

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**September 26, 2001**  
**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**SUMMARY OF THE SEPTEMBER 6, 2001 COUNCIL MEETING**

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS**

- Executive Director's Report
- Renovations: Status Report
  - West Wing
  - West Wing Exterior
  - Connector
  - North Wing
- Fiscal Update
- Migration Project Status

**REPORTS FROM COUNCIL COMMITTEES**

- Personnel Committee
- Space Committee
  - Subcommittee to Determine the Use of the Interpretive Center
- Technology and Migration Committee

**OLD BUSINESS**

**NEW BUSINESS**

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**



REP. MICHAEL V. SAXL  
CHAIR

SEN. RICHARD A. BENNETT  
VICE-CHAIR

SEN. BEVERLY C. DAGGETT  
SEN. MARY E. SMALL  
SEN. PAUL T. DAVIS, SR.  
SEN. SHARON ANGLIN TREAT  
REP. PATRICK COLWELL  
REP. JOSEPH BRUNO  
REP. WILLIAM S. NORBERT  
REP. WILLIAM J. SCHNEIDER

120<sup>th</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

JAMES A. CLAIR  
EXECUTIVE DIRECTOR

**MEETING SUMMARY**  
**September 6, 2001**

**CALL TO ORDER**

The Chair, Speaker Michael V. Saxl, called the Council meeting to order at 1:12 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	Sen. Bennett, Sen. Daggett, Sen. Davis, Sen. Treat Absent: Sen. Small,
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Pamela Cahill, Assistant Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House James A. Clair, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Suzanne Gresser, Principal Attorney, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

**SUMMARIES OF THE JULY 31, AND AUGUST 22, 2001 COUNCIL MEETINGS**

That the Summaries of the July 31, and August 22, 2001 meetings be accepted and placed on file. (Motion by Sen. Treat, second by Rep. Colwell, unanimous).

## **REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS**

None

## **REPORTS FROM COUNCIL COMMITTEES**

- Personnel Committee

## **EXECUTIVE SESSION**

**Motion:** That the Legislative Council go into Executive Session pursuant to Title 1, section 405 of the Maine Revised Statutes to discuss the results of the Personnel Committee's search process, and resulting recommendation, for a new Executive Director. (Motion by Speaker Saxl, second by Sen. Bennett, unanimous)

The Council proceeded to go into Executive Session at 1:14 p.m.

## **RECONVENE**

The Council reconvened at 1:35 p.m. on the motion of Speaker Saxl, second by Sen. Bennett, unanimous.

**Motion:** On behalf of the Personnel Committee, that David Boulter be appointed as Executive Director of the Legislative Council for a 3-year term commencing on September 17, 2001, at grade 15 step 8, and as provided in Title 3, Section 162, Subsection 6 of the Maine Revised Statutes, that reappointment be based on performance and in accordance with policies and procedures established by the Legislative Council. (Motion by Sen. Bennett, second by Speaker Saxl, unanimous)

The Speaker and Council members congratulated Mr. Boulter on his appointment. They also thanked Mr. Clair for his extraordinary work not only as the Executive Director, but also for his service in the Office of Fiscal and Program Review, his deep integrity and his incredible service to the people of the State of Maine.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **Item #1: Interim Studies - Status Report**

- Mr. Boulter provided a summary of the studies. He indicated that many of them are underway and the ones not yet underway are being finalized in terms of appointments and expected them to be started soon.

Sen. Treat asked who staffed the Growth Management Study, in the report it was listed as being scheduled to meet in September, but she believed that was not the case. Mr. Boulter said he would check on it.

It was Speaker Saxl's understanding that all appointments from the House were complete and asked Mr. Boulter if that was not correct, would he please let him know.

**Item #2: Request for Approval of Study Committee Work Plan and Budget**

- Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry (Memo from Sen. Nutting, Senate Chair, and Rep. Rosita Gagne, House Chair)

Mr. Boulter informed the Council that a number of the studies required the work plan to be presented to the Legislative Council for the opportunity to review how the money would be spent. The work plan matches exactly the proposed budget and had been worked out with the Chairs of the Study. The Chairs did request that one item be brought to the Council's attention. Unlike other studies, it did not provide for payment of expenses as necessary for non-legislative members and some members of this study are traveling from Aroostook County and the Chairs would like to have those members reimbursed for expenses. There would not be an increase in the budget, they would be paid out of the existing one.

**Motion:** That the work plan and budget for the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry be approved. (Motion by Sen. Treat, second by Sen. Davis, unanimous).

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 1:43 p.m. (Motion by Sen. Bennett, second by Rep. Norbert, unanimous).

