

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
October 26, 2006
APPROVED NOVEMBER 16, 2006*

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:38 p.m. in the Legislative Council Chamber.

ROLL CALL

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

Representatives: Speaker Richardson, Rep. Cummings, Rep. Duplessie, Rep. Bowles
Absent: 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
Margaret Matheson, Revisor of Statutes
Paul Mayotte, Director, Legislative Information Services
Lynn Randall, State Law Librarian
Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House

Speaker Richardson convened the meeting at 1:38 p.m. He then recognized Jonathan Williams, an employee of the State Law and Legislative Reference Library, and presented a Sentiment to him for his service in Iraq with the 619 Transportation Company. The Speaker extended the appreciation of members of the Legislature and the people of the State of Maine for Mr. Williams' service to his country.

SUMMARY OF THE SEPTEMBER 21, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of September 21, 2006 be accepted and placed on file.
(Motion by President Edmonds, second by Sen. Davis, 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. **State House Renovation Projects 2006**

Virtually all interior work has been completed for this year, with the exception of some remaining painting on the 1st floor. In addition, all committee rooms in the Cross Building have received repair and paint touchups. Committee rooms are in very good condition for the incoming legislature.

The south access and parking lot project is nearing completion. The parking lot is scheduled to re-open on or about November 8th. Some signage and emergency callbox installation will remain to be done, but, should be completed before December 1st.

2. **MDF Orientation Sessions**

MDF President Laurie Lachance reports that the policy forums and bus tour planning is well underway. Initial response for presenters and fund raising has been very good. MDF's advisory group, that includes Legislative representation, will meet again on November 1st to review program agendas and suggested bus routes and site visits.

3. **HP Contract for MELD System**

On October 25th, the Legislative Council officially concluded its contract with HP for the MELD system. Final payment was delivered to HP and the Legislature received the final software update and source code. This concludes the development of the bill drafting system. The Revisor will place the system into full production for the 123rd Legislature today.

President Edmonds asked if the computer needs of the fiscal office tracking had been met. Mr. Pennoyer responded that OFPR's needs had been met and he would provide further comment when he gave his fiscal report.

4. **Legislative Orientation Planning Schedule**

An orientation planning schedule has been developed for handy reference session planning purposes. A copy was distributed to Legislative Council members and others.

Speaker Richardson stated that at the next Legislative Council meeting he would like to have a photo of the 122nd Legislative Council members.

Office of Fiscal and Program Review Report

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

In further response to President Edmonds' earlier question, Mr. Pennoyer reported that the fiscal note and budget bill production is going very well. OFPR staff has been

reviewing a prototype which is now in the final stage of development. He stated that the critical piece remaining is to make sure that the document produced is compatible with MELD.

President Edmonds asked if OFPR's production would be in place by January. Mr. Pennoyer responded that OFPR will be capable of using the system in early December.

Mr. Pennoyer reported that there was an error in the preliminary report concerning General Fund of \$2.44 million. He stated that General Fund revenue was over budget by \$12.5 million in September, increasing the positive variance for the fiscal year-to-date (FYTD) to \$21.3 a (3.7%) positive variance as a result of 2 large estate tax payments in September. Individual income tax's negative variance was a result of a timing issue in BETR and the Circuitbreaker payments. The payments were \$10.8 million higher than anticipated through the 1st Quarter. Corporate income tax continued its strong performance.

Highway Fund revenue was under budget in September. This monthly negative variance of \$0.6 million increased the FYTD negative variance to \$4.3 million (-6.2%). Fuel taxes were the major negative variance. Some portion of the \$1.3 million negative FYTD variance in motor vehicle registration and fees might be a timing issue, which would reduce this negative variance in future months.

The Consensus Economic Forecasting Commission met on October 3rd. The preliminary forecast has changes to the major economic variables from the previous forecast that were relatively modest. This economic forecast alone is not expected to produce significant revisions to revenue.

The Revenue Forecasting Committee met 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.

The Average Cash Pool balance was \$632.6 million in September, which is above average September balances of the last 5 years and \$21.9 million higher than last September's average balance, which included \$123.6 million of Tax Anticipation Note (TAN) borrowing. The General Fund needed to borrow \$30 million internally from Other Special Revenue Funds throughout the month of September. While that borrowing increased to \$70 million in mid-October, the expectation still is that no TAN borrowing will be required in this fiscal year. Trend line factoring out TAN borrowing continues to show improvement.

