

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

April 24, 2006

APPROVED MAY 22, 2006*

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 11:35 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Brennan, Sen. Davis,
Sen. Gagnon, Sen. Weston

Representatives: Speaker Richardson, Rep. Cummings, Rep. Bowles,
Rep. Duplessie,
Absent: Rep. Tardy

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
Patrick Norton, Director, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE MARCH 2, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of March 2, 2006 be accepted and placed on file. (Motion by Rep. Cummings, second by Sen. Davis, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

A structural engineer and members of Consigli Construction, Inc. will be on-site when the Legislature is not in to investigate a crack that has developed at the top of one of the granite columns at the East Porch. The crack was not thought to be serious but does warrant investigation. Staging will need to be set up for one day.

The State YMCA of Maine's annual Youth in Government Program will be held in the State House Friday, May 5 from around noon until Sunday, May 7, 2006. About 150 high school youth from across the state will participate in the model legislative program.

Thomson West (formerly West Publishing) will hold a 1 day open house on-site to display various legal and legislative products, demonstrate on-line services and answer questions that staff and others may have about products of services the Legislature uses. West will be onsite during the week on May 22nd. The Legislature uses West products extensively, including the annotated and unannotated Maine statutes.

- **Fiscal Report**

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

General Fund Revenue

General Fund revenue was \$32.2 million over budget for the month of March, increasing the positive variance to \$32.6 million for the fiscal year-to-date (FYTD). This variance reflects the March revenue revisions but does not include the revenue from the 2006-2007 Supplemental Budget, PL 2005, c. 519, which increased FY 06 General Fund budgeted revenue by \$0.4 million. Most of the major lines performed well in March.

It is too early in April's Individual Income Tax processing to determine whether there is a change in revenues. While collections are behind last year's, the timing of the Patriot's Day holiday this year delayed the filing deadline and the number of returns processed.

Highway Fund

The Highway Fund was over budget in March by \$0.9 million, reducing the negative variance for the FYTD to \$1.2 million (-0.6%). The Fuel Taxes line is the major reason for this negative variance. It remained \$2.3 million under budget despite being revised downward by \$4.1 million in FY 06 in the March 2006 revenue forecast. Fuel Tax revenue may be adversely affected by the recent increases in oil prices. These recent price increases were not anticipated in the economic forecast and, consequently, the revenue forecast.

Cash Pool and Cash Balance Trends

In March, Cash Pool average balance and General Fund average balances were lower than anticipated. MaineCare interim payment recovery performance has adversely affected General Fund cash balances and the total Cash Pool. Internal borrowing from Other Special Revenue Funds increased to \$83.5 million during recent weeks. This internal borrowing will subside in the next few weeks as

Individual Income Tax revenue collections increase General Fund cash balances. Average General Fund cash balances are typically the lowest in each April.

Highway Fund cash balances over the last 2 months have shown a modest recovery over the last 2 months after dipping significantly earlier this fiscal year as a result of the budget problems within the Department of Transportation. The Revenue Forecasting Committee assumes that Highway Fund cash balances will recover to an average of \$30 million each fiscal year through FY 09 after averaging nearly \$60 million last fiscal year.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, reported the following:

Bill Drafting System

The office is focusing on special bill production and end of session functions: proper formats for bills and amendments, Statute update, publishing Laws of Maine, Enacted Law Digest and Bill Summary publications, and identifying warranty items.

HP has made progress in clearing warranty issues. An HP software release is scheduled for April 27th. The HP Project Manager has been in Augusta on a weekly basis and staff has been coordinating with the Revisor's Office to make sure that HP is working on priority issues.

Data Backup Processing

All data backups are current and are being checked daily. Steps have been taken to improve the backup process and the security of the backup data with copies of the backup being stored both on and off-site. All requests to restore damaged or lost user files are being met promptly. Mr. Mayotte stated that backup time for a major component has been reduced from 12 hours to less than 5 hours.

Speaker Richardson asked what had prompted HP to focus on a number of the warranty items. Mr. Mayotte answered that both he and the Executive Director had been putting pressure on HP to wrap things in the time available and within the warranty. He also said that the project manager for HP who had been assigned to another project was now re-focusing on legislative issues.

