

MAINE STATE LEGISLATURE

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REP. MICHAEL V. SAXL
CHAIR

SEN. MICHAEL H. MICHAUD
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

DAVID E. BOULTER
EXECUTIVE DIRECTOR

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
July 31, 2002
Approved August 21, 2002

CALL TO ORDER

In the absence of the Chair and Vice-Chair of the Legislative Council, Rep. Patrick Colwell, Chair Pro Tem, called the Legislative Council meeting to order at 1:27 p.m. in the Legislative Council Chamber.

ROLL CALL

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

SUMMARY OF THE JUNE 24, 2002 COUNCIL MEETING

Motion: That the Meeting Summary of June 24, 2002 be accepted and placed on file. (Motion by Rep. Bruno, second by Rep. Schneider, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Executive Director Boulter reported on the following items:

1. Renovations

- A. The renovations work is underway, in particular the restoration of the East and South entrances to the State House. The project is on schedule and within budget, thus far. During the demolition phase, contractors encountered ledge that may require some plan modifications as they relate to drainage. It is unlikely, though possible, that ledge blasting will be required.
- B. The temporary partitions in the diorama areas have been removed and the area will be fully completed shortly except for the reinstallation of the dioramas themselves. The dioramas will likely not be completed until July 2003 according to the Maine State Museum staff who are performing the work.

2. Shutdown Day

The Governor has established October 11th as a second day when executive branch agencies will be closed and employees placed on furlough. This action by the Governor does not apply to legislative employees. The decision whether to require legislative employees to take off a second day without pay, or other options, will be a matter for the Legislative Council's meeting on August 21st.

Discussion: It was Sen. Treat's suggestion that employees were to be polled as to what their preference would be on furlough days. Mr. Boulter said employees had not been approached to date. There are options to furlough days such as taking the equivalent funding from the Legislature's general operating account and not asking employees to take the furlough days; have the furlough days track the Governor's scheduled furlough days; having staggered furlough days; or having voluntary days without pay that would help obviate the need for everyone to do so.

Motion: That Mr. Boulter poll employees on various furlough options, including inviting suggestions, and report the information to the Personnel Committee. The Personnel Committee can review the received information and bring a proposal back to the Legislative Council as appropriate. (Motion by Sen. Treat, second Rep. Colwell, unanimous).

3. FY 02 Budget

The Executive Director's office has taken the necessary steps to transfer \$200,000 from FY 02 back to the General Fund in fulfillment of the Legislature's commitment to the Governor to help reduce the current budget shortfall.

Discussion: Rep. Bruno asked Mr. Boulter on the fiscal report he distributed, if the \$900,000 surplus at the end of the year was used to fund, in part, the \$200,000 and used some in other areas. Mr. Boulter responded by indicating that the \$200,000 was money from FY 02. The unexpended balances carried to FY 03 and will be used in part to cover the anticipated \$700,000 cost for the 2 general salary increases in FY 03. He then asked Rose Breton to elaborate on the use of those funds.

Rose Marie Breton, Assistant for Administrative Services, Office of the Executive Director said a reason for the unexpended balance was because the Legislature still has invoices that will have to be paid for renovations and for the ongoing work. It also had invoices relating to FY 02 that were not paid until the start of FY 03, and also applying \$200,000 to off set the revenue shortfall.

4. Capitol Celebration Day

As the State House renovations near completion (exterior work is to be completed by late fall), the Legislative Council may want to consider holding a "Capitol Celebration Day." The celebration would be a way to formally acknowledge and celebrate the remarkable renovation of the State House and to express appreciation to the decision-makers and contractors who made the renovations possible. No immediate action is necessary at this time. If there is sufficient interest in holding a Capitol Celebration Day, a day in December or early January may be appropriate.

• Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented the following fiscal report.

1. General Fund and Highway Fund Revenue Variances for June 2002 and FY 02

- A. The General Fund was \$92.5 million below revenue projections for the year. Individual Income Tax revenues were under budget by \$106.2 million; Corporate Income Tax down by \$12.5 million; Estate Tax down by \$2. million; and Income from Investments was down by \$1.9 million.

The General fund positive variances were Insurance Companies Tax was up \$11.9 million and Other Revenues were up \$11.4 million.

- B. The Highway Fund Revenue was up \$9.6 million.

2. Economic and Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission met Friday, July 26, 2002. Mr. Pennoyer said he sent a letter to all legislators summarizing the results of that meeting.

