

MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. ELIZABETH H. MITCHELL
SEN. CAROL WESTON
SEN. JOHN L. MARTIN
SEN. RICHARD W. ROSEN
REP. HANNAH M. PINGREE
REP. JOSHUA A. TARDY
REP. SEAN FAIRCLOTH
REP. ROBERT H. CROSTHWAITE

MEETING SUMMARY

September 21, 2006

Approved October 26, 2006*

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:33 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Brennan, Sen. Davis, Sen. Weston
Absent: Sen. Gagnon

Representatives: Speaker Richardson, Rep. Cummings, Rep. Bowles
Absent: Rep. Duplessie, Rep. Tardy

Legislative Officers: David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
Patrick Norton, Director, Office of Policy and Legal Analysis
Suzanne Gresser, Revisor of Statutes
Paul Mayotte, Director, Legislative Information Services
Lynn Randall, State Law Librarian
Joy O'Brien, Secretary of the Senate

SUMMARY OF THE AUGUST 24, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of August 24, 2006 be accepted and placed on file.
(Motion by President Edmonds, second by Sen. Weston, motion approved unanimous (7-0)).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

1. 2006 State House Facilities Renovation Projects

The construction projects are proceeding on schedule. Building repointing work is completed. Most interior patching and painting work is completed. Staging in the House Chamber will be removed next week, after which the north parking lot will be available for regular use. The south access and parking lot project is scheduled for completion by November 1st.

2. Freedom of Access Website (update)

The website changes to post statutory exceptions to “public records” under the State’s Freedom of Access law, as authorized by the Legislative Council, have been made. Members of the public may access the Internet website from the Legislature’s homepage or directly by <http://www.maine.gov/foaa/law/exceptions.htm>.

3. Klir Beck Diorama Lighting (update)

The Maine State Museum has been working with Tuckerbrook Conservation, LLC (Conservator) to develop an acceptable plan to increase lighting in each of the dioramas, as requested by the State House Facilities Committee. The plan is to install LED test lighting as a Phase 1 for each of the 4 dioramas and upon successful testing, order and install the lighting and related equipment. Projection completion should be before December 1, 2006.

4. YMCA of Maine, Youth in Government Program

The YMCA is seeking confirmation of the acceptable date for the 2007 Youth in Government program. Requested dates are in late April or early May. After discussion by key legislative offices, a decision will be made before the end of September. About 200 students and advisors participate in the program each year.

5. Union Street Reconstruction (update)

Work on Union Street (adjacent to Capitol Park) has begun. Water and sewer line work has been completed. Placement of electrical utilities will be placed underground and some road repavement will be completed this fall. Completion is scheduled for spring 2007.

6. Opening of New Kennebec Valley YMCA Facility

The KVYMCA opened its new facility on September 12th. The facility is located off Union Street, adjacent to Capitol Park. The facility has 2 swimming pools, a gym and an .extensive fitness center. Membership is open to Legislators on a daily, annual or partial year membership basis.

7. Pandemic Flu Preparedness Summit

HR Director Debby Olken attended a major state government summit this week on preparing for a pandemic flu outbreak. Over 1,000 people attended to better understand what measures should be taken to prepare for an epidemic. Participants will be reviewing development of a plan and checklist to address business continuity and provide essential services as they relate to government operations.

8. Pre-legislative Conference Program

Preparations for the 123rd Legislature's Pre-legislative Conference program sponsored by the outgoing Legislative Council are underway. This program will coordinate with MDF's proposed legislative policy sessions. A small subcommittee (2-3 members) working with other legislative officers of the Legislative Council would be useful to establish the program for the 4 day conference that begins on December 4, 2006.

Speaker Richardson suggested that President Edmonds, Sen. Weston, Rep. Cummings, and Rep. Tardy would be good candidates to serve as subcommittee members. Sen. Weston stated that she was unable to be on the subcommittee.

(Motion by Speaker Richardson to establish a Pre-legislative Conference subcommittee, whose membership is President Edmonds, Rep. Cummings and Rep. Tardy for pre-legislative conference planning, second by Sen. Weston, motion approved unanimous (7-0).)

• Fiscal Report

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

1. Revenue Update

General Fund revenue was slightly under budget in August, but remained approximately \$8.8 million (+2.9% variance) over budget for the Fiscal Year-to-date (FYTD). The individual income tax and corporate income tax continue to be the major contributors to the positive FYTD variance. The "other revenue" line is another major contributor to excess revenue, but some may be overstated due to a significant amount of "undistributed" revenues at the Department of Inland Fisheries and Wildlife.

Highway Fund revenue was under budget in August by \$5.6 million, offsetting July's positive variance and resulting in a negative variance of the FYTD of \$3.7 million (-9.6%). The fuel taxes line more than reversed the temporary positive variance in July. Most other Highway Fund revenue lines were also running under budget.

