ANNOUNCEMENTS AND REMARKS

Speaker Richardson requested a moment of silence in memory of Captain Patrick Damon, a member of the Maine Army National Guard and a former legislative employee, who died in Afghanistan in the service of his State and the Nation.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:20 p.m. Motion by Rep. Cummings, second by Sen. Brennan, unanimous.



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

**Legislative Council
Executive Director's Report
July 27, 2006**

1. Union Street Project

All funding and approvals have been obtained to reconstruct Union Street and place utilities underground. Work will be completed by early Fall. The State House and Capitol Park Commission expresses its appreciation to the Legislative Council for its financial support to this project.

2. Storm Damage

The violent storm that passed through Augusta on July 18, 2006 damaged a number of trees including a large maple tree immediately west of the State House. Several huge branches broke and damaged the wrought iron fence along the south entrance. The remaining portion of the tree presents a safety hazard and should be removed according to a licensed arborist. The tree is approximately 120 years old, probably having been planted about the time of the construction of the West Wing.

3. Building Repointing

Excellent progress is being made on cleaning and repointing the north wing of the State House. Work is scheduled to begin on the west side of the north wing next week, which will require some reduction in use of the north parking lot to prevent safety issues and vehicle damage. This progress will allow the renovations to the House Chamber to begin in early August.

4. South Access and Parking Lot Project

Work has begun on the south access and parking lot improvements. Site logistics have proceeded smoothly to date, and value management measures have been identified to keep the project cost-effective. The parking lot is scheduled to re-open by November. In the meantime, alternative parking spaces have been reserved for handicap parking and legislators, including Senate Leadership.

5. Introduction of New Staff

- A. Mark Deering, Programmer, Office of Legislative Information Services (hired June 19, 2006)
- B. Diane Vorpapel, Administrative Secretary, Law and Legislative Reference Library (hired June 5, 2006)

6. NCSL Recognition of OPLA Staff Member Phillip McCarthy

Phillip McCarthy was awarded the NCSL Legislative Education Staff Network (LESN) 2006 National Recognition Award for his high degree of professionalism and competence in service to the legislature and expertise in education policy.

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
July 27, 2006

*Prepared by the
Office of Fiscal & Program Review*

Executive Summary

1. Revenue Update (See Attachment A)

- General Fund revenue was \$4.8 million over budget for the month of June, resulting in a final positive variance for FY06 of \$74.1 million (+2.6%). All major tax lines with the exception of the Telecommunication Personal Property Tax performed above expectations.
- Highway Fund revenue was under budget in June by \$2.6 million, resulting in a final negative variance for FY06 of \$4.4 million (-1.3%). Fuel Taxes were the major reason for the FYTD negative variance. This revenue category was under budget by \$5.2 million. High gasoline prices have affected gasoline consumption, unlike the national trends.
- Fund for a Healthy Maine (FHM) ended up FY06 with a positive variance of \$3.9 million, largely a result of tobacco settlement payments being higher than anticipated. Racino revenue and interest earnings also contributed to the positive variance. This positive variance may reduce the amount of the Fund-wide deallocations that will be distributed to individual FHM programs in FY07.

2. Cash Pool and Cash Balance Trends (See Attachment B)

- Average balance of the Cash Pool was \$795.7 million in June. This is above the average balances of the last 5 years of \$604.7 million and above last June's balance of \$739.0 million.
- For the General Fund, the positive revenue variances have continued to improve the cash position. The additions to General Fund reserve balances as a result of the FY06 positive variance and lapsed balances will provide a sufficient reserve to significantly reduce cash flow borrowing for FY07.
- Highway Fund cash balances despite the negative variances has remained relatively stable in the last few months. Although the trend based on this fiscal year budget shortfall, is still heading downward.

3. Fund Status Reports – Based on FY06 Actuals (See Attachment C)

- General Fund budgeted ending balance at the close of FY07 remains unchanged from prior report at \$18,747. Revenue surplus, lapsed balances and other net accounting adjustments increased unappropriated surplus by \$89.0 million, all of which was reserved or transferred per statute. Updated side-by-side of the "Cascade" based on FY06 actual year-end data is included. Balances in the Budget Stabilization Fund and Reserve for Operating Capital now are nearly \$150 million.
- Highway Fund budgeted ending balance at the close of FY07 increased slightly to \$1.1 million. A revenue shortfall was offset by an emergency financial order that increased lapsed balances by additional \$2.1 million.

122nd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Technology Report
July 27, 2006

Bill Drafting System:

- There are 13 open items on the warranty list as of July 26th
- ROS and Systems are preparing for the upcoming session
 - Conducted an depth review of the lessons learned and use / features of the MELD software
 - Action items
 - Documentation
 - 122nd WANG statute update
 - MELD database conversion improvements
 - Phrase Search functionality developed by Systems staff

Data Back Up Processing: (update)

- All backups are current and being performed to the established procedures
- Proceeding with standardizing the software used to create back up tapes

SPAM Filtering: (update)

- The volume of SPAM emails continues to increase
- The range per day is now 2,500 to 3,000 SPAM emails vs. 2,000 to 2,300 in late May
- Address improving the capture rate of “hot stock” SPAMS
- The SPAM management goals for Systems are:
 - Preemptive and rapid response to new threats before they become a problem
 - Assess the adequacy of our filtering and make the changes needed to protect the Legislature

