

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
AUGUST 23, 2007
APPROVED SEPTEMBER 27, 2007**

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:08 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. 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
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review

Legislative Council Chair, President Edmonds convened the meeting at 1:08 P.M. with a quorum of members present.

SUMMARY OF JUNE 18, 2007 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of June 18, 2007 be accepted and placed on file. Motion by Representative Faircloth, second by Senator Mitchell. **Motion passed, unanimous (8-0). [Rep. Crosthwaite arrived after the vote; Rep. Tardy absent]**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

Building Evacuation Planning

Three training sessions were held with key evacuation personnel to discuss evacuations procedures, the plan and the roles. Of the 50 people identified in the plan as having key

roles, 30 have attended the sessions. Hopefully, the remainder will receive training in August. Session-only staff will receive training when they return for the session.

A mock evacuation event is being planned for September using chamber bells (rather than the fire alarm system). The mock event will allow the evacuation team members to practice their roles without the building actually being evacuated. It is anticipated that a pre-session drill will be held to practice evacuating the building with an in-session drill to follow.

Legislative Digest

The *Legislative Digest of Bill Summaries and Enacted Laws* for the first regular session was released in August and is available in paper copy and on-line.

Employee Recognition Picnic

A recognition event and picnic for legislative employees will be held on September 6, 2007 in Capitol Park.

Legislative Council Chair President Edmonds asked if there was any objection to taking up one item that was not on the printed agenda. No objection was expressed so Legislative Council Chair President Edmonds invited Commissioner Jordan, Department of Public Safety, to address the Council regarding a concern involving the Welcome Center that was brought to the attention of the Department of Public Safety. Recently persons using the Welcome Center had their conversation listened to and recorded without their knowledge or permission. This is impermissible and the Commissioner recommended that the Legislative Council take the necessary steps to prevent any recurrence. Mr. Boulter indicated that he had been made aware of the incident, and that he was in the process of installing a sound system in the Welcome Center similar to that used in committee rooms. In that manner, persons in the room would be aware when the discussions were being broadcast outside of the room, and that it would preclude need for microphones by others to be used. President Edmonds suggested a sign be posted informing persons that the proceedings are being broadcast and may be recorded. The Legislative Council agreed that this approach should be implemented promptly.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	231.5	223.3	(8.2)	-3.5%	222.4	0.4%

- General fund revenue for the first month of FY 2008 was under budget by \$8.2 million or -3.5%. Growth over July 2006 was 0.4%. Major negative variances included the corporate income tax, estate tax and other revenue.
- The corporate income tax and estate tax variances are timing issues related to the distribution of revenue. The negative variance in other revenue, under budget by \$6.7 million in July, was driven primarily by very poor performances in Judicial Department fine revenue and Department of Health and Human Services (DHHS) revenue. The Judicial Department believes that much of the fine revenue variance is related to process adjustments due to the transition of the accounting system. The DHHS revenue

variance is primarily related to timing issues and billing delays due to staff turnover, but a portion of it reflects an on-going change that will require a revenue forecast adjustment this fall.

Total Highway Fund Revenue - FY 2008 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	29.6	25.8	(3.8)	-12.8%	28.3	-8.9%

- Highway Fund revenue was under budget in July by \$3.8 million or -12.8% and actual declined by 8.9% from last July's revenue. Fuel taxes were off by \$2.9 million in July. \$2.4 million of this variance was related to special fuels, some of which is expected to be offset over the next few months. Motor vehicle fee revenue was off as well (registrations and title fees are down) and no Highway Fund fine revenue was recorded in July.

