

MEETING SUMMARY
JULY 30, 2008
Approved September 24, 2008

CALL TO ORDER

Legislative Council Chair, President Edmonds called the Legislative Council meeting to order at 1:16 P.M. in the Legislative Council Chambers.

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: 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
Pat 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
Beth Ashcroft, Director, Office of Program Evaluation and
Government Accountability

Legislative Council Chair, President Edmonds convened the meeting at 1:16 P.M. with a quorum of members present.

SUMMARY OF JUNE 25, 2008 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of June 25, 2008 be accepted and placed on file. Motion by Representative Faircloth. Second by Senator Martin. **Motion passed unanimous (10-0).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

1. YMCA Youth in Government Program
Due to scheduling conflicts with various school activities, the director of the Youth in Government program has requested to change the dates for the 2009 program from May 1–3, 2009 that was approved to a date in April.
2. Celebration of 175th Anniversary of the Blaine House
Event planning is well underway for the celebration that will include a by invitation reception and dinner on August 15th and public events in Capitol Park on August 16th. Past governors will be honored at the dinner.
3. Press Corps Offices in State House
Several newspapers who lease press corps offices are seeking changes to office leasing arrangements as a cost savings measure.

Fiscal Report

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

1. Revenue Update

Total General Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$479.5	\$479.7	\$0.2	0.0%	\$478.7	0.2%
FYTD	\$3,040.7	\$3,087.8	\$47.1	1.5%	\$3,019.6	2.3%

- General Fund revenue was over budget by \$0.2 million in June, resulting in a positive variance FY 2008 of \$47.1 million or 1.5%. Revenue growth ended at a modest 2.3% for FY 2008.
- Sales tax collections exceeded budgeted projections largely due to the effect of the federal economic stimulus payments coming sooner than the revenue forecast anticipated.
- Other Revenue was over budget in June by \$7.1 million, which combined with the sales tax collections offset negative variances in most of the other major tax lines. The positive variance in the Other Revenue line in June was distributed throughout the various state agencies, including an unbudgeted \$1.1 million from a legal settlement with Merck.
- Most of the positive variance in General Fund revenue was due to tax year 2007 individual income tax collections. The individual income tax line accounted for \$43.4 million or 92% of the positive variance for FY 2008. That performance seems unlikely to continue in the current economic environment.

Total Highway Fund Revenue - FY 2008

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
June	\$50.2	\$53.7	\$3.6	7.1%	\$54.2	-0.8%
FYTD	\$326.4	\$328.1	\$1.8	0.5%	\$330.8	-0.8%

- Highway Fund revenue was over budget by \$3.6 million in June and concluded the FY 2008 with a positive revenue variance of \$1.8 million or 0.5%. However, FY 2008 revenue was 0.8% less than FY 2007.
- Fuel Tax revenue reversed the recent trend of negative variances in June and posted a positive variance of \$2.5 million in June bringing Highway Fund revenue back into a positive position.

Total Fund for a Healthy Maine Revenue - FY 2008 (\$ in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
FY 2008	\$61.3	\$62.0	\$0.8	1.3%	\$51.0	21.8%

- The Fund for a Healthy Maine concluded FY 2008 with a positive variance of \$0.8 million (1.3%) and growth of 21.8% over FY 2007. This growth was due to the Strategic Contribution Payments that began in FY 2008, increasing payments in FY 2008 by approximately \$10.7 million based on budgeted amounts.

2. Cash Pool Balances

- The average total cash pool balance in June was \$553.5 million. The May 2008 average balance remained well below the June average balance for the last 6 years of \$642.2 million. As noted last month, General Fund and Highway Fund balances were below their average balances, while other funds in the cash pool were roughly equal to their average balances.

3. Cash Pool Earnings Distributions

- The \$20 million cash pool investment in Mainsail II commercial paper that is in default was valued for accounting purposes or “marked to market” on June 30, 2008 at 33% of par value by Deutsche Bank and the state’s new investment advisor. If this turned out to be the final resolution of this investment, then the cash pool would experience an investment loss of \$13.3 million. Based on this value, the State Controller and the State Treasurer felt that it was appropriate for the amounts reserved throughout FY 2008 to remain in reserve and not be distributed to cash pool participants at the close of the fiscal year as reported last month. Other avenues to recover this investment are being pursued including a potential enforcement action by the Attorney General’s Office.

