

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
December 20, 2007
APPROVED JANUARY 24, 2008

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:21 P.M. in the Legislative Council Chamber.

ROLL CALL

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. Carol Weston, Sen. Richard Rosen [Senator Martin absent]

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean Faircloth (late arrival), Rep. Robert Crosthwaite, Rep. Joshua Tardy

Legislative Officers: David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Margaret Matheson, Revisor of Statutes
Paul Mayotte, Director, Legislative Information Services

Legislative Council Chair, President Edmonds convened the meeting at 1:21 P.M. with a quorum of members present.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director of the Legislative Council, reported on the following.

1. Citizen Trade Policy Commission staffing

Ms. Judy Gopaul has been appointed as the new part-time staff person for the Citizen Trade Policy Council. Ms. Gopaul began work on December 14, 2007.

2. Legislative Breakfast Forums

Planning for legislative seminars on topics of legislative interest is continuing. The seminars are generally planned for several mornings in January. The seminar sponsors (University Coalition and MDF) are scheduled to meet with the Legislative Council's planning subcommittee at 3:00 PM on December 20, 2007 to discuss topics for presentation and other matters.

3. Retirement Planning Information Session

A session to discuss retirement planning, including issues relating to the retirement system, Social Security, health insurance for retirees and use of the deferred compensation program, has been scheduled for legislative employees for Friday, January 11, 2008. For more information, contact Debby Olken, Human Resource Director in the Executive Director's office.

4. Appointment of New Employees

Ms. Maureen Dawson was appointed to the position of Principal Analyst in the Office of Fiscal and Program Review, effective on October 17, 2007.

Ms. Susanne Roy was appointed to the position of Analyst in the Office of Fiscal and Program Review, effective on December 17, 2007.

President Edmonds then proceeded to the acceptance of the November 15th Meeting Summary.

SUMMARY OF NOVEMBER 15, 2007 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of November 15, 2007 be accepted and placed on file. Motion by Senator Mitchell. Second by Representative Pingree. **Motion passed unanimous (8-0). [Senator Martin, Representative Faircloth absent for vote.]**

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$224.7	\$216.6	(\$8.1)	-3.6%	\$207.3	4.5%
FYTD	\$1,064.0	\$1,052.6	(\$11.3)	-1.1%	\$1,033.3	1.9%

- General Fund revenue for November was under budget by \$8.1 million, increasing the negative variance for the fiscal year-to-date (FYTD) to \$11.3 million or -0.4%. This variance is based on the forecast prior to the December revisions. The distribution of the December revenue revisions will be reflected in the December revenue report.
- The growth of general fund revenue over FY 2007 improved over the last month but remains modest at 1.9% comparing the first 5 months of each fiscal year.
- There is nothing in the November revenue variances that is inconsistent with the December revisions, although the sales tax line was under budget by less than expected.

Total Highway Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
November	\$28.6	\$28.5	(\$0.1)	-0.3%	\$27.6	3.1%
FYTD	\$126.1	\$120.7	(\$5.4)	-4.3%	\$121.0	-0.2%

- Highway fund revenue was under budget in November by \$0.1 million, increasing the negative variance of the FYTD to \$5.4 million or 4.3%. Again, this variance is based on the forecast prior to the December revenue revisions. Highway Fund revenue showed negative growth of 0.2% for the FYTD over the same period in FY 2007.
- As with the general fund, there is no new data with this November revenue report that is inconsistent with the revised forecast.

Revenue Forecast

- The Revenue Forecasting Committee released its report which is posted at: <http://www.maine.gov/legis/ofpr/rfcmain.htm>.

Cash Balances

- The total cash pool in November was \$613.4 million, which was above the average balances of the last 6 years for November of \$562.9 million.
- The rates of return on the cash pool have dropped over the last 3 months. Some of this can be attributed to the freezing of the \$20 million Mainsail II investment. September's annualized rate of return dropped approximately 25 basis points from August (5.30% to 5.05%). The Federal Reserve Bank's interest rate declines will also bring down rates of return on cash pool investments. In November, the cash pool earned a rate of return of 4.76%.

Information Technology Report

Paul Mayotte, Director, Office of Legislative Information Services, reported the following.

Bill Drafting System:

- The Revisor's Office has completed the update of the statutes database to reflect the bills enacted during the 1st Regular Session of the 123rd Legislature.
- The updated Maine Revised Statutes will be available on the Legislative website prior to December 20th.
- The Revisor's Office is proceeding with bill drafting for the 2nd Regular Session of the 123rd Legislature with over 200 bills out for signature.

Production Tracking System:

- A combined testing / staff training session took place for the production offices on December 12th and 13th.
- The production offices and the Information Services office are working to complete testing before the start of session.
- No major problems with the application have been identified to date.
- Reports from the new application for the Secretary and Clerk will be developed on the completion of testing.

Chamber Automation Request for Proposals (RFP):

- Mr. Mayotte said he would present a separate report regarding the Subcommittee for Technology.