Mr. John Dorrer was appointed to fill a vacancy on the Commission. Mr. Dorrer is a labor economist and a consultant who works Down East and also in Washington, DC. Mr. Pennoyer will forward his resume to Council members when it is made available to him.

A concern expressed by the Appropriations Committee was the problem with the distribution of the detail of Personal Income. The Consensus Economic Forecasting Commission did try to forecast the detail components, but deferred a lot of those decisions to

the State Planning Office. That work is not complete and is needed before the information can be run through the tax models. The Commission was much more pessimistic in their outlook, noting concerns over mixed signals on the national level and projected wage and salary employment growth, and with the personal income growth down for each year of the forecast period.

All of the Executive's estimates of the short fall concentrate on individual income tax. Thus change in the personal income variable will also affect the sales tax line and will tend to depress it, which has not been factored into their discussions. There will be an additional pressure to forecast that line downward. Mr. Pennoyer said he could not predict what the net effect will be in the current biennium, but expected it to be more than the \$92.5 million. In terms of the structural gap, his initial impression is that it would increase the structural gap by about \$100 to \$200 million.

Mr. Pennoyer said the Revenue Forecasting Committee is scheduled to meet on August 14 and August 28, 2002. The meetings will be held in the Appropriations Committee Room.

3. Cash Pool Status

The June 2002 Cash Pool Summary shows the General Fund \$114 million negative. Excluding the reserve fund balances, it is down \$261.8 million.

A Tax Anticipation Note (TAN) for \$250 million at a 1.5% interest rate has been issued. The TAN will improve the State's cash position by \$250 million and will earn interest.

• Office of Information Services' Report

Paul Mayotte, Director, Legislative Information Services, reported on two items.

1. Bill Drafting System

Compaq, now Heward Packett, is on schedule. Mr. Mayotte is receiving weekly reports from them on their status and issues. The Executive Director has a series of meetings scheduled with Compaq, one having already taken place, to get direct face-to-face communications from Heward Packett on issues or questions. To date there have been no major issues that have not been resolved. Heward Packett is completing the programming on the additional functionality that Contract Amendment 4 called for and is nearly complete on addressing all the open problem log items. The Legislature is in the position, with the help of the Revisor's office, to begin testing on August 7, 2002 the fixes and the final solution. Mr. Mayotte is beginning to work on plans for user training and system implementation to support the next session.

2. Direct Internet Access

Mr. Mayotte said he has reached agreement with the Bureau of Information Services and the State CIO. The website address that will be used is "Legislature.Maine.gov". He has also reached an agreement with BIS on the Global Email Address List and is in the process of making that function technically. The Global Address List allows the Legislature to share their address with the Executive Branch. The old email address at "State.ME.US", we will continue to receive mail into 2003 and possibly longer if needed, at the old address. It will not be necessary to do a wholesale change of email addresses to move over to the new system. Legislators and legislative employees do not need to change their email addresses until December, 2002.

The Internet address to get to the Legislature's Web page will now work at either address, "State.ME.US" or "Legislature.Maine.gov".

Mr. Mayotte said that as soon as the Global Address email forwarding process is tested and working properly, his office will convert to the new address and he will report the status to the Council members at the August Council meeting.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, gave an update on legislative studies authorized for the interim and distributed a report that lists the various types of studies. The report lists studies of various types and will be updated as more information is received. The reports includes the legislative studies that are staffed by nonpartisan staff, studies that are to be conducted by other agencies or departments at the direction of the Legislature by legislation enacted this year, interim studies pursued by the Joint Standing Committees subject to approval by the Presiding Officers, and studies carried over from last session not yet complete. Nineteen studies are being tracked, 9 require appointments and the other 10 are either ongoing, staff studies or being done by an agency or department. Appointments to five of the 9 studies have now been completed.

Attached is the Progress Report on Legislative Studies as of July 30, 2002.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

No report. The Personnel Committee did not meet this month.

- **Technology and Migration Committee**

No report. The Technology and Migration Committee did not meet this month.