2. Cash Pool and Cash Balance Trends

The average balance of the cash pool was \$668.8 million in August. This is above the average August balances of \$654.7 million for the last 5 years and approximately equal to last year's average balance in August. Last August, the average balance included \$123.6 million of Tax Anticipation Note (TAN) borrowing, which is not in the total this August.

The General Fund needed to borrow \$30 million internally from other special revenue funds at the end of August, but the expectation is that no TAN borrowing will be required in this fiscal year.

The Highway Fund average cash balance continued its downward trend in August and was nearly \$50 million below the average balance of a year ago. There have been no further updates on how the administration plans to manage the demand for Highway Fund cash over the next several months of construction season.

3. Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission will meet on October 3rd at 9:30AM in Room 228 of the State House.

The Revenue Forecasting Committee will meet on October 24th at 9:30AM in Room 228 of the State House to review the revenue sources not driven by the economic models and will meet again on November 28th (also at 9:30AM in Room 228) to conclude the forecast with a review of the major tax lines driven by the economic forecast.

- **Office of Information Services' Report**

Legislative Information Services Director Paul Mayotte reported the following:

Mr. Mayotte reported that the MELD bill drafting system warranty list is closed. HP will complete its work by September 30th and deliver the final MELD source code at that time.

He stated that in preparation for the 123rd Legislature LIS is making necessary preparations so that bill drafting can begin by mid-October. The final WANG database for the 122nd has been run, updated, reviewed and accepted by ROS. He explained that that database serves as the entry point into the MELD database update. He said that ROS has begun logging bill requests into the MELD system.

Mr. Mayotte then discussed the bill drafting contingency plan. He reminded Legislative Council members that MELD was used in the 2nd Session to produce nearly 50% of the bills introduced and to produce 175 amendments and 166 engrossers related to those bills. He stated that MELD is a complex integrated software application and for that reason it is appropriate to have a contingency plan as requested by Council members. He said that Ms. Matheson and LIS staff are in the process of preparing the WANG system as a backup to MELD to ensure that the Legislature will be able to function should there be serious issues with MELD. He stated that the WANG system would be maintained although not activated so that should the need arise there is a means to produce bills and other legislative instruments to support the Legislature.

Mr. Mayotte then gave an update on data backup processing. He stated that all backups are current and LIS is maintaining backups to established procedures. The goal is to have one backup system in the State House and another off-site that the Central Maine Commerce Center (CMCC) where the State Police are located. LIS will activate the systems, test them and then move one system to the remote site. Mr. Mayotte said that the one remaining issue concerned establishing proper high-speed data communications between the State House and CMCC is being addressed now.

Rep. Cummings requested clarification regarding the WANG system being maintained as part of the contingency plan. Mr. Mayotte stated that the contingency plan is to have the WANG system prepared and ready to be activated if necessary.

- **Study Commissions Report**

Mr. Norton, Director of Policy and Legal Analysis reported the following:

Mr. Norton explained that approximately 95% of study appointments had been made and he drew Legislative Council members' attention to a summary of the remaining interim Legislative study appointments. He stated that there were legislative appointments to be made but the enabling law provided for a 30 day appointment period. He also said that most of the studies have met one or more times.

Speaker Richardson said that he wanted to make certain that the study committees conclude the studies in a timely manner so staff will have time to write the report and prepare for the next legislative session. He stated that he felt the study committees were helpful and important but that the priority for staff is the standing committees. He stated that he was reluctant to allow time extensions because extensions would result in study commissions working too close to the beginning of the session.

PERSONNEL COMMITTEE

No report.

STATE HOUSE FACILITIES COMMITTEE

No report.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Commission to Study the Cost of Providing Certain Services in the Unorganized Territories – Request for approval to hold two additional meetings

Speaker Richardson asked Mr. Norton to explain the request. Mr. Norton responded that the request is for approval to hold two additional meetings. Mr. Pennoyer, whose office staffs the study commission, explained that while there would be no difficulty staffing the two additional meetings there is concern that the meeting costs would deplete remaining funds so there would not be enough funding to pay for printing the required report.

Speaker Richardson asked if there would be available funding for one meeting and printing the report. Ms. Breton, Legislative Finance Director, responded that the commission has approximately \$1,110 remaining and the average cost of report printing is \$500. The average cost of a meeting is \$500.

Motion by President Edmonds to authorize the study commission to hold one (1) meeting with the remainder of the amount of allotted funds to be used for printing the report, second by Sen. Brennan. Motion approved, unanimous (7-0).

Item #2: Commission to Arrange for a Monument Honoring Women Veterans of Maine - Work Plan and Budget Submission pursuant to Resolves 2006, Chapter 215

Mr. Norton explained that the commission was presenting its work plan and budget as required by Resolves 2006, Chapter 215. He stated that the commission stated it could complete their work on time and within budget.

Motion by Rep. Cummings to accept the work plan, second by President Edmonds. Motion approved, unanimous (7-0).

Item #3: Task Force to Study Maine's Homeland Security Needs – Request for extension to submit final report from November 1 to December 22, 2006

Mr. Norton explained that the task force requests for an extension of time to submit its final report.

