

REP. MARK W. EVES  
CHAIR

SEN. JUSTIN L. ALFOND  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER



SEN. SETH A. GOODALL  
SEN. MICHAEL D. THIBODEAU  
SEN. TROY D. JACKSON  
SEN. ROGER J. KATZ  
REP. SETH A. BERRY  
REP. KENNETH W. FREDETTE  
REP. JEFFREY M. MCCABE  
REP. ALEXANDER R. WILLETTE

126<sup>TH</sup> MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
December 12, 2012**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the December 12, 2012 Legislative Council meeting to order at 3:43 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Alfond, Senator Goodall, Senator Jackson, and Senator Thibodeau

Absent: Senator Katz

Representatives: Speaker Eves, Representative Berry, Representative McCabe, Representative Fredette and Representative Willette

Legislative Officers: Darek Grant, Secretary of the Senate  
Millicent MacFarland, Clerk of the House  
David E. Boulter, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Debra Olken, Human Resources Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Scott Clark, Director, Legislative Information Technology

Speaker Eves convened the meeting at 3:43 p.m. with a quorum of members present.

**SUMMARY OF DECEMBER 6, 2012 MEETING OF LEGISLATIVE COUNCIL**

The meeting summary for the December 6, 2012 meeting is currently being prepared and will be completed and available at the next Legislative Council meeting. No Legislative Council action was taken.

**OLD BUSINESS****Item #1: Establishment of Initial Salaries for Constitutional Officers and the State Auditor**

Legislative Council Chair Speaker Eves opened the discussion of this matter by stating that he and other members of the Legislative Council are grateful for the service and dedication of the Constitutional Officers and the State Auditor. They bring extensive experience and expertise to the Legislature and to the people of Maine through their work in their positions. He then stated that after careful consideration and consultation with other members, he has concluded that it is appropriate and reasonable to set the initial salaries for the Constitutional Officers and the State Auditor at the rate as prescribed in the Executive Director's memo dated December 6, 2012. He expressed his gratitude to the Constitutional Officers and the State Auditor for returning to State service, and the Legislative Council will rely on their wisdom and experience as the Legislative Council moves forward over the next two years.

Representative Fredette then thanked Legislative Council Chair Eves for his recommendation on the establishment of the salaries and stated that he fully supports the recommendation. He also thanked the Constitutional Officers and the State Auditor for their service. Representative Fredette concluded by saying that elected officials all are here to do the work of the public, and he appreciated the thoughtfulness and manner in which the Legislative Council is handling this matter.

The following motion was then made.

**Motion:** That the Legislative Council establish the initial salary for the Attorney General at Step 5 of Salary Grade 91; the initial salary for the State Auditor at Step 5 of Salary Grade 89; and the initial salaries for the Secretary of State and the State Treasurer at Step 3 of Salary Grade 88, in accordance with State law. Motion by Senator Alford. Second by Senator Jackson. **Motion passed unanimously (9-0-0-1, with Senator Katz absent).**

**Item #2: Establishment of Initial Salaries for Clerk of the House and Secretary of the Senate**

Legislative Council Chair Speaker Eves opened the discussion of this matter by stating that what he said previously regarding the Constitutional Officers' initial salaries goes for the Clerk of the House and the Secretary of the Senate as well. Their many years of experience will help guide the legislature, and he appreciated their prior service and their return to service in the Legislative Branch.

Representative Fredette then thanked Legislative Council Chair Eves for his recommendation on the establishment of the salaries for the Clerk and the Secretary and further stated that he fully supports the recommendation. He stated that he looks forward to working with the Clerk of the House, Secretary of the Senate and the Constitutional Officers.

**Motion:** That the Legislative Council establish the initial salaries for the Secretary of the Senate and the Clerk of the House at Step 2 of Salary Grade 14 of the Legislature's salary schedule, in accordance with State law. Motion by Representative Berry. Second by Representative McCabe. **Motion passed unanimously (9-0-0-1, with Senator Katz absent).**

**NEW BUSINESS****Item #1: Proposal by Maine Public Broadcasting Network for Television Channel Covering Maine Legislature (Mark Vogelzang, President & CEO, MPBN)**

Legislative Council Chair Speaker Eves introduced Mark Vogelzang, President and CEO for the Maine Public Broadcasting Network and invited him to make a brief presentation on MPBN's proposal for a television channel devoted to covering the Maine Legislature. Chair Eves remarked that from what he has heard initially about MPBN's proposal, it appears to be an excellent idea and should result in increased governmental transparency and the ability for people to tune in to legislative activities in their homes.

Mr. Vogelzang proceeded to give an overview of the proposal, summarized below and in the informational material found in the Legislative Council's packet.

