

MEETING SUMMARY
January 25, 2007
APPROVED FEBRUARY 22, 2007

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:22 P.M. in the Legislative Council Chamber.

ROLL CALL

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. John Martin (*arrived at 2:12PM*), 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
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
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 convened the meeting at 1:22 P.M. with a quorum of members present.

SUMMARY OF DECEMBER 7, 2006 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of December 7, 2006 be accepted and placed on file. Motion by Sen. Martin, second by Sen. Weston. **Motion passed, unanimous (9-0-0-1).**

Legislative Council Chair President Edmonds asked if there was any objection to taking two items out of order. No objection was expressed so Legislative Council Chair 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 forty after deadline bill requests. The Legislative Council's actions on these requests are included on the attached list.

ITEM #2: REQUEST TO EXTEND BILL CLOTURE DATE FOR REP. GARY MOORE TO JANUARY 29, 2007

This matter was considered during the Legislative Council's review of Rep. Moore's after deadline request for introduction of LR #2462. The Legislative Council noted that Rep. Moore was sworn into office after the other members of the 123rd Legislature because of a ballot recount for his district seat. It also noted that by joint rule the Legislature, not the Legislative Council, established the bill cloture date of December 15th, and therefore the Legislative Council cannot alter that date.

Motion: That all after deadline bills filed by Rep. Moore until February 22, 2007, the date of the next Legislative Council meeting, be deemed to have been approved for introduction into the First Regular Session by the Legislative Council without further Legislative Council action. Motion by Rep. Tardy, second by Rep. Faircloth. **Motion passed, unanimous (9-0-0-1)**

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.

State House renovations projects for 2006

The last of the State House renovation projects for 2006 is concluding this week with the completion of the emergency call box system at Parking Lots A & B near the State House. The call boxes will be connected to the Building Control Center and Capitol Security, be activated on Monday, and should provide an important measure of security to visitors, legislators and staff who use the parking lots.

MDF Legislative Policy Forum on Health Care

As a reminder, the Maine Development Foundation is holding a legislative policy forum on health care. The forum is scheduled for Friday, January 26, 2007 from 8:30 to 4:00 at the Augusta Civic Center, and is the last of the legislative orientation programs organized by the Legislative Council for this session.

Bill drafting progress

Bill drafting is well underway in the Revisor's office, OPLA and OFPR. The Revisor's office reports that the current number of live LRs stands at 2,097, the number of bills that have been drafted and are out for sponsor review and signature is 244, the number of

completed bills that have been sent for printing is 400, and the number of LRs that have been withdrawn to date is 380.

Availability of Compact Edition of Maine Revised Statutes

Under the terms of an agreement with Thompson West Publishing, the compact edition of the most current version of the Maine statutes is available for purchase by legislators. The cost is approximately \$155 per set, a very favorable rate. The Law and Legislative Reference Library will be sending out an announcement of the availability of the compact edition shortly. If legislators would like to purchase a set of the statutes, they should contact the Executive Director's office.

Fiscal Report

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

Revenue update

General Fund revenue was under budget by \$11.1 million in December, resulting in a negative variance of \$9.0 million (-0.7%) for the fiscal year-to-date. This variance is from the revised revenue forecast, which increased General Fund revenue by \$86.4 million for FY07, and was driven by the December's corporate income tax collections which were under budget by \$16.9 million for the month and FYTD. The Highway Fund revenue is now performing much closer to budget projections with the recent \$9.6 million downward revision of FY07 revenue in the December 2006 revenue forecast.

Revenue forecasting schedule

The Consensus Economic Forecasting Commission met on Tuesday, January 23rd and modestly improved its consensus economic forecast. The Revenue Forecasting Committee will likely meet in the latter part of February to conclude the update in time for the March 1st statutory report deadline.