2006 Interim Study Status Report
 Prepared by OPLA. (Current as of July 24, 2006)

#	Study Name	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff	Status
1	Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway (P.L. 2005, c. 598)		11/1/06 Prelim. Report to ACF; Final report to ACF by 1/15/07	15	4	Two Senators	Three members of the House	Governor appoints: three environmental representatives; one person from the Friends of the Allagash; one person from JD Irving; one person from Clayton Lakes Woodlands, and one person from Seven Islands. Also 3 ex officio members are named.	OPLA	Awaiting completion of appointments
2	Commission to Study the Costs of Providing Certain Services in the Unorganized Territories (Resolve 2005, c. 125)	Scheduled to Meet 7/25/2006 and 8/24/06	Originally 7/1/06 to Legislature, extended to December 2006.	16	16	Two Senators (one from either ACF or NAT), a representative of county government within LURC jurisdiction, two land owners in the unorganized territory (all appointments already made)	Four members of the House (one must be from ACF or NAT), representative of county government within LURC jurisdiction, and two owners of land in unorganized territory (all appointments already made)	5 ex-officio members (all appointments already made)	OPFR	On-going
3	Maine Food Policy Council (P.L. 2005, c. 614)		12/15 in odd-numbered years to ACF	11	2	None	None	Six by Governor, Department of one by Chancellor Agriculture and four ex-officio		Awaiting completion of appointments
4	Joint Select Committee on Research, Economic Development and the Innovation Economy (JSO SPO847)		12/6/06 final Report to Legislature	13	13	Three Senators (from either the ACF, AFA, BRED, EDU, MAR, NAT, TAX or TRA committees)	Ten members of the House (from either the ACF, AFA, BRED, EDU, MAR, NAT, TAX or TRA committees)	None	OPLA	Appointments completed, scheduling first meeting
5	Task Force to Study Maine's Homeland Security Needs (Resolve 2005, c. 126)	Meeting scheduled for 9/7/06 in Portland; 9/12/06 in York	11/1/06 Final Report to Legislature	11	11	Two Senators (not of the same party) and one person involved in emergency preparedness (all appointments already made)	Four members of the House (not of the same party) and one person involved in emergency preparedness (appointments already made)	Governor appoints three members (appointments already made)	OPLA and MEMA	On-going
6	Subcommittee to Study Early Childhood Special Education (P.L. 2005, c. 662, part C)		1/31/07 to EDU, HHS and DOE and DHHS	28	4	Two Senators	Two members of the House	24 members appointed by DOE and DHHS Commissioners	Department of Education	Awaiting completion of appointments
7	Legislative Youth Advisory Council (PL 2001 c.439, as amended by PL 2005, c. 414)		Annually; Legislature	22	20	Two Senators and eight youth members (appointments already made)	Two members of the House and eight youth members (appointments already made)	None	OPLA	Two public forums on youth civic engagement are planned for October 2006

2006 Interim S 7 Status Report
 Prepared by OPLA. (Current as of July 24, 2006)

#	Study Name	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff	Status
8	Task Force to Study Cervical Cancer Prevention, Detection and Education (Resolve 2005, c. 121)	Met on 7/18/06; Scheduled to meet 8/24/06	Final Report 11/1/06 to HHS and Gov	16	16	One Senator and six non-legislators (appointments already made)	One member of the House and six non-legislators (appointments already made)	Two ex-officio members (appointments already made)	OPLA	On-going
9	Right to Know Advisory Commission (P.L. 2005, c. 631)		10/1/05 to HHS; AFA and Gov	15	0	One Senator from JUD and five non-legislators	One member of the House from JUD and four non-legislators	Governor appoints three members. Also one ex-officio member is named..	OPLA	Awaiting completion of appointments
10	Human Trafficking Task Force (Resolve 2005, c. 200)		11/30/06 to Legislature	12	2	One Senator and three non-legislators	One member of the House and three non-legislators	Four ex-officio members are named.	OPLA	Awaiting completion of appointments
11	Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers (Resolve 2005, c. 181)		11/1/06 to Labor Committee	9	0	Two members of the Senate and two non-legislators	Three members of the House and two non-legislators	None	OPLA	Awaiting completion of appointments
12	Citizen Trade Policy Commission (PL 2003, c. 699)	Met on 7/20/06	Annually to Legislature, Gov and others	22	22	Three Senators (from 2 parties) and three non-legislators (all appointments already made)	Three members of the House (from 2 parties) and three non-legislators)	Governor appoints four members. Also one ex-officio member is named.	OPLA	On-going
13	Commission to Arrange for a Monument Honoring Women Veterans of Maine (Resolve 2005, c. 215)		9/1/06 Initial Report to Capitol Planning Commission; 12/7/06 Final Report to Capitol Planning Commission	8	8	One Senator, three persons with military experience and one person from DDVEM	One member of the House and one person from BGS	One ex-officio member is named.	OPLA	Appointments completed, scheduling first meeting
14	Blue Ribbon Commission on Solid Waste Management (Resolve 2005, c. 207)		1/1/07 to NAT	9	9	Three Senators	Four members of the House	Two ex-officio	Department of Environmental Protection	Appointments completed
15	Maine Energy Council (P.L. 2005, c. 677, Part D)		1/15/07 to UTE	17	0	Two Senators	Two members of the House	Nine by Governor, Public Utilities and four ex-officio Commission		Awaiting completion of appointments

Appointment Summary

Number of appointed positions 197
 Appointments made to date 127
 Percent of appointments complete 64.5%

G:/management/director/interim activities/council study status report

Study Activity Summary

Studies awaiting appointments 7
 Fully appointed/meeting 8
 15



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

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Joy O'Brien, Secretary of the Senate
Ted Potter, Chief of Staff to the House Speaker
Rickmond McCarthy, Chief of Staff to the Senate President
Toby McGrath, House Majority Chief of Staff
Alison Sucey, House Minority Chief of Staff
Ann Woloson, Senate Majority Chief of Staff
Robert Enrich, Senate Minority Chief of Staff
David Boulter, Executive Director, Legislative Council
All nonpartisan Legislative office staff Directors
Teen Griffin, Office of Legislative Information

From: Patrick Norton, OPLA Director *Pat*

Date: July 16, 2006

Re: **LEGISLATORS' HANDBOOK UPDATE**

The Office of Policy and Legal Analysis has begun its biennial process of updating the *Legislators' Handbook*. Part of this process involves soliciting comments from other Legislative staff offices on the content of the handbook, particularly on those portions of the Handbook that relate most directly to the work of your particular office. The *Legislators' Handbook* is published every two years by OPLA, under the auspices of the Legislative Council.

