

# MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
VICE-CHAIR

123<sup>RD</sup> 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**  
**JUNE 25, 2008**  
**APPROVED JULY 30, 2008**

**CALL TO ORDER**

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:50 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: Michael Cote, Assistant 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  
Pat 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  
Beth Ashcroft, Director, Office of Program Evaluation and  
Government Accountability

Legislative Council Chair, President Edmonds convened the meeting at 1:50 P.M. with a quorum of members present.

**SUMMARY OF MAY 21, 2008 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of May 21, 2008 be accepted and placed on file. Motion by Representative Faircloth. Second by Senator Martin. **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.

1. YMCA Youth in Government Program

The 2009 Youth in Government program at the State House has been set for Friday through Sunday, May 1-3, 2009.

2. Legislative Digest of Bills and Resolves

The Legislative Digest summarizing all bills and resolves considered in the 123<sup>rd</sup> Legislature, 2<sup>nd</sup> Regular and 1<sup>st</sup> Special sessions, has been distributed to all legislators and copies are available in the Law and Legislative Reference Library.

3. State Archives

The State Archives has ceased accepting public records, including those produced by the Legislature, at its Records Center and the Archives due to lack of storage space. Records will remain stored in legislative offices temporarily while the Archives' director explores options.

President Edmonds inquired if the records to be archived are already in a digital format. Mr. Boulter replied that most of the records are committee files which are still in paper form. Eventually the Archives will most likely need to utilize digital scanning. Law Library Director John Barden agreed to contact the State Archivist to investigate whether digitization of records will occur and the time schedule.

4. Summer 2008 State House Renovations

Work is underway on the summer renovation projects. Major activities includes repair of the Senate chamber ceiling, repair of the walkway between the State House and Cross Building, and construction of walkway and landscaping of the central green space. With respect to the repairs to the Senate chamber, Mr. Boulter explained that this is the first major repair needed since the chamber reopened following renovations in 1999. The focus is on the ceiling; although it is generally in good shape the ceiling needs to be repaired so it maintains an appropriate appearance and not create safety issues. A good portion of the cost is due to the need to engineer and erect staging to safely work on the ceiling. Mr. Boulter also explained that the second major activity involves the central green on the State House campus. He reminded the Legislative Council members that the council had unanimously approved the project last year and again this spring. By way of background, Mr. Boulter explained that the long-term goal for this area was landscaped green space, which was reinforced when the former Education Department building was razed several years ago. The council approved the green space plan in 2007 but postponed construction until 2008 to be certain it had sufficient funds available for the work. The plan calls for a central plaza and walkways linking the State House and the cultural building (housing the state museum, library and archives). This will include an ADA compliant walkway so persons in wheelchairs or others with physical disabilities can travel easily between the buildings. The area will be landscaped with perennials and trees. It will also include a small water feature in the center of the radius of pavers. The feature is somewhat understated but in keeping with Maine and the area. It consists of six granite stones from Down East, of varying heights, with several sprinklers to stream water on and adjacent to the stones. The water feature is intended to be aesthetically

pleasing and, as the architects have advised, to draw visitors, notably visiting school children, toward the center of the green space, away from traffic areas. The water feature will cost about \$25,000, including electrical and plumbing work. The landscaping is designed to minimize on-going maintenance costs. Mr. Boulter concluded by reminding the members that over a quarter of a million people visit the State House each year, many of them school children as well as out of state visitors. Once built, this area should be an aesthetically pleasing, safe and ADA compliant area to sit, eat lunch or congregate, and hopefully will provide a good first impression of Maine and state government.

Speaker Cummings asked whether the companies involved in this project are Maine companies. Mr. Boulter answered, yes. Consigli Construction Inc., the general contractor is located in Portland. There are a number of subcontractors working on site. The principle one is Jorgensen Landscaping, located in Bath. Gagnon Concrete of Belgrade is supplying pavers, and the granite water feature uses Maine granite.

## 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
May	\$246.4	\$248.0	\$1.6	0.6%	\$252.8	-1.9%
FYTD	\$2,561.2	\$2,608.1	\$46.9	1.8%	\$2,540.9	2.6%