Cash pool and cash balance trends

The average cash pool balance has dropped from \$689.3 million in July 2006 to \$494.8 million in December. This decline is largely due to the recent trend in General Fund cash balances and the reliance on internal borrowing from Other Special Revenue Funds rather than using Tax Anticipation Note (TAN) borrowing. TAN borrowing in FY 06 was \$123.6 million. The General Fund increased its internal borrowing from Other Special Revenue Funds to over \$100 million in December. The State Controller and State Treasurer will be consulting soon to see what type of additional cash flow borrowing may be required until receipt of April's income tax collections. The Highway Fund average cash balance continued its downward trend in December with the average balance dropping below \$10 million. Highway Fund cash balances typically recover somewhat during the winter months.

Information Technology Report

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

MELD bill drafting system

The MELD bill drafting system is in full production. A software consulting firm Omnisphere has been retained to provide software support for the MELD system, and issues with the MELD system are being addressed as they arise.

Bill text on website

Working with the Secretary of the Senate and the Clerk of the House, the office has put into place process changes that allow bill text to be posted to the legislative website more quickly so bill text is readily available to the public. Work is now underway to further automate this process.

Email processing times

The office is monitoring the speed of email transmissions and has made some adjustments to improve the speed of email processing. Large PDF files are moving through the email system more slowly and the office is working to speed transmission of those files as well.

Chamber video broadcasting

Mr. Mayotte is working with the Secretary of the Senate and the Clerk of the House and system vendors to resolve outstanding technical issues with the Senate and House video broadcasting systems.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee (No report)

The Personnel Committee is scheduled to meet on January 25, 2007 at 3:00 P.M.

2. State House Facilities Committee (No report)

3. Subcommittee to Review the Study Committee Process (No report)

The subcommittee had scheduled a meeting for January 19th, but Subcommittee Chair Senator Mitchell cancelled the meeting due to the lack of a quorum. The next meeting of the subcommittee is scheduled for January 25, 2007 at 3:30 P.M.

Legislative Council Chair President Edmonds noted that the Legislative Council had established a *Subcommittee to Administer Technology in the Chambers*. She recommended that the name of the committee be changed to *Subcommittee to Administer Technology* unless other members of the Legislative Council had objection. No members expressed objection to the name change.

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 December 7, 2006 meeting is attached. No further action by the Legislative Council is required.

There was no other Old Business.

NEW BUSINESS

ITEM 3: REQUEST BY MAINE ENERGY COUNCIL TO EXTEND REPORTING DATE FROM JANUARY 15, 2007 TO MARCH 15, 2007

Motion: That the request by the Maine Energy Council to extend the date by when it must submit its report from January 15, 2007 to March 15, 2007. Motion by Rep. Pingree, second by Sen. Rosen. **Motion passed, unanimous (10-0).**

ITEM #4: REQUEST BY MS. PEGGY BEAMAN FOR PERMISSION TO USE “THE STATE OF MAINE SONG” IN AN EDUCATIONAL MUSIC BOOK

Motion: That permission for Peggy Beaman of Mount Olive, North Carolina to use the copyright protected song, “The State of Maine Song” be granted. Motion by Speaker Cummings, second by Rep. Crosthwaite. **Motion passed, unanimous (10-0).**

ITEM #5: REQUEST BY OPEGA TO CARRY FORWARD UNSPENT FY 06 FUNDS TO FY 07

Legislative Finance Director Rose Breton presented the request by the Office of Program Evaluation and Governmental Accountability to carry forward certain unspent funds from FY06 to FY07 and to transfer certain funds from All Other to the Capital line category as described in OPEGA Director Beth Ashcroft’s memo to January 10, 2007.

Motion by Sen. Martin to approve the request by OPEGA, second by Sen. Weston. **Motion passed, unanimous (10-0).**

Item # 6: REQUEST BY LAW & LEGISLATIVE REFERENCE LIBRARY TO CARRY FORWARD UNSPENT FY 06 FUNDS TO FY 07

Legislative Finance Director Rose Breton presented a similar request by the Law and Legislative Reference Library to carry forward certain unspent funds from FY06 to FY07 and to transfer certain funds from All Other to the Capital line category as described in State Law Librarian Lynn Randall’s memo of January 10, 2007.