Fund Balance Status

- The General Fund revenue surplus combined with lapsed balances and other accounting adjustments to produce an uncommitted surplus of \$19.1 million. After deducting \$1.3 million to replenish the State Contingent Account and to transfer funds to the Loan Insurance Reserve Fund, \$17.8 million was available for the transfer to MaineCare for hospital payments. There were no additional transfers to other General Fund reserves at the end of FY 2007 as these were preempted by the transfer to MaineCare. The General Fund balance at the end of the 2008-2009 biennium is currently budgeted to be \$0.3 million.
- Unexpected Highway Fund revenue at the end of June combined with lapsed balances and other accounting adjustments to produce an uncommitted Highway Fund surplus of \$1.7 million; all but \$100,000 was transferred to the Highway and Bridge Improvement program in the Department of Transportation. The Highway Fund balance at the end of the 2008-2009 biennium is currently budgeted to be \$1.0 million.

Information Technology Report

Scott Clark, Deputy Director, Office of Legislative Information Services, reported the following.

Internet bandwidth service upgrade

Internet services for the legislature are now being provided by Oxford Networks. The switch was completed mid July. In addition, Oxford Networks is providing a direct connection to the secure computer center at the Central Maine Commerce Center. That connection allows offsite backups of legislative data to a secure location on a daily basis. Backups are being transferred, but we continue working with Oxford to improve the speed for the data transfer. There were email issues related to the switch that have been addressed.

MELD bill drafting system

Contractor Omnisphere continues work on corrections to issues discovered during the session as well as upgrades requested by the offices of the Revisor and Information Services. The statute update process for the 1st regular session is underway. There are issues related to the first time use of MELD in the update process. The issues are being identified and addressed. 2nd session drafting is scheduled to start in early October. ROS is now entering new Legislative Requests (LRs) into MELD.

Conversion of Wang Tracker and Bill Status data

Voyager Inc. is in the process of converting the Tracker and Bill Status systems to a SQL platform. The process begins as an automated conversion of existing functions and data. The project is on schedule. A follow up with the Secretary and Clerk will be scheduled.

Scheduled upgrades and computer system improvements

The routine interim upgrades are in progress. This includes: server & PC replacements; network hardware upgrades and replacements; software installation/updates; small programming projects for various offices; servicing equipment; taking inventory; and staff training. The servers supporting the existing chamber applications are being upgraded during the interim.

Paperless House Chamber project

The office is working with the Speaker's and Clerk's offices to develop RFPs for laptops and software for a paperless chamber for the 2nd Regular Session. The preparation of the software RFP is in the final stages. Preparation of the hardware RFP is underway. The initial RFPs have been drafted to include the Senate. Should the Senate decide to become part of the project at this time, the RFP requirements will need to be reviewed and accepted by the Senate.

Status of Legislative Studies

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

There are 31 studies that are assigned to legislative study commissions or studies that were assigned to a joint standing committee by the Council in June. Twenty of the studies have all the appointments completed and eleven have appointments yet to be made. Many of those studies that still need appointments do not become effective until September 20, 2007; therefore, the appointment process is still on-going. Study committees and commissions are starting to gear up for meetings starting in early September.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings, Chair of the Personnel Committee, reported that the committee met on July 18th to consider three items:

- the committee voted to approve temporary disability income benefits for a member of the Senate staff;
- it voted to recommend to the full Legislative Council that it authorize salary adjustments for the Constitutional Officers and the State Auditor consistent with Executive Branch employees (decision later on in agenda); and
- it authorized the process for recruiting for the State Law Librarian to replace Lynn Randall who retired after many years of legislative service.

2. State House Facilities Committee

(No Report)

3. Subcommittee to Review the Study Committee Process

(No Report)

4. Budget Subcommittee

Senator Martin, chair of the Budget Subcommittee, reported that the subcommittee met on August 23, 2007 to look for areas in the legislative accounts where operational efficiencies or other savings can be achieved. At its meeting, the subcommittee discussed what would be the appropriate target level of savings to be achieved across all legislative accounts. The subcommittee has identified numerous areas of potential savings, a list of which will be distributed to Legislative Council members for their review.

