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REP. JOSHUA A. TARDY
REP. SETH A. BERRY
REP. PHILIP A. CURTIS

124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
November 10, 2010

CALL TO ORDER

Legislative Council Chair, Speaker Pingree called the November 10, 2010 Legislative Council meeting to order at 12:15 P.M. in the Legislative Council Chambers.

ROLL CALL

Senators: Sen. Philip Bartlett, Sen. Kevin Raye, Sen. Jonathan Courtney
Absent: Senate President Elizabeth Mitchell, Sen. Lisa Marraché

Representatives: Speaker Hannah Pingree, Rep. John Piotti, Rep. Seth Berry, Rep. Joshua Tardy, Rep. Philip Curtis

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent M. 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
Suzanne Gresser, Revisor of Statutes
Scott Clark, Director, Legislative Information Services

Chair Pingree convened the meeting at 12:15 P.M. with a quorum of members present.

SUMMARY OF AUGUST 25, 2010 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of August 25, 2010 be accepted and placed on file. Motion by Representative Tardy. Second by Senator Bartlett. **Motion passed unanimous. (8-0)** [Senator Mitchell and Senator Lisa Marraché absent.]

{**Note:** The Legislative Council did not meet in September or October.}

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

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

Flu Vaccination Clinic

A flu vaccination clinic was held at the State House on Tuesday, October 26th for Legislators, legislative employees and other state employees who participate in the state's group health insurance program. The vaccination was for both the H1N1 and seasonal influenza. Over 150 people were immunized.

Change in Vendor for State House Café

The Department of Labor, Division for the Blind and Visually Impaired, Business Enterprise Program notified the Executive Director's office in October that it was exercising its authority under current law to operate the State House café. The program has identified Richard Desjardins, current operator of the Cross Café, as the new vendor. He will maintain the full service operation and schedule that was in effect with the prior vendor. The café is scheduled to open with a new name on Monday, November 15th.

Youth in Government Program

The YMCA's Youth in Government program will be held in the State House this weekend, running from Friday through Sunday. About 125 high school youth from across the state will participate in this civic education program to learn about the legislative process. This is the 2nd program held in 2010 as the YMCA transitioned its annual program from spring to fall.

Orientation Programs

The first of several legislator orientation programs for the 125th Legislature will be held on Friday, November 19, 2010; New Member Orientation is designed to acquaint newly elected members with the legislative process and provide an overview of key legislative procedures and resources. This program will be followed by the Pre-Legislative Conference on November 29, 2010 through December 2, 2010. A chairs training program will be held in early January. The orientation programs are sponsored by the Legislative Council of the 124th Legislature and all council members are welcome to attend.

Governor Dingley Bust

As authorized by earlier action of the Legislative Council, the bronze bust of former Governor Nelson Dingley, Jr. has been placed on permanent display in the Legislative Conference Room on the 1st floor of the State House.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2011 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$284.6	\$288.4	\$3.8	1.3%	\$270.7	6.5%
FYTD	\$560.5	\$586.8	\$26.3	4.7%	\$545.1	7.7%

General Fund revenue was \$3.8 million (1.3%) over budget in September. For the first quarter of FY 2011, the General Fund has built up a positive variance of \$26.3 million (4.7%). FY 2011 first quarter's performance represents 7.7% growth over the first quarter of FY 2010. October's positive variances in Corporate Income Tax and Estate Tax (single \$6 million estate tax payment) will roughly double the positive variance through the first quarter. October revenue is still not finalized.

Total Highway Fund Revenue - FY 2011 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$26.1	\$25.4	(\$0.7)	2.8%	\$25.9	-1.8%
FYTD	\$57.8	\$63.1	\$5.4	9.3%	\$61.9	1.9%

Highway Fund revenue was under budget by \$0.7 million (2.8%) in September, but it remained over budget by \$5.4 million (9.3%) through the first quarter of FY 2011. Highway Fund revenue growth was 1.9% for the first quarter of FY 2011. October's performance will not significantly affect the first quarter variance.

Revenue Forecasting Update

The Consensus Economic Forecasting Commission (CEFC) released its new economic forecast (see http://maine.gov/legis/ofpr/revenue_forecasting_committee/consensus_economic_forecast/nov2010.pdf). Summary table presented below. Changes in Personal Income will produce upward revenue revisions when the Revenue Forecasting Committee (RFC) updates the revenue forecast. RFC is meeting on November 9th and November 23rd.

