

# MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
VICE-CHAIR

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

123<sup>RD</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**MEETING SUMMARY**  
**April 26, 2007**  
**APPROVED MAY 24, 2007**

**CALL TO ORDER**

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:43 P.M. in the Legislative Council Chamber.

Lacking a quorum, Legislative Council Chair President Edmonds proceeded to the Executive Director's Report.

**Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported on the following.

**State House Complex Visitor Parking**

In response to requests by members of the public and some legislators, Mr. Boulter is working with Capitol Security to explore various options that could increase availability of short term visitor parking in the vicinity of the Cultural Building. Interest in more convenient visitor parking is increasing.

**State House Improvement Projects for 2007**

Work is being finalized with the general contractor and architect on a draft work plan for 2007 improvements and maintenance to the State House and Grounds. The proposed plan will be presented to the State House Facilities Committee for its review when it next meets, sometime in early May. Mr. Boulter clarified process was a rolling five year plan with opportunities for annual adjustments as needed.

**Status of Recommendations of the Subcommittee to Review the Study Committee Process**

A joint order to implement the recommendations of the subcommittee has been referred to the Joint Select Committee on Joint Rules. The select committee will meet on Monday, April 30th at 4:00PM to review the recommendations and related joint order.

**YMCA Youth in Government Program**

The State YMCA of Maine's Youth in Government program will be held at the State House, from Friday, April 27 through Sunday afternoon, April 29. About 200 students and youth advisers from across the state, from Ashland to Kennebunk, will participate. The program is part of a national program run by the YMCA in the United States to educate high school students about the principles of democratic government and civic engagement. The program consists of a mock legislature with students writing legislation, holding leadership elections and public hearings and debating legislation.

Following the Executive Director's report, a roll-call was conducted.

## **ROLL CALL**

Senators: President Beth Edmonds, Senator Elizabeth Mitchell, Senator John Martin, Senator Richard Rosen

Representatives: Speaker Glenn Cummings, Representative Hannah Pingree, Representative Sean Faircloth, Representative Joshua Tardy, Representative Robert Crosthwaite

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

Legislative Council Chair, President Edmonds proceeded with the agenda items, having a quorum of members present.

## **SUMMARY OF MARCH 22, 2007 MEETING OF LEGISLATIVE COUNCIL**

Motion: That the Meeting Summary of March 22, 2007 be accepted and placed on file. Motion by Representative Tardy, second by Senator Mitchell. **Motion passed, unanimous (8-0-0-2).**  
[Senator Martin arrived after the vote; Senator Weston absent]

Legislative Council Chair President Edmonds asked if there was any objection to taking one item out of order. Hearing no objection, President Edmonds then proceeded to New Business Item 1; Consideration of After Deadline Bill Requests.

## **NEW BUSINESS**

### **ITEM #1: Consideration of After Deadline Bill Requests**

The Legislative Council considered and acted on twenty-one after deadline bill requests. The Legislative Council's actions on these requests are included on the attached list.

The Legislative Council then returned to the other items on its agenda.

## **REPORTS FROM COUNCIL OFFICES**

### **Fiscal Report**

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

#### **Revenue Update**

- General Fund revenue was under budget by \$3.4 million in March. This negative variance reflects the revised March revenue forecast, which reduced FY 07 General Fund revenue estimates by \$33.7 million, and as a result the Fiscal Year-to-date (FYTD) reflects a positive variance of \$7.9 million (+0.4%).
- The cigarette and tobacco tax and insurance companies tax lines were the only negative variances among the major revenue lines.
- Individual income tax processing for April is nearly completed and the data suggests that the individual income tax line will be over budget by \$10 to \$15 million. This positive variance is not expected to warrant a special meeting of the Revenue Forecasting Committee.
- Highway Fund revenue was under budget by \$2.0 million in March, largely as a result of a timing issue in the receipt of motor vehicle registration and fees. For the FYTD, Highway Fund revenue was under budget by \$2.3 million (-1.0%). Fuel tax receipts, which had shown a modest turn around in February, were under budget for the FYTD by \$0.7 million or -0.4%.

