

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



ELIZABETH 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
August 24, 2006
Approved September 21, 2006

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:35 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Legislative Officers: 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
Michael Cote, Assistant Clerk of the House

SUMMARY OF THE JULY 27, 2006 COUNCIL MEETING

Motion: That the Meeting Summary of July 27, 2006 be accepted and placed on file. (Motion to accept by President Edmonds, second by Rep. Duplessie, motion approved unanimous (6-0)).

TECHNICAL CORRECTION TO APRIL 24, 2006 SUMMARY

Mr. Boulter explained that the Legislative Council meeting summary for April 24, 2006 had reported that the Legislative Council's decision to approve funding for the CSG Agriculture Stewardship program was unanimous. That was in error. There were actually two votes related to that motion. The tabling motion had been unanimous; however the motion to fund the program had been approved by a 6-3 vote. Executive Director Boulter recommended that the Legislative Council amend the minutes of the April 24th meeting to correctly record the actual vote. Motion to make the correction to the April 24, 2006 meeting summary by President Edmonds, second by Sen. Gagnon, motion approved unanimous (7-0).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

1. **State House Facilities Renovation Projects**

The summer construction projects are proceeding on schedule. Excellent progress has been made over the past month on the south access and parking lot and with the building repointing. The repointing work is ahead of schedule and should conclude by mid-September. Currently, patching and repainting of the House Chamber are fully underway.

2. **Freedom of Access Website**

OPLA and the Office of Legislative Information Services are finalizing the website changes authorized by the Legislative Council last month to include information on the Freedom of Access law and exceptions. The website link and exceptions list will be available and posted by the end of next week, with hyperlinks from the 100 or so exceptions to the relevant section of Maine statutes to follow.

3. **Legislative Employee Picnic**

The Legislative Employee Picnic and Recognition Event will be held in Capitol Park on Wednesday, September 6th, from 11:30 a.m. to 1:00 p.m. Members of the Legislative Council are welcome and encouraged to attend, and meet informally with staff. A picnic lunch will be served.

4. **Computer Training**

Human Resources Director Debby Olken has developed a computer training program that is open to legislative employees. Working with LIS staff member Linda Weston, she has developed training sessions that are tailored to meet specific needs of legislative employees. Various topics, ranging from Excel training, to use of Outlook's and Word's specialized features will be covered in the session during September and October.

- **Fiscal Report**

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

1. **Revenue Update**

General fund revenue was \$8.8 million above budget projections for the month of July, the first month of FY07, (+4.1% variance). The individual income tax and corporate income tax lines continued to be the major contributors to the positive general fund revenue variance.

Highway fund revenue was over budget in July by \$1.9 million (+7.3%). The fuel taxes line, which ended FY06 with a negative variance of \$5.2 million, was the major reason for the July positive variance. Gasoline tax receipts were still slightly under budget, but revenue from diesel fuel and other special fuels was over budget by \$2.2 million.

2. Cash Pool and Cash Balance Trends

Average balance of the cash pool was \$689.3 million in July. This is above the average July balances of \$590.8 million for the last 5 years and above last July's balance of \$571.2 million.

The general fund balance with the additions to general fund reserve balances as a result of the FY06 positive variance and lapsed balances have provided sufficient cash balances to avoid tax anticipation note borrowing. Some internal borrowing or some temporary lines of credit may be required later in the fiscal year, but cash flow borrowing needs have been significantly reduced.

The highway fund cash balance has continued its downward trend. The cycle for the highway fund cash balance shows a drain over the next few months, related to the construction season.

3. Fund for a Healthy Maine Status Report

Fund for a Healthy Maine ended FY06 with an increase to the budgeted ending balance of \$5.0 million. The increase resulted primarily from the positive revenue variance of \$3.9 million, but was also driven by lapsed program account balances of \$0.7 million and prior period adjustments of \$0.4 million.

The pending fund-wide deallocation of \$8.4 million, which was used to keep the Fund for a Healthy Maine in balance, could be reduced to approximately \$3.3 million. The December revenue forecast will be a critical component in determining the allocation reductions that will need to be distributed to the FHM programs.

4. Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission will meet on October 3rd at 9:30AM in Room 228 of the State House. The Revenue Forecasting Committee schedule has not yet been established.

Mr. Pennoyer then briefed members on the difficulty OFPR staff have had obtaining financial information from some state departments, including the Department of Health and Human Services. He explained that on numerous occasions his office has been unable to obtain information needed for OFPR analysis or requested by legislators, negatively affecting the effectiveness of the office. In one situation, a Freedom of Access request had been filed with DHHS to obtain the (public) information. Speaker Richardson asked for clarification about the Freedom of Information request. Mr. Pennoyer responded that a legislator, on his own, and not through OFPR, had made the request because OFPR had been unable to obtain the information requested from DHHS. Speaker Richardson expressed a concern that a legislator had to resort to a FOA request to obtain public information and felt there were other more appropriate and less extraordinary ways to obtain the information. He advised Mr. Pennoyer to notify the Legislative Council Chair and Vice-chair when information is not forthcoming by Executive Branch agencies, so the appropriate official can be contacted directly requesting the information, so in the future, legislators would not feel compelled to file a FOA request for information.