4. General Fund Reserve Fund Balances

- Balances in the major General Fund reserves (the Maine Budget Stabilization Fund and the Reserve for General Fund Operating Capital) increased by \$13.4 million during FY 2008 to \$169.5 million. All of this increase was in the Budget Stabilization Fund and was primarily due to the transfer of \$10 million from unappropriated surplus at the close of FY 2008. The remaining increase resulted from interest earnings accruing to the Budget Stabilization Fund.

- Expressed as a percentage of General Fund revenue, these major reserves grew from 5.2% of General Fund revenue at the close of FY 2007 to 5.5% of General Fund revenue at the close of FY 2008.

5. Year-end or “Cascade” Transfers

- General Fund - The increase in the General Fund unappropriated surplus at the close of FY 2008 totaled \$55.9 million: \$47.1 million from the revenue variance; \$8.1 million from unbudgeted lapsed balances; and \$0.7 million from various net accounting adjustments. This unappropriated surplus was distributed as follows in priority order:
 1. **State Contingent Account** – \$0.35 million replenishes the balance in this account;
 2. **Loan Insurance Reserve Fund** - \$1.0 million to the Finance Authority of Maine;
 3. **Budget Stabilization Fund** - \$10.0 million was established late this past legislative session as a separate transfer from the normal percentage transfers that were preempted in FY 2007 and FY 2008; and
 4. **MaineCare Hospital Payments** - \$44.6 million was transferred to the Medical Care Payments to Providers (MAP) program in DHHS as an adjustment to appropriations to increase prospective interim payments to hospitals.
- Highway Fund - The increase in the Highway Fund unallocated surplus at the close of FY 2008 totaled \$2.4 million: \$1.8 million from the revenue variance; \$0.9 million from unbudgeted lapsed balances; and reduced by \$0.2 million from various negative net accounting adjustments. \$1.9 million of this unallocated surplus was distributed to the Highway and Bridge Capital program. The remainder, \$0.5 million was retained in unallocated surplus and increased the budgeted ending balance in the Highway Fund.

Information Technology Report

1. Scheduled Upgrades and Computer Systems Improvements

The annual computer system upgrades and replacements are in progress this interim. This includes: server & PC replacements; network upgrades; software installation/updates; programming projects for various offices; performing preventative maintenance on equipment; updating the equipment inventory; and staff training.

2. Post Session

The statute database update process for the 2nd Regular and 1st Special session is well underway. Posting of the updated Laws of Maine to the Legislature’s website was completed on June 30th.

3. WANG System Phase-out

The office is working to meet the Legislative Council’s date of the October 2008 Council meeting for the phase-out of the WANG system and implement a fully functional Voyager bill status and tracking system. The work will include a user involved testing and user training effort.

Status of Legislative Studies

Pat Norton, Director, Office of Policy and Legal Analysis, gave an updated summary as follows:

Summary of Legislative Studies (Interim 2008)

(As of July 24, 2008)