I have enclosed a copy of the 2004 *Legislators' Handbook* for your review and invite your comments and suggestions on any comments or additions that you may want incorporated into the updated 2006 edition. You can provide your comments either by marking up a photocopy of the page(s) you wish to change, by emailing sections of new text you wish to have incorporated or by simply calling and discussing the changes you wish to make. If I have any questions about any of the comments I receive, I will contact you for clarification before preparing a final version of the revised Handbook.

Please provide your comments to me or to Jon Clark, the OPLA Deputy Director, by Friday, August 18, 2006. Our goal is to have all updates to the *Handbook* completed and presented to the Council for their consideration at their September or October meeting.

Patrick T. Norton, Director
Offices Located in Room 215 of the Cross Office Building

Thank you for your help with this process. As always, your input is essential in producing a *Handbook* that is accurate, informative and useful to members of the Legislature and the public.

Please call me or Jon anytime if you have any questions.

CC: The Honorable John Richardson, Speaker of the House
The Honorable Beth Edmonds, President of the Senate
Jon Clark, OPLA Deputy Director

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MAINE DEVELOPMENT FOUNDATION

July 27, 2006

To: Speaker John Richardson, Chair of the Legislative Council
President Beth Edmonds, Vice-Chair of the Legislative Council
Distinguished Members of the Legislative Council

From: Laurie Lachance, President of the Maine Development Foundation



Re: Policy Leaders Academy – Legislative Training

As you may recall, at your May 22nd Legislative Council meeting, I came before you to seek your permission and guidance on the development of a process for planning the biennial Legislative economic bus tours and policy forums. The University System and its Policy Centers, the Community College System and the Maine Development Foundation were hoping to formalize our partnership in developing and delivering programs that were tailored to your interests and needs, and we wanted to institutionalize the planning process to allow for the development of a thoughtful and comprehensive set of programs. At your meeting, you agreed to appoint 4 Legislators, your 6 Chiefs of Staff, and Dave Boulter's Office to work with us in developing a proposal for your consideration at the July Council meeting.

I am writing to share with you our recommendations on the timing, scope, and broad policy areas to be covered in the Policy Leader Academy programs. We are seeking your input and, ultimately, your approval of this broad outline so that we can begin, in earnest, the planning and the fundraising necessary to ensure an extremely high-quality curriculum. **With that in mind, what we are asking of you today is to please consider and provide your feedback on the following recommendations of the Policy Leaders Academy (PLA) Legislative Planning Group and give us permission to launch the detailed planning process:**

1) **Scope**

- Two, 3-day economic bus tours
- One, 1.5 to 2-day Policy Forum

2) **Timing** – After lengthy discussion, the Planning Group decided that January is the best time to offer both the tours and the forums as the Committee work has not begun. The Group recommends that you consider proclaiming January as “Legislative Education” month.

- Potential forum dates: Thurs. and Fri., Jan. 4th and 5th or 18th and 19th
- Potential bus tour dates: Weds. through Fri., January 10th – 12th, 17th-19th, or 24th-26th

MAINE DEVELOPMENT FOUNDATION

3) Broad Policy Areas

- Tax/Fiscal
- Energy
- Healthcare
- Transportation
- Higher Education/Workforce Development
- K-12 Education
- Land Use/Sprawl

4) Budget

- Forums: Costs range from \$7,000 - \$20,000 depending on keynote speaker/s and the number in attendance
- Bus Tours: Costs range from \$50,000 to \$80,000 (50-100 participants)

- 5) Stakeholder/Funding Group – In order to secure funding and in-kind sponsorships, we would like to convene a meeting of a number of stakeholder organizations as soon as possible. This group would guide MDF and the Legislative Planning Group's planning efforts and help connect us to speakers and tour visitation sites.

We are all anxious to launch the detailed planning process and to raise the funds necessary to provide the very best training experiences possible. Thank you for your kind consideration of our request. We look forward to working with you in the months ahead.

cc: Legislative Planning Group

PLA Planning Group as of 7-26-06

FirstName	LastName	BusinessTitle	COMPANY
David E.	Bouler	Executive Director	Legislative Council
James	Breece	Chief of Staff/ Exec Dir, Plng. & Policy	University of Maine System
Mary R.	Cathcart	Senior Policy Fellow	Margaret Chase Smith Policy Center
Rep. Mike	Dunn	State Representative	House District #18
Robert	Emrich	Chief of Staff, Minority Leaders	Maine State Senate
Dr. John	Fitzsimmons	President	Maine Community College System
William H.	Foster	Interim Dean	University of Southern Maine
Jennifer	Hutchins	Communications & Outreach Coordinator	University of Southern Maine
Laurie G.	Lachance	President & CEO	Maine Development Foundation
John	Lisnik	Asst. to Chancellor, Governmental Rel.	University of Maine System
Rickmond	McCarthy	Chief of Staff to the Senate President	Maine State Senate
Toby	McGrath	Chief of Staff, House Minority	Maine House of Representatives
Cheryl B.	Miller	Senior Program Officer	Maine Development Foundation
Charles E.	Morris	Senior Research Associate	Margaret Chase Smith Policy Center
Ted	Potter	Chief of Staff, Speaker's Office	Maine House of Representatives
Rep. Wes	Richardson	State Representative	House District #49
Sen. Richard	Rosen	State Senator	Senate District #31
Sen. Peggy	Rotundo	State Senator	Senate District #16
Jonathan	Rubin	Interim Director	Margaret Chase Smith Policy Center
Alison	Sucy	House Republican Office Chief of Staff	Maine House of Representatives
Lee	Webb	Senior Fellow	Margaret Chase Smith Policy Center
Ann	Woloson	Chief of Staff, Majority Leaders	Maine State Senate

MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Office of the Executive Director of the Legislative Council
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EXECUTIVE DIRECTOR'S OFFICE
JUL 20 A 11:23

CERTIFICATION RELATING TO CONTRIBUTIONS FOR STUDY

Name of Study: Task Force to Study Cervical Cancer Prevention, Detection and Education

CONTRIBUTOR IDENTIFICATION

Full name of contributor: American Cancer Society	Date of contribution: 7/18/06
Address (number and street) of contributor: One Main St., Suite 300	Amount of contribution: \$1,251.84
City, state, zip code: Topsham, ME 04086	If in-kind, list fair market value here and itemize in space provided below. \$
SS# OR FED ID #: [REDACTED]	
Occupation: Non profit organization	Contributor is: individual <input type="checkbox"/> partnership <input type="checkbox"/> corporation <input checked="" type="checkbox"/> foundation <input type="checkbox"/>
Principal place of business:	

IN-KIND CONTRIBUTION

Describe goods, services, etc. to be contributed:

I, Megan D. Hannan, the undersigned, hereby swear or affirm that the information contained in this report is true and complete, that no information is knowingly withheld and that the purpose of the contribution is not to influence the outcome of the above named study or any subsequent legislative action. I further certify that I, and the employer or organization I represent, if applicable, do not have any pecuniary or other vested interest in the outcome of the above named study. I understand that this contribution is subject to acceptance by the Legislative Council.

Signature of contributor: <i>M. Hannan</i>	Date: 7-19-06
Title: Maine Director of Government Relations and Advocacy	
Witness: <i>Eileen R. Swisher</i>	Date: 7-19-06

LEGISLATIVE COUNCIL ACTION

Accept Contribution: YES _____ NO _____ Date: _____

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 899 - L.D. 1302

**Resolve, Establishing The Task Force To Study Cervical
Cancer Prevention, Detection and Education**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes the Task Force to Study Cervical Cancer Prevention, Detection and Education; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force to Study Cervical Cancer Prevention, Detection and Education, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of the following 16 voting members:

1. Seven members appointed by the President of the Senate as follows:

- A. One member of the Senate;
- B. One representative of a women's health organization;
- C. One communications consultant;
- D. One representative of the American Academy of Pediatrics;
- E. One representative of the American Academy of Family Physicians;
- F. One licensed registered nurse; and
- G. One representative of the Maine Medical Association or its successor;

2. Seven members appointed by the Speaker of the House of Representatives as follows:

- A. Two members of the House of Representatives;
- B. One representative of the American Cancer Society who is an oncologist;
- C. One representative of the health insurance industry;
- D. One representative of the American College of Obstetricians and Gynecologists;
- E. One member of the Maine Osteopathic Association or its successor; and
- F. One person who has survived cervical cancer;

3. The medical director of the Maine Cancer Registry or the medical director's designee; and

4. The Director of the Maine Breast and Cervical Health Program within the Department of Health and Human Services, Bureau of Health and other members of the Bureau of Health, as necessary to the work of the task force, who serve as ex officio nonvoting members of the task force.

When making appointments to the task force, each appointing authority shall ensure that appointees reflect the composition of the State's population with regard to ethnicity, race and age; and be it further

Sec. 3. Chair. Resolved: That the Senate member shall serve as chair and the first-named House member shall serve as vice-chair; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days after the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The chair shall call and convene the first meeting of the task force by August 1, 2005; and be it further

Sec. 5. Quorum. Resolved: That a majority of the task force constitutes a quorum for the transaction of its business; and be it further

Sec. 6. Committees. Resolved: That the task force chair may establish committees for the purpose of making special studies pursuant to its duties and may appoint persons who are not members of the task force to serve on each committee as resource persons. Resource persons are voting members of the committees to which they are appointed. Committees may meet with the frequency needed to accomplish the purposes of this resolve; and be it further

Sec. 7. Duties. Resolved: That the task force shall:

1. Review statistical and qualitative data on the prevalence and incidence of cervical cancer in Maine;

2. Review preventive strategies and new technologies, including newly introduced vaccines and their effectiveness in preventing and controlling the risk of cervical cancer, as well as their relative costs;

3. Identify and examine the strengths and limitations of existing laws, regulations, programs and services regarding coverage and awareness of cervical cancer;

4. Consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations and other public and private organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention and treatment and their ideas for improving prevention, diagnosis and treatment in Maine;

5. Develop, in consultation with the Department of Health and Human Services, a statewide comprehensive cervical cancer prevention plan and strategies for plan implementation and for promoting the plan and awareness of the causes, risk factors,

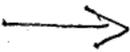
prevention, early detection and treatment of cervical cancer to the general public, state and local elected officials and various public and private organizations, associations, businesses, industries and agencies; and

6. Recommend strategies for coordination and communication among state and local agencies and organizations regarding their involvement in achieving the aims of the cervical cancer prevention plan; and be it further

Sec. 8. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 9. Compensation. Resolved: That legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force; and be it further

Sec. 10. Report. Resolved: That, no later than December 7, 2005, the task force shall submit an initial report to the Joint Standing Committee on Health and Human Services and the Governor. The task force is not authorized to meet from December 21, 2005 to April 25, 2006 or to introduce legislation. The task force shall submit its final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by November 1, 2006. The joint standing committee of the Legislature having jurisdiction over health and human services matters in the First Regular Session of the 123rd Legislature may report out legislation on cervical cancer prevention, detection and education; and be it further

 **Sec. 11. Task force funding. Resolved:** That the task force shall seek outside funds to fully fund all costs of the task force. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the task force may not be accepted from any party having pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council

that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the task force. The executive director shall notify the chair of the task force when sufficient funding has been received; and be it further