A brief discussion was held concerning the recent increase in the amount of SPAM email. Mr. Mayotte was working on the problem, requiring the office to upgrade technology to filter SPAM effectively.

A question was voiced concerning whether the files lost when the computer system was down had been recovered. Mr. Mayotte answered that not all files were recoverable or only partially recoverable but staff attempts to recover lost files if possible when a request was made. He went on to say that the likelihood of a reoccurrence of lost files was small as backups are being done daily.

A Legislative Council member asked whether the HP warranty for the MELD system would extend into next year since some issues have not been completely resolved. Mr. Mayotte responded that the warranty with HP expires in early June and steps are being taken to ensure that outside maintenance support is available after the end of the warranty period. HP is obligated to fix work covered under the warranty even after the warranty period ends if identified during the warranty period. Mr. Mayotte said that his goal was to complete all the work before the warranty expires.

PERSONNEL COMMITTEE

Rep. Cummings said that the Personnel Committee had not met since the last Legislative Council meeting but would meet before the next Council meeting concerning several personnel matters.

REPORTS FROM COUNCIL COMMITTEES

- **State House Facilities Committee**

Senator Gagnon, Chair, State House Facilities Committee reported on the committee's meeting of April 24, 2006.

1. The committee reviewed the proposed work plan for the State House and Grounds for 2006. Among the various projects is a plan to substantially improve the south entrance to the State House, including a new traffic flow, redesigned parking and installation of pedestrian walkways. He said the committee voted unanimously to recommend approval of the plan. Preliminary drawings of the plan were presented for Legislative Council review.

Senator Gagnon explained that given the current condition of the parking and roadways in the Statehouse complex, it is time to improve the south entrance to the State House (part of the work plan). He noted that current traffic pattern is chaotic especially when many vehicles are present. He said the two biggest issues to be addressed were safety, particularly for children visiting, and also making better use of the green space and making it more attractive.

Architect Richard Burt made a brief presentation of the parking/traffic plan. He explained major features and emphasized the safety and traffic flow improvements. He noted that the current parking space layout is not in compliance with ordinances/standards. If it were, the overall reduction would be 4. As currently laid out, the Phase 1 reduction would be about 10 spaces.

The Speaker sought assurances that exterior work in the parking lot would not interfere with the schedule to make repairs to the House Chamber. He also asked that exterior repointing and interim painting be closely coordinated so work will not have to be redone. Sen. Gagnon responded that the plan addresses those issues so all work can be completed properly before the Legislative Session begins.

Richard Burt stated that granite repointing of the east porch and west wing is scheduled for May 15th through October and work in the chamber and exterior walls has been scheduled to begin June 1st. Work will continue until the projects are finished.

2. The committee considered a request by the State House and Capitol Park Committee to share the costs of placing electrical and other utilities along Union Street underground. All other utilities along Capitol Park have been placed underground already. Union Street which borders Capitol Park will be substantially upgraded this summer, similar to the road improvements made to Capitol Street along Capitol Park in 2004. The costs would be shared with 3 other entities and the legislative share of the costs would be approximately \$80,000. He stated that the committee recommended approval.
3. The final item discussed was video broadcasting in the Senate Chamber. The committee received an update from Mr. Mayotte and then reviewed two proposals to provide Internet video broadcasting of Senate proceedings. The committee will continue to work with Senate staff to help decide on equipment options and with Legislative Information Services to smoothly and cost-effectively integrate video broadcasting into existing legislative systems. The Senate President will work with

her staff and the Secretary of the Senate to decide policy and protocol issues relating to video broadcasting.

Sen. Gagnon made a motion that the Legislative Council authorize maintenance and improvement projects for the State House and Grounds as described in the Multi-Year Plan 2006 Revision, prepared by Richard Burt, Architects, and direct the Executive Director take all necessary measures to implement the plan as revised. Second by Rep. Duplessie. (Approved, Unanimous, 9-0).

