

# MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
VICE-CHAIR

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

123<sup>RD</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**MEETING SUMMARY**  
**April 14, 2008**  
**APPROVED MAY 21, 2008**

**CALL TO ORDER**

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 5:35 P.M. in the Legislative Council Chambers.

**ROLL CALL**

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. John Martin (late arrival), Sen. Carol Weston, Sen. Richard Rosen

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

Legislative Officers: Millicent MacFarland, Clerk of the House  
Michael Cote, Assistant Clerk of the House  
David E. Boulter, Executive Director of the Legislative Council  
Rose Breton, Legislative Finance Director  
Debra Olken, Human Resources Director  
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  
John Barden, Director, Law and Legislative Reference Library

Legislative Council Chair, President Edmonds convened the meeting at 5:35 P.M. with a quorum of members present.

**SUMMARY OF MARCH 26, 2008 MEETING OF LEGISLATIVE COUNCIL**

Motion: That the Meeting Summary of March 26, 2008 be accepted and placed on file. Motion by Representative Pingree. Second by Senator Rosen. **Motion passed unanimous (8-0).**  
**[Representative Crosthwaite and Senator Martin absent for vote.]**

President Edmonds asked if there was any objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item 1: Presentation of Reproductions of Original Maine Constitution**

David Cheever, State Archivist, Maine State Archives presented four of the fourteen pages of the reproduction of the original Maine Constitution that have been framed for public display and given to the Legislature for its use. The location of the display will be considered by the Facilities Committee at a future meeting.

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

### Executive Director's Report

(No report)

### 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
March	\$174.4	\$193.0	\$18.6	10.7%	\$173.6	11.2%
FYTD	\$1,880.9	\$1,903.0	\$22.1	1.2%	\$1,874.6	1.5%

General Fund revenue was over budget by \$18.6 million in March, reflecting the March 2008 revenue revision, which reduced budgeted FY 2008 General Fund revenue by \$26.9 million. For the fiscal year-to-date (FYTD), General Fund revenue was over budget by \$22.1 million or 1.2%. March's growth was very strong at 11.2% over last March's revenue and increased the growth rate for the FYTD to 1.5% over the same period in FY 2007. This FYTD growth rate was only 0.5% through February.

March corporate income tax receipts were very strong in March, above revised projections by \$8.7 million reversing a negative variance and posting a positive variance of \$7.6 million through March, a 7.1% variance.

Individual income tax revenue had a positive variance of \$12.8 million in March, mainly the result of refunds being significantly below projections. Heading into the month of April with the April 15th tax filing deadline, individual income tax has accumulated a positive variance of \$12.1 million.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
March	\$27.2	\$27.4	\$0.1	0.5%	\$26.7	2.6%
FYTD	\$223.2	\$223.7	\$0.5	0.2%	\$224.3	-0.3%

Highway Fund revenue was slightly over revised budgeted revenue in March (adjusted downward by \$2.3 million for FY 2008 in the March forecast). For the FYTD, Highway Fund revenue was above budget by \$0.5 million or 0.2%. Highway Fund revenue through March showed negative growth of 0.3% over the same period in FY 2007.

### **Cash Balances**

The average total cash pool balance in March was \$369.2 million, which was well below the average balance of the last 6 years for March of \$519.6 million. With the passage of the budget, allotments should be adjusted to “curtail” expenditures in anticipation of the bill becoming effective on June 30th. This reduction of expenditures in combination with March’s strong revenue performance and the normal individual income tax positive cash flow in April should help improve the General Fund cash position. The General Fund balance, excluding reserve balances (\$159.3 million) and internal borrowing (\$241.9 million), was a negative \$283.3 million. March generally has the lowest General Fund cash balances during the fiscal year.

### **Information Technology Report**

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

#### **Wireless Network Service (Update):**

Full wireless service for Legislators is being maintained using a temporary server/router installation. Installation of a permanent wireless server/router is planned for the interim period.

#### **Legislative Web Page (Update):**

Postings of amendments to the Legislature’s Website are being monitored for the timely availability of the information. Automation of the process to post LDs and amendments to the Website is planned for the interim period.

### **REPORTS FROM COUNCIL COMMITTEES**

There were no reports from Legislative Council committees or subcommittees.

President Edmonds asked if there was any objection to taking two items out of order. Hearing none, the Chair then moved to **New Business, Item # 2: Suggested Protocol for Deciding Study Requests** and **Item #3: Consideration of Proposed Legislative Studies.**

### **NEW BUSINESS**

#### **ITEM #2: Suggested Protocol for Deciding Study Requests.**

Mr. Boulter reviewed the suggested protocol for deciding study requests with the Legislative Council, as follows:

#### **Requirements Relevant to Studies in the First Regular Session**

Under the terms of the Joint Rules of the 123rd Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On May 24, 2007, the Legislative Council unanimously adopted a policy on legislative studies for the 123rd Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevants as part of study legislation.