Sec. 12. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides an allocation of Other Special Revenue Funds in the event outside funding is collected to support the activities of the Task Force to Study Cervical Cancer Prevention, Detection and Education. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
Personal Services	\$880	\$880
All Other	\$3,600	\$3,600
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,480	\$4,480

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SENATE

BARRY J. HOBBS, DISTRICT 5, CHAIR
LYNN BROMLEY, DISTRICT 7
DAVID R. HASTINGS III, DISTRICT 13

MARGARET J. REINSCH, LEGISLATIVE ANALYST
SUSAN M. PINETTE, COMMITTEE CLERK



STATE OF MAINE

HOUSE

DEBORAH L. SIMPSON, AUBURN, CHAIR
SEAN FAIRCLOTH, BANGOR
STAN GERZOFKY, BRUNSWICK
MARILYN E. CANAVAN, WATERVILLE
MARK E. BRYANT, WINDHAM
MICHAEL EDWARD DUNN, BANGOR
ROGER L. SHERMAN, HODGDON
RODERICK W. CARR, LINCOLN
JOAN BRYANT-DESCHENES, TURNER
JOAN M. NASS, ACTON

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON JUDICIARY

May 22, 2006

TO: Rep. John G. Richardson, Speaker of the House, Chair
Sen. Beth Edmonds, Senate President, Vice Chair
Legislative Council
122nd Maine Legislature

FROM: Sen. Barry Hobbins, Senate Chair *BH*
Rep. Deborah L. Simpson, House Chair *DS*
Joint Standing Committee on Judiciary

Re: Public records exceptions

The Joint Standing Committee on Judiciary had before it LD 1455, An Act to Codify Public Records Exceptions. The purpose of bill is to establish a readily-accessible list of statutory exceptions to what are considered public records. The bill was prepared pursuant to law that was the recommendation of the Committee to Study Compliance with Maine's Freedom of Access Laws.

We held an interesting public hearing on the bill last spring, and, although we support the purpose of the bill, we agree with much of the testimony that creating such a list in statute may have unintended consequences. We believe a better method of providing the same information is to have the Legislature post such a list, with appropriate links, on the Legislature's website. Rather than tasking a particular office with that responsibility, we believe that the Legislative Council is the appropriate authority to establish such a public service, utilizing the technology as well as legal capabilities of the legislative staff.

We are also aware that the Freedom of Access Advisory Committee is very interested in supporting training and education in Freedom of Access issues, and that this list of public records exceptions is an important piece in that knowledge base. The Advisory Committee will soon be making its recommendations, and we understand that a posting of such a list on the Legislature's website can be an integral part in the overall State Government commitment to ensuring and supporting public access to records and proceedings.

→ We therefore respectfully request that the Legislative Council agree to develop a method of providing Internet access to a comprehensive list of public records exceptions, starting with the information provided for the drafting of LD 1455. The list should be updated after every legislative session, and should include links to each statute listed.

We anticipate that we may be making additional recommendations for participation with the Executive Branch, the Judicial Branch, the Attorney General and the Secretary of State in an all-inclusive effort in supporting public access to records and proceedings. We await the recommendations of the Freedom of Access Advisory Committee for their specific proposals.

Thank you for your consideration. We will be happy to respond to any questions you may have.

enclosure (LD 1455)

G:\COMMITTEES\JUD\CORRESP\LD 1455 memo to LC.doc (5/1/2006 12:19:00 PM)



ETH L. ASHCROFT
DIRECTOR

MAINE STATE LEGISLATURE

OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY

TO: The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
and Members of the Legislative Council

FROM: Beth L. Ashcroft, Director *BBA*
Office of Program Evaluation and Government Accountability

DATE: June 29, 2006

RE: OPEGA Recommendations for Legislative Action

In fiscal year 2006, the Office of Program Evaluation and Government Accountability released two reports that contained recommendations for possible legislative action to address concerns (findings) identified by OPEGA reviews. These reports are:

- Final Report on Review of MECMS Stabilization Reporting (to the Legislature); and
- Final Report on the State-wide Planning and Management of Information Technology.

The Government Oversight Committee reviewed these recommendations and requested that OPEGA pursue, with the Legislative Council and the Executive Director's Office, agreement on specific legislative actions to implement these recommendations. If specific actions are agreed to, OPEGA will track those action items, and report on their status to the Government Oversight Committee and the Legislative Council, until the action item has been completed.

Attached is a summary of Findings and Recommendations for legislative action from the reports mentioned above. Items from the MECMS Report are on pages 1-4 while items from the IT Review are on pages 5-9. This summary includes a description of the conditions noted by OPEGA and OPEGA's related recommendations as presented in OPEGA's reports.¹ For each Finding, there is also a section called Legislative Action Taken or Recommended. Where sufficient action has already been taken, the Status of

¹ The full reports can be found on OPEGA's website at www.maine.gov/legis/opega or by contacting the OPEGA office in Room 107 of the Cross Building at 287-1901.

the Finding is listed as 7 – Closed. Where there is still a decision to be made about whether the recommended action should be taken, the Status of the Finding is listed as 5 - Reported.

At the upcoming Legislative Council meeting, I will be seeking the Council's agreement and approval that:

1. Actions that have already been taken on the "Closed" items are indeed sufficient, in the Council's opinion, to consider this item "closed". If not, what other action(s) does the Council want to take to implement OPEGA's recommendation.
2. Specific recommended actions for "Reported" items are reasonable, sufficient and will be pursued. The Council may determine that there are more appropriate actions that should be taken instead.

I look forward to speaking with you about this and other matters at the Council meeting. In the meantime, if you have any questions, you may reach me at 287-1901. You are also welcome to stop by the Office in Room 107 of the Cross Building.

