

# MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS  
CHAIR

REP. GLENN A. CUMMINGS  
VICE-CHAIR

123<sup>RD</sup> 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**  
**May 24, 2007**  
**APPROVED JUNE 18, 2007**

**CALL TO ORDER**

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 3:20 P.M. in the Legislative Council Chamber.

**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: Millie MacFarland, Clerk of the House  
Michael Cote, Assistant Clerk of the House  
David E. Boulter, Executive Director of the Legislative Council  
Rose Breton, Legislative Finance Director  
Margaret Matheson, Revisor of Statutes  
Patrick Norton, Director, Office of Policy & Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Paul Mayotte, Director, Legislative Information Services

Legislative Council Chair, President Edmonds convened the meeting at 3:20 P.M. with a quorum of members present.

**SUMMARY OF APRIL 26, 2007 MEETING OF LEGISLATIVE COUNCIL**

Motion: That the Meeting Summary of April 26, 2007 be accepted and placed on file. Motion by Speaker Cummings, second by Rep. Faircloth. **Motion passed, unanimous (6-0).** [Sen. Rosen, Sen. Weston, Sen. Martin, and Rep. Tardy arrived after the vote]

Legislative Council Chair President Edmonds asked if there was any objection to taking one item out of order. No objection was expressed so Legislative Council Chair President Edmonds proceeded to Item 1 under New Business: Consideration of After Deadline Bill Requests.

## **NEW BUSINESS**

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

The Legislative Council considered and acted on thirteen 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 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**

The program was successfully concluded this year with about 140 students participating. Next year's program in the State House is tentatively scheduled for May 2008, after legislative adjournment.

#### **Repairs to walks and plaza**

The damaged bollard and pavers at the south plaza are tentatively scheduled to be repaired next week. Frost conditions have damaged the concrete steps leading from the State House to Capitol Street. Loose railings will be stabilized until repairs can be made after adjournment.

Senator Weston raised the concern regarding buses dropping children off in the parking lot. Mr. Boulter reported that improvements should be realized once signage is in place.

#### **Security in the State House**

Earlier this month, the Joint Standing Committee on Criminal Justice and Public Safety heard a bill relating to security in the State House. While the committee's recommendation on the bill was "ought not to pass," it was evident that concerns about the current level of security measures in the State House remain. It is likely that the Legislative Council will be receiving a letter from the committee about security measures.

#### **Donation of Painting by Artist Robert Indiana**

On May 7, 2007, the Governor entered into an agreement with Robert Indiana of Vinalhaven, Maine accepting Mr. Indiana's donation to the State of Maine his painting entitled, *First State* with several stipulations. The oil painting was under consideration for several years under the Percent for Art program for the State House but was not selected.

### **Fiscal Report**

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

#### **Revenue Update**

- General Fund revenue was over budget by \$5.2 million in April. This increased the positive fiscal year-to-date (FYTD) variance to \$13.0 million (+0.6%).
- Individual income tax and estate tax revenues resulted in major positive variances.
- Cigarette tax and insurance company's tax revenues were the major negative variances. The insurance company's tax negative variance appears to be a timing issue that will be offset in May.
- Other Revenue was under budget in April by \$6.4 million, but \$4.4 million was related to liquor profit sharing revenue that was received late.
- Highway Fund revenue recovered in April. Total Highway Fund revenue was over budget by \$2.5 million in April, resulting in a modest positive variance of \$0.2 million (+0.1%) for the FYTD. Fuel tax revenues remain a concern that might be further affected by the increase in gasoline prices.

#### **Cash Balances Update**

- Average Cash Pool balance was \$514.7 million in April. This balance is lower than the average of the last 5 years of \$557.3 million, largely a result of the use of internal borrowing.
- General Fund internal borrowing peaked during this fiscal year in April at \$236.0 million. April individual income tax collections increased General Fund cash and reduced internal borrowing which remained above \$20 million in mid-May.
- Trends of General Fund cash balances as measured by a 12-month moving average had showed improvement through February 2007, but have recently turned downward.
- Highway Fund cash balances remain low based on historical standards and cash outlays are being actively managed to maintain positive balances.

#### **Medicaid/MaineCare Update**

- The Department of Health and Human Services (DHHS) did not provide a summary of MaineCare spending last Friday, but is scheduled to provide an update to the Appropriations Committee on Friday, May 18th. That update will indicate an additional \$13 million shortfall from previous projections based on corrected assumptions. Additional information is available in the May 2007 *Fiscal News*.