Motion by Sen. Martin to approve the request by the Law & Legislative Reference Library, second by Sen. Mitchell. **Motion passed, unanimous (10-0).**

CLARIFICATION OF NEWLY ADOPTED POLICY BY LEGISLATIVE COUNCIL ON MAKING ADJUSTMENTS TO LEGISLATIVE ACCOUNTS

Ms. Breton then asked the Legislative Council for clarification of administration of the Legislative Council’s new policy with respect to budget adjustments that it adopted at its November 16, 2006 meeting. She noted that the clear intent of the council’s policy was to no longer submit budget adjustments for legislative accounts to a review and approval by the State

Budget Officer and the Governor (Financial Order process). She explained that the wording of the policy as adopted carries out that intent; however, in addition it could be read to mean that certain budget adjustments that were previously considered routine and transmitted directly by the Executive Director's office to the budget office must now be decided by the full Legislative Council before the budget adjustments can be processed. For example, she explained that carrying forward unspent funds from a prior fiscal year to the current fiscal year to pay for goods or services ordered in one fiscal year but received in the subsequent fiscal year was considered routine and previously was handled directly by her without presentation to the Legislative Council.

President Edmonds explained that it was her understanding that intent of the Legislative Council in adopting the new policy was to discontinue the long-standing practice of submitting Financial Orders to adjust legislative budgets to the Executive Branch for review and approval but not to change the legislature's internal process for making budget adjustments or to impose new requirements for Legislative Council approval for routine budget adjustments.

Ms. Breton explained her understanding that those budget adjustments considered to be "routine" and, therefore, authority for which is delegated to the Executive Director include those adjustments within line item categories when fiscally prudent or necessary to properly manage legislative accounts provided that the funds budgeted to each major organizational unit of the legislature are not exceeded and the adjustments will not result in on-going unbudgeted legislative costs.

Legislative Council Chair President Edmonds asked the council members if that was their understanding as well. The members agreed with the clarification presented by Ms. Breton, and President Edmonds then stated that the Executive Director's office should carry out future budgets adjustments in accordance with that clarification.

ITEM # 7: SUBMISSION OF FINAL REPORT OF HUMAN TRAFFICKING TASK FORCE

ITEM # 8: SUBMISSION OF ANNUAL REPORT OF THE LEGISLATIVE YOUTH ADVISORY COUNCIL

ITEM # 9: SUBMISSION OF FINAL REPORT OF THE COMMISSION TO STUDY THE COST OF PROVIDING CERTAIN SERVICES IN THE UNORGANIZED TERRITORIES

ITEM # 10: SUBMISSION OF REPORT OF THE RIGHT TO KNOW ADVISORY COMMITTEE

ITEM # 11: SUBMISSION OF THE FINAL REPORT OF THE TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS

ITEM # 12: SUBMISSION OF THE FINAL REPORT OF THE JOINT SELECT COMMITTEE ON RESEARCH, ECONOMIC DEVELOPMENT AND THE INNOVATION ECONOMY

ITEM # 13: SUBMISSION OF THE FINAL REPORT OF THE COMMISSION TO STUDY THE HENDERSON BROOK BRIDGE IN THE ALLAGASH WILDERNESS WATERWAY (addendum to agenda- report was submitted after the revised agenda was prepared but prior to the Legislative Council meeting)

Motion: That the Legislative Council accept the above noted seven reports and place them on file. Motion by Sen. Mitchell, second by Sen. Weston. **Motion passed, unanimous (10-0).**

ANNOUNCEMENTS AND REMARKS

Legislative Council members were reminded of the Personnel Committee meeting that is scheduled for 3:00 and the meeting of the Subcommittee to Review the Study Committee Process that is scheduled for 3:30 in the afternoon.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:21 P.M. Motion by Sen. Weston, second by Rep. Faircloth. **Motion passed, unanimous (10-0).**