

**MEETING SUMMARY**  
**February 22, 2007**  
**APPROVED MARCH 22, 2007**

**CALL TO ORDER**

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:50 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. 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 1:50 P.M. with a quorum of members present.

**SUMMARY OF JANUARY 25, 2007 MEETING OF LEGISLATIVE COUNCIL**

Motion: That the Meeting Summary of January 25, 2007 be accepted and placed on file. Motion by Rep. Tardy, second by Rep. Pingree. **Motion passed, unanimous (10-0).**

Legislative Council Chair President Edmonds asked if there was any objection to taking one item 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 sixteen after deadline bill requests. 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.

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

### **Executive Director's Report**

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

#### **Council of State Governments Officials Visit to Maine**

Alan Sokolow, Executive Director of CSG/ERC and several of his staff will be in Maine from February 28 – March 1 for CSG's annual visit with various Legislators and staff and to observe committee and chamber sessions. Mr. Sokolow hopes to meet with each member of Leadership during his visit.

#### **Completion of Lighting for Klir Beck Dioramas**

For the first time since their re-installation, all four of the wildlife dioramas located in the underground connector are sufficiently lit. The result is a dramatic improvement in the ability to observe the wildlife as well as the detailed background scenes. The lighting used is low maintenance and not destructive to the dioramas. Much credit goes to Conservator Ronald Harvey, Tuckerbrook Conservation of Lincolnville who developed the supplemental lighting system.

#### **Introduction of New Employee in the Executive Director Office**

Mr. Boulter introduced Ms. Kimberly Sheff, who is an executive secretary in 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 over budget \$3.3 million in January, reducing the negative variance for the fiscal year-to-date (FYTD) to \$5.7 million (-0.4%). The negative variance in corporate income tax collections did not recover in January but worsened by \$1.6 million to \$18.5 million for the FYTD. This represents a 16.7% decline over the same period last year. Individual income tax remained over budget through January. BETR and Circuit Breaker transfers account for a \$13.0 million positive variance for the FYTD, which was offset by a negative variance in individual income tax refunds of \$9.2 million. Both of these variances within the individual income tax are largely timing issues resulting from delays or extensions in BETR filings and an

efficient and early processing of tax refunds. The performance of the estate tax is still strong, about \$3.2 million over budget for the FYTD.

Some areas of concern in addition to the corporate income tax are the cigarette tax and income from investments.

Highway Fund revenue, which was running slightly ahead of budget in December, suffered a set-back in January, largely as a result of reduced fuel tax collections, which were under budget by \$1.3 million in January.

### **Revenue Forecasting Schedule**

The Revenue Forecasting Committee (RFC) will meet on Friday, February 23<sup>rd</sup> at 9:30AM in the Legislative Council Chambers. The RFC is investigating the reason for the decrease in corporate income tax collections.

### **Cash Pool and Cash Balance Trends**

Average Cash Pool balance was \$564.9 million in January, which is below the \$689.3 million in July 2006, but represents an improvement over the \$494.8 million for December. This decline from the start of the fiscal year is largely due to the reliance on General Fund internal borrowing from Other Special Revenue Funds rather than using Tax Anticipation Note (TAN) borrowing. TAN borrowing in FY 06 was \$123.6 million.

General Fund internal borrowing from Other Special Revenue Funds, which averaged over \$100 million in December, dropped to \$74 million in January. The State Controller and State Treasurer believe that no TAN borrowing will be required this fiscal year.

Highway Fund average cash balance trends recovered slightly in January, but average balances remain low, which may affect the Department of Transportation's ability to carry out new projects.

### **Information Technology Report**

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

#### **Daylight Saving Time:**

The period when Daylight Saving Time (DST) is in effect is changing this year as required under the Energy Policy Act of 2005. DST will start on Sunday, March 11, 2007 and will end on Sunday, November 4, 2007.

The Office of Legislative Information Services will be installing software updates before the start of DST to update the Legislature's information systems to adjust for the new DST start and end dates.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

The Personnel Committee met on January 25, 2007 following the Legislative Council meeting and considered several personnel matters:

- It authorized a one-step salary increase for the State Treasurer, Secretary of State, and the State Auditor retroactive to their annual work anniversary date of December 1, 2006, as provided in Title 3. The Attorney General requested that he not receive a step increase; and
- It authorized temporary disability income benefits for a member of the Secretary of the Senate's office and a member of the Office of Policy and Legal Analysis, as provided in the Legislative Council's personnel policies and guidelines.