#	Policy Area	LD/chaptered law	Study Name	Number of Meetings	Report Dates/Reports to:	Total Members	Appointments Remaining	Appointments Complete?
1	ACF	PL 2007, c. 649	Committee to Study the Protection of Farms and Farmland	4 meetings	Final report to ACF by 11/5/08	11	0	YES
2	ACF	PL 2007, c. 660	ACF Committee review of the recommendations of the Agricultural Creative Economy Study	3 meetings	Committee to report to 124th Legislature	13	0	YES
3	AFA	PL 2007, c. 539, Part YY-2	Natural Resource Agency Task Force	Not specified	1/1/09 to the Legislature	Not specified (currently 35 members, including 7 legislators)	0	YES
4	CRJ	SP 933	Committee Study of Sex Offender Registry	3 meetings	11/5/2008	13	0	YES
5	EDU	Title 3, sec. 168-A as amended by PL 2007, c. 679	Legislative Youth Advisory Council	Not more than 9 times annually (including two public hearings)	Biennially to the Legislature	20	2	NO
6	EDU	PL 2007, c. 666	OPLA review of laws on dissemination of confidential information relating to teachers.	n/a	11/5/08 to EDU	0	0	N/A
7	HHS	Resolve 2007, c. 209	Blue ribbon commission to study long-term home-based and community based care	4 meetings	11/5/08 to the Legislature	11	0	YES
8	HHS	PL 2007, c. 629	HHS committee study to review the Fund for a Healthy Maine	3 meetings	10/1/08 to AFA committee	13	0	YES
9	IFS	LD 1072, Sec. 1	Staff update of the feasibility of establishing a single-payor health care system in the State.	N/A	12/3/08 to 124th Legislature	N/A	0	N/A
10	JUD	Title 4, Chapter 35	Judicial Compensation Commission	N/A	December 1st of even numbered years	3	3	NO
11	JUD	PL 2005, c. 631	Right to Know Advisory Commission	At least 4 times annually	1/15 annually to JUD Committee and Chief Justice	15	0	YES
12	LAB	PL 2003, c. 699	Citizen Trade Policy Commission	At least twice annually plus two annual public hearings	Annually to Legislature, Gov and others	22	2	NO
13	NAT	PL 2001, c. 648	Community Preservation Advisory Committee	No more than 4 times annually	Annually to NAT Committee	13	0	YES
Total number of members						156		
Total appointments remaining							7	
Percent of appointments complete							94%	

Mr. Norton drew the members' attention to several studies, as follows:

- The Committee to *Study the Protection of Farms and Farmland* is on the agenda for approval of outside funding.
- The *Governor's Natural Resource Agency Task Force* will be reported on periodically. Although it is not a legislative study, seven legislators are on the task force and legislative staff has been called upon to assist in researching information.
- The *Commission to Study Long-Term Home-Based and Community-Based Care* requires outside funding by October 1. No commitments for funding have yet been obtained.
- Funding is being sought to support the update of the *Feasibility of Establishing a Single-Payor Health Care System in the State*. Discussion has been ongoing with several funding organizations; the Maine Health Access Foundation, the Commonwealth Foundation, and the Wallace Foundation are not interested in funding the Study. The Robert Wood Johnson Foundation has not yet responded. Dr. Elizabeth Kilbreth at the Muskie School is pursuing funding from other potential donors.
- With the respect to the *Judicial Compensation Commission*, three people currently appointed to that commission with two having their term expired but are continuing to serve until their successors are reappointed. The commission has met once and is planning to meet again in several months.

Senator Mitchell asked for a status of the number of meetings each study has met. Mr. Norton gave a brief overview and confirmed he would add that information to his future reports.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Cummings presented the report of the Personnel Committee which met on July 30, 2008 and considered the following two items:

1. Finalize Personnel Policies and Guidelines for Leadership and Personnel Policies and Guidelines for Employees of the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives

The Personnel Committee voted to approve the revised personnel handbook for Leadership Employees consistent with the Legislative Council's policies. The handbook will be finalized and delivered to the Senate President and the Speaker for signature.

The Personnel Committee intends to finalize the revised handbook for Clerk and Secretary employees at its next meeting. No Legislative Council action is required.

2. Legislator Confidentiality and Proposed Release of Confidential Information Relating to Preparation of Legislation

The committee voted to recommend that the full Legislative Council amend its current policies relating to release of confidential bill amendment information. A copy of the proposed change was distributed to the Legislative Council members for review. Speaker Cummings then asked Senator Martin to summarize the issues and recommended change.

Senator Martin explained that the issue as to the extent of release of information relating to floor amendments filed by legislators has been discussed for some time. The House Clerk and the Senate Secretary have expressed interest in knowing how many floor amendments are pending in the chamber, not who filed them but the number pending. Current Legislative Council policies prohibit nonpartisan staff from disclosing the existence of amendments filed unless the sponsor first agrees to the disclosure. The (sub) committee discussed the issue of length and developed a recommendation that should meet the needs while still preserving legislator confidentiality. He emphasized that the recommendation was a middle ground, and while not everything that was requested, it is what was worked out and agreed to. Under the proposal, certain limited information could be released to the Leaders and the Clerk and the Secretary provided that the Sponsor did not request that it remain confidential and as long as the number of amendments are five or more, e.g. appropriations or education related bills. Information released would not include sponsor names or any substantive aspects of the amendment. It would disclose whether the amendment is a House or Senate amendment. This change would preserve confidentiality but provide a tool for leadership to better schedule chamber actions.