Highway Fund average cash balances continued their downward trend in September. September's average balance of \$16.6 million was below the average September balances of the last five years of \$58.3 million. The last portion of the \$15 million General Fund transfer to Highway Fund was paid early to improve Highway Fund cash balances.

OFPR's annual update of major state funding disbursed to municipalities and counties shows an increase of state funding for local units of government in FY 06 after several years of very slow growth. The growth is primarily due to the "ramp-up" to 55% for school subsidies.

Office of Information Services' Report

Legislative Information Services Director Paul Mayotte reported the following:

Mr. Mayotte reported that HP had completed its work on September 30th.

He stated that in preparation for the 123rd Legislature LIS had been meeting with ROS on an ongoing basis. He stated that as of October the production data base had been updated and the cross reference data base was being loaded and the MELD production will be ready. He said that the contingency plan is in place. LIS is focusing with the production offices to make sure that they are able to track and report bill production. He stated that there are no open issues concerning drafting bills in MELD. He said that LIS also has plans where LIS technical staff is working closely with MELD technical staff so that if issues come up they can be taken care of.

Mr. Mayotte then gave an update on data backup processing. He stated that all backups are current and LIS is maintaining backups.

Mr. Mayotte reported that LIS did proceed with purchasing standardized backup software and that software is now working and LIS is ready to move to the next stage of that effort.

- **Study Commissions Report**

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

Mr. Norton pointed out a memo concerning the studies and study process. He noted that during the past session, various members of the Council had voiced questions concerning the standards for drafting studies, including why studies came in various instruments and the impact of study extensions on legislative resources. Mr. Norton stated that he had reviewed the history of the legislative study process and it appeared that many of the same questions asked had been by previous Council members. He stated that issues concerning the study process had been addressed in 1997-98 when a special committee to review the study commission was convened. He said that although the recommendations in the 1998 report had improved the study process in many ways, some of the issues had re-emerged. Mr. Norton said that he did not see an immediate need for the Council to take action on the study process but was willing to proceed however the Council suggested.

President Edmonds suggested that the issue be placed on the December meeting for the new Council members to address. She stated that she felt conversations with the new Chairs of committees should be included in the decision of what study guidelines should be.

Speaker Richardson requested that Mr. Boulter place the matter of reviewing the study commission process on the December Legislative Council meeting agenda along with Mr. Norton's recommendation that a sub-committee of the Legislative Council be convened to review and update the special study committee report of 1998 and make

necessary recommendations for changes to the study process prior to the adoption of the Council study guidelines for the 123rd Legislature. The other members agreed.

Mr. Norton then reported that all appointments, with the exception of members to the Youth Advisory Committee, had been made and those appointments would probably not be made until the next Legislature convenes because of changes in the statutes. He stated that most all studies had met and would finish within their deadline.

Update on FY 06 Unspent Study Funds (Legislative Finance Director, Rose Breton)

Ms. Breton provided an update on the studies that had funds remaining upon completion. She pointed out that there was approximately \$8,000 available in unspent FY 06 study funds.

PERSONNEL COMMITTEE

No report.

STATE HOUSE FACILITIES COMMITTEE

No report.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Joint Select Committee on Research, Economic Development and the Innovation Economy – Request for 1 additional meeting and extension of final report date to December 15, 2006

President Edmonds stated that she was in favor of one additional meeting but had concerns with extending the final report date to December 15th as the report would not be made to current Legislative Council members. [Joint Select Committee's authority lapses upon the convening of the 123rd Legislature.]

Speaker Richardson asked Ms. Breton for the amount of funding needed to hold an additional meeting. Ms. Breton responded that the additional meeting would cost \$1, 365.

Speaker Richardson then asked Mr. Norton if there were analyst resources available if an additional meeting were to be held. Mr. Norton responded in the affirmative.

Motion by President Edmonds to authorize the study commission to hold one (1) meeting but deny the request to extend the final report date to December 15, 2006, second by Rep. Cummings. Motion approved, unanimous (7-0).

Item #2: Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers – Request for extension of final report date to December 6, 2006

Motion by President Edmonds to authorize a time extension to December 6th, second by Rep. Bowles. Motion approved, unanimous (7-0).

Item #3: Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway – Work plan and budget submission pursuant to Public Law 2005, chapter 598, section 5

Mr. Norton explained that the submission was a work plan that the Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway was required to submit. The schedule and budget are in accordance with law.

Motion by President Edmonds to approve the commission's work plan, second by Rep. Bowles. Motion approved, unanimous (7-0).

