

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
JULY 30, 2008
APPROVED SEPTEMBER 24, 2008

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:16 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
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 1:16 P.M. with a quorum of members present.

SUMMARY OF JUNE 25, 2008 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of June 25, 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.

- YMCA Youth in Government Program - Due to scheduling conflicts with various school activities, the director of the Youth in Government program has requested to change the dates for the 2009 program from May 1-3, 2009 that was approved to a date in April.
- Celebration of 175th Anniversary of the Blaine House - Event planning is well underway for the celebration that will include a by invitation reception and dinner on August 15th and public events in Capitol Park on August 16th. Past governors will be honored at the dinner.
- Press Corps Offices in State House - Several newspapers who lease press corps offices are seeking changes to office leasing arrangements as a cost savings measure.

Fiscal Report

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

1. Revenue Update

Total General Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$479.5	\$479.7	\$0.2	0.0%	\$478.7	0.2%
FYTD	\$3,040.7	\$3,087.8	\$47.1	1.5%	\$3,019.6	2.3%

- General Fund revenue was over budget by \$0.2 million in June, resulting in a positive variance FY 2008 of \$47.1 million or 1.5%. Revenue growth ended at a modest 2.3% for FY 2008.
- Sales tax collections exceeded budgeted projections largely due to the effect of the federal economic stimulus payments coming sooner than the revenue forecast anticipated.
- Other Revenue was over budget in June by \$7.1 million, which combined with the sales tax collections offset negative variances in most of the other major tax lines. The positive variance in the Other Revenue line in June was distributed throughout the various state agencies, including an unbudgeted \$1.1 million from a legal settlement with Merck.
- Most of the positive variance in General Fund revenue was due to tax year 2007 individual income tax collections. The individual income tax line accounted for \$43.4 million or 92% of the positive variance for FY 2008. That performance seems unlikely to continue in the current economic environment.

Total Highway Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$50.2	\$53.7	\$3.6	7.1%	\$54.2	-0.8%
FYTD	\$326.4	\$328.1	\$1.8	0.5%	\$330.8	-0.8%

- Highway Fund revenue was over budget by \$3.6 million in June and concluded the FY 2008 with a positive revenue variance of \$1.8 million or 0.5%. However, FY 2008 revenue was 0.8% less than FY 2007.
- Fuel Tax revenue reversed the recent trend of negative variances in June and posted a positive variance of \$2.5 million in June bringing Highway Fund revenue back into a positive position.

Total Fund for a Healthy Maine Revenue - FY 2008 (\$ in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
FY 2008	\$61.3	\$62.0	\$0.8	1.3%	\$51.0	21.8%

- The Fund for a Healthy Maine concluded FY 2008 with a positive variance of \$0.8 million (1.3%) and growth of 21.8% over FY 2007. This growth was due to the Strategic Contribution Payments that began in FY 2008, increasing payments in FY 2008 by approximately \$10.7 million based on budgeted amounts.

2. Cash Pool Balances

- The average total cash pool balance in June was \$553.5 million. The May 2008 average balance remained well below the June average balance for the last 6 years of \$642.2 million. As noted last month, 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.

3. Cash Pool Earnings Distributions

- The \$20 million cash pool investment in Mainsail II commercial paper that is in default was valued for accounting purposes or "marked to market" on June 30, 2008 at 33% of par value by Deutsche Bank and the state's new investment advisor. If this turned out to be the final resolution of this investment, then the cash pool would experience an investment loss of \$13.3 million. Based on this value, the State Controller and the State Treasurer felt that it was appropriate for the amounts reserved throughout FY 2008 to remain in reserve and not be distributed to cash pool participants at the close of the fiscal year as reported last month. Other avenues to recover this investment are being pursued including a potential enforcement action by the Attorney General's Office.

4. General Fund Reserve Fund Balances

- Balances in the major General Fund reserves (the Maine Budget Stabilization Fund and the Reserve for General Fund Operating Capital) increased by \$13.4 million during FY 2008 to \$169.5 million. All of this increase was in the Budget Stabilization Fund and was primarily due to the transfer of \$10 million from unappropriated surplus at the close of FY 2008. The remaining increase resulted from interest earnings accruing to the Budget Stabilization Fund.