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

(No Report)

OLD BUSINESS

ITEM 1: Legislative Council Actions Taken by Ballot

Votes on two items were taken by ballot by the Legislative Council since its June 18th, 2007 meeting. They were as follows:

1. Motion: That the Legislative Council amend its policy on the use of the Hall of Flags adopted on October 27, 2005 by adding a 2nd sentence after the 1st sentence in paragraph 2 of Section 2 as it relates to weddings and funerals as follows:

Paragraph 2 (in part)

“Furthermore, the Hall of Flags may not be used for acts of civil disobedience, petition signing for referenda, clemency petitions or advocacy, private events such as weddings, funerals, dinners or dances, or mercantilism. However, upon request and approval of the Legislative Council, the Governor or the Attorney General may perform a marriage ceremony or deliver a eulogy in the Hall of Flags. Such an event must be limited to the marriage ceremony or eulogy itself; receptions, wakes, or other informal activities related to the marriage or funeral are prohibited.” **Motion passed, (7-3) (Senator Mitchell, Senator Weston, Senator Rosen opposed)**

2. Request by Representative Sean Faircloth for use of the Hall of Flags on October 27, 2007, for the marriage of Sean Faircloth and Aymie Walshe by Attorney General G. Steven Rowe. Request is made pursuant to the Legislative Council’s Policy on the Use of the Hall of Flags as revised on August 10, 2007. Requester will be charged a fee for services and room use and the request is limited to civil ceremony, without reception. Requester agrees to abide by all terms and conditions of use. **Motion passed, (9-0-0-1) (Senator Mitchell unavailable for vote)**

No further action by the Legislative Council is required.

NEW BUSINESS**ITEM #1: Establishing Bill Cloture Date for Legislators and State Agencies For the Second Regular Session (Ms. Matheson)**

Suzanne Gresser, Deputy Revisor of Statutes, drew members' attention to the cloture date memo by Revisor Matheson found in the packet. She reported that the proposed Fall 2007 schedule establishing dates and deadlines for cloture and related events for the Second Regular Session of the 123rd Legislature is as follows:

October 3rd (4 p.m.)	Filing Deadline (cloture)
October 25th (10 a.m.)	Legislative Council Meeting – Screening of Legislators' requests
October 30th	Notification of Council's action mailed to sponsors
November 6th	Deadline for filing appeals
November 15th	Legislative Council Meeting to consider appeals
December 14th	Bill Signing Day (subject to approval by the Presiding Officers)
January 2nd 2008	Legislature convenes

Motion: That the Legislative Council adopt the proposed Second Session Cloture Schedule and Related Dates. Motion by Representative Pingree. Second by Senator Mitchell. **Motion passed, unanimous (9-0).**

ITEM #2: Salary Increases for Constitutional Officers and the State Auditor for FY 08/09

Motion: That upon the recommendation of the Personnel Committee, the Legislative Council approve salary adjustments for the Constitutional Officers and the State Auditor consistent with those increases recently awarded to Confidential Employees of State Government, effective July 1, 2007. Motion by Speaker Cummings. Second by Representative Pingree. **Motion passed, unanimous (9-0).**

ITEM #3: Request to Authorize Funding for the Purpose of Purchasing Software and Computers to Allow For Paperless House Chamber Sessions

President Edmonds requested a brief recess at 1:42 P.M. to discuss the proposal to authorize funding for the purpose of purchasing software and computers to allow for paperless House Chamber sessions. The meeting was reconvened at 1:52.

Mr. Boulter explained that the Office of Information Services is working with the Clerk of the House and the Speaker's Office on a Request for Proposals (RFP) for software development to reduce paper and allow greater automation of the House chamber. The goal is to allow House members to view calendar items and related information electronically at their desks in the chambers beginning in the second regular session. The costs for the software development would come from the unspent balances in legislative accounts, and therefore requires Legislative Council authorization. Issuing an RFP, i.e. selecting bids, will likely result in a variety of technical approaches proposed, and competitive pricing.

