

MAINE STATE LEGISLATURE

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REP. SEAN FAIRCLOTH
REP. ROBERT H. CROSTHWAITE

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
September 27, 2007
APPROVED OCTOBER 25, 2007

CALL TO ORDER

Legislative Council Vice-Chair, Speaker Glenn Cummings called the Legislative Council meeting to order at 1:21 P.M. in the Legislative Council Chamber.

ROLL CALL

Senators: 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
Joy O'Brien, Secretary of the Senate
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources 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 Vice-Chair, Speaker Glenn Cummings convened the meeting at 1:21 P.M. with a quorum of members present.

SUMMARY OF AUGUST 23, 2007 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of August 23, 2007 be accepted and placed on file. Motion by Senator Weston, second by Representative Faircloth. **Motion passed, unanimous (6-0).** [Senator Edmonds, Senator Mitchell, Senator Martin and Representative 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.

Welcome Center Sound System

The Welcome Center has now been connected to the building's central sound broadcasting system. Press conferences and other public events can now be heard on channel 30 of the audio system. This is in keeping with the Legislative Council's request and Commissioner Jordan's recommendation made at the last Legislative Council meeting.

Parking Lot Update

The Lot B parking lot is scheduled to reopen for general use by Friday, October 5th. In addition to the parking lot reconstruction, lighting, sidewalks and an emergency call station have been installed to improve pedestrian safety.

Introduction of New Employee

OPEGA has hired Mary Gingrow-Shaw as a principal analyst in the office. She began work on September 4, 2007. Ms. Gingrow-Shaw was a long-term employee of the Maine Department of Audit.

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
August	82.7	91.4	8.7	10.6%	89.5	2.1%
FYTD	314.1	314.6	0.5	0.2%	311.9	0.9%

- General Fund revenue for August was over budget by \$8.7 million, erasing all of the negative variance that resulted from July's revenue performance. For the fiscal year-to-date (FYTD), General Fund revenue was \$0.5 million over budget or +0.2%. However, growth over the same period in FY 2007 was only 0.9%. Although there appears to be a positive variance, there are some problem areas that will require a revenue adjustment and some temporary positive variances due to timing issues, primarily BETR program payments, IF&W revenue and fine revenue.
- Individual income tax collections, while over budget largely as a result of the timing of BETR payments, which contributed \$6.8 million to the positive variance, shows some weakness in withholding payments.
- Sales and use tax collections were under budget by \$3.2 million through August and cigarette and tobacco products taxes continued to fall below budget (\$0.9 million or -2.9% for the FYTD).
- Corporate income tax has been under budget each month this fiscal year, but September filings will be a more important indicator of performance for the fiscal year.
- Within the positive variance in the other revenue category, Judicial Department fine revenue and IF&W revenue contributed artificially positive variance due to the delay in accounting entries. September revenue will reflect the adjustments and reduce the positive variance in Other Revenue.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	6.7	7.6	0.9	13.2%	6.5	16.9%
FYTD	36.3	33.4	(2.9)	-8.0%	34.9	-4.1%

- Highway Fund revenue was under budget through August by \$2.9 million or -8.0% and actual revenue declined by 4.1% from the same period last fiscal year. The negative variance in the Fuel Taxes line continued to be the primary factor in the poor performance of Highway Fund revenue. No Highway Fund fine revenue has been recorded in FY 2008, should catch up in September as accounting data entry issues are resolved.

Revenue Forecasting Committee Schedule

- The Consensus Economic Forecasting Commission meets on Tuesday, October 16th at 9:30 AM in the Appropriations Committee Room (Room 228 of the State House).

Information Technology Report

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

Bill Drafting System

The post session statute update and publishing process is in process. Completion of the publication and web page posting of the Laws of Maine will be completed during the week of September 17th. Information Services developed enhancements to the drafting application and are being installed and tested by ROS. The outside maintenance support contractor, OmniSphere, is working a prioritized list of software fixes that were identified during the session and update process.

Information Services and the Revisor's office are working jointly to prepare the various reports needed by the Legislative Council at its October meeting. Bill requests to be voted on by the Council will be transferred electronically from MELD to the automated voting system.

Production Tracking System

Conversion of the historical data starting with the 112th Legislature through the 123rd Legislature from WANG format to MS-SQL format has been completed. The contractor, Voyager, has delivered advanced releases of the software for early review by the production offices. The Tracking System server hardware and database software have been installed and fully tested. An initial training course has been provided to staff members that will be testing the software. User acceptance testing is scheduled to start at the end of September and be completed in October. Links to exchange data between applications have been developed and will be fully tested on receipt of the test version of the software from the contractor. Upon final acceptance, production staff will be provided training prior to activation of the system.