- Expressed as a percentage of General Fund revenue, these major reserves grew from 5.2% of General Fund revenue at the close of FY 2007 to 5.5% of General Fund revenue at the close of FY 2008.

5. Year-end or "Cascade" Transfers

- General Fund - The increase in the General Fund unappropriated surplus at the close of FY 2008 totaled \$55.9 million: \$47.1 million from the revenue variance; \$8.1 million from unbudgeted lapsed balances; and \$0.7 million from various net accounting adjustments. This unappropriated surplus was distributed as follows in priority order:
 1. **State Contingent Account** – \$0.35 million replenishes the balance in this account;
 2. **Loan Insurance Reserve Fund** - \$1.0 million to the Finance Authority of Maine;
 3. **Budget Stabilization Fund** - \$10.0 million was established late this past legislative session as a separate transfer from the normal percentage transfers that were preempted in FY 2007 and FY 2008; and
 4. **MaineCare Hospital Payments** - \$44.6 million was transferred to the Medical Care Payments to Providers (MAP) program in DHHS as an adjustment to appropriations to increase prospective interim payments to hospitals.
- Highway Fund - The increase in the Highway Fund unallocated surplus at the close of FY 2008 totaled \$2.4 million: \$1.8 million from the revenue variance; \$0.9 million from unbudgeted lapsed balances; and reduced by \$0.2 million from various negative net accounting adjustments. \$1.9 million of this unallocated surplus was distributed to the Highway and Bridge Capital program. The remainder, \$0.5 million was retained in unallocated surplus and increased the budgeted ending balance in the Highway Fund.

Information Technology Report

1. Scheduled Upgrades and Computer Systems Improvements

The annual computer system upgrades and replacements are in progress this interim. This includes: server & PC replacements; network upgrades; software installation/updates; programming projects for various offices; performing preventative maintenance on equipment; updating the equipment inventory; and staff training.

2. Post Session

The statute database update process for the 2nd Regular and 1st Special session is well underway. Posting of the updated Laws of Maine to the Legislature's website was completed on June 30th.

3. WANG System Phase-out

The office is working to meet the Legislative Council's date of the October 2008 Council meeting for the phase-out of the WANG system and implement a fully functional Voyager bill status and tracking system. The work will include a user involved testing and user training effort.

Status of Legislative Studies

Pat Norton, Director, Office of Policy and Legal Analysis, gave an updated summary as follows:

Summary of Legislative Studies (Interim 2008)

(As of July 24, 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	0	YES
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	AFA	PL 2007, c. 539, Part YY-2	Natural Resource Agency Task Force	Not specified	1/1/09 to the Legislature	Not specified (currently 35 members, including 7 legislators)	0	YES
4	CRJ	SP 933	Committee Study of Sex Offender Registry	3 meetings	11/5/2008	13	0	YES
5	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)	Bienially to the Legislature	20	2	NO
6	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
7	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	0	YES
8	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
9	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
10	JUD	Title 4, Chapter 35	Judicial Compensation Commission	N/A	December 1st of even numbered years	3	3	NO
11	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
12	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	2	NO
13	NAT	PL 2001, c. 648	Community Preservation Advisory Committee	No more than 4 times annually	Annually to NAT Committee	13	0	YES

Total number of members 156

Total appointments remaining 7

Percent of appointments complete 94%

Mr. Norton drew the members' attention to several studies, as follows:

- The Committee to *Study the Protection of Farms and Farmland* is on the agenda for approval of outside funding.
- The *Governor's Natural Resource Agency Task Force* will be reported on periodically. Although it is not a legislative study, seven legislators are on the task force and legislative staff has been called upon to assist in researching information.
- The *Commission to Study Long-Term Home-Based and Community-Based Care* requires outside funding by October 1. No commitments for funding have yet been obtained.
- Funding is being sought to support the update of the *Feasibility of Establishing a Single-Payor Health Care System in the State*. Discussion has been ongoing with several funding organizations; the Maine Health Access Foundation, the Commonwealth Foundation, and the Wallace Foundation are not interested in funding the Study. The Robert Wood Johnson Foundation has not yet responded. Dr. Elizabeth Kilbreth at the Muskie School is pursuing funding from other potential donors.
- With respect to the *Judicial Compensation Commission*, three people are currently appointed to that commission with two having their term expired but are continuing to serve until their successors are reappointed. The commission has met once and is planning to meet again in several months.