**Executive Director's Report  
Legislative Council Meeting  
September 26, 2001**

**Executive Director**

1. I am officially on board as Executive Director and have completed my first week on board. The past week has been spent getting up to speed on key issues in the office, particularly State House renovations, Compaq computer project, and meeting with offices. Over the next several weeks, I hope to continue meeting with offices to understand their needs and expectations of the E/D's office.

**Renovations**

2. Stan has been working with our contractors to arrange for the replacement of the flexible piping in the West Wing, in a way that minimizes disruptions to offices. Piping replacement began last weekend and resume again this weekend. Affected offices are being notified by Stan. In his report today, Stan will elaborate on the schedule and areas affected.
3. Related to the Piping, a meeting has been scheduled with legal counsel to discuss issues related to liability for the costs to replace the flexible piping. Various parties have potential liability for the costs and we are working closely with the AG's Office to sort the position of E/D's office is that the owner (Legislature) is not responsible for the costs.
4. Stan is working with our contractor to provide an updated schedule for completion of all renovation work. That schedule, showing the progress made, should be available to the Legislative Council by the next Council meeting.

**Security**

5. Locks in the State House that are keyed are being removed and replaced with the card reader system in accordance with the approved security plan. The goal is to eliminate keyed lock to card systems whenever feasible. Some questions have been raised about the process and we are working with offices to resolve any concerns in particular offices.
6. In light of the recent national tragedies, I plan to meet with Capitol Security and Executive Branch folks to discuss adequacy of our security plans in coordination efforts. Perhaps no changes are necessary, but some review seems appropriate in light of the recent attacks.

**Revisors Report**

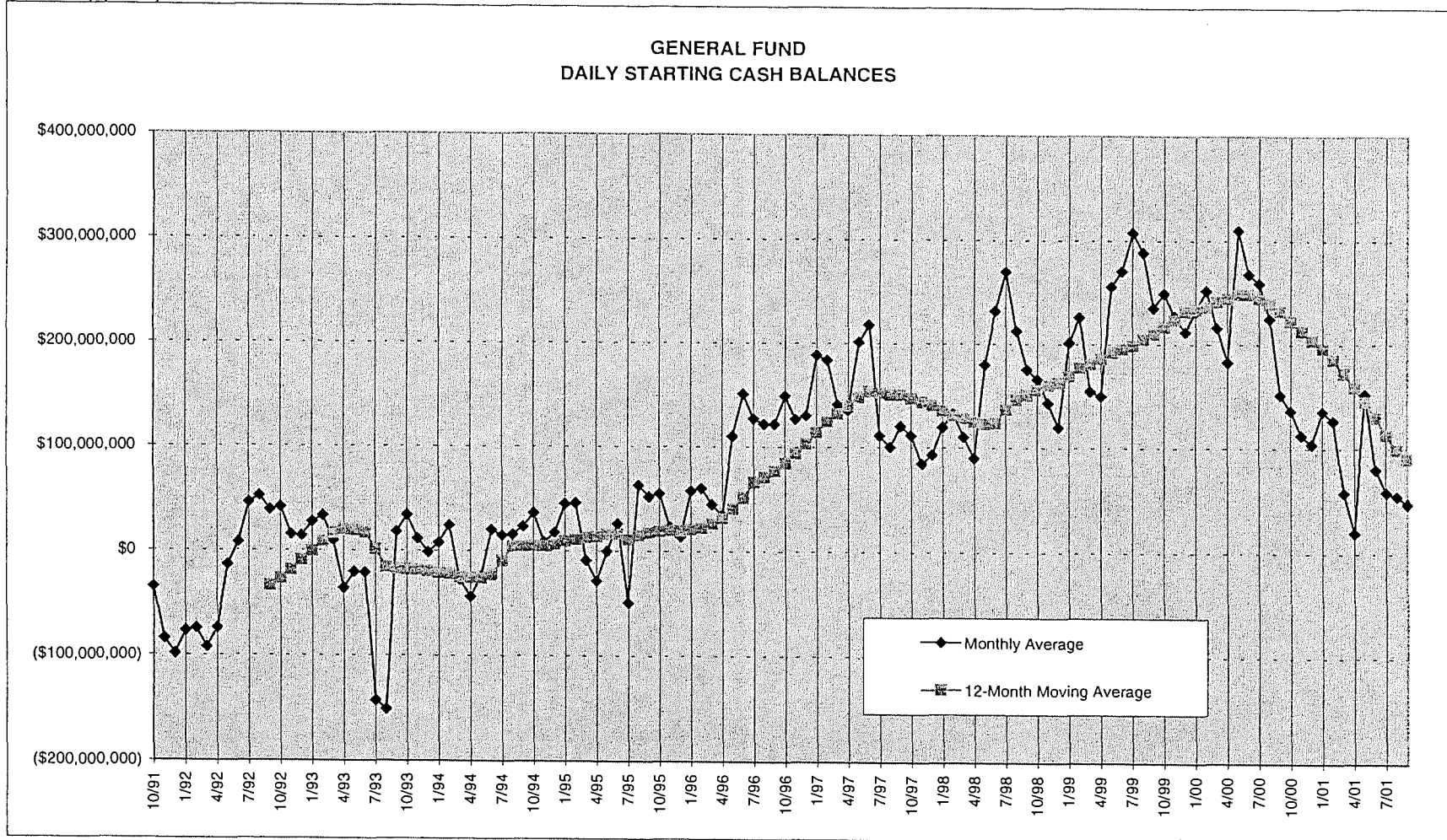
7. Yesterday, the Revisor issued the Revisor's Report for this year, making minor technical corrections to laws enacted this session. I want to thank Meg and her staff for their fine work in producing this report. The relatively few corrections needs, given the hectic pace of the session, speak well of her staff.