- General Fund revenue was over budget by \$1.6 million in May, increasing the fiscal year-to-date (FYTD) positive variance for General Fund revenue to \$46.9 million or 1.8%. The growth rate for the FYTD was 2.6% over the same period in FY 2007.
- Sales tax revenue was above budget for May and remained above budget for the FYTD despite the recent increases in fuel prices. However, May's sales tax target was relatively low for several reasons: a) the distribution of budgeted revenue was based on prior results which were depressed last May by April snow storms (May sales tax is primarily based on April taxable sales) and b) the revised revenue forecast for the year assumed only modest growth of the sales taxes of 0.7%.
- Other Revenue was over budget in May by \$8.3 million. \$5.5 million was related to the liquor profit sharing payment due and budgeted in April but received in May. \$1.9 million was related to a timing issue related to transfers from the Fund for the Efficient Delivery of Local and Regional Services.
- Most of the other major tax revenue categories were under budget in May. Individual income tax revenue, if not for positive variances in the Circuitbreaker and BETR program transfers would also have been negative in May.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$26.1	\$25.0	(\$1.1)	-4.4%	\$25.7	-2.6%
FYTD	\$276.2	\$274.4	(\$1.8)	-0.6%	\$276.6	-0.8%

- Highway Fund revenue was under budget by \$1.1 million in May and by \$1.8 million or 0.6% for the FYTD. The negative growth in FYTD Highway Fund revenue worsened through May to 0.8%.
- Fuel taxes, which were under budget by \$1.1 million in May, continue to be the major reason for the negative Highway Fund revenue variance. Through May, the FYTD Fuel Tax revenue declined by 1.0% despite rate increases related to indexing for inflation.

## **2. Cash Balances**

- The average total cash pool balance in May was \$596.0 million. The May 2008 average balance remained well below the May average balance for the last 6 years of \$699.6 million. General Fund and Highway Fund balances were below their average balances, while other funds in the cash pool were roughly equal to their average balances.
- Of note in this month's average balances is the fact that the Maine Budget Stabilization Fund balance did not change from the April average. All positive interest earnings are being held in the reserve until the close of the fiscal year to reserve against an adverse outcome related to the \$20 million Mainsail II commercial paper investment. Assuming no conclusion to the Mainsail II commercial paper issue in this fiscal year, any FY 2008 interest earnings withheld will be distributed to the appropriate accounts. The reserving process will begin again at the beginning of FY 2009.

## **Information Technology Report**

(No Report)

## **Status of Legislative Studies**

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

OPLA is tracking 12 legislative studies this interim. Seven are either on-going studies, committee studies or studies that do not require appointments. Twenty-one of the one-hundred thirty four appointments are still awaiting appointments. Two of the studies are contingent on outside funding, with no funding being identified so far.

Mr. Norton reported on the staff update on the Feasibility of Establishing a Single Bill Payor Health Care System in the State that specifies a contract to seek funding up to \$60,000 to update the single payor feasibility study. Mr. Norton reported he has been in contact with the Muskie School that handled the issue five years ago. Mr. Norton will be in further contact with the Muskie School with an August 1 end date for securing funding. There are three major funders who may be interested, and they will be contacted to determine whether there is an interest in funding.

### Summary of Legislative Studies (Interim 2008)

#	Policy Area	LD/chaptered law	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Appointments Remaining	Appointments Complete?
1	ACF	PL 2007, c. 649	Committee to Study the Protection of Farms and Farmland	4 meetings	Final report to ACF by 11/5/08	11	11	NO
2	ACF	PL 2007, c. 660	ACF Committee review of the recommendations of the Agricultural Creative Economy Study	3 meetings	Committee to report to 124th Legislature	13	0	YES
3	CRJ	SP 933	Committee Study of Sex Offender Registry	3 meetings	11/5/2008	13	0	YES
4	EDU	Title 3, sec. 168-A as amended by PL 2007, c. 679	Legislative Youth Advisory Council	Not more than 9 times annually (including two public hearings)	Biennially to the Legislature	20	3	NO
5	EDU	PL 2007, c. 666	OPLA review of laws on dissemination of confidential information relating to teachers.	n/a	11/5/08 to EDU	0	0	N/A
6	HHS	Resolve 2007, c. 209	Blue ribbon commission to study long-term home-based and community based care	4 meetings	11/5/08 to the Legislature	11	11	NO
7	HHS	PL 2007, c. 629	HHS committee study to review the Fund for a Healthy Maine	3 meetings	10/1/08 to AFA committee	13	0	YES
8	IFS	LD 1072, Sec. 1	Staff update of the feasibility of establishing a single-payor health care system in the State.	N/A	12/3/08 to 124th Legislature	N/A	0	N/A
9	JUD	Title 4, Chapter 35	Judicial Compensation Commission	N/A	December 1st of even numbered years	3	0	
10	JUD	PL 2005, c. 631	Right to Know Advisory Commission	At least 4 times annually	1/15 annually to JUD Committee and Chief Justice	15	0	YES
11	LAB	PL 2003, c. 699	Citizen Trade Policy Commission	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	22	3	NO
12	NAT	PL 2001, c. 648	Community Preservation Advisory Committee	No more than 4 times annually	Annually to NAT Committee	13	0	YES

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## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on June 25, 2008 and considered the following items:

1. Legislator confidentiality and proposed release of confidential information relating to preparation of legislation.

Speaker Cummings noted that the matter was under discussion because from the Clerk's and Secretary's point of view, access to certain aggregate amendment information during the session while legislation is moving through the House and Senate would be very helpful. Senator Martin chairs a subcommittee of the Personnel committee to consider the matter.