Status of Legislative Studies

Pat Norton, Director, Office of Policy and Legal Analysis, reported the following:

Mr. Norton reported that all interim studies except three (Joint Select Committee on Prosperity; Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss; and Committee to Study Appropriate Funding of the State Police) have completed their work. Reports from those studies are either in final staff production or have already been printed.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings reported that the Personnel Committee met earlier on December 20th and considered two items.

1. It approved temporary disability income benefits to a member of the House Majority office staff, consistent with the personnel policies; and
2. It approved a step increase for Secretary of State Matthew Dunlap, State Treasurer David Lemoine, and State Auditor Neria Douglass, consistent with Title 3, section 162-B. Attorney General G. Steven Rowe declined the step increase.

No further action by the council was required.

3. State House Facilities Committee

(No Report)

4. Budget Subcommittee

(No Report)

The Budget Subcommittee did not meet since the last Legislative Council Meeting. Senator Rosen, a member of the Budget Subcommittee, expressed his deep concern that the Executive Order (09 FY 08/09) issued by the Governor on December 18, 2007 curtailed allotments of funds in legislative accounts unilaterally. While he felt that the legislature should and would do its part and contribute funds to help offset the General Fund budget shortfall for FY 2008-2009, he felt that the Executive Order ran afoul of the separation of powers doctrine; the Chief Executive may curtail allotments of budgets for executive branch agencies but is not empowered to do so to legislative budgets. Administration of legislative accounts approved by the Legislature is the sole purview of the Legislative Council. Finally, Senator Rosen felt that the independence of the legislative branch should be vigorously maintained, and that any budget savings or curtailments be made only through the Legislature, acting through its Legislative Council. Representative Pingree agreed that the Governor does not have jurisdiction over legislative accounts. Other members of the Legislative Council agreed as well. Senator Rosen then made the following motion.

Motion: That the Budget Subcommittee review the curtailment of legislative funds set forth in the Governor's Executive Order and develop recommendations to the Legislative Council as to what curtailments or other budget savings are appropriate for legislative accounts for the current fiscal year. Motion by Senator Rosen. Second by Senator Mitchell. **Motion passed unanimous (8-0). [Senator Martin, Representative Faircloth absent for vote.]**

5. Subcommittee to Administer Technology

(No Report)

Mr. Mayotte apologized for surprising the council with his report and recommendations on selecting a vendor for the project since it was not on the council agenda and has not yet been presented to the subcommittee. Legislative Council Chair President Edmonds indicated that this matter should properly be presented to the subcommittee, but allowed Mr. Mayotte to proceed to present his report.

Mr. Mayotte gave a brief summary of the results of the request for proposals for the chambers project, and provided a handout. Five proposals were received in response to the RFP and the subcommittee selected two proposals for further evaluation and customer reference checks: Inkriti and International Roll-Call (IRC). The subcommittee requested a brief proposal for a pilot program (including software and hardware) from the two finalist companies which were received. Mr. Mayotte suggested a pilot program for this session would not be feasible at this time, given the need to negotiate a contract with the selected vendor.

Representative Tardy inquired as to the cost of the hardware that would be needed to implement a pilot program. Mr. Mayotte responded that the hardware cost would be approximately \$27,000 which included the cost of 12 laptop computers and a server.

A council member asked that if the Legislative Council approved the pilot program, whether that action would commit the Legislative Council to the full proposal. The answer was not necessarily. However, Mr. Mayotte noted the IRC price for the pilot is \$8,000; that presumes a credit back of \$32,000 if the full proposal was accepted. If not, the cost for the pilot would be \$40,000.

Speaker Cummings asked whether the Legislative Council is obligated to proceed with the full proposal following a modified pilot project. Mr. Mayotte confirmed the Legislative Council is not obligated to do so.

The Legislative Council then referred the matter to the Subcommittee to Administer Technology which will meet in early January.

OLD BUSINESS

ITEM #1: Legislative Council Actions Taken by Ballot

A copy of the list of actions taken by ballot by the Legislative Council since its November 15, 2007 meeting was attached. No further action by the Legislative Council was required.

There was no other Old Business.

NEW BUSINESS

ITEM #1: Establishing a Cloture Date for Newly Elected Legislators

Motion: That a cloture date for the five newly elected legislators be set for Friday, January 18, 2008. Motion by Speaker Cummings. Second by Representative Tardy. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

ITEM #2: Tribal-State Work Group Budget

The executive director of the Maine Indian Tribal-State Commission, who staffs the Tribal-State Work Group, submitted a proposed budget for the work group. The budget submission is required pursuant to Resolve, c. 142. The budget totals \$12,000, consistent with the resolve.

Motion: To approve the Tribal-State Work Group's budget. Motion by Senator Mitchell. Second by Representative Tardy. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

President Edmonds asked if there was any objection to taking 1 item out of order. Hearing none, the Speaker made the motion to go into Executive Session to discuss collective bargaining matters. Second by Senator Mitchell. **Motion passed unanimous (8-0).** [Senator Martin, Representative Faircloth absent for vote.]

Executive Session

The Council recessed at 1:55 PM to go into an executive session.