Comparison of February 2010 and November 2010 Economic Forecasts

Calendar Years	2010	2011	2012	2013	2014	2015
• Wage & Salary Employment (Annual Percentage Change)						
> Consensus 02/2010	-1.3%	1.2%	2.2%	2.0%		
> Consensus 11/2010	-1.0%	0.4%	1.5%	2.1%	1.7%	1.0%
Difference	0.3%	-0.8%	-0.7%	0.1%		
• Personal Income (Annual Percentage Change)						
> Consensus 02/2010	1.5%	3.0%	4.0%	4.6%		
> Consensus 11/2010	2.9%	3.0%	4.7%	4.9%	5.0%	4.5%
Difference	1.4%	0.0%	0.7%	0.3%		
• Consumer Price Index (Annual Percentage Change)						
> Consensus 02/2010	1.7	2.0	2.1	2.0		
> Consensus 11/2010	1.7	1.5	2.3	2.6	2.3	2.2
Difference	0.0	-0.5	0.2	0.6		

Status of Legislative Studies

Mr. Norton reported that the legislative studies were all on target for completion by their reporting date. He noted the following studies updates:

The Health Insurance Reform Select committee will hold its final meeting on the 29th of November. The LVA Committee's review of Slot Machine Revenue will meet on the 16th of November. The Right to Know Advisory Committee is holding its third meeting on the 18th and the report will be finalized sometime in December. The staff study of the Education Funding is completed and a copy of the report was included in the Legislative Council members' Preliminary Agenda and packet of meeting materials. Mr. Norton noted that the study report is also on the agenda as New Business. He complimented Dr. Phillip McCarthy and Rachel Trembley for their excellent work in researching and analyzing the information and preparing the report.

Speaker Pingree commented that she had received very favorable comments on the study report from members of the Education Committee. She noted that the staff study is a good example of being responsive to committee needs and delivering results. She also thanked the staff for their excellent work.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Speaker Pingree, Chair of the Personnel Committee reported the Personnel Committee had met on October 20th to consider the following.

The Personnel Committee met to consider the re-appointment of David E. Boulter as Executive Director of the Legislative Council for a new 3-year term. The committee met with Mr. Boulter to discuss accomplishments, and his goals for upcoming years. After discussion, the Committee voted unanimously to recommend that he be appointed to a new term.

Motion: That upon the unanimous recommendation of the Personnel Committee, the Legislative Council reappoint David E. Boulter to a new 3-year term as Executive Director of the Legislative Council, the date of his reappointment being retroactive to September 17, 2010. Motion by Speaker Pingree, second by Sen. Bartlett. **Motion passed unanimous. (8-0)** [Senator Mitchell and Senator Lisa Marraché absent.]

Speaker Pingree also reported that the committee meet earlier on November 10, 2010 and reviewed and unanimously approved a request by a member of the nonpartisan staff for temporary disability income benefits as provided in the council's personnel policies and guidelines. No council action is required.

2. State House Facilities Committee

(No Report)

OLD BUSINESS

ITEM 1: Legislative Council Actions Taken by Ballot

List of actions taken by ballot by the Legislative Council since its August 25, 2010 meeting.
(ATTACHED)

Speaker Pingree noted that one ballot failed approval because not all Legislative Council members had been able to record their vote in time. The ballot related to the Legislative Document Fee Schedule for the 1st Regular Session. Because the matter must be dealt with before session, she invited a motion to reconsider the council's action on October 21, 2010.

A motion was made and seconded to reconsider the Legislative Council's action whereby it failed to approve the fee schedule.

Motion: That the Legislative Council reconsider its action of October 21, 2010 regarding the proposed fee schedule for legislative document service for the First Regular Session of the 125th Legislature. Motion by Senator Bartlett. Second by Representative Tardy. Motion passed unanimous. (8-0) [Senator Mitchell and Senator Lisa Marraché absent.]

Legislative Council Chair Pingree then asked Clerk of the House MacFarland who had recommended the fee schedule to summarize it. Copies of the proposed fee schedule were distributed.

Ms. MacFarland explained that the proposed fee schedule is for the next session of the Legislature. There are some changes that she recommended based on patterns of the number of subscribers over the years. For example, in the 119th Legislature there were 24 people that received legislative documents daily by First Class mail. This past year the number had dwindled to five, four of whom were from the Judicial Branch. Also proposed is a new service of email whereby some documents will be emailed rather than being sent in paper copy, such as the Legislative Record (the number of people receiving it by mail is only 6). These documents are available online at no charge. The other items for which a modest fee is proposed include the weekly computer printout which is known as the status of bills and the Advance Notice of Public Hearings (ANPH). Those will still be mailed under this proposal for \$32.00 for the session but to email them to people is only \$20.00 for the session. Joint Resolutions and the Weekly Legislative Calendar are similar.