Attachment

Cc: Members of the Government Oversight Committee
David Boulter, Executive Director of the Legislative Council

OPEGA Recommendations for Legislative Action

Project: MECMS Stabilization Reporting

Final Report Issued: December 2005

<i>Finding</i>	<i>Sharing Information</i>	<i>Condition</i>	<i>Recommendation from OPEGA Report</i>
O-4		Knowledge and information obtained by AFA and HHS Committee members about the MECMS situation is not routinely shared with all other legislators. Consequently, despite the fact that Management is providing a considerable amount of information to these Committee members, there is a lack of information among other legislators.	<p>Share information obtained by AFA and HHS Committees with all other legislators. Options to accomplish this include:</p> <ul style="list-style-type: none">- distributing monthly Progress Reports and other materials submitted to AFA and HHS;- preparing and distributing a written summary of significant questions and answers from briefing sessions at AFA and HHS meetings;- developing and distributing regular summary bulletins on MECMS-related efforts; and- notifying all legislators in advance of AFA and HHS meeting agendas that include a MECMS update.
<i>Status</i>			<p><i>Legislative Action Taken</i></p> <p>The Executive Branch Chief Information Officer offered to email the monthly MECMS Status Report to all legislators using the email distribution lists from the Global Address List called Representatives List and Senators List. The Government Oversight Committee accepted this offer and monthly distribution by email began on 5-15-06. While the email distribution lists being used may not reach all legislators, it is currently the most efficient way to regularly distribute some information on MECMS status. Consequently, there is no legislative action that needs to be immediately taken to share information on MECMS. OPEGA would continue to encourage the Legislature, however, to explore ways for taking the initiative to share information that is provided to Joint Standing Committees with all other legislators when the situation warrants it.</p>
7 - Closed			

Project: MECMS Stabilization Reporting

Finding	Legislative Forums for Oversight	Condition	Recommendation from OPEGA Report
O-3-D		Legislative forums for gathering, discussing and digesting information about MECMS have typically not been adequate to support effective oversight in this complex situation. OPEGA observed: a) Time available during typical JS Committee meetings is limited - not enough for exchanges with management or full exploration of challenges and risks; b) AFA and HHS Committees may hold differing views of the situation due to getting oral briefings from different members of management and because of each Committees major focus - Different questions may be asked in each Committee meeting; and c) Legislators have sometimes expressed concern that they are not sure which questions are the most important ones to be asking. Same as #O-3-A.	Utilize non-partisan staff to help JS Committee members obtain an adequate frame of reference for the MECMS situation. OPLA and OFPR analysts could gather and provide contextual information that would assist Committee members in identifying areas of concern to discuss with Management.
Status			Legislative Action Recommended
5 - Reported			The Executive Director of the Legislature, in conjunction with the Director of the Office of Policy and Legal Analysis and the Director of the Office of Fiscal and Program Review, will make Joint Standing Committees aware that OPLA and OFPR Analysts are available to assist the Committees in obtaining information that might be needed or helpful in performing their oversight role on MECMS (if still relevant) or any other topic. This action will be taken at the convening of the first regular session of the 123rd Legislature. OPEGA will follow-up on status of action item on January 30, 2007.

Project: MECMS Stabilization Reporting

Finding	Legislative Forums for Oversight	Condition	Recommendation from OPEGA Report
O-3-C		Legislative forums for gathering, discussing and digesting information about MECMS have typically not been adequate to support effective oversight in this complex situation. OPEGA observed: a) Time available during typical JS Committee meetings is limited - not enough for exchanges with management or full exploration of challenges and risks; b) AFA and HHS Committees may hold differing views of the situation due to getting oral briefings from different members of management and because of each Committees major focus - Different questions may be asked in each Committee meeting; and c) Legislators have sometimes expressed concern that they are not sure which questions are the most important ones to be asking. Same as #O-3-A.	Arrange for AFA and HHS Committees to meet jointly to receive oral briefings on MECMS-related efforts whenever possible. Joint briefings would help assure that both Committees get consistent information and perspectives on the situation. When it is not possible to meet together, information gleaned from each briefing should be shared between Committees.
Status			Legislative Action Taken
7 - Closed			OPEGA observed the November 2005 and January 2006 Management briefings on MECMS given to the AFA and HHS Committees. In November, the Committees met jointly because of other agenda items requiring their combined attention. OPEGA noted that there did seem to be added value from this arrangement. The Committees also met jointly in January 2006 to receive the MECMS briefing and OPEGA noted that they were again scheduled to meet jointly in February 2006 to receive the MECMS briefing. OPEGA believes this is an indication that the JS Committees are implementing this recommendation as much as possible. Consequently, this finding is considered closed and implemented.

Project: MECMS Stabilization Reporting

Finding O-3-B	Legislative Forums for Oversight	Condition Legislative forums for gathering, discussing and digesting information about MECMS have typically not been adequate to support effective oversight in this complex situation. OPEGA observed: a) Time available during typical JS Committee meetings is limited - not enough for exchanges with management or full exploration of challenges and risks; b) AFA and HHS Committees may hold differing views of the situation due to getting oral briefings from different members of management and because of each Committees major focus - Different questions may be asked in each Committee meeting; and c) Legislators have sometimes expressed concern that they are not sure which questions are the most important ones to be asking. Same as #O-3-A.
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Status
7 - Closed

Recommendation from OPEGA Report

Reduce the time spent on Management's oral walk-through of written Progress Reports in order to spend more time on questions and answers with fuller discussions of challenges and risks. Written Progress Reports provided to JS Committees in advance of the meeting now contain a considerable amount of information and Committee members could go into the meeting with a good sense of the current status from reading the report ahead of time.