- **Office of Information Services' Report**

Legislative Information Services Director Paul Mayotte was unable to attend the meeting, but included a written report in the Legislative Council packet. Mr. Boulter summarized that report.

Following the report, President Edmonds asked how confident staff are that the MELD system will be ready for full use in January.

Mr. Boulter responded that he felt the MELD system would be ready. He noted that the MELD system had been used to draft legislation during the 2nd Session. In addition, staff had contracted with HP programmers who have helped familiarize and train the Revisor of Statute's staff as they work with MELD. Their experiences have been positive so it is anticipated drafting in the MELD system will be successful. Mr. Boulter explained that the challenge now is for staff to develop a system to track and manage the work flow.

President Edmonds then asked Revisor of Statutes Margaret Matheson for her perspective on the status on the MELD system. Ms. Matheson responded that ROS used the MELD system to produce bills in the past session. She said she felt that they could produce all necessary legislative instruments. She also explained that she felt that as with any new system there would be periods when a problem would arise that would need to be addressed. She stated she was cautiously optimistic that bills and amendments could be produced as needed but stated that there might also be issues that might take a little longer to address because the system is new and new issues might arise.

President Edmonds asked to be kept informed if serious issues arose before the Legislative session begins that would affect system functioning so she is not surprised. Ms. Matheson agreed to do so.

Rep. Cummings asked if large scale testing of the MELD system is feasible without actually being in session mode. Mr. Boulter responded that he was not aware of a way to perform a large bill load test without being in session. Ms. Matheson said she agreed, but suspected the MELD system would deal with well with the bill volume.

Rep. Cummings then asked if there is a backup system in place in case MELD does not perform up to expectations. Mr. Boulter responded that a contingency plan will be in place. Speaker Richardson asked Mr. Boulter to work with LIS and ROS to provide a one or two page memo explaining the backup plan that relates specifically to bill drafting, and what would be needed for contract employees, if any, in the event that the new system does not work.

- **Study Commissions Report**

Mr. Norton, Director of Policy and Legal Analysis reported the following:

He reported that that more than half of the studies have all of their appointments and are now underway. The majority of outstanding appointments are gubernatorial appointments and some studies have not begun because the enabling legislation only became effective on August 23rd.

PERSONNEL COMMITTEE

Rep. Cumming, Chair of the Personnel Committee, reported that the committee met prior to the Legislative Council meeting on August 24, 2006 to review the performance of Patrick Norton, OPLA Director.

Overall, the committee was very pleased with Mr. Norton's performance in his 1st year as OPLA director and felt his management skills and accomplishments contribute positively to the work of legislative staff. The committee also authorized a step increase for Mr. Norton effective on his work anniversary date. No Legislative Council action is required.

The Personnel Committee postponed its review of Paul Mayotte's performance and consideration for re-appointment as LIS director until September to accommodate Mr. Mayotte's earlier scheduled vacation plans.

STATE HOUSE FACILITIES COMMITTEE

Sen. Gagnon reported that the State House Facilities Committee had met earlier in the week and the following:

1. Request to increase lighting in the Klir Beck wildlife dioramas

Rep. Bowles raised the issue of inadequate lighting to properly view the 4 dioramas, a problem that has plagued the dioramas since their re-installation several years ago. The committee discussed the matter with J.R. Phillips, director of the Maine State Museum, who had consulted with Conservator Ron Harvey. Mr. Phillips indicated that the museum has developed an alternative LED lighting plan that would result in significantly better illumination of all dioramas without damaging them. Cost estimates to install additional lighting will be developed. The facilities committee agreed to the museum's approach and asked that the lighting changes be fully completed by October 31, 2006.

2. Report on Capitol Security and Recommended Improvements in State House Security

The committee concluded its review of Capitol Security and State House security, discussed various issues and voted to present its report and make nine recommendations for improving security to the full Legislative Council for its consideration. The report is comprehensive, a copy of which was included in the Legislative Council's packet. Sen. Gagnon said he would be presenting a motion to approve the report and recommendations. Motion by Rep. Duplessie that the Legislative Council accept the Report on Capitol Security and Recommendations for Improving Security in the State House and Other Legislative Areas, second by President Edmonds, motion approved (6-0), Rep. Cummings was absent for the vote.)

Sen. Gagnon then asked Chief Sutter to introduce the new Chief of Capitol Security, Russell Gauvin, formerly of the Portland Police Department.

