

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
May 21, 2008
APPROVED JUNE 25, 2008

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:17 P.M. in the Legislative Council Chambers.

ROLL CALL

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

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

Legislative Officers: Millicent MacFarland, Clerk of the House
Joy O'Brien, Secretary of the Senate
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
Jon Clark, Deputy 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 1:17 P.M. with a quorum of members present.

SUMMARY OF APRIL 14, 2008 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of April 14, 2008 be accepted and placed on file. Motion by Senator Martin. Second by Representative Pingree. **Motion passed unanimous (10-0).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

The YMCA Youth in Government program took place this month in the State House. 137 students and 17 advisors participated, representing 15 schools. The schools participating were from across Maine, including schools in York, Franklin, Washington and Aroostook counties. In planning for the 2009 program, the program director has requested to hold the program either April 3-5th or May 1-3rd, with preference for the April weekend.

The Legislative Digest of Bills and Resolves for the 123rd Legislature, 2nd Regular and 1st Special Session is being prepared by staff from the offices of Policy and Legal Analysis and Fiscal and Program Review. The digest should be ready for distribution to all legislators by the first week in June.

Landscaping work is on-going in Capitol Park this month with a focus on the northwest portion of the park. Overgrown and dead or dying vegetation is being removed, and remaining plantings are being pruned.

Fiscal Report

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

1. Revenue Update

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$433.9	\$457.1	\$23.2	5.3%	\$413.4	10.6%
FYTD	\$2,314.8	\$2,360.1	\$45.3	2.0%	\$2,288.1	3.1%

- General Fund revenue was over budget by \$23.2 million in April, increasing the fiscal year-to-date (FYTD) positive variance for General Fund revenue to \$45.3 million or 2.0%. April's strong growth increased the growth rate for the FYTD to 3.1% over the same period in FY 2007.
- Individual income tax receipts resulted in a positive variance of \$30.6 million in April and \$42.7 million for the FYTD in this category. Corporate Income Tax collections also exceeded projections and were \$11.0 million over budget for the FYTD. The Sales Tax remained over budget for the FYTD.
- The Cigarette Tax, Estate Tax and Insurance Companies Tax remained under budget for the FYTD as did the Other Revenue category.
- The Other Revenue category was under budget by \$6.3 million in April. \$5.5 million of this was because the payment from Maine Beverage Company related to the profit sharing from liquor sales was budgeted in April but not received until May.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$26.8	\$25.7	(\$1.2)	-4.3%	\$26.6	-3.6%
FYTD	\$250.0	\$249.4	(\$0.6)	-0.3%	\$251.0	-0.6%

- Highway Fund revenue was under budget by \$1.2 million in April and by \$0.6 million or 0.3% for the FYTD. Negative growth in Highway Fund revenue continues through April and the prospect for a turnaround does not seem likely with fuel prices at record levels. The fuel tax variance was the major contributor to the FYTD negative revenue variance. The decline in gas tax consumption appears to be accelerating.

2. Cash Balances

- The average total cash pool balance in April was \$446.4 million up from March's \$369.2 million average balance. However, April's balance was well below the average \$550.2 million balance of the last 6 years for April. For the General Fund, while reserves are high so is the amount of internal borrowing.

3. Budgeted Ending Fund Balances

- The budgeted fund balance reports do not reflect revenue or other variances from budgeted actions through the close of the 123rd Legislature's 1st Special Session.
 - The General Fund budgeted ending balance is \$0.9 million for FY 2008 and \$1.4 million for FY 2009.
 - The Highway Fund budgeted ending balance is \$0.1 million for FY 2008 and \$0.1 million for FY 2009.
 - The Fund for a Healthy Maine budgeted ending balance is \$3.6 million for FY 2008 and \$3.4 million for FY 2009.

Information Technology Report

(No Report)

Status of Legislative Studies

Jon Clark, Deputy Director, Office of Policy and Legal Analysis, reported the following.

1. Legislative studies

The Office of Policy and Legal Analysis is tracking 12 legislative studies this interim. All of these studies will involve one or more of the nonpartisan staff offices in either a staffing or legislation drafting role, or both. One of these studies is a staff study on teacher confidentiality which is to be conducted by OPLA pursuant to Public Law 2007, chapter 666. Because the language in this public law allows OPLA to undertake this staff study only upon the approval of the Legislative Council, the request will be presented under **NEW BUSINESS Item #2: Study by Office of Policy and Legal Analysis regarding dissemination of confidential information pertaining to teachers and work plan approval (PL 2007, c. 666, Sec. 2).**

2. Legislators' Handbook

The Office of Policy and Legal Analysis has begun its biennial process of updating the Legislators' Handbook. The Legislators' Handbook is published every two years by OPLA, under the auspices of the Legislative Council.