Senator Martin noted that although pending floor amendments may be disclosed in a report under this new process, there is nothing to require that any or all of these amendments actually be finalized or introduced; a member retains the right to sign or not to sign an amendment. Finally, he noted a change

to the written recommendation present: that “in writing” be removed from the 2nd paragraph so that a legislator not be required to make his or her request for confidentiality to the Revisor in writing. Senator Martin offered the following motion.

Motion: That upon the recommendation of the Personnel Committee, the Legislative Council adopt a change to the personnel policies for nonpartisan legislative employees regarding legislator confidentiality, as described in Paragraph C of the Personnel Committee’s recommendation [Section III A (4) of the handbook of personnel policies and guidelines, 2008 edition]. Motion by Senator Martin. Second by Representative Pingree. **Approved (9-0)**. Representative Faircloth absent for vote.

Following the vote, Senator Rosen commented that he was pleased that the change included the prohibition against disclosure with fewer than 5 amendments and the removal of the “in writing” requirement. He asked whether the Executive Director and the Revisor can work with this change to the personnel policies and guidelines, and understanding of the implications to legislative staff should there be a release of confidential information. Mr. Boulter responded by saying that staff fully understand the confidentiality policy and its implications. The standard is high but is necessarily so to maintain effectiveness of nonpartisan offices and give legislators 100% assurance that confidentiality will be respected. Staff can adapt to and work effectively with this policy change.

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

Senator Martin noted that the most recent quarterly variance report for legislative accounts had been distributed to Leadership.

4. Subcommittee to Administer Technology

(No Report)

OLD BUSINESS

(There was no Old Business.)

NEW BUSINESS

ITEM #1: **Briefing on Proposed Deaccession of Arba Powers Portrait From State House Portrait Collection** (J.R. Phillips, Director, Maine State Museum)

Mr. Philips explained the Maine State Museum’s proposed removal or “deaccession” of a portrait from the “State House Portrait Collection.” He explaine

Motion: To approve the transfer of the Arba Powers portrait and recommend to the commission to support their action to take it to Houlton Historical Society. **Motion by Senator Martin.**

Senator Mitchell – This is the first person the museum has recommended for deaccession. I want to know where this fits the big scheme of things. As Senator Martin has pointed out, there was a newspaper article and we did look at it but is there a plan for other updates and removal? It just seems odd that there is only one.

*Mr. Phillips – there is a plan. We are all the time deaccessioning for a variety of reason. For example, we found out that something that was donated to the museum as had always been used in Maine and it turns out it was brought here from New York City in the generation previous to the donor, we were able to return it to the donor when that was discovered. We do this all the time. The portraits require a great deal of research and our curator has done a good deal of research. The accumulation of this collection was informal over the years and so it's taken a bit of work to find out. There are a number of others that are either proposed to give to other educational institutions, libraries and historical societies. There's one, Madame **Nortical**, the State owns several of her gowns used in performing. For example one that was given to her from the Czar of Russia, which belongs to the State of Maine, but the portrait is terrible and in terrible condition. That's one that we should have replaced with a better portrait, not to eliminate her but replace with a better portrait. There was a legislative study several years ago with the intention of having more of these important people who have been neglected from our point of view, neglected because they worked in nonpolitical careers. Originally this was a military and political collection and so if we talk of about someone like Harriet Beecher Stowe that's very appropriate for us today.*

Senator Martin pointed out that when students come through the State House, these walls are like a text book and who we choose to honor. The students see that there are gentlemen of a certain age and type who serve in this body.

It's the money that's the problem and I think when we get past some of these major fundraisers we're doing right now to build some exhibits, that we may be able to talk about this. For example, we've had a number of important women take first positions as Speaker and President and we need to honor those folks. We have senators also who are important.

