

MAINE STATE LEGISLATURE

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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

EDMONDS
R
A. CUMMINGS
E-CHAIR

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
May 22, 2006
APPROVED JUNE 19, 2006*

CALL TO ORDER

In the absence of the chair, the vice-chair President Edmonds called the Legislative Council meeting to order at 1:25 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

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 APRIL 24, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of April 24, 2006 be accepted and placed on file. (Motion by Rep. Tardy, second by Rep. Duplessie, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

The State YMCA of Maine expresses its appreciation to the Legislature for hosting its annual Youth in Government program at the State House again this year. Participant surveys consistently rate being in the State House as a prime enticement to participate in the program. The Y is requesting to hold its 2007 program on either March 30 – April 1 or April 13 - 15, 2007.

The Department of Administrative and Financial Services is developing a new accounting system to replace the current MFASIS computer system. Legislative accounts receivable and payable systems currently interface with MFASIS, and staff is working to assume a smooth transition to the new system, estimated to occur on October 1, 2006.

Investigation of the 3rd floor porch column by a structural engineer has revealed a stress fracture of the column capital. The crack should not lead to column failure or risk to the porch but needs to be repaired to prevent the damaged column capital from falling. President Edmonds asked if the porch remains usable and Mr. Boulter responded that it may continue to be used.

The rebuilding of Union Street awaits a decision by MDOT about cost sharing of placing utility lines underground. All other parties have committed to share in the costs.

- **Fiscal Report**

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

General Fund revenue was \$8.3 million over budget for the month of April, increasing the positive variance to \$40.9 million (+1.9%) for the fiscal year-to-date (FYTD). This variance reflects the March revenue revisions and all legislative changes enacted through the end of April. All major tax lines performed well in April. However, revenues collected by the Department of Health and Human Services and the Judicial Department were the only major continuing negative variances in the General Fund, \$8.0 million and \$3.5 million, respectively, under budget through April. Other negative variances in the service provider tax line and property tax - unorganized territory line represented timing issues and are expected to be offset by the end of the fiscal year.

Highway Fund revenue was under budget in April by \$2.6 million, increasing the negative variance for the FYTD to \$3.8 million (-1.5%). The fuel taxes line is the major reason for this negative variance. The negative FYTD variance for the fuel tax line increased to \$2.9 million (-1.7%). Higher fuel prices than anticipated in the economic forecast have lowered consumption and revenue below projections. This negative variance is expected to continue and grow.

In April, the total Cash Pool average balance and General Fund average balances were lower than balances a year ago, but are higher than the average of the last 4 fiscal years.

MaineCare interim payment recovery performance has adversely affected General Fund cash balances and the total Cash Pool. As a result, General Fund internal borrowing from Other Special Revenue Funds increased up to \$83.5 million in the early part of April. With the collection of April tax revenue, General Fund internal borrowing ceased during the last week in April.

Highway Fund cash balances have begun to recover over the last 3 months after dropping significantly earlier this fiscal year as a result of the budget issues within the Department of Transportation. This recovery may be shortened by the additional demands on Highway Fund resources as a result of the road damage caused by flooding in southern Maine.

- **Office of Information Services' Report**

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

SPAM Filtering (follow up)

Mr. Mayotte reported that incoming SPAM volumes continue to increase. The SPAM filters are monitored for proper operation, and improvement to the filtering process will be made after the session ends.

Bill Drafting System

The Revisor's and Information Service's offices are in the process of using and evaluating all MELD functions during the warranty period. Issues are being reported to HP as they are identified. HP has resolved several bill type issues with the most current software release. A new software release will be installed later this month. Mr. Mayotte stated that it unlikely that HP would complete the correction of all warranty items by the end of the warranty period but that HP is bound to correct the deficiencies even after the warranty period. Mr. Mayotte also stated that post session work schedules are being finalized for both Wang and MELD updates.

President Edmonds asked Mr. Mayotte if the Wang system would be discontinued by January 2007. Mr. Mayotte responded that the Wang system would no longer be used for drafting by the next session.

Data Backup

All computer data backups are current and are being performed to established procedure. The procedures and technologies for the backup and recovery of legislative data are being reviewed and revised to ensure current and future needs can be adequately supported. Several improvements will be recommended to the Executive Director to improve the reliability and performance of the process.

- **Office of Policy and Legal Analysis Report**

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

Review of Legislative Studies Process

Mr. Norton briefed Legislative Council members on the progress being made on the Legislative Council's request to work with the Executive Director and others to review study guidelines with the goal of making the study proposals submitted to the Council more consistent in format. He stated that his first step was to review how other states develop and present study proposals, and he is gathering that data. Once collection and review of data are complete, Mr. Norton will seek further guidance from the Legislative Council about a process for offices and the House and the Senate to review the information and develop proposals to the Council that will improve the process.