If needed, the existing WANG tracking system is available as a backup should there be issues implementing the upgraded system.

A follow up with the Secretary and Clerk will take place in October to finalize the macro level data reporting they have requested.

Electronic Chamber Request for Proposals (RFP)

The changes directed by the Council at its August meeting were made to the RFP. A copy of the RFP is being provided to the Council members. The RFP will be released during the week of September 17th. Subject to final revisions, the RFP responses will be due on Friday, October 19th. The RFP is being advertised in Maine newspapers, with a notice posted on the state web page. A list of potential vendors has been prepared for a direct mailing of the RFP.

Status of Legislative Studies

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

Twenty-four of the thirty-one studies are fully appointed with most of them now underway. The majority of the studies is scheduled to report during the first of December and is anticipating completing on time.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings, Chair of the Personnel Committee, reported that the committee met on September 27th to consider four items:

- It reviewed the performance of OPLA Director Pat Norton, and approved a one step increase, consistent with the personnel policies.
- It also reviewed the performance of Executive Director Dave Boulter.
- The committee voted to pursue developing a uniform time accounting system for legislative offices.
- The recruitment process for the State Law Librarian is underway. A subcommittee of the Personnel Committee has reviewed applications received and has selected six candidates for interview. Interviews will begin next week.

2. State House Facilities Committee

Representative Pingree reported that the State House Facilities Committee will be meeting soon to review the security measures in the State House.

3. Subcommittee to Review the Study Committee Process

(No Report)

4. Budget Subcommittee

In the absence of Senator Martin, chair of the Budget Subcommittee, Speaker Cummings reported that the subcommittee met on September 27, 2007 and discussed a number of options to achieve \$301,210 in savings as part of the larger \$10.1 million in savings for FY09. Several items will be forwarded to the entire Legislative Council. Discussion included:

- Technology savings – a paperless chamber system could lead to some savings, but will await the RFP therefore, not in time for FY09 budget.

- Administrative savings – with a more automated information management system in the chamber, a number of pages positions might be cut, but not for the 09 budget.
- Reduce funding for interim and miscellaneous studies.
- Eliminate year round payment of health and dental savings for session only employees. Such a change would need to be negotiated as it involves the parity between union and non-union contracts.
- Automatic COLA adjustments for legislators. The AFA committee is planning to examine this issue.
- Reducing funding for OPEGA contractual services. It was pointed out that OPEGA's funding for contractual services carries, and there is about \$500,000 in reserve. It was suggested that the All budget be reduced by \$75,000 per year, equaling \$150,000 for the biennium.

5. Subcommittee to Administer Technology

In President Edmond's absence, Mr. Boulter reported that the subcommittee met on September 19, 2007 to discuss several technology-related matters.

- Time Warner Cable Proposal - It heard from representatives of Time Warner Cable about its request to broadcast House and Senate proceedings using the legislature's broadcast system. After discussion, the subcommittee authorized the preparation of a limited period license agreement to be presented for review by the full Legislative Council.
- Electronic Chamber Project - The subcommittee reviewed a draft RFP for soliciting proposals for software development. After discussion, the subcommittee authorized the release of the RFP. Proposals are due by October 19th, at which time the subcommittee will review them and make a recommendation to the full Legislative Council.
- Constituent Services Management Software - The subcommittee discussed the need for acquiring commercial software to assist legislative offices in managing and tracking constituent service requests and correspondence. It briefly reviewed information from several vendors, in particular Capitol Correspond. The subcommittee voted to recommend to the Legislative Council that it purchase constituent services management software for legislative use.
- Meld Bill Drafting Systems Post-Session Evaluation - The subcommittee received a briefing from Paul Mayotte and Meg Matheson on the use of the system for the first regular session. While improvements and corrections need to be made as with any new computer system, overall it functioned well. Over 2,200 bills and orders were processed in the MELD system this session.

OLD BUSINESS

ITEM 1: Legislative Council Actions Taken by Ballot

No Action Required

NEW BUSINESS

**ITEM #1: Request by the Commission to Study Primary Care Medical Practice
To Extend Reporting Deadline to December 14, 2007**

Motion: That the Legislative Council extend the reporting deadline to December 14, 2007. Motion by Representative Pingree. Second by Representative Faircloth. **Motion passed, unanimous (6-0).**

**ITEM #2: Acceptance of Funds to Support the Working Group to Study the
Effectiveness and Timeliness of Early Identification and Intervention
For Children with Hearing Loss (Hear Me Now)**

Pam Dawson, Executive Director of Hear Me Now, reported that her organization has raised \$8,200 of the \$9,500 required to fund the Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss and could certify the additional \$1,300 that is necessary to fund the study, with a loan if necessary. The balance of the funds would be obtained before the first meeting.