#### **Suggested Protocol for Authorizing Legislative Studies**

- The Legislative Council will review study requests alphabetically by policy area.
- Voting will be by a show of hands, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting. A 2/3rds majority is required to authorize any study reporting to a subsequent Legislature.
- Committee chairs and others are welcome to observe the Council's deliberations on the study requests, but discussion of the requests will be confined to council members and staff. However, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- Unless otherwise specified by the Legislative Council, authorized studies are to be drafted consistent with applicable standards and policies approved by the Council. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Assistant Majority Leader, except for studies tabled in the House will be in the name of the House Assistant Majority Leader.

#### **Policy Issues Needing Decision**

- **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
- **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
- **Interim committee meetings-Recommendation:** Unless authorized by law or joint order, joint standing committees may not meet during the interim for any purpose without the prior written approval of the presiding officers. Committees wishing to meet must submit a written request to meet to the presiding officers indicating the number of meetings requested, the purpose of the meetings and the date of the meeting. Committee clerks will not be authorized for interim committee meetings.

**Motion:** That the Legislative Council accept the suggested protocol for considering proposed legislative studies. Motion by Representative Tardy. Second by Senator Mitchell.

**Motion passed (10-0).**

**ITEM #3: Consideration of Proposed Legislative Studies**

Eight proposed studies were presented to the Legislative Council for its consideration. The Legislative Council's action on the study requests are included on the attached list.

**ITEM #4: Consideration of After Deadline Bill Requests**

Senator Martin made a motion to accept for introduction after deadline bill request LR 3652 "An Act to Amend the Charter of Northern Maine General." Second by Representative Pingree. **The motion to accept LR 3652 for introduction passed (9-0).** [Rep. Crosthwaite absent for vote]

The Legislative Council considered and acted on four other after deadline bill requests. The Legislative Council's actions on these requests are included on the attached list.

The Legislative Council then returned to the other items on its agenda.

**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 March 26, 2008 meeting is attached. No further action by the Legislative Council is required.

There was no other Old Business.

**Item #5: CSG/ERC 2010 Request that Maine Host Annual Meeting in Portland**

Council of State Governments/Eastern Regional Conference has requested that Maine host the annual meeting of CSG/ERC in Portland, Maine in August 2010. Maine last hosted the annual meeting in 1997. Expected turn-out is 600 delegates and their families.

Mr. Boulter explained that the Legislature would need to establish a host committee to organize and oversee Maine's responsibilities, nominate legislators to serve as ERC chairs, retain a conference coordinator/planner, organize and host all social programs at the annual meeting, host a reception in Vermont in 2009, host several dinners and receptions during the annual meeting, and raise or appropriate approximately \$250,000 as Maine's financial contribution.

Senator Martin noted that Maine has hosted such meetings in the past, and while the meetings can bring many benefits to the host city and Maine generally, they require an enormous amount of advance preparation and commitment on the part of the Legislature. He concluded that hiring a conference coordinator to assist with key responsibilities and the logistics of hosting the CSG/ERC annual meeting is essential. Other members generally agreed and felt Maine would benefit from hosting the meeting. The Legislative Council postponed a decision on the request until the May council meeting after members have had an opportunity to review the request and the commitments required to host the annual meeting.

- Item #6: 2007 Government Evaluation Act Review of the Cultural Agencies**
- Item #7: Government Evaluation Act Review of the Department of Professional and Financial Regulation**
- Item #8: Government Evaluation Act Review of the Maine State Housing Authority**
- Item #9: Government Evaluation Act Review of the Land for Maine's Future Board**
- Item #10: Government Evaluation Act Review of the Maine Harness Racing Commission**
- Item #11: Government Evaluation Act Review of the Maine Milk Commission**
- Item #12: Government Evaluation Act Review of the Maine Dairy & Nutrition Council and the Maine Dairy Promotion Board**

**Motion:** That the Legislative Council accept and place on file the reports noted in Items 6 through 12. Motion by Senator Martin. Second by Speaker Cummings. **Motion passed (9-0).** [Representative Crosthwaite absent for vote.]

#### **ANNOUNCEMENTS AND REMARKS**

None

#### **ADJOURNMENT**

The Legislative Council meeting was adjourned at 6:30 P.M.

**LEGISLATIVE COUNCIL ACTION ON  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
April 14 2008**

**Action**

**SPONSOR: Rep. Fitts, Stacey Allen**

**Failed**

LR 3628      An Act To Establish the Maine Government Efficiency  
Commission To Encourage Prosperity in Maine

**SPONSOR: Rep. Marley, Boyd P.**

**Accepted by Ballot  
4/11/08**

~~LR 3618      An Act To Authorize a Bond Issue for Maine's Transportation  
Network~~

**JOINT RESOLUTION**

**SPONSOR: Rep. Moore, Gary W.**

**Failed**

LR 3637      JOINT RESOLUTION MEMORIALIZING THE BOARD  
OF TRUSTEES OF THE UNIVERSITY OF MAINE SYSTEM  
TO CONSIDER REEXAMINING THE MISSION OF THE  
UNIVERSITY OF MAINE SYSTEM

**ADDENDUM**

**SPONSOR: Rep. Barstow, Christopher**

**Passed**

LR 3650      An Act to Validate Certain Proceedings Authorizing the Issuance  
of Bonds and Notes by Maine School Administrative District No. 29

**SPONSOR: Senator Martin, John**

**Passed**

LR 3652      An Act to Amend the Charter of Northern Maine General