

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
March 26, 2008
APPROVED APRIL 14, 2008

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 2:58 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 (late arrival)

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean Faircloth (absent), Rep. Joshua Tardy (absent), Rep. Robert Crosthwaite

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Debra Olken, Human Resources Director
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Margaret Matheson, Revisor of Statutes
Paul Mayotte, Director, Legislative Information Services
John Barden, Director, Law and Legislative Reference Library

Legislative Council Chair, President Edmonds convened the meeting at 2:58 P.M. with a quorum of members present.

SUMMARY OF FEBRUARY 28, 2008 MEETING OF LEGISLATIVE COUNCIL

Speaker Cummings suggested one change to the meeting summary under the discussion of the report of the Subcommittee to Administer Technology. He suggested that Senator Edmonds' comments about savings identified by the Speaker should reference the House portion of the Legislature's budget rather than the Legislative Council's budget (paragraph 2, last sentence).

Motion: That the Meeting Summary of February 28, 2008 be accepted with singular correction noted and placed on file. Motion by Senator Martin. Second by Representative Pingree.

Motion passed unanimous (7-0). [Senator Rosen, Representative Faircloth and Representative Tardy absent for vote.]

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

Celebration of 175th Anniversary of Blaine House

First Lady Karen Baldacci and the Friends of the Blaine House are organizing a public event to celebrate the 175th anniversary of the Blaine House. Now home to Maine governors, the Blaine House was constructed in 1833 by Captain James Hall and was gifted to the State in 1919 by the daughter of James G. Blaine. The celebration is tentatively scheduled for 2 days in August, and may include tours, a State dinner and other events in the Blaine House and the State House, subject to Legislative Council approval. The event organizers will be in touch with the council as celebration plans are developed that relate to the State House.

YMCA Youth in Government Program

As a reminder, this year's YMCA of Maine's Youth in Government Program is scheduled to be held in the State House on May 9-11, 2008. Approximately 200 high school students and advisors participate in the program that provides hands-on experience in how Maine's legislative process works.

Reproduction of Original Maine Constitution Update

State Archivist David Cheever is arranging for the production and framing of a complete reproduction of the original Maine Constitution in response to the Legislative Council's action several months ago. Work is well underway and the Archives staff anticipates that the work will be completed by early April.

President Edmonds asked if there was any objection to taking an item out of order. Hearing none, the Chair then moved 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 eight and tabled seven after deadline bill requests.

Senator Mitchell made a motion to remove from the table LR 3561: "Resolve, to Prohibit Early In-Person Absentee Voting on Monday, November 3, 2008". Second by Senator Martin. The Legislative Council voted to remove the request from the table, and by a vote of 7-0, the motion to accept LR 3561 for introduction passed. [Senator Rosen, Representative Faircloth and Representative Tardy absent for vote].

Speaker Cummings made a motion to remove from the table LR 3502: "Joint Resolution Memorializing Congress To Stop Gasoline Price Manipulation And To Close The Enron Loophole". Second by Senator Mitchell. The Legislative Council voted to remove the request from the table, and

by a vote of 8-0, the motion to accept LR 3502 for introduction passed. [Representative Faircloth and Representative Tardy absent for vote.]

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.

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
February	\$134.5	\$138.1	\$3.6	2.7%	\$139.5	-1.0%
FYTD	\$1,706.5	\$1,710.0	\$3.5	0.2%	\$1,701.0	0.5%

- General Fund revenue was over budget by \$3.6 million in February reflecting the March 2008 forecast, which lowered FY 2008 General Fund revenue by \$26.9 million. For the fiscal year-to-date (FYTD), General Fund revenue was over budget by \$3.5 million or 0.2%. Growth for the FYTD remains modest at 0.5% over the same period in FY 2007.
- In February, the State finally received a large, single estate tax payment of \$3.8 million as anticipated in the forecast, but Estate Tax revenue remained under budget for the FYTD by \$1.5 million.

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

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$23.6	\$23.1	(\$0.5)	-2.2%	\$25.4	-9.1%
FYTD	\$195.9	\$196.3	\$0.4	0.2%	\$197.6	-0.6%

- Highway Fund revenue was under budget in February by \$0.5 million based on the new forecast, but remained above budget for the FYTD by \$0.4 million or 0.2%. FY 2008 Highway Fund revenue was revised downward in the March 2008 forecast by \$2.3 million.
- Highway Fund revenue through February showed negative growth of 0.6% over the same period in FY 2007.

Revenue Forecasting Update

- The Consensus Economic Forecasting Commission (CEFC), based on concerns about the national economy, held a conference call on Monday, March 17th, to discuss its current forecast and whether the revenue should be revised. The CEFC decided not to change its forecast at this time, although it acknowledged uncertainty surrounding the current forecast but noted that it already assumes a mild national recession, or slowdown in national growth.