Representative Pingree – I was just going to suggest are there any other deaccessions we could do and sell them to make money.

Mr. Phillips – That might be possible and we would have to discuss that. The reason I can say yes to that question is that the only ethical way to use money when an object is sold is to buy a more appropriate item. We can't use it for building repairs.

Speaker – I recognize the wheels of government moves slowly but I'm wondering why it took 36 years for us to make this decision when it was recommended by at least one journalist almost four decades ago.

Mr. Phillips – As Senator Martin points out – we simply don't go by the research of any reporter. We established the position of curator of photography and art archive only a few years ago. It's a matter of focus and research. It's constantly brought up and never resolved.

ITEM #2: Status Report on Governor's Natural Resource Agency Task Force

Representative Pieh reported that the “Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care” has had three productive meetings to date, with a two day meeting planned for September and two full day follow-up meetings scheduled for October and November. The purpose of the task force is to improve the efficiency and services of the five natural resource agencies, those being the departments of Agriculture, Conservation, Inland Fisheries and Wildlife, Marine Resources, and Environmental Protection. It is a governor’s task force, and all members were appointed by his office. It consists of close to 40 members, made up primarily of stakeholders, with seven legislators, the five agency commissioners and representation from the state planning office and from the governor’s office.

Attendance has been excellent, and the group is starting to put together ideas. A survey is being circulated to generate more input. The September meeting more concrete recommendations are expected, which will be taken to the public before compiling a final report. All information is available through the state planning office, at maine.gov/spo.

Both the governor and various legislators are expected to offer proposed legislation to implement the recommendations of the task force. In order to deal with such cross agency legislations, Representative Pieh put forth the request for consideration of a Joint Select Committee being appointed to consider any such legislation.

Senator Rosen – In reference to the joint committee process. The last go around the governor embedded his proposal in the budget so this is a governor’s effort and a committee he appointed is that your sense that’s his intent this time in terms of the presentation of his version of the proposal would come to the legislature as part of a budget or would he submit it as a separate bill?

Representative Pieh – That’s a great question that I don’t know the answer because he will decide what he wants to do. If he thinks he can get it better through the budget he may go that way but if there’s a joint select committee that’s made up of the different committees that serve individually then it may come there. The legislature may pull it out of the budget and put it to that committee which is certainly an option for the legislature to do.

ITEM #3: Request for Update on Pilot Project for Computer Automation in House Chamber and Related Council Ballot

Senator Weston requested an update on the Pilot Project for Computer Automation in the House Chamber and related Council Ballot that was circulated.

Verbatim:

Senator Weston - I thought our decisions as a Council was to do the pilot program and I thought that the cost was the initial \$35,000 or a little more. So I was surprised when the ballot came with another \$65,000 expenditure for laptops and software. Especially I did dig out the motion that was made to go ahead with the pilot program. Senator Martin made it very clear that he did not support the full scale project. Is that where we are going, that’s my first question and then I would like an update on where we are going.

Mr. Boulter – I’ll probably turn to the Speaker but when we had embarked on this it was going to be a pilot project and it was my understanding that the pilot went very well. I don’t

think that the Council has actually heard that as a group, individually they have but it's my understanding from Millie and the Speaker that they sense the program worked very well.

Mr. Mayotte – I don't have much more to add than what Mr. Boulter said. We implemented the pilot working with the Clerk's office. Technically it went very well. Millie or Mike would have to give us the feedback on how it went or you Mr. Speaker could tell us how it went with the members. But the pilot project is done and we are waiting for direction on how to proceed.

Senator Weston – If that is the case the original amount that was voted on paid for the pilot program, then I guess the question is what is the new \$65,000 expenditure for?