Senator Mitchell asked for a status of the number of meetings each study has met. Mr. Norton gave a brief overview and confirmed he would add that information to his future reports.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on July 30, 2008 and considered the following two items:

1. Finalize Personnel Policies and Guidelines for Leadership and Personnel Policies and Guidelines for Employees of the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives

The Personnel Committee voted to approve the revised personnel handbook for Leadership Employees consistent with the Legislative Council's policies. The handbook will be finalized and delivered to the Senate President and the Speaker for signature and distribution to Leadership employees.

The Personnel Committee intends to finalize the revised handbook for Clerk and Secretary employees at its next meeting. No Legislative Council action is required.

2. Legislator Confidentiality and Proposed Release of Confidential Information Relating to Preparation of Legislation

The committee voted to recommend that the full Legislative Council amend its current policies relating to release of confidential bill amendment information. A copy of the proposed change was distributed to the Legislative Council members for review. Speaker Cummings then asked Senator Martin to summarize the issues and the recommended change.

Senator Martin explained that the issue of the extent of release of information relating to floor amendments filed by legislators has been discussed for some time. The House Clerk and the Senate Secretary have expressed interest in knowing how many floor amendments are pending in the chamber, not who filed them but the number pending. Current Legislative Council policies prohibit nonpartisan staff from disclosing the existence of amendments filed unless the sponsor first agrees to the disclosure. The committee discussed the issue at length and developed a recommendation that should meet the needs while still preserving legislator confidentiality. He emphasized that the recommendation was a middle ground, and while the committee did not support everything that was requested, it is what was worked out and agreed to. Under the proposal, certain limited information could be released to the Leaders and the Clerk and the Secretary, provided that the Sponsor did not request that it remain confidential and as long as the number of amendments is five or more, e.g. appropriations or education related bills. Information released would not include sponsor names or any substantive aspects of the amendment. It would disclose whether the amendment is a House or Senate amendment. This change would preserve confidentiality but provide a tool for leadership to better schedule chamber actions.

Senator Martin noted that although pending floor amendments may be disclosed in a report under this new process, there is nothing to require that any or all of those amendments actually be finalized or introduced; a member retains the right to sign or not to sign an amendment. Finally, he noted a change to the written recommendation presented: that “in writing” be removed from the 2nd paragraph so that a legislator not be required to make his or her request for confidentiality to the Revisor in writing. Senator Martin offered the following motion.

Motion: That upon the recommendation of the Personnel Committee, the Legislative Council adopt a change to the personnel policies for nonpartisan legislative employees regarding legislator confidentiality, as described in Paragraph C of the Personnel Committee’s recommendation [Section III A (4) of the handbook of personnel policies and guidelines, 2008 edition]. Motion by Senator Martin. Second by Representative Pingree. **Approved (9-0)**. Representative Faircloth absent for vote.

Following the vote, Senator Rosen commented that he was pleased that the change included the prohibition against disclosure with fewer than five amendments and the removal of the “in writing” requirement. He asked whether the Executive Director and the Revisor can work with this change to the personnel policies and guidelines, and understand the implications to legislative staff should there be a release of confidential information. Mr. Boulter responded by saying that staff fully understand the confidentiality policy and its implications. The standard is high but is necessary so to maintain effectiveness of nonpartisan offices and give legislators 100% assurance that confidentiality will be respected. Staff can adapt to and work effectively with this policy change.

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

Senator Martin noted that the most recent quarterly variance report for legislative accounts had been distributed to Leadership.

4. Subcommittee to Administer Technology

(No Report)

OLD BUSINESS

(There was no Old Business.)