Motion: That the Personnel Committee's report be accepted. Motion by Sen. Mitchell, second by Rep. Pingree. **Motion passed, unanimous (10-0).**

### 2. State House Facilities Committee

The Facilities Committee met on February 16<sup>th</sup> and considered several facilities matters:

#### **Use of Retiring Rooms & Senate Caucus room**

The committee reviewed the Legislative Council's current policy on the use of retiring rooms in conjunction with a request by Senate Republican Leadership for a suitable room for its caucuses. After a full discussion of the issues and options, the committee members all generally agreed that:

- A. The current retiring room policy serves the legislature well, and there is no need for a change in the policy;
- B. One of the committee rooms on the fourth floor of the State House is suitable for Senate Republican caucuses, in particular Room 437 (LVA Committee room);
- C. The presiding offices should speak directly with the committee chairs to arrange for Senate Republican use of the committee room for caucuses and when the room is used for caucuses, committee staff should be given an alternative work location, the details to be worked out by staff managers and directors; and
- D. All necessary communications and arrangements for Senate Republican use of the room should be concluded before next Tuesday when the Senate resumes its sessions.

Rep. Pingree asked Mr. Boulter to summarize the committee's discussion on parking. He did so as follows:

#### **Disability Parking Spaces**

The committee received an update on the availability of disability parking in the State House complex. Capitol Security Chief Gauvin has developed a plan to add disability parking spaces. However, options are limited since creating more disability parking will proportionately reduce the number of general parking spaces. The plan calls for 7-8 additional spaces to be created by next week, all near fully accessible entrances. In addition, several disability spaces will be designated for limited period parking (2-hour) to assure that

spaces become available to members of the public throughout the day. This should be especially useful when members of the public arrive for legislative hearings.

Motion: That the State House Facilities Committee report be accepted. Motion by Sen. Mitchell, second by Rep. Faircloth. **Motion passed, unanimous (10-0).**

### **3. Subcommittee to Review the Study Committee Process**

Senator Mitchell, chair of the committee, announced that the subcommittee had scheduled a meeting for February 14, 2007 but due to the winter storm, it was rescheduled to February 22<sup>nd</sup> at 3:30 PM.

### **4. Budget Subcommittee**

Sen. Martin, chair of the subcommittee, reported that the subcommittee had met on Wednesday, February 21<sup>st</sup>. He summarized the subcommittee's discussion about the proposed budget and the reasons for an increase in Personnel Services. He explained that increases were due to a number of cost areas including:

- Increase in Legislator salaries (COLA)
- Salary increases for unionized employees
- Salary increases for other legislative employees
- Payment of longevity stipends
- Insurance cost increases
  - Retirement
  - Life insurance
- Fully funding joint standing committees to meet four times during the legislative interim. Sen. Martin noted that the Subcommittee to Review the Study Committee Process is likely to recommend that joint standing committees conduct more of the legislative studies rather than outside groups.
- He also noted that there is no proposed increase in legislative staff, and very few position vacancies exist now.

Senator Martin concluded by saying the subcommittee recommended approval.

Motion: That the Legislative Council approve the legislative budget for FY 2008-2009 as presented to the Budget Subcommittee. Motion by Sen. Martin, second by Rep. Faircloth. **Motion passed, unanimous (10-0).**

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

President Edmonds, chair of the subcommittee, reported that the subcommittee has scheduled a meeting for February 22<sup>nd</sup> at 2:30 P.M.

## **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 January 25, 2007 meeting is attached. No further action by the Legislative Council is required.

There was no other Old Business.

## **NEW BUSINESS**

### **ITEM #1: Consideration of After Deadline Bill Requests (including addendum)**

(See above discussion.)

### **ITEM #2: Letter from Maine Friends of Animals clarifying proposed Joint Resolution (LR 2093 – Rep. Savage)**

The Legislative Council reviewed the letter but did not take action on the proposed Joint Resolution. (The matter was tabled by the Legislative Council on January 25<sup>th</sup> and remains tabled.)

### **ITEM #3: Request by the Task Force to Study Maine’s Homeland Security Needs for Joint Resolution Memorializing the Congress and President of the United States (LR 2529 – Sen. Strimling)**

The Legislative Council discussed the request. Several members commented that the 40% contribution of costs referenced in the title to the Joint Resolution appears incorrect. The cost-sharing percentage is believed to be 50% or 60%.

Motion by Sen. Martin, second by Sen. Mitchell to approve introduction of the Joint Resolution with the correct percentage indicated. **Motion passed, unanimous (10-0).**

### **ITEM #4 Letter from House Committee on Rules in support of providing laptop computers to each member of the House for Chamber use**

The Legislative Council reviewed the letter. No action by the Legislative Council was required or taken.

## **ANNOUNCEMENTS AND REMARKS**

None

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:36 P.M. Motion by Sen. Mitchell, second by Rep. Faircloth. **Motion passed, 8-0-0-2 (Sen. Martin and Rep. Tardy absent for the vote).**