Speaker Cummings then provided background information and the context for pursuing a "paperless chamber." He explained that the House spends a considerable amount of time handing out paper supplements during sessions. With paper documents, members must wait to access amendments and full copies of bills. Maine is one of the few states (8-9 states) who are not electronically connected in their chambers. Hopefully elimination of paper would provide some level of savings in the long term. The House is looking for efficiencies long term and the ability for legislators to have better access to revised statutes and bills/amendments. The Speaker noted that the number of legislators who used a laptop in 2000 was a small handful of people. Now 40-60% of the members of the Maine House are regularly using a laptop for a variety of purposes. Other states have indicated that it has been most effective to use what is called "push" software. The Legislators will see the calendar item on their screen. In addition to software, hardware must be considered as well. The Speaker recommended deferring the decision as to the type of hardware to be used (i.e. laptop, monitor) to display the calendar information at members' desk. He recommended moving forward with the RFP for software development but look at a variety of options for display at a later time. The motion he would put forward is the acceptance of Item 3 but eliminate "and computers" so as to develop the software right away. Speaker Cummings then made a motion to authorize an RFP for software development only for a paperless chamber. Motion by Speaker Cummings. Second by Representative Pingree. (Vote not taken at this time.)

Senator Martin stated his opposition to the state (legislature) purchasing laptops for legislators at any time, as he believes it would be inappropriate and also that use of laptops in the chambers would distract from floor discussions and debates. He did express support for a more passive, paperless approach. A general discussion then followed regarding the benefits and limitations of "push" software, a system in which a document or other information is displayed on members' monitors without member interaction by the system/chamber operator. An alternative approach is a "pull" system in which a member must seek to obtain or "pull" the information from a menu of information sources.

Senator Mitchell commented that the RFP should solicit proposals that can address the issues discussed, and allow for the public to access documents as well. Mr. Clark responded that the RFP could remain sufficiently broad so that a vendor would have the ability for options; requirements, not solutions would be specified. Representative Pingree commented that access security should be a priority so that systems cannot be hacked or information altered. She also encouraged better ways for the public to view documents being distributed in the chambers.

Senator Martin then sought clarification as to whether the motion included authorization to actually purchase the software development or whether it is limited to soliciting proposals for services. He did not support authorizing the expenditure of funds at this time. He felt the Legislative Council should review the proposals received and make a decision at that time. He suggested the Legislative Council review the RFP prepared by staff before it is released.

Senator Weston noted that most information being discussed for electronic distribution in the chambers is already available on the legislative website. She also noted the legislators receive a "constituent services" allowance that could be used to purchase a laptop if the member so chose.

Senator Rosen stated that the purpose and goal sought by this RFP is unclear, and the Legislative Council discussion reinforced for him that there appear to be multiple, and apparently conflicting goals among the members. He noted that if the sole goal is to remove paper distribution from the chamber process, the website provides the capacity to do that now. He felt that the Legislative Council should develop a clear expectation as to the purpose to be served by the proposal. Representative Pingree commented that members need flexibility to view information other than just what pertains to the item immediately being debated in order to

prepare for upcoming items. Representative Faircloth felt that the state should not purchase laptops for members, that the RFP should be issued but the Legislative Council should withhold authorization for funding until proposals can be reviewed. Senator Martin suggested that the process may benefit from a group traveling to another state, such as Connecticut, to see that state's chamber automation system. By doing so, members would develop a better understanding of what and how the system worked, especially a "push" system of which he is supportive.

President Edmonds clarified that the motion made by Speaker Cummings would authorize spending as well as release of the RFP. If funding authorization is not to be included, the pending motion would need to be amended.

Speaker Cummings then explained that such a system would result in long-term cost savings in three areas: 1) reducing the paper and printing which is quite expensive; 2) reducing the number of personnel in the chambers (at least 2 chamber staff); and 3) reducing the delay in chamber action by not having to distribute paper supplements. By doing so, the length of the legislative sessions could be reduced by a day or two days, and for each day the legislature would save somewhere between \$20,000 - \$30,000.

Senator Mitchell supported issuance of the RFP but felt both chambers should be included; i.e. the Maine Legislature as a whole. Senator Rosen stated that he did not support authorizing the issuance of an RFP at this time. He felt that the objectives have not been clearly articulated.