NEW BUSINESS

ITEM #1: Briefing on Proposed Deaccession of Arba Powers Portrait from State House Portrait Collection (J.R. Phillips, Director, Maine State Museum)

Mr. Phillips explained the Maine State Museum's proposed removal or "deaccession" of a portrait from the "State House Portrait Collection." He explained that a portrait may be included in the collection in two ways: by act of the legislature and when a portrait is commissioned for a former governor. Deaccession is governed by law and by museum commission rule. Under those provisions, the museum is given authority to remove an item from the collection, with notice to the Legislative Council. The director is planning to remove the portrait of Arba Powers from the collection and transfer ownership to the Houlton Historical Society. This is the first instance in which a portrait has been deaccessioned. Mr. Phillips related that in 1972 Portland Press Herald reporter, Jim Brunelle researched Mr. Powers, born in Houlton, Maine, and concluded he was not a prominent actor. He was a nephew of Llewellyn Powers, a former governor. His portrait was first hung in the Blaine House but was later hung in the State House. He died in 1935, six months after his portrait was acquired. Mr. Phillips stated that the Houlton Historical Society would accept possession of the portrait. Mr. Phillips has recommended to the Museum Commission that it deaccession the portrait to the Houlton Historical Society. The final decision rests with the commission.

Senator Martin cautioned that decisions regarding deaccession of State portraits should not rely upon a reporter's research or opinion. He further stated that in this situation, he is comfortable with the museum's decision since the portrait will be transferred to the Houlton Historical Society for display in Houlton. He further stated that perhaps other portraits should be removed as well, noting the lack of portraits of prominent women in the State being displayed. He urged the museum commission to consider finding other portraits of people in Maine who made greater contribution than some of those whose portraits now hang in the State House.

Motion: To support the proposal to remove the Arba Powers portrait from the State House collection and transfer it to the Houlton Historical Society for public display. Motion by Senator Martin.

Senator Mitchell asked Mr. Phillips if the museum commission has a plan for evaluating proposed portrait deaccessions, and how the Powers' portrait fit into such a plan. Mr. Phillips replied that it has a plan, not just for portraits but for other items in the custody of the museum.

Deaccessioning is done frequently where the item is returned to a donor or given to a local library or historical society. He concluded by saying that the museum employs a curator who provides research and assessment on items held by the museum.

The council did not formally vote on the motion, but the members generally supported the recommendation by Director Phillips to remove the Arba Powers portrait from the State House collection for transfer to the Houlton Historical Society.

ITEM #2: Status Report on Governor's Natural Resource Agency Task Force

Representative Pieh, co-chair of the "Governor's Natural Resource Agency Task Force" reported that it has held three productive meetings to date, and has a two day meeting planned for September and two day-long follow-up meetings scheduled for October and November. The purpose of the task force is to improve the efficiency and services of the five state natural resource agencies, those being the departments of Agriculture, Conservation, Inland Fisheries and Wildlife, Marine Resources, and Environmental Protection. The task force was established by the Governor, and he appointed all members. It consists of close to 40 members, made up primarily of stakeholders, seven legislators, the five agency commissioners and representation from the State Planning Office and from the Governor's office.

Meeting attendance has been excellent. A survey is being circulated to solicit input. All task force information is available through the State Planning Office at www.maine.gov/spo.

Representative Pieh stated that the Governor and various legislators may be proposing legislation to implement the recommendations of the task force. In order to deal with cross agency legislation, Representative Pieh asked the council members to consider convening a joint select committee during the 124th Legislature to review any such legislation.

Senator Rosen asked if the Governor intends to present his proposal for change as part of his proposed budget or as separate legislation.

Representative Pieh responded by saying that she does not know the answer but it is likely that if the Governor thinks he can get the change using the budget he may go that way, but with a joint select committee, the legislature could remove it from a budget proposal and review it separately.

ITEM #3: Request for Update on Pilot Project for Computer Automation in House Chamber and Related Council Ballot

Senator Weston requested an update on the pilot project for computer automation in the House chamber and the related council ballot that was circulated.