#### **Tobacco Settlement Payments**

- Maine received its annual payment under the Tobacco Settlement Agreement on Monday, April 16<sup>th</sup> and another payment on April 18<sup>th</sup>. Combined with an additional payment in December 2006, Maine's tobacco settlement payments into the Fund for a Healthy Maine are approximately \$3.7 million more than budgeted revenue. Other FHM revenue sources are performing well through March.
- Legal proceedings under the Master Settlement Agreement continue and participating manufacturers continue to withhold a portion of their annual payments pending the outcome of the proceedings. While still too early to determine the cause of the variance, most of it may be related to a single manufacturer deciding not to withhold from its April 2007 payment.

#### **Cash Balances Update**

- Average Cash Pool balance was \$444.8 million in March. This is below the March average balances of the last 5 years of \$534.6 million. This primarily reflects the reliance on internal borrowing from Other Special Revenue Funds rather than using Tax Anticipation Note (TAN) borrowing, which has reduced the total Cash Pool.
- General Fund internal borrowing has increased during recent months as the General Fund headed into a period of its greatest cash shortages before individual income tax collections in April buoy General Fund cash balances. General Fund internal borrowing averaged \$185.4 million in March and grew to \$236.0 million for the 1<sup>st</sup> half of April.
- General Fund cash position has recovered very quickly after April 17<sup>th</sup> as a result of the individual income tax processing and the repayment of \$20 million of General Fund cash advances to the Fund for a Healthy Maine.
- Highway Fund average cash balance remained relatively low in March. The Department of Transportation has not been contracting for many projects due to the tight Highway Fund cash position. Highway fund average balance was \$18.7 million in March. Average March balances for the last 5 years were \$65.1 million.

#### **MaineCare Spending Update**

Data reported to the Appropriations Committee by the Department of Health and Human Services on Monday, April 23<sup>rd</sup> shows that, through April 6, 2007 (week 41 of 52):

- a. State spending on MaineCare shows an improvement largely the result of the implementation of the cap on cycle payments, so that trend now points to year-end spending being much closer to budgeted resources without accessing much of the \$30 million contingency;
- b. Interim payment recoveries have not moved above the trend line of the last few months and appears they will fall approximately \$30 million (both federal and state) short of the target of \$160 million; and
- c. The cap on weekly cycles, which was just lowered from \$36.5 million to \$34.7 for the week ending April 13, 2007, has resulted in the deferral of \$41.6 million. The amount of the deferral is greater than a cycle, meaning that some providers' payments are delayed by 2 weeks.

In its April 23<sup>rd</sup> weekly MaineCare briefing to the Appropriations Committee, the Department of Health and Human Services revealed that they have been required by CMS (Centers for Medicare and Medicaid Services) to return the federal share of interim payments that providers have entered into agreements to repay (approximately \$69.3 million), but have not yet repaid. The Department indicated it has been able to prepay the federal portion of these funds (approximately \$44 million) out of federal grant award balances. OFPR is still working to confirm the impact of this prepayment on state resources and on interim payment recovery estimates for the current fiscal year (FY 07) and the 2008-2009 biennium.

### **Information Technology Report**

Paul Mayotte, Director, Office of Legislative Information Services, reported the following.

#### **MELD Bill Drafting:**

Working with the production offices, the office is making improvements to automate the end of session Bill Summary and Enacted Law Digest publishing processes. The office continues to provide support to the Revisor's Office as the focus shifts from bill drafting to amendment production.

#### **Internet Bandwidth Capacity:**

Oxford Networks has started the installation of fiber optic cable to the legislative areas. On completion of the fiber installation, the capacity of the Legislature's Internet bandwidth will double. Oxford Networks is also installing point to point communications between the State House and the Central Maine Commerce Center for use with remote data backup and recovery.

#### **Migration of Production Bill Tracking/Status from WANG:**

Initial work has started to integrate bill status and tracker system from the WANG. Mr. Mayotte's office has developed the hardware and operating software licensing requirements based on input from Voyager Systems.

Members expressed concern about the apparent lack of bill status information and the timeliness of making committee information available on the Internet. Senator Bowman who was present at the meeting spoke of his frustration in not being able to access timely information about the status of bills on the text of committee amendments. Senator Bowman explained that he sought help from the Secretary of the Senate's office who explained that committee information is not available on line, that for current

information he should call the committee clerks. He felt that the information should be available online.

A lively discussion followed about the need to real time information about bills, and to have amendments posted to the Internet so they can be reviewed prior to the House or Senate sessions. Mr. Mayotte explained that committee information is entered once the committee chairs release the information so there may be a delay up to 12 hours. Several members questioned why amendment text and committee votes are not available by the time the advance calendars for the House and Senate are released the evening before the session. There was further discussion about WANG information and Internet information.