Speaker – Actually it's for a variety of things, by the way it is not a full expenditure this time. What the ballot requested that unexpended balances in some of the other lines be moved into technology for a variety of uses, one of them is **the indesign** software. The House Republican Office wanted to use the same one that the Majority office has been using for designing Legislative updates and constituents outreach mailings. So that software package was something they wanted so that was part of what we did. In addition we got some economic modeling software packages and what I brought was a survey, both Republican and Democratic members who were participating in this. This is the overview from what we gave out. As you can see from the participants, there equal numbers of Republican and Democrats. The participants are listed down. There is some feedback, quotes they gave to journalists about what they felt about this or they gave directly to our own survey in terms of their support. You can see both Republican and Democrats seem to be very favorable to the project and felt very good about it. We did a survey of House members under survey results and we found the members would prefer to use a state provided laptop to preview calendars, bills, amendments, etc. Obviously we don't have the money for that at this point in this budget, but whether the next Speaker wants to move on and do that that will be up to them. 85 respondents chose that option, 12 preferred to have paper copies but use their own laptops and 5 responded they would prefer to have a state laptop and the hard copies. There are some specific things that we got out of requesting these. Basically these 10 people were helping us pilot the project by getting out some of the kinks which is what we agreed to in the Legislative Council for us to try a pilot project that would allow us to look at what was going right or going wrong. There is a list of things that people thought were good but also things they would like to see improved if they were going to move on. The efficiency and savings – I have just some cost data, we have to at this point use the West Virginia model that is the most recent state to convert to using a paperless office. Remember 41 states had implemented a computerized or automated chamber. We were one of the few who had not and so we use a lot of their cost modeling to determine whether we would save money. One of the things that stuck out in the last couple days of session as many of you will remember, there was a divide in the Appropriations Reports for the Majority Report out of appropriations for the budget and for the Supplemental Budget and the Minority Report. That last minute divide created a need to make copies of both the minority and majority report. The printing cost alone exceeded \$7,100 and as you know we waited almost 6 hours for those to get out. Now according to Millie, and she's not here to say this, but she told us a couple of times that if we were able to do it electronically we could have probably moved that up most of that 6 hours and been able to move on it. So right there you would have a savings of about \$15,000, if we didn't have to

come in the following day. So there are some benefits in terms of cost savings. As far as the decision of the next legislature will be in the House or the Senate is would there be appropriations for further investments in this. But at this point it's not really up to us. I think we stayed within the jurisdiction of what the Legislative Council wanted us to do which was to try it out with ten members and that is what we've done. We've tried to get detailed feedback about how we're going to do this and how we're going to proceed and so that's really the jest of it. So our request for the \$65,000 is certainly to continue with International Roll-Call and ask them about a bunch of these updates that people would like just for the pilot project itself. I do want to say that for next term you might want to think about and this would be up to the next Speaker and next President is whether you want to allow the House members or Senators to buy with their constituent allowance their own computer if they want to do that. So that may be another way lower the cost to the State and allow individual members to purchase that.

President – Speaker, I'm still not clear, the \$65,000 as you've described it has paid for a piece of software having to do with constituent services and upgrades members asked for to the pilot project. Is that accurate?

Speaker – that is right and basically to take the application software package that we started with these ten and be able to work out some of the glitches that we have run into.

Senator Weston – Did we get a copy of the contract?

Speaker – I don't know if we handed it out but we certainly have it.

Senator Weston – I don't think I've seen one – if I could get a copy I'd like that and I'm still not clear at least according to Senator Martin when we were discussing and made the vote – our thinking was as he said “we are spending something close to \$35,000 - \$45,000” what have we actually spent on this project whether it's software, hardware for laptops for this pilot program and what else you have committed to?

Speaker – That's the only commitment we've had – the purchase of the 10 laptops plus the software development that goes along with that – so I'm still unclear what this new \$65,000 expenditure that was on the ballot is for.

Speaker – Paul I don't know if you can help us with that – My guess is it's just to try to upgrade, my understanding is to just upgrade the comments people made in this pilot project.

Mr. Mayotte – I don't want to speak for Millie but it's my understanding that this would finalize the software.

Senator Weston – so it is for the laptops then. I'm just trying to find a total number.

President – And this other piece I think you need to be aware there is another piece having to do with constituent mailing that was asked for by the Republican House office. I don't know what that amount is but these two are together.

Senator Weston – can you break it down?

Speaker – I'm sure we can

Mr. Mayotte – I could work with Millie to break that down.

Speaker – Again, I just want to emphasize that these are expended accounts – there are no additional expenditures or requests for additional monies.