Senator Weston began the discussion by stating that the Legislative Council had authorized a pilot project for automating the House chamber, at a cost of about \$35,000. She expressed surprise when a Legislative Council ballot was circulated for \$65,000, apparently for software and laptops relating to chamber automation. She reminded council members that the council's decision on the proposal was for a pilot project only. In that discussion, Senator Martin was quite clear he did not support a full scale project. Senator Weston asked for the status of the project.

Mr. Boulter responded that the approval was for a pilot project only. The council members have not received a report back on the results of the pilot yet, but it was his understanding from the Speaker and the House Clerk that the pilot project went well. Mr. Mayotte said he worked with the House Clerk to implement the project, and technically it went well. The pilot project is now completed.

Senator Weston asked for an explanation of the new \$65,000 expenditure given that the original approved funds were spent developing the pilot. Speaker Cummings responded that it was used for a variety of things, but noted that the entire \$65,000 has not been fully expended yet. The ballot authorized transfer of unexpended balances in some budget lines to a technology related line, for uses including purchase of In Design software [document publishing software, replacing PageMaker] for the House Minority office. In addition, he said some economic modeling software was purchased.

Mr. Speaker then distributed a summary of a survey of House members relating to the pilot project. He said both Republicans and Democrats seemed to favor the project. He noted that while the surveyed members preferred state-provided laptop computers to preview calendars, bills and amendments, there is no money in the budget for that expense. Referring to the survey, he said that 85 respondents would like electronic copies in the chamber, 12 preferred paper copies and five preferred receiving both electronic and paper copies. Ten representatives participated in the pilot project that was authorized by the Legislative Council to see if an electronic system was workable.

Speaker Cummings explained that to estimate efficiency and savings at this point, one would have to use the state of West Virginia as a model since that state is the most recent to go paperless. He noted that 41 states have implemented a computerized or automated chamber. He stated that this past session budget report was divided, required printing copies of each report, at a cost exceeding \$7,100 and a six hour wait time for printing. He stated that according to the House Clerk, if the amendments had been available electronically, the wait time would have reduced and have saved \$15,000 by not coming into session the following day. He said that the request for the \$65,000 is to continue with vendor International Roll-Call to make upgrades to the pilot software as was suggested by the users. It would be up to the presiding officers whether to allow members to buy their own computers with their constituent allowances, thus lowering costs to the State. Legislative Council chair President Edmonds indicated that she was unclear whether the \$65,000 has paid for software relating to constituent services (i.e. In Design) and software upgrades to the pilot project software. Speaker Cummings answered that was correct; it has been used for both.

Senator Weston asked if the Legislative Council received a copy of the contract for the software development now being done. Speaker Cummings answered that he did not know if it had been distributed but he has it. Senator Weston requested a copy. She further asked for the amount of money that has been spent to date on the chamber automation project, including hardware, and if any other commitments relating to the project have been made. Speaker Cummings answered that the only commitment has been for the purchase of ten laptop computers and software development (\$35,000 - \$45,000). He was unclear what the new \$65,000 expenditure was for and asked Mr. Mayotte for an explanation. Mr. Mayotte said the money was to pay for software development to complete development of the IRC software. Senator Weston requested an itemization of the expenditures. Mr. Mayotte offered to work with Clerk MacFarland to itemize the costs. Speaker Cummings emphasized that he was not making a request to the Legislative Council for additional money, but only the transfer of unexpended funds between budget lines.

Senator Weston returned to the issue of the amount spent on the project, asking if the total amount spent was no more than \$35,000 - \$45,000. Mr. Mayotte responded that \$35,000 was spent under a contract with IRC for software development for the pilot project, and \$8,000 was spent on laptop purchases. Senator Weston then asked how much of the \$65,000 has been spent, adding to the initial \$45,000 already spent. Mr. Mayotte said he did not know and that he would have to check with Clerk MacFarland.

Senator Martin indicated that the House Clerk would have the exact figures.