Speaker Richardson acknowledged that Chief Sutter is retiring and thanked him for his service to the State of Maine and to the security of the Legislature. He welcomed Chief Gauvin. Sen. Davis also congratulated Chief Sutter on his retirement and wished the new Chief well. Sen. Gagnon also thanked the Chief, and for his help with the security.

Speaker Richardson noted that the report on Capitol Security recommended four additional security staff. He suggested that if the budget would not allow for four full-time security officers then there should be at least four session-only employees who would be here when the Legislature is in session.

3. Recommendation on Installation of Internet Video Capability in Senate Chamber

The committee reviewed a report and recommendation prepared by the Office of Legislative Information Services regarding installation of video cameras and broadcast capability in the Senate chamber. After discussion, the committee voted to accept the proposal by Advance Technology of Scarborough, as recommended by Mr. Mayotte.

The system will provide for live broadcasting of Senate proceedings using 3 discretely located cameras and will allow for viewing of each Legislator who is speaking by linking cameras to the existing sound system. The Senate President supports this proposal. In approving the recommendation, the committee concluded the proposed plan is compatible and integrated with other State House infrastructure, and further voted to defer to the Senate President the decision whether to install and operate the approved video broadcast system in the Senate for the 123rd Legislature.

OLD BUSINESS

Item #1: Maine Development Foundation's Proposal for Legislator Training- 123rd Legislature

Ms. Lachance was unable to attend the meeting but provided a memo for members' review. Speaker Richardson said that he felt Council members could discuss the training based on the report provided by Ms. Lachance. The members then discussed issues related to the legislative training including the schedule.

President Edmonds said that December 6th is when Legislators will be sworn in. MDF suggests having legislators stay that afternoon and evening and then continue orientation on December 7th. She was concerned about holding any orientation session on the evening of December 6th because many members will want to spend the evening with their families who attended the swearing in ceremony. However, President Edmonds felt orientation sessions should definitely continue on December 7th and a final half day session should be scheduled in January, possibly a Wednesday morning before leaving on the bus tours. She said that she supported having a policy forum in December during the pre-legislative conference.

(Motion by President Edmonds to accept MDF's proposal with an amendment that the 1st policy forum date be December 7th and the 2nd policy forum in January, that the bus tours be January 10th – 12th and 17th – 19th, and that MDF be authorized to fundraise to pay for the training sessions, second by Sen. Davis, motion approved unanimous (7-0).

Rep. Cummings asked whether all issues raised by MDF in Ms. Lachance's memo had been fully resolved. Speaker Richardson responded that some had been answered and suggested that the other questions be handled by presiding officers or by the members of the work group that has been convened to guide the training session program. Rep. Cummings agreed.

NEW BUSINESS

Item #1: Proposed Liaison Training Session

Mr. Boulter presented a staff proposal to conduct a seminar for legislative liaisons. He explained that much of the proposed training had been conducted in the past but in a piecemeal fashion. The proposal is for an integrated and comprehensive program for Executive Branch officials who interact with the Legislature. He noted that numerous agencies have sought information on how to file rules, draft bills, and

other legislative procedures. The training session would serve two purposes: 1) it will help agency officials do their job better; and 2) it will help legislative staff do their job better as well since the information from agencies will be developed in the appropriate legislative format or in a manner that can be accepted readily.

Motion by Sen. Gagnon to approve the staff request to conduct a training session, second by Rep. Duplessie. Motion approved, unanimous (7-0).

Item #2: Request for Review of Joint Standing Committee Jurisdictions

The Legislative Council members reviewed a request by Rep. Moulton. OPLA Director Patrick Norton explained that as OPLA was coordinating the update of the Legislators' Handbook, Rep. Moulton requested changes to the handbook relating to the jurisdiction of committees. Mr. Norton asked that the changes be discussed by the Legislative Council, since the suggested changes are not administrative but represent policy decisions about joint standing committee jurisdictions.

Rep. Moulton then addressed the Legislative Council and explained that he had a concern about policy shifts within the areas of land use and planning. Rep. Moulton said that since the Joint Rules are adopted at the beginning of the session, and since many legislators do not give a lot of consideration to the rules at that time, he was requesting the Council refer the matter to the Joint Select Committee on Joint Rules. He asked that some thought be given to making adjustments to committee jurisdictions as they relate to land use planning in order to assure consistency in the referral of bills to committees and subsequent committee review of the policy issues.

President Edmonds agreed that referring the matters to the Joint Select Committee on Joint Rules for review was appropriate.

Speaker Richardson requested that Mr. Boulter prepare a letter referring the matter to the Joint Select Committee on Joint Rules, attaching both Mr. Norton's and Rep. Moulton's memos, indicating that the Legislative Council was asking the committee to review the matter.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:40 p.m. Motion by President Edmonds to adjourn. (Motion was approved unanimous (7-0)).