President Edmonds asked about the effect on staff if the extension was approved. Mr. Norton responded that he would be more comfortable if all meetings were completed earlier in December so that reports could be completed prior to December 22nd.

Motion by Rep. Cummings to authorize a time extension to December 1st for the task force to submit its final report, second by Sen. Weston. Motion approved, unanimous (7-0).

Item #4: Joint Select Committee on Research, Economic Development & the Innovation Economy – Request for 2 additional meetings, additional funding and extension of final report date

Mr. Norton explained that the committee was authorized for four meetings this year with a current reporting deadline of December 6th. He explained that the request was to extend that deadline to December 15th and permission to hold two additional meetings. The cost for increasing the number of authorized meetings from 4 to 6 would be \$2,730.

Speaker Richardson asked if there was additional funding available for this request. Ms. Breton responded that the money that was appropriated and available in FY 07 for legislative studies was fully obligated. She noted that at the end of FY 06 there were studies that had not spent all of their allotted money. Those funds are available to fund this request.

Rep. Cummings said that he had reservations about authorizing the request without knowing there was additional money. He also stated he was unclear why the request was made since only one meeting had been held.

Sen. Edmonds requested that Ms. Breton prepare information that assures that adequate funding is available to support this request and to make the information available for Council members at the October meeting.

Motion by Rep. Cummings to deny the committee's requests and that Ms. Breton provide Legislative Council members with fiscal information regarding available funds for current legislative studies at the October Legislative Council meeting, second by President Edmonds. Motion approved, unanimous (7-0).

Item #5: Request for review of partial payment of dues to National Conference of Commissioners on Uniform State Laws

Mr. Boulter explained that Chief Justice Leigh Saufley asked that the Legislative Council review the request for full payment of Maine's share of dues to the National Conference of Commissioners of Uniform State Laws. He stated that for the past several years because of funding constraints there has been \$12,000 each year appropriated by the Legislature with the directive that members expenses for attending the NCCUSL annual meeting be paid first, and then apply the remaining balance if any to the dues. Mr. Boulter directed Legislative Council members' attention to a spreadsheet prepared by the Executive Director's Office that outlined the summary of payments made by the Legislature.

Sen. Weston asked if sending representatives to the meetings while not paying dues changed Maine's relationship with the organization. Mr. Boulter responded that NCCUSL wanted member states to participate whether or not they were able to pay dues. Sen. Weston asked what the dues covered in addition to the conference. Mr. Boulter responded that the dues covered the operating costs of the association itself.

Speaker Richardson stated that he thought sending Maine appointees to have an input in uniform state law formulation is a good thing and funding should be included in the budget.

Motion by President Edmonds to include the current \$12,000 level of funding for NCCUSL in the tentative budget, second by Sen. Brennan. Motion approved, unanimous (7-0).

Item #6: Tentative Legislative Budget 2008-2009 Submission

Speaker Richardson explained that by statute the Legislature is required to submit a tentative budget so that the Department of Administrative and Financial Services can include it with the Governor's proposed biennial budget. He noted that the tentative budget was up only by 7.2% which he felt was a good start. Ms. Breton said that she felt very comfortable that all had done a good job at keeping the budget costs down. The Speaker thanked Mr. Boulter, Ms. Breton, the office directors, Ms. MacFarland and Ms. O'Brien for holding down the costs.

Ms. Breton said that she felt very comfortable that all had done a good job at keeping the budget costs down. She stated that the area with the greatest increase was Personal Services due to the cost of living adjustments awarded to employees and legislators, as well as increases in insurance and retirement costs, and noted these areas are externally driven and beyond the Legislature's direct control. Mr. Boulter pointed out that All Other, which is where the Legislature has the most control over spending, was held to a 1.7% increase.

Rep. Bowles asked Ms. Breton what the spending cap was. Ms. Breton said that based on instructions provided by the Budget Office, Personal Services would be fully funded based on current salaries and the projected increases in benefits. All Other was held to the FY 07 funding level. Rep. Bowles clarified that he was requesting what is the Legislature's cap as a percent age. Speaker Richardson asked if that calculation could be made before we have all the information

needed and asked Mr. Pennoyer for his input. Mr. Pennoyer responded that the percentages currently estimated were 3.27% and 3.1% per year.

Rep. Bowles said that he thought the Legislature had made a decision to live within the Executive Department's guidelines regarding spending limitations. He said that if the Executive Department had a limitation of 6.3% he was concerned that the Legislature was in excess of that by as much as 10%. He said he was fine with submitting the tentative budget but he felt it incumbent upon the new Legislative Council to reduce the budget to within the limits. Speaker Richardson pointed out that when the previous budget was submitted, the Legislature was significantly above the spending cap number but worked through a subcommittee to set priorities, trim costs and stay within the cap.

No action by the Legislative Council was required prior to submitting the tentative budget.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:37 p.m. Motion by President Edmonds to adjourn. (Motion was approved unanimous (7-0)).