Representative Pingree said that it was her understanding that there was an unexpended surplus in the budget and the House sought Legislative Council approval (by ballot) to expend it, noting that this was not additional money but a reallocation of funds. At an earlier meeting, the council had debated whether the House was allowed to spend its "own" money, but the Legislative Council decided it was not allowable. So the Speaker sought Legislative Council approval by ballot to spend it on technology. Senator Martin agreed.

Representative Tardy said the question about expenses should be directed to the executive director since presumably all invoices for payment go through the Executive Director's office. He summarized his understanding of the expenses: \$35,000 for initial software development, \$8,000 for computer hardware. Rose Breton, Legislative Finance Director, responded by saying that about \$43,000 has been spent for the pilot project. In addition, the office has processed an invoice from IRC for another \$30,000. She had not been informed whether this expense was related to the pilot project or the next phase. [Note: Following the council meeting, Ms. Breton checked her accounting records and realized the invoiced amount was \$50,000, not \$30,000.]

Senator Weston concluded by asking the Speaker if there has been any commitment of additional money, since the council's only commitment at this time was for the pilot project. Mr. Mayotte responded by saying that he believed the only commitment is to the pilot project, being the IRC software and the laptops. Senator Martin tasked Mr. Mayotte with providing Senator Weston with a copy of the contract, and said that he will ask House Clerk MacFarland to provide Senator Weston with a breakdown of the budget and expenses for the project.

ITEM #4: Request for Update on Use of Capitol Correspond

Speaker Cummings asked for an update. He noted that last year the Legislative Council approved purchase of the constituent services software, costing about \$70,000. He asked for an update because he said some offices were not using the software.

Mr. Boulter answered by saying he had little information about the use since nonpartisan offices do not use it, and the Leaders may have a better sense of the use. The software, Capitol Correspond, was installed in the Senate President's office, Senate Majority and Minority offices and House Majority and Minority offices. All offices were offered training on the application. Senate President Edmonds remarked that the Senate Democrats find the program to be useful and helps with follow-up contacts. Senator Weston agreed, noting the application's usefulness in tracking past constituent contacts. Senator Mitchell also agreed. Speaker Cummings concluded by saying that the software appears to have been a good investment.

ITEM #5: Acceptance of Funds to Support the Committee to Study the Protection

of Farms and Farmlands

The following entities made contributions to support the study. Acceptance of funds requires the approval of the Legislative Council.

- **Wild Blueberry Commission of Maine**
- **Maine Potato Board**
- **Agricultural Council of Maine**
- **Maine Dairy Industry Association**

Motion: That the Legislative Council accept the funds received from the noted entities to fund the Committee to Study the Protection of Farms and Farmlands. Motion by Senator Martin. Second by Representative Pingree. **Approved (9-0)**. Representative Faircloth absent for vote.

Mr. Boulter noted that the total amount received is \$4,271 rather than \$4,371 reported in the memo.

ITEM #6: Request by Chair of Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care for 2 additional meetings.

The commission is authorized to meet four times but in the absence of funding (outside funding required) it has not yet convened. Nonetheless, the commission chair felt the commission could not complete its work in four meetings and requested two additional meetings, provided that sufficient funds are received.

Motion: That the Legislative Council authorize Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care to meet up to two additional times for a total of six meetings, conditional on receipt of sufficient funds. Motion by Senator Martin. Second by Representative Crosthwaite. **Approved (9-0)**. Representative Faircloth absent for vote.

ITEM #7: Executive Session

Motion: That, in accordance with 1 MRSA section 405, subsection E and F, the Legislative Council enter into an executive session for the purposes of consulting with legal counsel concerning the legal rights and duties of the Legislative Council and for the purposes of discussing information contained in records which are designated confidential by statute. Motion by Speaker Cummings. Second by Senator Martin. **Approved (8-0)**. Representative Faircloth and Representative Tardy absent for vote.

The Legislative Council went into an executive session at 2:28 p.m.

The Legislative Council ended its executive session at 2:43 p.m. and resumed its regular meeting.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

Motion to adjourn by Representative Pingree. Second by Representative Crosthwaite. **Approved (8-0)**. Representative Faircloth and Representative Tardy absent for vote.

The Legislative Council meeting was adjourned at 2:44 P.M.