Sen. Gagnon made a second motion that the Legislative Council authorize payment of \$80,000 toward the costs of relocating electrical and other utilities from Capitol Park and placing them underground as part of the road improvements to Union Street. \$30,000 of the funds must be come from funds already appropriated to the State House and Capitol Park Commission and the balance must come from unexpended balances in the legislative reserve fund for facility improvements. The Executive Director is authorized to enter into agreements with other parties to cost share the expense and to administer all legislative funds for the project. Second by President Edmonds (Approved, Unanimous, 9-0)

OLD BUSINESS

Item #1: Council actions taken by ballot

A copy of a list of actions taken by ballot by the Legislative Council since its April 24, 2006 meeting is attached. No action by the Legislative Council was required

NEW BUSINESS

Item #2: Consideration of After Deadline Bill Requests

Three after deadline bill requests were considered by the Legislative Council. The Council's actions on these requests are included on the attached list.

Item #3 Council of State Government

The Legislative Council considered a request for Contribution to the Council of State Governments' Eastern Regional Conference (CSG/ERC) Northeast States Association for Agriculture Stewardship (NSAAS) in the amount of \$10,000 for Fiscal Year 07 for Maine's share. Motion to approve the request by President Edmonds, second by Rep. Duplessie. (Approved, Unanimous, 9-0)

Item #3 Legislative Youth Advisory Commission

The Legislative Council reviewed the memo presented by Sen. Elizabeth Mitchell recommending a proposed amendment to the Legislative Youth Advisory Council's statutes. Sen. Mitchell briefly explained the current situation noting that the proposal would correct a problem with current funding from the Department of Education and improve the overall functioning of the youth advisory council.

Sen. Mitchell noted that:

- Part A of the proposed legislation is essential to resolve the funding issue related to the \$30,000 that was to be transferred for two regional public forums this fall. This change is

necessary to accommodate changes in the grant agreement between the department and the Carnegie Foundation. Since this change affects the legislative budget, it is within the purview of the Legislative Council. With this change, the youth council would be able to hold the regional public forums as envisioned, but they would be funded by the department directly rather by funds transferred from the department to the legislative account. The cost will be well under \$30,000. The balance of the funding would be used by the department for other purposes allowed under the grant but unrelated to the youth advisory council.

- Part B of the proposed legislation makes several other changes that are necessary to improve the functioning of the youth council. Part B changes the youth council's reporting requirement from annual to biennial, makes the report due in mid-November rather than mid-February, reduces the number of youth members on the council from 18 to 16, and requires that all youth and Legislative members be appointed or reappointed at the start of each new Legislature.

Transition provisions are included that allow current youth members to serve the full 2 year term for which they were appointed. Part B also adds a provision prohibiting any public or private entity from seeking any outside funds to support activities of the Youth Advisory Council without first obtaining prior written approval from the Legislative Council.

Speaker Richardson asked if Legislative Council members were in agreement with the amendment. The vote was unanimous.

Item #4: Action on Legislative Study Requests

David Boulter, Executive Director of the Legislative Council and Pat Norton, Director of OPLA, spoke regarding the suggested protocol that could be used for legislative study requests. Sen. Gagnon made a motion that the Council accept the suggested protocol – second by Rep. Cummings. (Approved, Unanimous 8-0, Rep. Duplessie absent)

The Legislative Council then considered and acted on the study requests. The Legislative Council's action on study requests is included on the attached list.

Senator Gagnon suggested that the OPLA Director and the Executive Director develop a procedure and template that analysts would use with committees so there is consistency among proposals. Mr. Norton pointed them to study drafting guidelines in the back of the packets provided by OPLA which address many study problems and said he would work on a proposal to present to the Council that would address other issues related to studies.

Reconsideration of Study Request

Rep. Cummings made a motion to reconsider LD 1523 (study request). Several motions were then made. The final action is reported on the list of studies.

Submission of Study Reports

The Legislative Council voted to accept the Freedom of Access Committee and the Legislative Youth Advisory Council reports and place them on file.

Item #5: Commission to Study the Cost of Providing Certain Services in the Unorganized Territories

The Commission to Study the Cost of Providing Certain Services in the Unorganized Territories requested approval to hold 3 additional made to hold 3 additional meetings (6 have been held to date) and to extend the reporting deadline to December 1, 2006. Motion to approve the request by President Edmonds, Second by Sen. Brennan (Approved 6-3: Rep. Bowles, Sen. Davis and Sen. Weston Opposed)

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:10 p.m. (Motion by President Edmonds, second by Sen. Davis, unanimous).

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