# Fiscal Briefing for the Legislative Council

September 26, 2001

*Prepared by the  
Office of Fiscal & Program Review*

1. **General Fund Cash Balances**
  - a. Tax Anticipation Note Authorization
  
2. **August 2001 Revenue Variances**
  - a. General Fund - Down \$16.3 million FY-T-D
  - b. Highway Fund - Up \$1.1 million FY-T-D
  
3. **Economic and Revenue Forecasts**
  - a. Consensus Economic Forecasting Commission
    - Meeting 9/27/01 - Preliminary Discussions Only
    - Reforecast likely in late October
  - b. Revenue Forecasting Committee
    - Scheduled to be determined



#### TAX ANTICIPATION NOTES <sup>(1)</sup> FY 1990-91 to FY 1997-98

Fiscal Year	Amount Authorized	Amount Issued	Reference
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
1997-98	\$100,000,000 <sup>(2)</sup>	\$0	PL 1997, c. 24, §F-1
1996-97	\$190,000,000	\$150,000,000	PL 1995, c. 66 665, §P-1
1995-96	\$182,000,000	\$182,000,000	PL 1995, c. 368, §V-1
1994-95	\$175,000,000	\$175,000,000	PL 1993, c. 707, §P-2
1993-94	\$170,000,000	\$170,000,000	PL 1993, c. 382, §1
1992-93	\$170,000,000	\$170,000,000	PL 1991, c. 780, §BB-1
1991-92	\$150,000,000	\$150,000,000	PL 1991, c. 589, §1
1990-91	\$125,000,000	\$115,000,000	PL 1991, c. 5, §1

Notes: <sup>(1)</sup> 5 MRSA, §150 authorizes Tax Anticipation Notes up to \$30,000,000 and, beginning in fiscal year 2001-02 up to \$100,000,000. Special exceptions to the general authorization levels are detailed in this table.

<sup>(2)</sup> Authorization subsequently repealed by PL 1997, c. 643, §E-5.