Mr. Boulter noted that the draft RFP would invite a series of options to be presented by the vendors. He said that the RFP should provide flexibility for options to be proposed by the vendors, who are supposed to be the experts in this area. Issuance of the RFP should not preclude options for different technologies and approaches. When the proposals are received, the Legislative Council should have a series of options and at that time, the Legislative Council will need to choose from among those options. He suggested that in this way, the Legislative Council can receive the information to build an information base without committing to a specific development at this time.

Speaker Cummings summarized the goals as he saw them based on the discussion: 1) better, faster communication and information to legislators than we presently have; 2) time savings in the chamber; and 3) long-term cost savings. He then withdrew his earlier motion, and moved that the Legislative Council authorize the release of an RFP for the purposes of soliciting proposals for the development of software to allow for paperless chambers in the Maine Legislature for Legislative Council review (with no authorization to select and purchase software at this time). The motion was seconded by Representative Pingree.

Senator Martin sought assurance that this motion would allow for proposals and technological options for the Legislative Council to review and ultimately decide. President Edmonds concurred and further stated that if the costs are too great, all bids can be rejected.

Motion passed, 6-3 (Senator Weston, Senator Rosen, Representative Crosthwaite opposed, Representative Tardy absent).

ITEM #4: Time Warner Cable Request to Rebroadcast Legislative Proceedings to Cable Subscribers

Mr. Boulter explained that Time Warner Cable recently purchased Adelphia cable company which has the cable network in the Augusta area among other areas. Time Warner Cable asked to meet for the purposes of exploring whether it could obtain broadcast rights for legislative proceedings and whether sufficient technology was in place that would allow broadcasting over the cable network. A meeting was held and subsequent inspection revealed that legislative cameras broadcast using a "broadcast" quality signal. With the addition of some equipment to be provided at its own expense, Time Warner Cable determined rebroadcasting is feasible. If the Legislative Council is interested in pursuing the proposal, it must decide some policy issues relating to rebroadcasting. Time Warner proposes to broadcast in real time and perhaps to "time shift" the proceedings as cable programming warrants.

Senator Martin moved to refer the request by Time Warner Cable to the Subcommittee to Administer Technology. Second by Senator Mitchell.

Senator Martin raised several issues, including potential payment of royalties for the right to rebroadcast, and to making broadcasts available to other cable companies outside of Time Warner Cable service area. It was noted that Time Warner Cable charges for its cable subscription service. Several members including Senator Rosen and Senator Martin expressed their interest in making legislative proceedings more readily available to the public. Done well, it could be a great public service.

Motion: That Time Warner Cable request to rebroadcast legislative proceedings be referred to the Subcommittee to Administer Technology. **Motion passed, unanimous. (9-0)**

ITEM #5: Resolve 2007, C. 128, Commission to Study the Recruitment, Training, Compensation and Oversight of Racing Officials

Request by Maine Harness Racing Promotion Board to Contribute \$4,760.00 to Support Study Commission

Mr. Boulter explained that the Maine Harness Racing Promotion Board proposes to fund the cost of the study and acceptance of those funds by the Legislature requires an approval by the Council. He drew the member's attention to the relevant provisions of the study language (budget) which specifies under what conditions contributions may be accepted.

Motion: To accept Maine Harness Racing Promotion Board's proposal to fund the study. Motion by Senator Martin. Second by Senator Mitchell. **Motion passed, unanimous. (9-0)**

ITEM #6: Revenue Forecasting Committee Request to Change Reporting Date

The Council reviewed the matter but did not take any action.

ITEM #7 Collective Bargaining Matters (Executive Session)

Motion: That in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between MSEA and the Legislative Council. Motion by Representative Crosswaite. Second by Senator Mitchell. **Motion passed, unanimous. (9-0)**

The Council ended its Executive Session at 3:10 P.M.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:10 P.M. Motion by Representative Crosthwaite. Second by Representative Pingree. **Motion passed, (9-0)**