Item #4: Request by Senator Schneider to honor the anniversary of the founding of the U.S. Marine Corps by flying the Marine Corps Flag on Friday, November 10th from sunrise to sunset

Sen. Gagnon explained that requests such as this had, in the past, been referred to the State House Facilities Committee but he was unsure if the State House Facilities Committee would be able to meet before November 10th. He stated that with no disrespect to the Marine Corps, the State House Facilities Committee had not approved this type of special event. Therefore, he was not in support of the request because of the broader implications of future requests by various entities.

Speaker Richardson stated that the Legislative Council had adopted a policy not to fly special event flags unless approved by the State House Facilities Committee. He then asked if there was an alternative place to honor the Marine Corps. Mr. Boulter responded in the affirmative. The Speaker suggested that Mr. Boulter and Senator Schneider work together to arrange for an alternative.

Rep. Bowles stated that as a former Marine he was sensitive to Sen. Schneider's request but agreed with Sen. Gagnon. He suggested that perhaps the Marine Corps flag could be flown at the Veterans' Memorial in Capitol Park.

Motion by Sen. Gagnon to have Executive Director Boulter work with Sen. Schneider to locate an alternative site to fly the Marine Corps flag on November 10th which is the anniversary date of the establishment of the Marine Corps and further convey to the requesting constituent to inform him that the Council would be open to a timely request to the State House Facilities in the future, second by Sen. Brennan. Motion approved, unanimous (7-0).

Item #5: Proposal for Legislator orientation program on collaborative approaches to achieving consensus on policy issues (Rep. Koffman and Rep. Rector)

Rep. Koffman stated that he and Rep. Rector had attended a meeting sponsored by the Policy Consensus Initiative, an organization that works with Legislators and helps them develop skills in collaborative decision-making and consensus development. He explained that there were 2 aspects to the curriculum. The first concerned the role of Legislators and interacting with one another and members of the other parties more effectively, reducing conflict where possible, and the second aspect concerned the Legislators' role as conveners in the community for discussions about community issues that emerge. Rep. Koffman suggested reserving a half hour during legislative orientation so that this curriculum could be introduced and then on a later day perhaps 3 hours could be set aside for an informational forum. He said the Policy Consensus Initiative is willing to make available a presenter at its expense.

President Edmonds said she thought the suggestion by Rep. Koffman and Rep. Rector was a good one and should be referred to the subcommittee dealing with the orientation programs so that it could consider the proposal and find an appropriate time. Rep. Cummings said that he also felt that it was an excellent way to set the tone for the next session and agreed that the time should be found.

Motion by Rep. Cummings to refer request to the Pre-legislative Conference Subcommittee for its consideration, second by Sen. Brennan. Motion approved, unanimous (7-0).

Item #6: Request by Maine Indian Tribal-State Commission to hold an informational seminar in January 2007 on Maine Indian tribes and the role of Commission

President Edmonds asked if the Pre-legislative Conference Subcommittee had already addressed this issue. Mr. Boulter explained that the matter had not been raised with the subcommittee. The Maine Indian Tribal-State Commission (MITSC) has made a separate but related request to the Executive Director and MDF to have lands of 1 or more tribes included in the Legislative bus tours in January. MDF President Laurie Lachance was working to include the Maliseet and either Passamaquoddy or Penobscot reservation lands. Mr. Boulter further explained that MITSC's request was two-fold. The first request was to be included in the regional bus tours, and the second was to hold an information seminar to all legislators in the State House.

President Edmonds said she was generally in favor of the request.

Rep. Bowles suggested that the request to hold an informational seminar be referred to the Pre-legislative Conference Subcommittee.

Sen. Brennan stated that the Chief Justice of the Supreme Court, the President of the Maine Community College System and the Chancellor of the University of Maine System address the Legislature each legislative session and asked who decides whom to invite to address a Joint Session. Speaker Richardson responded that the presiding officers make that decision since it is a Joint Convention. Sen. Brennan suggested that perhaps the tribes could be invited to address a joint convention of the Legislature. Deciding who would speak would have to be worked out. The Speaker suggested that the tribes might be able to take turns addressing the Legislature in any particular year.

Motion by President Edmonds to submit the MITSC request to Pre-Legislative Conference Subcommittee of the Legislative Council for its consideration, second by Sen. Brennan. Motion approved, unanimous (7-0).