Motion: That an extension be granted to raise the remaining \$1,300 and to accept the funds raised, with a condition that the first meeting of the work group may not occur until full funding is received by the Executive Director. Motion by Representative Faircloth. Second by Senator Weston. **Motion passed, unanimous (6-0)**

**ITEM #3: Request for appointment and convening of a Work Group composed of 4
members from the Joint Standing Committee on Transportation and 4 members
from Appropriations and Financial Affairs**

The chairs of the two committees requested that the committees be authorized to convene a work group to study the fiscal challenges facing the Legislature to achieve the goals as stated in Part H of Senate Amendment "A" S-391 to LD 1790, "An Act to Secure Maine's Transportation Future," while continuing to meet General Fund commitments, and to meet two times. Staffing would be by the Office of Fiscal & Program Review. When asked about available staffing resources, Mr. Pennoyer reported that due to the timing of this request this fall, it will be very difficult for the office to provide any substantive analysis to the group due to current interim workload and two recent retirements in the office.

Senator Weston inquired as to how many study groups are meeting related to transportation issues. Mr. Norton responded that there were three on-going studies and OPLA has devoted its Transportation Committee staff to that as well as the deputy director to some extent.

Senator Rosen stated in light of the information provided and the overlap with the charge to the committee to study the funding of the State Police, that perhaps the charge of that existing study committee could be broadened and membership slightly expanded, such that it could study this issue.

Mr. Norton noted that whether the matter is studied separately or in conjunction with another study, the required analyses remain to be done. Representative Pingree asked how many more meetings the State Police study has. Mr. Norton reported that it has met once and the Transportation Committee has met twice on the other two issues. The committee itself has a total of four meetings so they would have two more. The State Police study can meet 3 additional times.

Representative Pingree noted that in light of how busy OPLA, OFPR, and the Appropriations Committee's are and the fact that there is some overlap of tasks among studies, the State Police study should be asked to address the questions raised by this request. Of the remaining issues, a work group that meets starting in January could be part of the committees' session work.

Speaker Cummings agreed with Representative Pingree and recommended the Executive Director write a letter encouraging the committee to do that. Both Speaker Cummings' and Representative Pingree commented that the issues encompassing LD 1790 are extremely important to the Legislature, but that at this point, there is not sufficient staffing to support the analyses until January.

Motion: That the joint request by the Appropriations and Financial Affairs and Transportation committees to convene a work group be denied and that the Executive Director write a memo to the committees regarding the Council's decision. Motion by Representative Crosthwaite. Second by Senator Rosen. **Motion passed, unanimous. (6-0)**

ITEM #4: Acquisition of Constituent Services Management Software (Recommendation of Subcommittee to Administer Technology)

Mr. Boulter reported that at its September 19, 2007 meeting, the Subcommittee to Administer Technology discussed the need for acquiring commercial software to assist legislative offices in managing and tracking constituent service requests and correspondence. It concluded that the software would be helpful to many of the offices that handle constituent services inquiries and would be appropriate for the legislature to purchase. It was the unanimous recommendation of the technology subcommittee to recommend the Legislative Council to go forward with the purchase.

Representative Crosthwaite inquired about the \$9,503.20 annual maintenance fee. Mr. Boulter explained that since a computer application such as this has not been previously used, it might be worth inquiring to see whether a maintenance and upgrade service is needed. It may be a simple enough program that after one year, support is not needed and the Legislature can pay as it goes if there is an upgrade. Mr. Boulter suggested if the Legislative Council authorizes the purchase, at least for the first year, that there be maintenance and software support.

Motion: That the Legislative Council authorize the purchase of constituent services management software suited to legislative use. Further, that the cost of the initial purchase of the software must be paid for from prior year unexpended balances in legislative accounts, and on-going maintenance costs for House and Senate offices must be paid for from existing funds from the House and Senate portions of the legislative budget. Motion by Speaker Cummings. Second by Representative Pingree. **Motion passed, unanimous. (6-0)**

ANNOUNCEMENTS AND REMARKS

Speaker Cummings encouraged all members to attend the October 25th Legislative Council meeting. At that time, the Legislative Council will be screening bills for introduction in the Second Regular Session. Speaker Cummings also reminded the council members that cloture deadline is October 3, 2007.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:03 P.M. **Motion passed unanimous. (6-0)**