MPBN is proposing on a pilot basis the first ever state-wide television broadcasting channel devoted to coverage of the Maine Legislature, tentatively to be named "State House Channel." With MPBN's renewed focus on continuing public affairs coverage, MPBN thinks this will be a very valuable public service. If the Legislative Council accepts the proposal, MPBN plans to launch the project on February 1, 2013. He emphasized that this would be a 6-month pilot project, conducted during the legislature's first regular session, to assess feasibility, costs and program success. Mr. Vogelzang stated that the broadcasts would be on a limited schedule. He also stated that MPBN would underwrite all costs, and there would be no extra costs or fees or services that would involve taxpayer dollars. The pilot project is estimated to cost between \$250,000 and \$300,000, to be obtained through solicitation of private funds. The State House Channel would be broadcast over the air on a dedicated, digital MPBN channel so it would be available to all persons and schools in Maine without charge, and without need for access to cable television or the Internet. Mr. Vogelzang presumed that the channel would be carried by Time Warner Cable and other cable television networks in Maine although he cannot make any guarantee at this time that that will be the case. If the Legislative Council approves the pilot project, Mr. Vogelzang would begin discussions with the cable television providers. Mr. Vogelzang also announced that MPBN has chosen Mr. Mal Leary to be its managing editor for the project. He is an experienced journalist in Augusta. He noted that MPBN's Board of Trustees is fully supportive of the pilot, and he introduced in the audience MPBN's vice-chair of the board and former legislator Senator Carl Turner.

A general discussion of the proposal followed the presentation.

Senator Goodall inquired as to whether MPBN has begun discussions with cable television providers about the State House channel. Mr. Vogelzang responded no, that he was waiting until the Legislative Council approves the proposed project but he would do so after approval has been received.

Representative Fredette asked whether Legislative Council approval of the pilot project would likely result in an MPBN request for an annual General Fund appropriation to support the broadcast channel on an on-going basis. Mr. Vogelzang responded by saying that the only commitment MPBN's Board of Trustees has authorized to date is the 6-month pilot project. Potentially, future funding could be in the form of a fee for service or a request for State funding but there are no plans for future funding at this time.

President Alfond then made a motion (see motion below).

Senator Goodall then asked if the scope of review by the subcommittee (referenced in the motion) would include considering other potential proposals by cable television or other similar providers so a broader discussion of making legislative information available could be had as MPBN's proposal is considered. President Alfond responded that presumably the subcommittee will have the latitude to consider all opportunities to allow the pilot program to be seen by as many Maine viewers as possible.

Legislative Council Chair Eves stated his understanding that the purpose of establishing a subcommittee is to allow the Legislative Council to sort through the various details and protocols, and clarify expectations for the project, including funding, content management and project partner(s) before the Legislative Council makes any firm commitment to the proposal. He added that he believes the Legislative Council generally supports the proposal as providing greater transparency to the State House and allowing people to observe legislative activities, but that it needs to better understand the details to assure that the project will be feasible.

Representative Berry added that he hoped that broadcasts will focus on the more substantive aspects of legislative work such as committee hearings and important business of the House and the Senate rather than on procedural actions in the chambers.

Senator Jackson concluded the discussion by saying that many people in northern Maine depend on public television for news and he was excited about the possibility of this project going forward.

**Motion:** That the Legislative Council establish a subcommittee for the purpose of entering into a 6-month pilot program with Maine Public Broadcasting Network for a free over-the-air channel devoted to covering the Maine Legislature, beginning in early 2013; further, that the chair of the Legislative Council be authorized to appoint the members of the subcommittee; and further, the subcommittee shall review the proposal by MPBN and make recommendations to the Legislative Council as to appropriate conditions and protocols for a pilot program. Motion by Senator Alfond. Second by Representative Berry. **Motion passed unanimously (9-0-0-1, with Senator Katz absent).**

**Item #2: Establish Subcommittees of the Legislative Council**

No action was taken on this item since the subcommittee was established as part of New Business Item #1.

**ANNOUNCEMENTS AND REMARKS**

Representative Fredette announced that the Governor's office recently issued a memo in regard to an anticipated curtailment of funds in State agencies that also asked for legislative participation in the amount of approximately \$375,000, by memo to Executive Director Boulter. He inquired as to whether the Legislative Council was prepared to discuss that issue at today's meeting.

Mr. Boulter stated that he had received an email [from the state budget office] but to his knowledge the Governor has not yet issued any order to implement a curtailment of State funds that the email discussed. Mr. Boulter also explained that orders of this nature, typically in the form of Executive Orders, are binding on executive agencies but not on other branches of State Government. The Governor does not have authority to curtail legislative funds. The customary initial response to such a memo is to notify the Governor's office that when the Legislative Council establishes its Budget

Subcommittee, it will review the Governor's request and make appropriate adjustments to its accounts once it has reviewed the entire legislative budget. Mr. Boulter recommended that the Legislative Council continue to observe its traditional practice with regard to potential budget adjustments.

---

*[Note: On December 27, 2012, the Governor issued an order curtailing allotments in the General Fund.]*

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 4:03 p.m.