General Fund - Fiscal Year 2001-02 - Beginning Daily Cash Balances

		July-01	August-01	September-01	October-01	November-01	December-01	January-02	February-02	March-02	April-02	May-02	June-02											
Day of Week	Week	Week	Week	Week	Week	Week	Week	Week	Week	Week	Week	Week	Week											
Mo. Day	Beg. Balance	Day	Beg. Balance	Day	Beg. Balance	Day	Beg. Balance	Day	Beg. Balance	Day	Beg. Balance	Day	Beg. Balance											
1	Su		49,782,598	S		M		Th		F		M		W		S								
2	M	127,139,179	Th	43,536,302	Su		T	F		Su		W		S		T		Su						
3	T	115,628,366	F	52,209,261	M	Holiday	W	S		M		Th		Su		Su		W		F		M		
4	W	Holiday	S		T	51,607,478	Th	Su		T		F		M		M		Th		S		T		
5	Th	72,654,427	Su		W	43,936,738	F	M		W		S		T		T		F		Su		W		
6	F	54,760,792	M	58,882,511	Th	36,672,067	S	T		Th		Su		W		W		S		M		Th		
7	S		T	45,275,719	F	33,492,789	Su	W		F		M		Th		Th		Su		T		F		
8	Su		W	24,613,700	S		M	Th		S		T		F		F		M		W		S		
9	M	54,760,792	Th	24,683,218	Su		T	F		Su		W		S		S		T		Th		Su		
10	T	63,940,841	F	21,369,204	M	33,970,635	W	S		M		Th		Su		Su		W		F		M		
11	W	65,739,663	S		T	35,128,035	Th	Su		T		F		M		M		Th		S		T		
12	Th	59,611,137	Su		W	30,233,012	F	M		W		S		T		T		F		Su		W		
13	F	61,668,425	M	25,978,888	Th	28,330,696	S	T		Th		Su		W		W		S		M		Th		
14	S		T	52,994,525	F	37,516,446	Su	W		F		M		Th		Th		Su		T		F		
15	Su		W	43,227,142	S		M	Th		S		T		F		F		M		W		S		
16	M	55,011,845	Th	42,693,180	Su		T	F		Su		W		S		S		T		Th		Su		
17	T	56,377,405	F	51,261,017	M	40,874,001	W	S		M		Th		Su		Su		W		F		M		
18	W	39,896,149	S		T	50,444,374	Th	Su		T		F		M		M		Th		S		T		
19	Th	40,920,285	Su		W	49,682,632	F	M		W		S		T		T		F		Su		W		
20	F	58,440,102	M	67,157,545	Th	65,034,509	S	T		Th		Su		W		W		S		M		Th		
21	S		T	78,441,553	F	84,871,396	Su	W		F		M		Th		Th		Su		T		F		
22	Su		W	81,083,064	S		M	Th		S		T		F		F		M		W		S		
23	M	62,405,540	Th	99,102,352	Su		T	F		Su		W		S		S		T		Th		Su		
24	T	74,627,876	F	104,786,643	M	59,152,651	W	S		M		Th		Su		Su		W		F		M		
25	W	29,470,887	S		T	87,214,920	Th	Su		T		F		M		M		Th		S		T		
26	Th	25,187,190	Su		W		F	M		W		S		T		T		F		Su		W		
27	F	32,619,827	M	63,565,784	Th		S	T		Th		Su		W		W		S		M		Th		
28	S		T	65,245,390	F		Su	W		F		M		Th		Th		Su		T		F		
29	Su		W	52,508,308	S		M	Th		S		T		F		F		M		W		S		
30	M	39,354,898	Th	56,047,094	Su		T	F		Su		W		S		S		T		Th		Su		
31	T	39,708,108	F	58,369,933			W			M		Th				Su				F				
Average		58,567,797		54,904,997		48,010,149		#DIV/0!		#DIV/0!		#DIV/0!		#DIV/0!		#DIV/0!		#DIV/0!		#DIV/0!		#DIV/0!		#DIV/0!
FY Ave.		#DIV/0!																						

Source: MFASIS  
Updated: 9/25/01



## Revenue Update - Fiscal Year 2001-02

<b>General Fund Revenue Variance Summary</b>		
<b>For the Month of August 2001</b>		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
In Millions		
Revenue Source	August 2001	Fiscal Year-to-Date August 2001
Sales and Use Tax	(\$3.1)	(\$7.0)
Individual Income Tax	(\$16.1)	(\$5.7)
Corporate Income Tax	\$0.2	(\$1.7)
Cigarette and Tobacco Tax	(\$1.2)	(\$0.1)
Public Utilities Tax	\$0.0	\$0.0
Insurance Companies Tax	\$0.2	\$0.3
Inheritance and Estate Tax	(\$0.6)	(\$2.5)
Property Tax - Unorganized Territories	\$0.0	\$0.0
Income from Investments	(\$0.4)	(\$0.4)
Transfer to Municipal Revenue Sharing	\$1.0	\$0.7
Transfer from Liquor	\$0.8	\$0.9
Transfer from Lottery	(\$0.1)	(\$0.1)
Other Revenues	(\$1.7)	(\$0.8)
<b>Total General Fund - Variances</b>	<b>(\$21.0)</b>	<b>(\$16.3)</b>

<b>Highway Fund Revenue Variance Summary</b>		
<b>For the Month of August 2001</b>		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
In Millions		
Revenue Source	August 2001	Fiscal Year-to-Date August 2001
Fuel Taxes	(\$0.1)	\$1.1
Motor Vehicle Registration and Fees	\$0.3	\$0.6
Inspection Fees	(\$0.3)	(\$0.2)
Other Revenues	(\$0.0)	(\$0.3)
<b>Total Highway Fund - Variances</b>	<b>(\$0.1)</b>	<b>\$1.1</b>

*Prepared by the Office of Fiscal and Program Review  
Based on Preliminary Data; Subject to Change*

STATE OF MAINE  
 Undedicated Revenues - General Fund  
 For the Second Month Ended August 31, 2001