Item #7: YMCA Youth in Government Program (Lonney A. Steeves, Director YMCA Camp of Maine) Discussion of future program dates

Mr. Steeves stated that the YMCA's Youth in Government Program has a long tradition in the State of Maine. He said the program began in 1941. He said adjustments have been made to reflect changes in the legislature and the physical facility of the State House. He stated that the opportunity to hold the program in the State House itself was probably the most important part of the program. He said that the civic education that is provided to young people around the state would not be as effective or enticing if it were held in a different location. Mr. Steeves explained that the group's motto is that "Democracy must be learned by each generation" and that one of the things that the Youth in Government program nationally is working hard on is civic education. He explained that the program is held throughout the country and is the largest teen program operated by the YMCA. He said that 21,000 teenagers participate in the program around the country.

President Edmonds said that she appreciated the program and noted that civic education should be offered to the entire state. She said that she had preferred that the program be held in the fall but after reading Mr. Steeve's memo she was recommending that the event take place in each Spring, with the date being set after Presiding Officers have a chance to review the Legislature's schedule.

Motion by President Edmonds to authorize the State YMCA Camp to hold its Youth in Government program each Spring in the State House, on a schedule to be decided jointly by the Presiding Officers after considering the legislative schedule, second by Rep. Duplessie. Motion approved, unanimous (7-0).

Item #8: Proposed Fee Schedule for Legislative Documents (Clerk of the House Millicent MacFarland)

Clerk of the House Millicent MacFarland explained her proposed fee schedule for Legislative Documents for the 123rd Session of the Legislature. Ms. MacFarland said that she was proposing a 5% increase in document fees to cover increases in postage during the previous year and upcoming increases in the cost of printing.

Motion by Rep. Duplessie to approve the proposed fee schedule for Legislative Documents for the 123rd Legislature, second by Sen. Brennan. Motion approved, unanimous (7-0).

Item #9: Request for approval to enter into a contract with Voyager Systems Inc. for conversion of bill-related Wang software

Mr. Mayotte explained that the next step in the migration from the Wang computer environment to a current platform is to convert the data and software programming. He explained

that this software provides data for the reports on the status of bills during the legislative session. He reiterated that this software is used by the production offices. He said that LIS was proposing to use a firm that has technology to take the existing software, and with automated tools, convert it to a state of the art platform, such as SQL and the tools used by LIS, allowing the system to integrate with the bill drafting system. He stated that it would provide the ability to turn reports out in a timely manner and also include the combination of two databases into one to simplify the process. He explained that this would also include the conversion of decade's worth of Wang bill status data so it will be available to users using current tools. Mr. Mayotte explained that the approach LIS was proposing is faster, uses automated tools and technology and allows LIS to make enhancements as part of the process and to have the system in place for the 2nd Session of the 123rd Legislature.

President Edmonds requested Mr. Mayotte work with the Clerk of the House and the Secretary of the Senate to determine what they need for their analysis.

Rep. Bowles asked who would review the software contract before it is signed so that the Legislature and the State is protected. Mr. Mayotte stated that all the major contracts are reviewed by the Attorney General's Office.

Motion by President Edmonds to authorize the Executive Director to negotiate and enter into a contract with Voyager Systems, Inc. for the purposes of converting legislative data and software from the WANG system to currently used computer technologies, and further for the Director of LIS to work with the Secretary of Senate and the Clerk of the House on making available necessary, nonconfidential information for session use, second by Rep. Duplessie. Motion approved, unanimous (7-0).

Item #10: Commission to Study the Cost of Providing Certain Services in the Unorganized Territories Request to Hold 1 additional meeting of study commission

Mr. Norton explained that the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories has requested one additional meeting. Ms. Breton explained that based upon what it would cost to print a final report there would be approximately \$400 in its current budget available. The average cost of one meeting is between \$500 and \$600 so that the commission would need approximately \$100 to \$200 more to cover the costs of the one additional meeting.

Rep. Bowles asked if the Legislative Council had already authorized an additional meeting. Ms. Breton responded in the affirmative and explained that that meeting was held on October 17th.

Speaker Richardson asked why the additional meeting was needed. Rep. Duplessie responded that the commission had originally requested two additional meetings. He explained that when the Study Commission was created it was to hold four meetings; the commission has already held seven or eight meetings within the original budget but members need one additional meeting to finalize the report.

Motion by Sen. Gagnon to authorize the commission to meet one additional time, second by President Edmonds. Motion approved, unanimous (7-0).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:20 p.m. Motion by Rep. Cummings to adjourn, second by Rep. Duplessie. Motion was approved unanimous (7-0).