Cash Balances

- The total cash pool in February was \$472.1 million, which was well below the average balance of the last 6 years for February of \$609.6 million. This change in the cash position is largely due to the General Fund revenue shortfall and the normal low point in the General Fund cash position before April income tax collections provide a recovery in late April. The General Fund balance, excluding reserve balances (\$159.0 million) and internal borrowing (\$124.5 million), was negative by \$285.3 million. March has the lowest General Fund cash balances.
- The Treasurer has begun to reserve a portion of cash pool earnings in the event that the \$20 million Mainsail II investment needs to be written off or suffers a substantial loss.

Information Technology Report

Paul Mayotte, Director, Office of Legislative Information Services had no report this month but responded to questions from Legislative Council members.

Representative Pingree mentioned that several representatives have complained that the Internet was down and not working. She asked for the status of the Internet network.

Mr. Mayotte responded by saying that the wireless Internet network had failed due to an aging server. The slowness in the network was investigated and corrected. The office of Legislative Information Services is working on a plan to update the wireless Internet network, and the network is working now.

Status of Legislative Studies

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

Studies

The *Working Group to Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine* submitted its report to the Legislature last week. The *Joint Standing Committee on Health and Human Services* held a hearing on the report on Wednesday, March 19 and voted to submit a bill to implement the recommendations of the working group. That bill is not expected to be referenced back to committee.

The *Citizen Trade Policy Commission* has scheduled a meeting for Friday, March 21 to finalize their recommendations to the U.S. Congress and the United States Trade Representatives on the Columbia Free Trade agreement and to plan for an upcoming public hearing on trade issues.

The *Legislative Youth Advisory Council* has postponed any further attempts to meet during the legislative session but plans to meet again sometime in June. Legislation recommended by LYAC this session (LD 2131), which increases the number of times LYAC can meet, will likely be placed on the study table for the Council's consideration.

Committee status

Committee chairs were informed by the presiding officers on Wednesday, March 19 that all bills heard but not voted would be removed from committee on Friday, March 21 and that all remaining committee work, except for confirmations and work on the errors bill by the

Judiciary Committee, must be completed by the end of the day on Friday, March 28. Committees are not authorized to meet after March 28.

As of March 26, 2008, committees have 24 bills that have had a public hearing but were not voted and 10 that have not yet been heard (excluding the 24 in AFA). Ninety-two percent of bills referred have been voted and 62% have been reported out. Twenty-four new bills are still anticipated, of which 11 are expected to be referred to committee and 13 are committee bills that are not expected to be referred back to committee.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on March 26, 2008 and considered the following two items:

Update of Personnel Policies and Guidelines for Legislative Council Employees.

Human Resources Director Debra Olken prepared an updated employee handbook that included Legislative Council policies previously adopted and other changes since the handbook was last issued in 2002. The Personnel Committee voted unanimously to recommend that the Legislative Council adopt the revised personnel handbook.

Legislative Policy on Confidentiality

The review of the Legislative Council's policy on Legislative confidentiality for nonpartisan employees was tabled to a future meeting.

Motion: That the Legislative Council adopt the "Personnel Policies and Guidelines for Legislative Council Employees" revised March 26, 2008 and that the Executive Director's office make available a copy to each nonpartisan legislative employee. Motion by Speaker Cummings. Second by Senator Mitchell. **Motion passed (8-0).** [Representative Tardy and Representative Faircloth absent for vote.]

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

4. Subcommittee to Administer Technology

(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 February 28, 2008 meeting is attached. No further action by the Legislative Council is required.

There was no other Old Business.

NEW BUSINESS

ITEM #1: Legislative Council 123rd Group Photograph

A group photograph of the Legislative Council for the 123rd Legislature was taken before the start of the Legislative Council meeting.

ITEM #2: Proposal to Consolidate Legislative Program Evaluation and Government Oversight (Joint Standing Committee on State and Local Government)

Motion: That the letter of recommendation from the Joint Standing Committee on State and Local Government be placed on file. Motion by Senator Martin. Second by Representative Mitchell.
Motion passed (8-0). [Representative Faircloth and Representative Tardy absent for vote.]

ITEM #3: 2007 Report to the Joint Standing Committee on Corrections on the Activities of the Maine Department of Corrections Office of Advocacy

ITEM #4: Government Evaluation Act Review of the Department of Professional and Financial Regulation

Motion: That the Legislative Council accept and place on file the reports noted in Items 3 and 4. Motion by Senator Mitchell. Second by Speaker Cummings. **Motion passed (8-0)** [Representative Faircloth and Representative Tardy absent for vote.]

Item #5: Revised Legislative Council Meeting Scheduled for 2008

A revised Legislative Council meeting schedule for 2008 which is the result of the request at the February 28, 2008 meeting that the regular meetings move from the 4th Thursday to the 4th Wednesday of each month for the remainder of the year. It was noted that the April meeting will likely be scheduled for April 14 or 15, 2008. No action by the Legislative Council was required.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:40 P.M.