#### **Revenue Forecasting Committee Meeting**

- The Revenue Forecasting Committee (RFC) met on Thursday, May 17th, in an emergency meeting called by the State Budget Officer to review revenue performance based on new information available following April revenue collections and to revisit the assumptions surrounding racino revenue. The RFC recommended the following net increases to General Fund and Fund for a Healthy Maine revenue above its March 2007 revenue forecast:

### General Fund Summary

	FY07	FY08	FY09	FY10	FY11
Current Forecast	\$2,987,211,473	\$3,057,687,944	\$3,142,467,585	\$3,245,731,326	\$3,309,551,500
Annual % Growth	1.9%	2.4%	2.8%	3.3%	2.0%
Net Increase (Decrease)	\$17,787,281	\$492,048	\$1,052,352	\$1,515,934	\$1,903,456
Revised Forecast	\$3,004,998,754	\$3,058,179,992	\$3,143,519,937	\$3,247,247,260	\$3,311,454,956
Annual % Growth	2.5%	1.8%	2.8%	3.3%	2.0%
<b>Summary of Revenue Revisions by Major Revenue Category</b>					
Individual Income Tax	\$20,500,000	\$0	\$0	\$0	\$0
Cigarette and Tobacco Tax	(\$6,000,000)	\$0	\$0	\$0	\$0
Estate Tax	\$3,000,000	\$0	\$0	\$0	\$0
Transfer to Municipal Rev. Sharing	(\$1,045,500)	\$0	\$0	\$0	\$0
Other Revenues	\$1,332,781	\$492,048	\$1,052,352	\$1,515,934	\$1,903,456
<b>Total Revisions - Increase (Decrease)</b>	<b>\$17,787,281</b>	<b>\$492,048</b>	<b>\$1,052,352</b>	<b>\$1,515,934</b>	<b>\$1,903,456</b>

### Fund for a Healthy Maine Summary

	FY07	FY08	FY09	FY10	FY11
Current Forecast	\$46,420,624	\$60,576,711	\$63,055,886	\$68,058,585	\$71,788,653
Annual % Growth	-1.0%	30.5%	4.1%	7.9%	5.5%
Net Increase (Decrease)	\$3,989,370	\$616,945	\$1,104,291	\$1,326,187	\$1,503,637
Revised Forecast	\$50,409,994	\$61,193,656	\$64,160,177	\$69,384,772	\$73,292,290
Annual % Growth	7.5%	21.4%	4.8%	8.1%	5.6%
<b>Summary of Revenue Revisions by Major Revenue Category</b>					
Base Payments	\$3,728,051	\$0	\$0	\$0	\$0
Racino Revenue	\$261,319	\$616,945	\$1,104,291	\$1,326,187	\$1,503,637
<b>Total Revisions - Increase (Decrease)</b>	<b>\$3,989,370</b>	<b>\$616,945</b>	<b>\$1,104,291</b>	<b>\$1,326,187</b>	<b>\$1,503,637</b>

#### Information Technology Report

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

#### Legislative web page follow-up from the April Council meeting

Mr. Mayotte proposed several improvements to the legislative web pages for bill status that would make the legislative website easier to navigate, particularly when seeking bill status information.

**Motion:** That the proposed improvements to the legislative web pages be implemented. Motion by Representative Pingree, second by Senator Mitchell. **Motion passed, unanimous (10-0).** Mr. Mayotte was requested to work with the Clerk and the Secretary on changes to those web pages administered by the Senate and the House.

### **MELD Bill Drafting**

The office continues to work with the Revisor's Office on system improvements.

### **Internet Service Upgrade**

Oxford Networks has completed the installation of fiber optic cable for the legislature. Connection hardware is being installed and testing will start once the hardware is in place that will result in Oxford Networks providing (upgraded) Internet service to the legislature beginning in July.

### **Email**

The email system is performing normally with improved processing speed. For the week ending May 13th 96,800 emails were processed; 50,200 emails (51.9%) were SPAM.

Senator Mitchell expressed concern that excessive SPAM was consuming email storage capacity. Mr. Mayotte commented that he would arrange for Senator Mitchell's mailbox size to be increased.

## **REPORTS FROM COUNCIL COMMITTEES**

### **1. Personnel Committee**

Personnel Committee Chair Cummings reported that the Personnel Committee has scheduled a brief meeting for May 24, 2007 immediately following the Legislative Council meeting.

### **2. State House Facilities Committee**

Representative Pingree, chair of the committee, reported that the committee met on May 9, 2007 to consider several matters summarized as follows:

#### **Naming of Welcome Center**

The facilities committee considered the proposal to name the Welcome Center that was referred to the committee by the Legislative Council in April 2007. Most of the discussion focused on the potential policy implications of naming rooms in the State House after individuals. In summary, the committee unanimously concluded that it is inadvisable to establish a precedent of naming legislative spaces after individuals. It felt that an alternative, but appropriate, manner of recognizing former employee Robert Cammack for his contributions to educating students and other visitors to the State House is to install a plaque honoring Mr. Cammack that includes a photograph and description of his contribution.