Senator Weston – except this \$65,000.

Speaker – No the \$65,000 is all within the budget that's not used for other line items. So there's no request from this Council to give us additional money which I think was the agreement we had before that we would not expend more than what this Council approved for us to spend.

Senator Weston – so you spent no more than \$35,000 - \$45,000.

Mr. Mayotte – we spent the \$35,000 which was the contract amount for the pilot software from International Roll Call. We had budgeted, I believe just over \$10,000 for 10 laptops. I believe we spent just under \$8,000 for those laptops. We went to the bargain variety which worked very well.

Senator Weston – And I'm still unclear of this \$65,000 how much of that should be added to what is now your \$45,000.

Mr. Mayotte – Senator Weston, I do not know that. I will have to check with Millie.

Senator Weston – And why do we not know that.

President – Partly because Millie is not here.

Senator Martin – Millie would have to be the one to give you the exact figure but I do know in conversation with her I went through, as you may remember, I was one of those skeptical about the process and why we were proceeding. The amount of money, and this is from my recollection, I don't have it in writing in front of me, there was some monies that were expended to get the material, I think in both minority offices and the majority offices to do the mailings, etc. that was expended, and I think that was included in part of the \$65,000, but you would have to deduct that from that figure. But I think that it's easy enough, the figures are there so we can get that for you without a problem. Millie can pull that out for you. But I don't have that in front of me – I didn't know I was going to

Senator Weston – When the ballot was given to us there was no explanation except for the title. I just think there should have been. And I'm still confused about when this software for the graphic design. We've had that in the Senate office for some time now so I don't know why its suddenly...we dealt with it in a very different way so why it got added to this \$65,000 and became a \$65,000 figure and needed a ballot, but I guess my last question is,

why did it need to be done by ballot and not wait until today in the Council Meeting and in a public forum.

Speaker – I think there were some expenditures that Millie wanted to make up front, I'm sure she could answer that and that's why it was somewhat timely. I don't know, maybe the minority office for whatever reason could explain that but they have not had that software and they have requested that software and it seemed like a reasonable ask if anyone wanted to talk to them.

President – probably has to do with licensures – how many licenses you have to have to do the software that would be my guess. Totally out of the air.

Senator Weston – That software never came up separately for our offices.

President – No it did not, because we had it on the Senate side. I think this is a House issue.

Representative Pingree – it was my understanding there was unexpended surplus at the end of the year in the House budget that the House wanted to get Council approval of how to expend that. That this is not new money but reallocating, which we had this whole debate on whether the House was allowed to spend our own money, but we said that it was not allowable so the Speaker put a ballot together to say unexpended surplus we want to spend it on this technology portion of the budget and we asked for Council approval that's my understanding of what that was. It was not always the way things went so it seems to be a more proactive step than in past

Senator Martin – I think that's accurate. We could go all day here and not get to answer the question for Senator Weston. We can very quickly get those figures. I don't have them but we can figure out what that is and Millie is not here but we'll get that from her, it won't be a problem.

Representative Tardy – As a follow-up to Senator Weston's question – I think for the Executive Director the question is how many dollars have been expended. You know what goes out of here for monies – they go through your office I expect. How many dollars have been expended related to the pilot project and the way I look at it right now. We know we've paid \$35,000 approximately for the software and the contract and another approximately \$8,000 for the computer themselves so that's \$43,000 and I believe Senator Weston's questions is in dollars and cents have been expended in addition to the \$43,000 on the laptop pilot project and I think that's the question we don't have to wait for Millie for you can probably answer that.

Mr. Boulter – I don't believe there are any more purchases of laptops if I understand correctly so it's all software.

Rose – I think as most of you have said, that initially for the pilot project the \$35,000 was spent, plus in somewhere around \$8,000 for the laptops and that's my understanding of the pilot project. We have processed another invoice to IRC for \$30,000 and I can't say that's

related to the pilot or if that's a step beyond. I really don't know that answer. But we did process a bill for another \$30,000 and that was processed after the ballot had been circulated and had been approved.

Senator Weston – One last question – And this would I guess have to come from your office. Mr. Speaker, are we committed to any additional money that is going to be requested of the Executive Director? My understanding is no, we only committed to the pilot project.