Senator Martin stated that the subcommittee of the Personnel Committee met last week with nonpartisan office directors and representatives of the Clerk's and Secretary's offices and reviewed current policies on legislative confidentiality. It also tried to identify the needs of the presiding officers through the Secretary and the Clerk. The subcommittee is currently reviewing a draft recommendation to the

Council with suggested changes including limited access to the system by the Clerk and the Secretary. Complete confidentiality would be retained if the number of amendments to a bill are less than five. Central to the discussion is the need to maintain absolute confidentiality when appropriate.

2. Updated personnel policies and guidelines for Leadership, the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives employees.

The Executive Director's office has prepared the updated Policies and Guidelines for Leadership Employees and for Employees of the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives consistent with updated policies and guidelines approved this year for other staff. The drafts are being reviewed by the offices. At this time, no Legislative Council action is required

3. WANG computer system to be discontinued.

Discussion was held on discontinuance of the WANG system by a certain date. The Personnel Committee voted that the Office of Information Services must take the necessary steps to make fully functional the Voyager bill status and tracking system that replaces the WANG system and discontinue the WANG system by October 23, 2008.

4. Time Accounting System

The Personnel Committee is pursuing a unified time accounting system for all legislative offices. It is commercial software, with time accounting and some HR functions. The Personnel Committee voted today to implement a single time accounting and tracking system, incorporating work rules consistent with the adopted personnel policies and guidelines. However, the time accounting data would be segregated into three groupings: one for the Senate employees, one for the House employees and one for the non-partisan offices so that information is held in a segregated fashion; operationally all else would be consistent and integrated. The new software will provide a uniform platform and consistency throughout the offices.

**2. State House Facilities Committee**

(No Report)

**3. Budget Subcommittee**

(No Report)

**4. Subcommittee to Administer Technology**

(No Report)

**OLD BUSINESS**

(There was no Old Business.)

**NEW BUSINESS****ITEM #1: MDF Proposal for Legislator Bus Tours and Forums – 124<sup>th</sup> Legislature**

Laurie Lachance, President of the Maine Development Foundation, submitted a proposal for legislator orientation, specifically bus tours and legislative forums, for the 124<sup>th</sup> Maine Legislature. At the May 21<sup>st</sup> Legislative Council meeting, the Legislative Council agreed to form a subcommittee to provide guidance for MDF's orientation activities. Ms. Lachance's memo identified the scope and timeframe for the two policy forums and bus tours. She sought no formal action at this time but was looking to confirm that the proposed schedule was acceptable. Next steps for MDF would include fundraising and contacting businesses that would be stops along the way on the bus tours. She noted that broad policy issues that would constitute the topics for the policy forums eventually need to be decided by the Legislative Council.

The following times were tentatively accepted:

Regional Bus Tours

January 7th – 9th

January 21st – 23rd

Any concerns or topics for forums should be addressed to Mr. Boulter for referral to Ms. Lachance.

**ITEM #2: Disposition of Certain Surplus Property Owned by the Legislature**

Executive Director Boulter sought approval to sell several items no longer needed by the legislature but still having some value. The items would be advertised in newspapers or through the Internet and sold on the open market. 3 MRSA § 163 provides that the executive director may sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials.

Three items currently fall into the category of unneeded legislative equipment but may retain some reasonable market value. They are as follows:

1. HP Designjet 1055CM printer purchased in November 2002. It was used to print maps during the last reapportionment. Purchase price was approximately \$9,300. HP no longer offers this model of printer. It was last used in 2003 and remains in storage.
2. Two welded steel flagpoles that were removed from atop the State House in 2005. They are approximately 45" in length and weigh 1,200 pounds. Age is believed to be about 80-90 years old. Flagpoles are no longer used, are unlikely to be needed in the near future and are currently stored in an outdoor unsecured location. Value is unknown. Salvage value is estimated to be at least \$500.00
3. Three steel/aluminum lamp poles, approximately 35 feet in length, formerly installed in Parking Lot A or at Capitol Street, they are operational but their age and value unknown.



**Motion:** To authorize the Executive Director to market, including on the Internet, the unneeded legislative equipment, and to place any received funds in the legislative account. Motion by Senator Martin. Second by Representative Crosthwaite. **Approved (10-0).**

**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 2:26 P.M.