Meeting Reconvened

The Legislative Council ended its executive session and the Chair reconvened the meeting at 2:20 p.m.

Collective Bargaining Matters and Cost of Living Adjustments for Legislative Employees

Motion: That pursuant to its authority under 26 MRSA, Section 979-A, subsection 5, the Legislative Council of the 123rd Legislature ratifies the collective bargaining agreement negotiated and tentatively agreed to by the authorized representatives of the Legislative Council and the Maine State Employees Association, Local 1989, SEIU on behalf of the Administrative Unit of Legislative Employees on December 19, 2007. Such Agreement shall expire on September 30, 2009. The Legislative Council's ratification of this Agreement is contingent upon and becomes effective only after the bargaining agent for the Administrative Unit of Legislative Employees has notified the Legislative Council's representative in writing that the unit has ratified the Agreement. The Legislative Council authorizes the Executive Director to take all necessary steps to carry out the terms of this Agreement including implementing the salary schedule adjustments.

Further, that the Legislative Council approve a 3% increase in the legislative salary schedule for FY08 and further, a 3% increase in the legislative salary for FY09 for those legislative employees who are not represented by a collective bargaining agent and further to direct

changes in the terms and conditions of employment benefits for those employees comparable to those changes recently agreed to by the Legislative Council and MSEA . The Executive Director shall administer these adjustments as soon as administratively feasible using funds from unexpended balances in legislative accounts for this biennium.

Further, that the Legislative Council authorizes its Executive Director to enter into negotiations with the bargaining agent for the Independent Association of Nonpartisan Legislative Professionals over salary adjustments and other terms and conditions of employment for legislative employees in the IANLP bargaining unit.

Motion by Speaker Cummings. Second by Representative Tardy. **Motion passed unanimous (9-0). [Senator Martin absent for vote).**

The chair then resumed discussion of New Business in agenda order.

ITEM #3: Request by the Committee on Future Maine Prosperity for a Meeting on January 2, 2008

The Committee on Future Maine Prosperity requested approval to hold a final meeting on January 2, 2008 to finalize its recommendations and report before the committee terminates on January 4, 2008. No additional costs will be incurred for the meeting.

Motion: To approve the request by the Committee on Future Maine Prosperity to hold a meeting on January 2, 2008. Motion by Representative Pingree. Second by Representative Faircloth. **Motion passed unanimous (8-0). [Senator Martin, Representative Tardy absent for vote).**

ITEM #4: Request by the Legislative Youth Advisory Council to Authorize LYAC Bills For Introduction in the Second Regular Session [Rep. Farrington]

The Legislative Youth Advisory Council is authorized by law to submit proposed legislation to the Legislative Council for its consideration. The Legislative Council must authorize its introduction if the legislation is to be submitted to the legislature. In its 2007 report submitted to the Legislative Council, the Legislative Youth Advisory Council proposed two bills. The first bill proposes technical changes to the LYAC and requires the Department of Education to establish minimum standards for co-curricular "honor contracts" adopted by school boards. The second bill would allow an eligible person to pre-register to vote in elections upon reaching 16 years of age.

Motion: To approve the request by the Legislative Youth Advisory Council to authorize two LYAC bills for introduction in the Second Regular Session. **Motion by Senator Weston. Second by Representative Pingree. Motion passed unanimous (8-0). [Senator Martin, Representative Tardy absent for vote).**

ITEM #5: After-Deadline Bill Request (*Resolve, To Amend The Reporting Deadline For The Working Group To Study The Effectiveness And Timeliness Of Early Identification And Intervention For Children With Hearing Loss In Maine*) [Rep. Farrington]

The working group did not convene this interim due to a delay in securing all necessary private funding and completing member appointments. Legislation is required to authorize an

extension of the work group so it may meet in 2008 since the Legislative Council's authority to extend the reporting deadline does not extend beyond December 2007.

Motion: That Mr. Norton prepare a joint order for introduction on behalf of the Legislative Council that re-establishes the Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine with members being the same as those appointed pursuant to the resolve, funded using private funds and a reporting date in early March. **Motion passed unanimous (8-0).** [Senator Martin, Representative Tardy absent for vote].

ITEM #6: 2008 Legislative Council Schedule

The schedule for Legislative Council meetings in 2008 was presented. (No Action Required.)

ITEM #7: Final Report of the Commission to Develop a Strategic Priorities Plan for Maine's Young Children (Separate Handout)

Motion: To accept the final report of the Commission to Develop a Strategic Priorities Plan for Maine's Young Children and place it on file. Motion by Representative Pingree. Second by Representative Faircloth. **Motion passed unanimous (8-0).** [Senator Martin, Representative Tardy absent for vote].

ITEM #8: Annual Report of the Legislative Youth Advisory Commission

Motion: To accept the 2007 Annual Report of the Legislative Youth Advisory Commission and place it on file. Motion by Representative Faircloth. Second by Representative Crosthwaite. **Motion passed unanimous (8-0).** [Senator Martin, Representative Tardy absent for vote].

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:30 P.M. **Motion passed unanimous. (8-0)** [Senator Martin, Representative Tardy absent for vote].