House Clerk MacFarland added that the document service proposal is based on being able to reduce the number of copies of bills and amendments to be printed to reflect the declining demand over the past 20 years.

Sen. Raye asked for an explanation of the rationale for the fees for the email subscriptions.

Ms. MacFarland responded that email lists are easy to maintain. Some clients want the Weekly Calendar and Weekly Legislative Report by email even though they can go to the website and get it for no charge; they prefer the convenience of receiving it in their email Inbox. Because emailing does require some effort by staff, Ms. MacFarland felt the proposed fee schedule was reasonable for 52 issues of a document.

Motion: That the Legislative Council accept the proposed Legislative Document Service Fee Schedule proposed schedule for the First Regular Session of the 125th Legislature. Motion by Senator Bartlett. Second Senator Courtney. **Motion passed unanimous. (8-0)** [Senator Mitchell and Senator Lisa Marraché absent.]

NEW BUSINESS

Item #1: Tentative Biennial FY 2012-2013 Budget Submission

David Boulter reported that as Executive Director, he is required to submit a tentative budget to the Executive Branch for the purpose of preparing the biennial budget statewide. Speaker Pingree reminded members that the submission is a tentative budget. She noted that it is the job of the next Legislative Council at the appropriate time to decide the legislative budget. Past Legislative Councils have established a Budget Subcommittee to review legislative accounts. No action by the Legislative Council is required at this time.

Item #2: Staff Study of Maine Department of Education Program Funding

Mr. Norton presented the report of the staff study and provided an overview. He noted that some further study was necessary and a follow-up report with recommended legislation would be issued in January.

Item #3: Notice of Audit of State Budget for FY 2010 (Department of Audit)**Item #4: Annual Report of the Citizen Trade Policy Commission****Item #5: Final Report of the Task Force on Kinship Families****Item #6: Annual Report of Loring Development Authority of Maine's (LDA)****Item #7: Final Report of the State and Local Government Committee**

Motion: That the Legislative Council accept the Staff Study of Maine Department of Education Program Funding, Annual Report of the Citizen Trade Policy Commission, Final Report of the Task Force on Kinship Families, Annual Report of Loring Development Authority of Maine's and Final Report of the State and Local Government Committee and place them on file. **Motion passed unanimous. (8-0)** [Senator Mitchell and Senator Lisa Marraché absent.]

Item #8: Collective Bargaining Matters [Executive Session]

Motion: That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council. Motion by Speaker Pingree, second by Rep. Curtis.
Motion passed (7-0), [Senator Mitchell, Rep. Tardy and Senator Lisa Marraché absent.]

The council entered into an executive session at 12:52PM. At the conclusion of the executive session, on a motion by Sen. Raye, seconded by Rep. Piotti, the Legislative Council voted unanimously to end its executive session.

ANNOUNCEMENTS AND REMARKS

None

The Legislative Council meeting was adjourned shortly after 1:00PM.

**Legislative Council Actions
Taken by Ballot Since the
August 25, 2010 Council Meeting**

Request for additional meeting and extension of reporting deadline

MOTION: That the Legislative Council approve the request by the Joint Select Committee on Health Care Reform Opportunities and Implementation to hold a sixth meeting and to extend the deadline for issuing its report from November 3, 2010 to December 1, 2010, and further to authorize additional funds in the amount of \$1,785.00 solely to support the costs of holding the additional meeting. [Memo attached]

Accepted: October 14, 2010

Vote: 9 – 1 in favor

Request for extension of reporting deadline

MOTION: That the Legislative Council approve the request by the Joint Select Committee on Legal and Veterans' Affairs, Interim Study to Review the Allocation of Slot Machine Revenue for an extension of its reporting deadline from November 3rd to November 23rd and permission to hold its fourth and final meeting on November 16th.

Accepted: November 4, 2010

Vote: 6-0-0-4

Proposed document service fee schedule

MOTION: That the Legislative Council approve the proposed fee schedule submitted for legislative document service for the First Regular Session of the 125th Legislature.

Not Accepted: November 4, 2010

Vote: 5-1-0-4