**Motion:** That the Legislative Council honor the contributions of former House employee Robert Cammack to the Legislature by placing a plaque, including a photograph and brief description of his legislative contributions, in the Welcome Center. Motion by Representative Pingree, second by Representative Crosthwaite. **Motion passed, unanimous (10-0).**

**Multi-year Plan for State House Maintenance and Improvements**

The committee reviewed the proposed work plan for projects in and around the State House. As part of the plan, it reviewed options for landscape development of the central green space that lies between the State House and the cultural building. It selected the Stone Circle Garden option. It also suggested some minor changes that are reflected in the work plan in your packet. Overall, the committee was comfortable with the plan and felt it should proceed. The committee voted unanimously to recommend its approval to the Legislative Council.

Senator Rosen inquired if the city of Augusta would cost-share for sidewalk improvements along Capitol Street. Mr. Boulter will investigate the possibility of a city contribution when the project is slated to begin in 2008.

**Motion:** That the Legislative Council authorize maintenance and improvements to the State House and Grounds as described in the 2007 Revision of the Multi-Year Plan, and further authorize the Executive Director to take necessary measures to implement the plan in the accordance with the schedules contained in the plan. Motion by Representative Pingree, second by Representative Crosthwaite. **Motion passed, unanimous (10-0).**

**State House Evacuation Plan Revision**

The committee reviewed and ratified the State House Evacuation Plan, May 2007 update. The plan has now been distributed to legislators and legislative employees.

**Visitor Parking**

The committee received an update on a plan to provide short-term visitor parking immediately north of the cultural building. The 15-space row of parking is now open to visitors for 2-hour parking on a full-time basis. The change has been positively received by members of the public visiting the State House and the cultural building. No further action is needed.

**Donation of Painting by Artist Robert Indiana**

The committee briefly discussed the proposal by Robert Indiana to donate his painting, *First State*, to the State of Maine with several conditions. As Executive Director Boulter reported, the Governor ultimately accepted the painting as a gift to the State of Maine. No further action by the Legislative Council is required.

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

(No Report)

**4. Budget Subcommittee**

(No Report)

**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 April 26, 2007 meeting is attached. No further action by the Legislative Council is required.

### ITEM 2: Constituent Services Computer application (Not on Agenda)

Senator Rosen asked to raise an issue not on the printed agenda. There was no objection. Senator Rosen asked what progress, if any, has been made in exploring obtaining a computerized program to help manage constituent service requests and contacts. Senator Rosen understood that there had been a meeting held to discuss such a system but had not heard anything further. Senator Mitchell commented that there is interest in having a system for constituent services staff. Mr. Boulter commented that in response to inquiries in several offices, he had met with some staff to understand the needs and interest in having a program. It was noted that the Governor's office uses a program to manage its constituent contacts. Other than the exploratory meeting, no other progress or decisions have been made. Legislative Council Chair Edmonds stated that she thought this is an appropriate matter to be considered by the Council's Subcommittee to Administer Technology. With the general agreement of the Legislative Council members, the matter was referred to the next meeting of the subcommittee.

There was no other Old Business.

## NEW BUSINESS

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

(See above discussion.)

### ITEM #2: Maine Legislative Council Policy on Legislative Studies (Implementation of Joint Rule 353)

OPLA Director Norton presented a recommended policy on legislative studies for Legislative Council consideration and adoption. He commented that the Council had approved the elements of the policy at an earlier meeting. This proposal incorporated them into a single policy document and is consistent with the recently adopted amendments to Joint Rule 353. Mr. Norton recommended approval.

**Motion:** That the Legislative Council adopt the proposed policy on Legislative Studies. Motion by Senator Mitchell, second by Representative Pingree. **Motion passed, unanimous (9-0-0-1), (Representative Faircloth was absent for the vote).**

### ITEM #3: Request by Joint Standing Committee on Judiciary to Report Out Legislation Having a Nonconforming Legislative Study

Mr. Norton explained that the new Joint Rule 353 establishes a procedure for committees to request permission to report out bills that contain studies that do not conform with the



provisions for legislative studies. The procedures provide for the Legislative Council to consider and decide whether the committee could report a study with nonconforming language. He emphasized that this decision is not a decision on the merits of the study. The bill would still go to the study table for the Council's consideration. There were four nonconforming provisions proposed in the amendment:

- 17 members rather than the 13
- Minority of legislators rather than a majority
- A later than allowed reporting date
- A more open ended extension than envisioned in Joint Rule 353

Mr. Norton noted that the committee would agree to make two of the four provisions conform to the standards.

**Motion:** That the Legislative Council authorize the Joint Standing Committee on Judiciary to report out legislation having nonconforming legislative study language. Motion by Representative Pingree, second by Senator Rosen. **Motion passed, unanimous (9-0-0-1), (Representative Faircloth was absent for the vote).**

#### **ANNOUNCEMENTS AND REMARKS**

Senator Weston mentioned that the Health and Human Services Committee may be seeking to meet up to 18-20 times during the interim. It was noted that the presiding officers would make that decision, if it hadn't already been made.

#### **ADJOURNMENT**

The Legislative Council meeting was adjourned at 4:12 P.M. Motion by Representative Pingree. **Motion passed, (10-0)**