Mr. Boulter offered to arrange for Mr. Mayotte to prepare an explanation of current system of bill status including what information is available on the legislative website, when it is available and any issues that limit timely posting of committee information. The members agreed that an explanation would be helpful given the confusion by many as to what is available. Mr. Boulter said there would be a report back to the Legislative Council before its May meeting.

**Email:**

Mr. Mayotte reported that a third server was brought online to address the increase in email traffic, notably in SPAM emails and resulting processing delays. 55% of the email being processed is SPAM and 2%+- is virus infected. Mr. Mayotte's office is planning to make further changes to the email system during the legislative interim to increase overall processing and filtering capacity.

**REPORTS FROM COUNCIL COMMITTEES**

**1. Personnel Committee**

(No Report)

**2. State House Facilities Committee**

(No Report)

**3. Subcommittee to Review the Study Committee Process**

(No Report)

**4. Budget Subcommittee**

Senator Martin made the following motion: That the Legislative Council authorize a total of \$500,000 to lapse to the General Fund from the unencumbered balances in legislative accounts at the close of fiscal year 2006-07. Further, that the Legislative Council direct the Executive Director to prepare and transmit implementing language to the Joint Standing on Appropriations and Financial Affairs on behalf of the Legislative Council as soon as possible. Motion by Senator Martin, second by Representative Pingree. **Motion passed, unanimous (9-0-0-1).**

**5. Subcommittee to Administer Technology (President Edmonds, Chair)**

(No Report)

**OLD BUSINESS**

**ITEM #1: Legislative Council Actions Taken by Ballot**

A copy of the list of actions taken by ballot by the Legislative Council since its March 22, 2007 meeting is attached. No further action by the Legislative Council is required.

There was no other Old Business.

**NEW BUSINESS**

**ITEM #1: Consideration of After Deadline Bill Requests (including addendum)**

(See above discussion.)

**ITEM #2: Legislative Council Policy on Legislative Use of Maine Legislature and maine.gov Websites.**

The Legislative Council reviewed the policy. Motion: That the Legislative Council adopt the policy on legislative use of Maine Legislature and maine.gov websites as recommended by the Subcommittee to Administer Technology. Motion by Senator Rosen, second by Representative Crosthwaite. **Motion passed, unanimous (9-0-0-1).**

**ITEM #3: Legislative Council Policy on Mass Emails**

The Legislative Council reviewed the policy. Motion: That the Legislative Council adopt the policy on mass emails as recommended by the Subcommittee to Administer Technology. Motion by Senator Rosen, second by Representative Crosthwaite. **Motion passed, unanimous (9-0-0-1).**

**ITEM #4: National Conference of Commissions on Uniform State Laws  
(dues increase)**

The Legislative Council reviewed the letter informing the council that the NCCUSL is substantially increasing its dues over the next several years. No decision by the Legislative Council was needed at this time. The Legislative Council referred the matter to the Budget Subcommittee for its review.

**ITEM #5: Request by Senator Mitchell to dedicate the Welcome Center  
in honor of Robert Cammack**

The Legislative Council briefly discussed Senator Mitchell's proposal to name the Welcome Center in honor of former House employee Robert Cammack in recognition of his extensive

service giving tours of the State House and educating visitors. Because of the potential policy implications of naming rooms in the State House after individuals, the matter was referred to the State House Facilities Committee for its review and recommendation. Motion by Senator Mitchell, second by Representative Pingree. **Motion passed, unanimous (9-0-0-1).**

**ITEM #6: Submission of Annual Report by Maine Energy Council**

The Legislative Council reviewed the report. Motion: to accept the annual report by the Maine Energy Council and place it on file. Motion by Senator Rosen, second by Senator Mitchell. **Motion passed, unanimous (9-0-0-1).**

**ITEM #7: Submission of Assessment of International Trade; Maine Citizen Trade Policy Commission**

The assessment report prepared by the Forum on Democracy & Trade was submitted to the Legislative Council for informational purposes. No action by the Legislative Council was required.

**ANNOUNCEMENTS AND REMARKS**

None

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:43 P.M. Motion by Senator Mitchell. Second by Speaker Cummings. **Motion passed, unanimous (9-0-0-1).**