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 each particular office. An invitation was mailed to each legislative staff office director on May 19, 2008 inviting them to review the 2006 Legislators' Handbook and to make any suggestions for corrections, additions, deletions or clarifications that they may wish to see incorporated into the updated 2008 edition. The goal is to have the printed updated Legislators' Handbook printed by mid-August.

3. Legislative Digest of Bill Summaries and Enacted Laws

The "Legislative Digest of Bill Summaries and Enacted Laws" (aka the "bill summaries") for the 563 bills considered during the Second Regular and First Special Session has been sent for printing. The Digest will be distributed to legislators, legislative staff, and others by mid-June. The Digest summarizes all bills and adopted amendments considered, and all laws enacted or finally passed during the Second Regular and First Special Sessions of the 123rd Maine Legislature.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on May 21, 2008 and considered the following items:

1. The committee voted unanimously to approve temporary disability income benefits to a member of the Revisor's office, consistent with criteria established in the Legislative Council's personnel policies.
2. The committee was asked to explore ways to encourage fuel savings (and reduce costs) by employees who commute long distances to work. Many legislative employees commute 30-60 minutes to work each day. The committee was asked to explore whether it is feasible and advisable to shift legislative employee work schedules during the interim from 8- to 10-hour days and close offices one day a week as a way to reduce employee travel and save fuel.

After discussion, the committee concluded that it is important that legislative offices remain open for legislator and public business every day of the week and that the current Legislative Council policies regarding alternative work schedules provide adequate flexibility to meet individual office or employee needs.

3. Senator Martin asked Mr. Boulter to consult with Paul Mayotte about a date when the WANG computer system will be discontinued. Mr. Boulter will let the Personnel Committee know of that date. He also asked that a meeting be scheduled to discuss information releases as they relate to the council's confidentiality policy.

2. State House Facilities Committee

The State House Facilities Committee met on May 14th to discuss numerous items. Key items included:

1. As delegated by the Legislative Council, the committee decided on an appropriate location to display the framed reproduction of the original Maine Constitution. Each

of the 14 pages of the Constitution will be installed in the vestibule of the north end of the Cross Building, outside three committee rooms. The location allows for very good visibility of the exhibit in an area frequented by many people but should not cause congestion in corridors.

No further action by the council was needed.

2. The committee reviewed the letter of request by Governor and Mrs. Baldacci that the Friends of the Blaine House be authorized to hold celebratory events in the State House and at Capitol Park on August 15-16, 2008. This event is in conjunction with events taking place at the Blaine House to commemorate the 175th anniversary of its construction. (A copy of the request was included in the council packet.) The committee felt the request was in keeping with appropriate uses of the State House and Grounds, and voted to recommend that the Legislative Council approve the request.
3. The committee reviewed the proposed work plan for State House and Grounds improvements for 2008. The plan includes projects for general repairs and upkeep as well as work to the grounds to improve walks and landscaping. Of note, the ceiling in the Senate Chamber is proposed to be repaired, the first major repair to the chamber since it was renovated in 1999. The committee voted to recommend that the Legislative Council approve the plan.
4. Lastly, the committee decided that it will schedule a meeting this fall to discuss capitol security and measures that should be taken to improve security in and around the State House.

Motion: That, upon the unanimous recommendation of the State House Facilities Committee, the Legislative Council approve the request of the Friends of the Blaine House to hold celebratory events in the State House and at Capitol Park on August 15-16, 2008 to commemorate the 175th anniversary of the construction of the Blaine House. Motion by Representative Pingree. Second by Representative Crosthwaite. **Motion passed unanimous (10-0).**

Motion: That, upon the unanimous recommendation of the State House Facilities Committee, the Legislative Council authorize maintenance and improvements to the State House and Grounds as described in the 2008 Revision of the Multi-Year Plan, and further authorize the Executive Director to take necessary measures to implement the plan in accordance with the schedules contained in the plan. Motion by Representative Pingree. Second by Representative Crosthwaite. **Motion passed unanimous (10-0).**

3. Budget Subcommittee

(No Report)

4. Subcommittee to Administer Technology

(No Report)

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 April 14, 2008 meeting is attached. No further action by the Legislative Council is required.

ITEM #2: CSG/ERC Request that Maine Host 2010 Annual Meeting in Portland

This item was a follow-up to the brief discussion that was held at the April 14th Legislative Council meeting regarding the invitation to host the 2010 annual meeting in Portland. The request was referred to the May Legislative Council meeting. Housing the meeting would be very beneficial to the state but requires much preparation and effort. Marge KilKelly, from CSG/ERC was present to answer any questions.