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**LEGISLATIVE COUNCIL ACTION ON
AFTER DEADLINE REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
March 26, 2008**

Action

SPONSOR: Sen. Diamond, Bill

LR 3561 Resolve, To Prohibit Early In-person Absentee Voting on
Monday, November 3rd, 2008

Passed

SPONSOR: Rep. Emery, Harold Ian

**Tabled
3/26/08**

LR 3545 An Act To Allow for the Investment of Maine Public Employees
Retirement System Funds in Infrastructure and Private
Investments

SPONSOR: Rep. Hinck, Jon

**Tabled
3/26/08**

LR 3548 An Act To Create a Tax on the Extraction of Water To Be
Bottled

SPONSOR: Rep. McDonough, John F.

**Tabled
3/26/08**

LR 3551 An Act Regarding the Revocation of Suspended Lobster
Licenses

SPONSOR: Rep. Millett, Jr., H. Sawin

**Accepted by Ballot
3/26/08**

LR 3570 An Act To Remove Impediments to Changing County Government
Fiscal Years

SPONSOR: Rep. Pratt, Benjamin Marriner

Failed

LR 3557 An Act To Protect Consumers from Phone "Slamming"

SPONSOR: Sen. Rotundo, Margaret

**Tabled
3/26/08**

LR 3542 An Act To Protect Confidential Information

SPONSOR: Rep. Vaughan, Michael A.

**Tabled
3/26/08**

LR 3588 An Act To Create Transparency in Funding and Oversight between the Department of Health and Human Services and Nonprofit Providers

SPONSOR: Rep. Weaver, Windol C.

Failed

LR 3590 Resolve, Prohibiting the Maine Turnpike Authority from Using Eminent Domain To Take a Dwelling in Connection with the Relocation of the York Tollbooth

JOINT RESOLUTION

SPONSOR: Sen. Bowman, Peter B.

Passed

LR 3597 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AUTHORIZE A COLD WAR MEDAL

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Barstow, Christopher R.

**TABLED
02/28/08**

LR 3506 An Act Concerning Working Papers of the State Controller

SPONSOR: Rep. Makas, Elaine C.

**TABLED
02/28/08**

LR 3499 An Act To Preserve Opportunities for Higher Education by Controlling the Costs of Textbooks

SPONSOR: Rep. Rines, Peter L.

**TABLED
02/28/08**

LR 3473 An Act To Provide Incentives for Departmental Savings

SPONSOR: Sen. Sherman, Roger L.

**TABLED
01/24/08**

LR 3403 An Act To Extend the Date by which Certification Must Be Received To Change the Membership of the Maine Indian Tribal-State Commission

SPONSOR: Rep. Tuttle, Jr., John L.

**TABLED
01/24/08**

LR 3401 An Act To Slow the Increase in Home Foreclosures

JOINT RESOLUTION

SPONSOR: Rep. Cummings, Glenn

Passed

LR 3502 JOINT RESOLUTION MEMORIALIZING CONGRESS TO STOP GASOLINE PRICE MANIPULATION AND TO CLOSE THE ENRON LOOPHOLE

JOINT RESOLUTION

SPONSOR: Sen. Edmonds, Beth G.

**TABLED
02/28/08**

LR 3535 JOINT RESOLUTION MEMORIALIZING THE DEPARTMENT OF HOMELAND SECURITY IN OPPOSITION TO THE DEPARTMENT'S NEW CITIZEN DECLARATION RULES

JOINT RESOLUTION

SPONSOR: Sen. Strimling, Ethan

**TABLED
01/24/08**

LR 2743 JOINT RESOLUTION MEMORIALIZING CONGRESS TO INSTITUTE IMPEACHMENT PROCEEDINGS AGAINST PRESIDENT BUSH

ADDENDUM

Action

SPONSOR: Sen. Perry, Joseph C.

**Tabled
3/26/08**

LR 3601 An Act To Clarify What Is a Taxable Transaction

JOINT RESOLUTION

SPONSOR: Rep. Webster, David C.

**Failed
Co-Sponsor LR 3597**

LR 3606 JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT THE CREATION OF A "COLD WAR MEDAL"

SPONSOR: Rep. Dill, Cynthia A.

Passed

LR 3611 Resolve, To Establish a Stakeholders Group To Study Excess Capacity of Cable Rates Conversion from Analog to Digital

JOINT RESOLUTION

SPONSOR: Rep. Wheeler, Sr., Walter A.

**Failed
Co-Sponsor LR 3597**

LR 3612 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AUTHORIZE THE AWARDING OF COLD WAR MEDALS

SPONSOR: Rep. Robinson, John C.

**Tabled
3/26/08**

LR 3613 An Act To Encourage the Expeditious Review of Development Permits