Mr. Mayotte – to my knowledge Mr. Speaker we're only committed to the pilot project which would be the IRC software and the laptops.

Speaker – Senator Weston we'll make sure you get a copy of the contract and Paul if there's a specific contract that Senator Weston should have I want to make sure she has that and as far as the budget breakdown I really need Millie because there's International Roll Call that runs our entire House system so the degree to which she's using any of this money to help build the infrastructure for improvements on these 10 computers, I don't know but will try to get that to you.

ITEM #4: Request for Update on Use of Capitol Correspond

Speaker – I was a little concerned – there was a software package we had approved last year that cost us an initial upfront amount of \$70,000 around constituent outreach software and I'm curious to what the update that might be because I know a number of the offices are not using it and in fact are finding it not that helpful. \$70,000 obviously is a pretty big expenditure then there's that \$10,000 on-going and yet it's not really being used by a number of the offices so I'm just curious to what is happening and maybe you could fill us in a little bit on that or Paul.

Mr. Boulter – I have actually very little information because the nonpartisan staff doesn't use it but the offices where it's currently installed and it is my understanding they are using it. I guess I rely on leaders to what extent - Senate President's office, Senate Majority, Senate Minority, House Minority, House Majority. There was training as part of the initial program and I believe all but the House Democrat attended the training. I think there may be one more that is going to be offered to do the training. My understanding is the database in that each of the offices have is pretty scattered, most of them were paper files. They were not automated so offices had to put information into the database and are now beginning to use it but quite honestly I don't have a sense since it is constituent services and it's off session, how extensively it's being used now. So probably I should be turn to the leaders to find out. But they are installed and it is my understanding from the training people are using it. I have no idea to what extent. You are correct in terms of the dollar figures.

President – we have some anecdotal in terms of information from the Senate Democratic side that says it's good and we need it.

Senator Weston – for the first time when a legislator wants to know about a constituent that they might have done something for a few weeks ago - they can get that information immediately and we were not able to do that before.

President – It's helping follow-up in terms of initial contact with a constituent about an issue and where you go from there.

Speaker – Sounds like it was a good investment on your \$10,000 a year and your initial \$70,000.

Senator Mitchell – I'd like to echo what Senator Weston has said with the amount of constituent information you get and when they call back, it helps you with follow-up. It takes a while to migrate your paper files to this. I think that's been the slow down in using it.

Speaker – sounds like a good investment.

ITEM #5: Acceptance of Funds to Support the Committee to Study the Protection of Farms and Farmlands

- **Wild Blueberry Commission of Maine**
- **Maine Potato Board**
- **Agricultural Council of Maine**
- **Maine Dairy Industry Association**

Motion: To accept the funds to Support the Committee to Study the Protection of Farms and Farmlands from the above mentioned agencies. Motion by Senator Martin. Second by Representative Pingree. **Approved (9-0)**. Representative Faircloth absent for vote.

Mr. Boulter noted that the total amount collected was \$4,271 rather than \$4,371 reported in the memo. One dollar more than what was required.

ITEM #6: Request by Chair of Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care for 2 additional meetings.

Study is authorized for 4 meetings and has not yet convened

Motion: To move approval for Blue Ribbon Commission to Study the Future of Home-Based and Community-Based Care for two additional meetings Motion by Senator Martin. Second by Representative Crosthwaite. **Approved (9-0)**. Representative Faircloth absent for vote.

ITEM #7: Executive Session

Motion: That, in accordance with 1 MRSA section 405, subsection E and F, the Legislative Council enter into an executive session for the purposes of consulting with legal counsel concerning the legal rights and duties of the Legislative Council and for the purposes of discussing information contained in records which are designated confidential by statute. Motion by Speaker Cummings. Second by Senator Martin. **Approved (8-0)**. Representative Faircloth and Representative Tardy absent for vote.

Executive Session adjourned at 2:43 p.m.

Motion to adjourn by Representative Pingree. Second by Representative Crosthwaite. **Approved (8-0)**. Representative Faircloth and Representative Tardy absent for vote.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:43 P.M.