Aug-01

	Month				Year to Date				Total Budgeted Fiscal Year Ending 6-30-2002
	Actual	Budget	Variance Over/(under)	Percent Over/(under)	Actual	Budget	Variance Over/(under)	Percent Over/(under)	
Sales and Use Tax	4,670,668	7,811,600	(3,140,932)	(40.2%)	76,951,157	83,961,238	(7,010,081)	(8.3%)	850,600,000
Individual Income Tax	33,503,806	49,608,021	(16,104,215)	(32.5%)	103,773,977	109,454,953	(5,680,976)	(5.2%)	1,211,268,510
Corporate Income Tax	847,663	688,853	158,810	23.1%	2,979,880	4,713,166	(1,733,286)	(36.8%)	117,754,012
Cigarette and Tobacco Tax	7,217,193	8,450,616	(1,233,423)	(14.6%)	14,208,631	14,273,856	(65,225)	(0.5%)	76,947,655
Public Utilities Tax	(125,239)	(150,000)	24,761	16.5%	(150,000)	(150,000)	-	0.0%	30,300,000
Insurance Companies Tax	246,458	5,387	241,071	4475.0%	1,726,958	1,424,405	302,553	21.2%	43,381,856
Estate Tax	(3,132,836)	(2,524,842)	(607,994)	(24.1%)	(2,323,356)	166,879	(2,490,235)	(1492.2%)	32,561,478
Property Tax - Unorg Territory	-	-	-	-	-	-	-	-	9,212,540
Income from Investments	1,108,727	1,460,000	(351,273)	(24.1%)	1,108,727	1,460,000	(351,273)	(24.1%)	22,000,000
Transfer to Municipal Revenue Sharing	(1,990,129)	(2,963,533)	973,404	32.8%	(9,368,956)	(10,104,599)	735,643	7.3%	(111,160,749)
Transfer from Liquor Commission	2,935,439	2,121,220	814,219	38.4%	5,325,988	4,391,889	934,099	21.3%	22,290,548
Transfer from Lottery Commission	2,958,622	3,092,520	(133,898)	(4.3%)	6,119,433	6,233,495	(114,062)	(1.8%)	36,762,402
Other Revenues	8,517,073	10,187,736	(1,670,663)	(16.4%)	19,934,687	20,759,696	(825,009)	(4.0%)	135,400,078
<b>Total Collected</b>	<b>56,757,444</b>	<b>77,787,578</b>	<b>(21,030,134)</b>	<b>(27.0%)</b>	<b>220,287,128</b>	<b>236,584,978</b>	<b>(16,297,850)</b>	<b>(6.9%)</b>	<b>2,477,118,330</b>

NOTES: (1) Included in the above is \$1,990,129 for the month and \$9,368,956 year to date, that was set aside for Revenue Sharing with cities and towns.

(2) Figures reflect estimates of the Maine State Revenue Forecasting Committee approved in July 2001.

(3) This report has been prepared from preliminary month end figures and is subject to change.

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(Data Source: Bureau of Accounts & Control)

HIGHWAY FUND  
 UNDEDICATED REVENUE  
 MONTH ENDING August 31, 2001

	<u>CURRENT MONTH</u>			<u>YEAR TO DATE</u>			<u>% REC'D TO DATE</u>	<u>TOTAL BUDGETED</u>
	<u>ACTUAL</u>	<u>BUDGET</u>	<u>MORE/LESS</u>	<u>ACTUAL</u>	<u>BUDGET</u>	<u>MORE/LESS</u>		
Fuel Taxes	\$ (761,344)	\$ (617,442)	\$ (143,902)	\$ 15,361,229	\$ 14,307,447	\$ 1,053,782	8.5%	\$ 179,876,344
Motor Vehicle Registration and Fees	8,135,263	7,805,844	329,419	12,865,396	12,306,961	558,435	16.8%	76,460,021
Inspection Fees	111,928	381,169	(269,241)	326,794	508,898	(182,104)	9.8%	3,338,354
Other Revenue	896,203	941,784	(45,581)	1,424,810	1,763,147	(338,337)	12.1%	11,759,148
<b>TOTAL</b>	<b>\$ 8,382,049</b>	<b>\$ 8,511,355</b>	<b>\$ (129,306)</b>	<b>\$ 29,978,229</b>	<b>\$ 28,886,453</b>	<b>\$ 1,091,776</b>	<b>11.0%</b>	<b>\$ 271,433,867</b>
<b>Variance MORE/&lt;LESS&gt;</b>			<b>-1.5%</b>			<b>3.8%</b>		