Legislative Action Taken
OPEGA observed the November 2005 and January 2006 Management briefings on MECMS given to the AFA and HHS Committees. OPEGA noted that Management spent less time on the oral walk-through than usual indicating that Management itself had taken some steps to implement this recommendation. OPEGA also noted that the Committee members appeared to have read the Progress Reports in advance as there were not many questions asked where the responses were already in the Progress Reports. As a result, there was an improvement in quantity and quality of discussion around an increased range of topics.

Finding O-3-A	Legislative Forums for Oversight	Condition Legislative forums for gathering, discussing and digesting information about MECMS have typically not been adequate to support effective oversight in this complex situation. OPEGA observed: a) Time available during typical JS Committee meetings is limited - not enough for exchanges with management or full exploration of challenges and risks; b) AFA and HHS Committees may hold differing views of the situation due to getting oral briefings from different members of management and because of each Committees major focus - Different questions may be asked in each Committee meeting; and c) Legislators have sometimes expressed concern that they are not sure which questions are the most important ones to be asking. Same as #O-3-A.
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Status
7 - Closed

Recommendation from OPEGA Report

Legislature should provide opportunities for fuller discussion of status, challenges and risks for all MECMS-related efforts by:

1. Creating a special committee to focus solely on oversight of key MECMS-related efforts, OR
2. Increasing time spent on MECMS-related efforts during regular AFA and HHS Committee meetings.

Legislative Action Taken
OPEGA has observed that AFA and HHS have been meeting jointly to get MECMS briefings and that time on the agenda appears to be adequate as Committee members are receiving reports in advance that have consistent Format and increased amount of information.

Finding Legislative Oversight

O-8-A

Condition

Legislative oversight activities devoted exclusively to the State's information technology are absent. Each JS Committee performs some oversight of information systems as it relates to the agencies and/or programs within its jurisdiction. However, there is not one legislative body assigned responsibility for overseeing the planning and management of the IT enterprise.

Recommendation from OPEGA Report

The Legislature should support any actions taken by the Administration to establish IT as a specific "program" for budgeting, appropriation, expenditure and oversight purposes.
(The CIO is currently exploring the feasibility of taking this approach to finance and accounting for IT.)

Status

5 - Reported

Legislative Action Taken and Recommended

On 4-24-06, the Director of OPEGA sent a memo to all legislators with an attached document listing those action items from OPEGA reports that needed the support and oversight of all Joint Standing Committees or implementation by legislators. This item was included. OPEGA will send a similar communication to legislators at the commencement of the first regular session of the 123rd Legislature which may take the form of a Legislative Guide for Oversight of Information Technology.

Finding Leadership & Succession Planning

O-7-A

Condition

The reality of the political process is that changes in IT leadership may occur with every new administration. The potential for frequent short-term leadership changes will always present some risk in an area like IT that requires more long-term strategic planning. The current CIO may change with administration as early as January 2007. A potential change in leadership at that particular time presents an increased level of risk as OIT will still only be 1 ½ years into its transformation effort. Same as #O-7-1.

Recommendation from OPEGA Report

Legislature should further mitigate risk of changes in IT leadership through:

- actively providing legislative support and oversight from the responsible Joint Standing Committees of jurisdiction;
- continuing independent reviews by OPEGA of various aspects of information technology; and
- enacting legislation that requires individuals appointed to the position of Chief Information Officer to have particular knowledge and capabilities in both information technology and leadership arenas.

Status

5 - Reported

Legislative Action Recommended

The Government Oversight Committee considered this recommendation at its March 2005 meeting and determined not to take any immediate action with regard to legislation. It was agreed that OPEGA would continue to stay abreast of OIT progress on other findings and potentially through future reviews. OPEGA will be in a position to alert GOC if it appears OIT's effectiveness and strategic plan are in jeopardy. OPEGA will plan to revisit this recommendation with the GOC in two years.

Also, on 4-28-06, the Director of OPEGA sent a letter to JSC's on State & Local Government and Appropriations with an attachment listing those items that needed the support (resources) and oversight of these Committees. This item was included. OPEGA will send a similar communication to these committees again at the commencement of the first regular session of the 123rd Legislature.

Project: State-wide Information Technology

Finding

Performance
Management

Condition

Recommendation from OPEGA Report

O-2-A

Information systems across the enterprise have not been designed to capture or produce data, in a useable form, that allows the State to:

- adequately evaluate the performance of programs and activities;
- compare that performance to financial and human resources that are being committed to that program or activity; or
- to do the same for the information systems themselves.

Legislative bodies responsible for oversight of information system implementations should take an interest in whether, and how, the system is being designed to provide accountability, and allow the impact of enacted legislation to be evaluated.

Status

5 - Reported

Legislative Action Taken and Recommended

On 4-24-06, the Director of OPEGA sent a memo to all legislators with an attached document listing those action items from OPEGA reports that needed the support and oversight of all Joint Standing Committees or implementation by legislators. This item was included. OPEGA will send a similar communication to legislators at the commencement of the first regular session of the 123rd Legislature which may take the form of a Legislative Guide for Oversight of Information Technology.

Finding

Business
Continuity
Planning

Condition

Recommendation from OPEGA Report

F-10-A

Business Continuity Planning (BCP) is inadequate across the Executive branch IT environment. Some business continuity plans do exist, but even they are weak and would most likely fail if relied upon in an actual emergency. Same as #F-10-1.

Each agency, in all three branches of State government, should develop its own Business Continuity Plan. The plan should detail how operations will be continued if critical information systems and/or the agency's current physical location(s) are unavailable for an extended period of time.

Status

5 - Reported

Legislative Action Recommended

As of 5-17-06, the Executive Director of the Legislature and the Director of the Office of Legislative Information are in the very early stages of developing a Business Continuity Plan Proposal which focuses on information technology within the legislative branch. The proposal will ultimately be submitted to the Legislative Council for review and approval. The BCP Proposal will be developed as resources permit and, therefore, a firm date for completion of the proposal has not been set. OPEGA will follow-up on a semi-annual basis to determine status of this action item.