- **Subcommittee to Consider Additional Security Measures**

Sen. Treat reported that the Subcommittee to Consider Additional Security Measures met on June 24, 2002. The Subcommittee concluded the following:

1. The subcommittee endorsed ES Boulos Option #3 at a cost of \$63,970, as the preferred option for security camera purchase and installation, subject to verification by Building Control/Capitol Security that the proposed camera placements are the preferred locations. The costs of the subcommittee's recommendation would be paid from the Reserve Fund for State House Preservation and Maintenance in FY 03. Sufficient funds are available to pay the costs. The Executive Branch had withdrawn its earlier offer to cost-share due to current budgetary constraints.
2. Purchase of the camera security system is contingent upon the receipt and review for acceptability of a security camera monitoring and response plan that is to be prepared by Building Control in conjunction with the Bureau of Capitol Security. The subcommittee wants assurance, through this planning exercise, that the expenditure of funds will result in tangible enhancements to the security of Legislators, legislative staff, the Governor and his staff and visitors in or about the State House.

3. The subcommittee asked Mr. Boulter to convey the subcommittee's decision to Building Control and to ask for a monitoring and response plan to be submitted within a month. The subcommittee also asked Mr. Boulter to hold off ordering and installing the equipment until the plan has been submitted for review.

No Council action required.

- **Space Committee**

Rep. Colwell, Chair of the Space Committee reported the committee's June 24, 2002 meeting.

At issue is the funding to pay for completion of the restoration of the Klir Beck dioramas. The Legislative Council has spent considerable sums of money removing the dioramas from the original location, storing them, constructing a new location in the connector and reinstalling them. What remains to be done is the replacement and re-fabrication of the flora and scenery and a restoration of the fauna.

At the time of the diorama removal a plan was developed whereby the Maine State Museum would use its existing staff, including Gary Hoyle an expert in these matters, to perform the work. Mr. Hoyle has retired from state service, but Sheila McDonald from the Museum reported he would perform the work on a contract basis. She also indicated the Museum has no available funding to complete the work at this time. The Museum estimated the costs to complete at \$66,000 with a completion date of July 1, 2003.

The members of the Space Committee felt that completion of the dioramas was very important but also felt the Council had completed its share of the project based on its understanding that the Museum would complete its share. The committee declined to fund the remaining costs at this time and instead, asked the Maine State Museum to explore ways to pay the costs, including private donations, federal grants, use of available unexpended funds appropriated to the Museum or organizing fund-raising through the Friends of the Maine State Museum. The Space Committee asked that the Museum report its progress back to them within 30 days.

No Council action required.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: NCSL State House Luncheon

Mr. Boulter reported to the Council that Diane Steward from the Senate Democratic Office has made a request that the Legislative Council pay the cost of a luncheon for members of NCSL's Leadership Staff Section who will be in Portland and Augusta in September. She is a member of the NCSL Leadership staff committee that meets 3 or 4 times a year, rotating the location of each meeting among member states. In September

Ms. Steward is expecting approximately 150 people to the State House for a luncheon, estimating the cost to be \$9.50 to \$10.00 per meal. She is requesting the Council approve payment up to \$1,500 for the luncheon. Mr. Boulter said the money was not specifically budgeted, but the Legislature had sufficient funds to cover the expense. Sen. Daggett reiterated what Mr. Boulter said. Ms. Steward was unable to attend the Council meeting due to an illness in the family.

Motion: That the Legislative Council authorize up to \$1,500 for the cost of hosting a luncheon for NCSL Leadership Staff Section members at the State House in September. (Motion by Rep. Colwell, second by Sen. Treat, unanimous).

ANNOUNCEMENTS AND REMARKS

Item #1: The next Legislative Council meeting is scheduled for August 21, 2002 at 1:00 p.m.

Item #2: Sen. Small reported she had attended a Percent for Art Committee meeting and agreed with committee members that the Legislative Council needs to provide some direction as to acceptable artists and artwork. She asked how that guidance can be conveyed to the Commission. Mr. Boulter said the recommendations of the Percent for Art Committee will be on August 21, 2002 Council agenda unless the Council chooses otherwise. The Committee will have its recommendations and other information in writing prior to the meeting. It was Mr. Boulter's understanding that the committee will recommend 3 artists for funding under the Percent for Art program, each one to be voted on individually if the Council so chose.

Sen. Small thought it would be helpful to have clear steps the Council needs to take and its options. Mr. Boulter noted that the decision is the Council's with respect selecting the artist and the artwork. One artist has chosen to complete his artwork in advance of the Council decision because the artist wanted to give its best presentation; the others have not started on their artwork. There is no binding commitment to the council; it is free to accept, reject or accept in part the artwork presented. All artists had been put on notice from the outset that ultimately the decision is that of the Council.

No Council action required.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:13 p.m. (Motion by Sen. Treat, second by Sen. Small, unanimous).