PERSONNEL COMMITTEE

Rep. Cummings said that the Personnel Committee did not have a report since the Committee had not met since the last Legislative Council meeting.

REPORTS FROM COUNCIL COMMITTEES

Sen. Gagnon said that the State House Facilities Committee had not met since the meeting of April 24, 2006, and therefore, did not have a report.

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 May 22, 2006 meeting is attached. No further action by the Legislative Council was required.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

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

Item #2: Task Force to Study Maine's Homeland Security Needs request for a Joint Resolution Memorializing the Congress and President of the United States

Sen. Ethan Strimling presented the Task Force to Study Maine's Homeland Security request for a Joint Resolution memorializing Congress to support equitable disbursement of Homeland Security funds. He explained that the joint resolution supports a Senate bill sponsored by Senator Susan Collins. (Motion to approve by Sen. Gagnon, second by President Edmonds, Approved 7-1, Rep. Bowles opposed).

Item #2: Maine Development Foundation request for regarding legislative training as part of the Policy Leaders' Academy

Laurie Lachance, President of the Maine Development Foundation, presented MDF's request to the Legislative Council and briefly explained MDF's offer to assist in planning a legislative training session and bus tours for the incoming legislature. She stated that the University of Maine System including its 2 public policy schools, the Maine Community College System and MDF would like to formalize their partnership with the Legislature for developing and delivering programs tailored to the needs of the Legislature. Formalizing the partnership and obtaining the Legislative Council's endorsement early on will allow time to: develop a thoughtful and comprehensive training program; arrange for national level presenters; and raise the necessary funding to support the training effort.

Ms. Lachance requested the following from Council members:

- 1) That the Legislative Council members offer feedback as to whether and how the MDF/university/community college partnership would best assist in legislative training programs;
- 2) That the Legislative Council consider appointing legislative staff, including the Executive Director and the legislative Chiefs of Staff (6) to work with MDF et al to help develop a suggested comprehensive legislative training program that would be presented to the council for its consideration; and
- 3) That the Legislative Council appoint a bipartisan subcommittee of legislators comprised of 4 or so legislators to guide the planning process and shape the curriculum to best suit the needs and interests of the Legislature.

Ms. Lachance concluded by saying that the group would like to begin the planning process in early June, and would report back to the Legislative Council on its progress at a subsequent Legislative Council meeting.

President Edmonds thanked Ms. Lachance for her presentation and stated that she supported the development of a more comprehensive legislative training program, especially in an era of legislative term limits. The council members then began a brief discussion of the proposal and discussed several issues. The members generally supported developing a better and more comprehensive training program for legislators.

Rep. Bowles expressed a concern that the university's Margaret Chase Smith Policy Center and the Muskie School of Public Service have not always been viewed in the past as nonpartisan or even bipartisan. He felt that if the schools were to participate that their role be carefully defined and not drive the policy presentations. Others generally agreed that the institutions could provide helpful resources and information but that MDF, working with the legislature, should develop the curriculum and shape the training session. The council's subcommittee and legislative staff involvement will also help mitigate any concerns and keep a nonpartisan focus to the presentations. Members also agreed that while there is need for training on partisan aspects of the legislative process, this is not the appropriate forum for such training.

The members also agreed that holding the training fairly early in the new legislative session would be helpful as many of the policy issues are complex and will emerge during the session.

President Edmonds then suggested that a bipartisan subcommittee of 4 legislators be established, with one legislator being recommended by each caucus. Council members agreed, and agreed to submit names soon, which then will be forwarded to MDF. Ms. Lachance indicated that once the subcommittee is established, work would begin right away so that one or more proposals could be prepared by late June or July. At this time she anticipates that two forums would be held during the first week in December and bus tours would be conducted in January 2007.

Rep. Cumming suggested that the training session might include a presentation on the results of a study being conducted by the Brookings Institute on certain Maine issues. He noted that the Brookings Institute has a reputation for being strictly nonpartisan.

President Edmonds asked the members if the approaches discussed were acceptable and whether MDF should proceed accordingly. The members agreed. President Edmonds concluded by requesting that MDF proceed, and further indicating that the Legislative Council will be looking forward to reviewing the proposed training program when it has been developed.

ANNOUNCEMENTS AND REMARKS

Rep. Cummings asked Mr. Boulter about the status of a Legislative Council ballot sponsored by Rep. Mills. Mr. Boulter said that the ballot has been authorized to be circulated to Legislative Council members but it had not yet been returned to the Executive Director's Office. [Note: the signed ballot was returned shortly after the council meeting and was sent to the Revisor's Office.]

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:03 p.m. (Motion by Rep. Bowles, second by Rep. Cummings, unanimous).

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