Project: State-wide Information Technology

Finding Finance and Accounting
F-3-A

Condition
Current accounting structures and financial practices do not easily allow the Administration or the Legislature a clear view of IT budgets and expenditures across the State as a whole, or by any specific agency, program or statute. Same as #F-3-1.

Status
7 - Closed

Recommendation from OPEGA Report

For the same purposes as the Executive branch, OPEGA also recommends that the Judicial and Legislative branches explore the possibility of establishing Information Technology as a specific "program" within their respective branches.

Legislative Action Taken

There is no legislative action required to implement this recommendation. According to the Executive Director of the Legislature, the budgeting and expenditure processes already provides a breakdown of the financial resources needed and expended specifically for information technology across the legislative branch. This information is available to, and reviewed by, the Legislative Council and the Joint Standing Committee on Appropriations and Financial Affairs during the appropriations process. The finding is considered closed in regards to the legislative branch.

Finding State as the Greater Enterprise
O-1-C

Condition
The move to an enterprise approach is currently focused on the Executive branch and does not include the Judicial or Legislative branches. Same as #O-1-A.

Status
5 - Reported

Recommendation from OPEGA Report

Legislation could be enacted to establish a specific group tasked with developing and managing an enterprise architecture and investment management strategy for all three branches of State government. The legislation would need to require cooperation among the three branches with the goal of coming to agreement on plans that incorporate the needs of all. Membership of this group would need to include the Executive branch CIO and his counterparts in the Judicial and Legislative branches. OPEGA does not recommend that this action be taken until the Executive branch transformation has matured.

Legislative Action Recommended

The Government Oversight Committee considered this recommendation at its March 2006 meeting and agreed with OPEGA that this recommendation should be reconsidered at a later date. There will be no specific action at this time. OPEGA will revisit with the GOC in May 2008 to see if it makes sense to pursue at that time.

Project: State-wide Information Technology

Finding	State as the Greater Enterprise	Condition
O-1-B		The move to an enterprise approach is currently focused on the Executive branch and does not include the Judicial or Legislative branches. Same as #O-1-A.

Status
5 - Reported

Recommendation from OPEGA Report

As OIT matures, Judicial and Legislative branches should explore opportunities to contract with OIT for services (which they may outsource) as an alternative to directly contracting with entities outside State government.

Legislative Action Recommended

According to the Executive Director of the Legislature, it has been past practice for the legislature to explore obtaining IT and telecommunications services from the former Bureau of Information Services when appropriate. Factors such as cost and complexity of requirements are taken into consideration when evaluating those alternatives. The Legislature will continue to explore any appropriate opportunities with OIT particularly in areas where OIT may have developed an expertise (for example - project management), may have contracting relationships that could lower cost, or where there are legislative systems being developed that are meant to interface with systems in the Executive branch. Upon acceptance of this action item by the Legislative Council, this finding will be considered closed for the legislative branch.

Finding	State as the Greater Enterprise	Condition
O-1-A		The move to an enterprise approach is currently focused on the Executive branch and does not include the Judicial or Legislative branches.

Status
7 - Closed

Recommendation from OPEGA Report

The State's Constitutional Officers and representatives from the Judicial and Legislative branches are currently invited to participate on the CIO Council. At a minimum, all of these individuals should be encouraged to actively participate. Although this Council serves only in an advisory capacity to the CIO and the CIO has no authority over the other branches, it is currently the only forum established for any sharing of information, strategies and plans related to IT development across the entire State.

Legislative Action Taken

According to the Executive Director of the Legislature, the Director of the Office of Legislative Information has been and will continue to be an active participant in the CIO Council.

Project: State-wide Information Technology

Finding	Legislative Oversight	Condition
O-8-B		Legislative oversight activities devoted exclusively to the State's information technology are absent. Each JS Committee performs some oversight of information systems as it relates to the agencies and/or programs within its jurisdiction. However, there is not one legislative body assigned responsibility for overseeing the planning and management of the IT enterprise. Same as #O-8-A.

Status
7 - Closed

Recommendation from OPEGA Report

The Legislature should assign responsibility for oversight of this "program" to either the JS Committee on Utilities and Energy or the JS Committee on State and Local Government. The Utilities and Energy Committee would be most familiar with the concepts, approaches and risks involved in planning and managing enterprise-wide infrastructure which is similar in nature to Telecommunications and Electricity. The State and Local Government Committee is also an option as it is already familiar with the State's processes for managing investments in other large capital asset areas.

Legislative Action Taken

During the second regular session of the 122nd Legislature, jurisdiction over Office of Information Technology and state-wide information technology issues was assigned to the Joint Standing Committee on State and Local Government.

Finding	Risk Assessment and Audit	Condition
F-5-A		An IT risk assessment, based on the industry-standard COBIT framework, was performed for OPEGA by Jefferson Wells International. The risk assessment determined that only one percent of the IT environment was highly controlled. Only eleven percent had a satisfactory (medium) level of control. The remaining 88% of the IT environment had an undesirable (low) level of control. As a result, the Jefferson Wells team identified 7 issues that pose a high level of potential risk to the State of Maine, 11 medium-risk issues and 3 issues that were considered low risk. Same as #F-5-1.

Recommendation from OPEGA Report

The Government Oversight Committee should:

- direct OPEGA to establish a schedule of independent IT reviews to be included in future OPEGA Annual Work Plans; and
- support OPEGA in obtaining funding to hire IT audit consultants that would likely be needed to accomplish these reviews.

Legislative Action Taken

The Government Oversight Committee considered this recommendation at its March 2006 meeting and decided not to take any specific action with regard to OPEGA. Instead, it was agreed with the CIO that OIT would keep OPEGA informed as to what they were doing with regard to establishing an internal audit function and would provide the results of any audit performed to OPEGA.

Status
7 - Closed