Motion: That the Legislative Council accept CSG's invitation to host the CSG/ERC annual meeting in 2010 in Portland; establish a Host Committee to organize the social program and fund-raising activities; and authorize the hiring of an event coordinator to assist the Legislative Council and the Host Committee in preparing for the 2010 annual meeting. Motion by Senator Martin. Second by Senator Weston. **Motion passed unanimous (10-0).**

Representative Pingree asked whether the hired event coordinator would assist in the efforts to raise the \$175,000 - \$200,000 needed for the social programs. The answer was yes. There was also discussion of the importance for member(s) of the council be involved in the event planning.

Mr. Boulter noted that the first major event is a reception to be held in Vermont on August 5, 2009, at the 2009 CSG-ERC annual meeting. The planning committee would need to begin planning and to start fundraising as soon as this fall.

There was no other Old Business.

NEW BUSINESS**ITEM #1: Consideration Of Request to Fund Study: SP 933 Criminal Justice Committee Study Of Sex Offender Registration Laws (Senator Edmonds)**

HP 1665 passed in the 123rd Legislature but was superseded by SP 933. When the Legislative Council considered study requests on the Study Table, it did not approve funding the study in HP 1665. It did not act on the study in SP 933. SP 933 authorized the study but contained no funding. To fund the study, an approval would be needed.

Motion: That the Legislative Council fund the study contained in Senate Paper 933 and that the Legislative Council authorize and fund up to three meetings for the Criminal Justice Committee Study of Sex Offender Registration Laws. Motion by Senator Martin. Second by Senator Mitchell. **Motion passed unanimous (10-0).**

Item #2: Study By Office Of Policy And Legal Analysis Regarding Dissemination Of Confidential Information Pertaining To Teachers And Work Plan Approval (PL 2007, c. 666, Sec. 2)

Mr. Boulter explained this study has been authorized and OPLA has prepared a work plan. The study will require coordination with a number of other agencies and it is appropriate for the Legislative Council to review the proposed work plan. The work plan is comprehensive and anticipates meeting the report deadline.

Motion: That the Legislative Council approve the work plan for the study as submitted. Motion by Senator Martin. Second by Senator Mitchell. **Motion passed unanimous (10-0).**

Item #3: Updated Study By The Legislature Regarding The Feasibility Of Establishing A Single-Payor Health Care System In The State (Resolve 2007, Chapter 216)

Resolve 2007, Chapter 216 directs the legislature to arrange for an updated Study of the Feasibility of Establishing a Single-Payor Health Care System. The Resolve directs the Legislature to contract with an entity to solicit funds to do a study update. The Legislation does not take into effect until July 18. However the timing is such that contracts need to be made to solicit funds and secure them in time to conduct the study. Executive Director Boulter suggested that OPLA be the legislative office to coordinate all aspects of this study. OPLA anticipates contracting with the University of Southern Maine's Muskie School to prepare grant applications. The Muskie School performed similar work for the original study. \$60,000 of outside money is needed to update the study. A formal contract would not be entered into until the legislation is effective but advance work is needed to meet the deadlines for this study.

Motion: That the Legislative Council authorize the Office of Policy and Legal Analysis to conduct the study update and approve the proposed work plan for the Updated Study by the Legislature Regarding the Feasibility of Establishing a Single Payor Health Care System in the State. Motion by Senator Martin. Second by Representative Pingree. **Motion passed (6-4). [Senator Weston, Senator Rosen, Representative Tardy, and Representative Crosthwaite opposed.]**

Item #4: Copyright license to Law Library Microform Consortium for certain *Maine Supreme Court Reports* (Mr. Barden)

Mr. Barden reported that the Law Library Microform Consortium requested a license to scan the 28 volumes for the *Maine Supreme Court Reports (1923 – 1965)* for the purposes of dissemination via LLMC-Digital. The Secretary of State is the authority assigned by the statutes to manage this copyright on behalf of the state and has granted a license. A set of these volumes have been procured from the library and will be shipped to LLMC shortly. Mr. Barden added that this same entity is interested in pursuing the digitization of legislative materials in the near future, beginning with the *Laws of Maine* and working on to additional legislative materials.

At the request of Senator Rosen, Mr. Barden clarified that for copyrighted works, any entity that wants to digitize them has to procure permission from the copyright holder. The copyright has expired from all works published prior to 1923.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

Motion to adjourn by Representative Pingree. Second by Senator Mitchell. **Approved (10-0).**

The Legislative Council meeting was adjourned at 1:40 P.M.