

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
September 24, 2002
Approved October 30, 2002

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 1:16 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: Sen. Michaud, Sen. Daggett, Sen. Small, Sen. Davis,
Sen. Treat

Representatives: Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert,
Absent: Rep. Schneider

Legislative Officers: Pamela Cahill, Secretary of the Senate
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 AUGUST 21, 2002 COUNCIL MEETING

Motion: That the Meeting Summary of August 21, 2002 be accepted and placed on file. (Motion by Sen. Michaud, second by Rep. Norbert, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Renovations Update

David Boulter, Executive Director of the Legislative Council, reported that the south entrance to the State House will reopen during the week of September 30th. Completion of the renovation of the east entrance is somewhat behind schedule and is now scheduled for early November.

As part of the authorized exterior work to the State House, Granter Northern is undertaking repairs to the north and south roof, to eliminate water leaks and some health and safety issues.

Mr. Boulter will be providing a status report on the diorama reinstallation to the Space Committee. He has received an update from the Maine State Museum summarizing its progress on the restoration of the diorama areas and private source funding requests. The Museum reported that it has not been successful in obtaining supplemental funding.

Visitors to the State House

Mr. Boulter informed Council members that a group of adults from St. George deBoise, Quebec will be in Maine for an English language immersion course on October 12 – 14, 2002. The group organizing the event is traveling through the State and visiting interesting places to stimulate dialogue. The State House is one of the notable areas to visit.

Resolution of Internet Domain Issue

Mr. Boulter reported that the meeting with Commissioner Waldron, Mr. Mayotte and BIS staff in the Executive Branch regarding use of a "Legislature.Maine.gov" domain name was very successful and thanked Council members for their support. Mr. Mayotte will report further on the progress and implementation in his report. In summary, the Chief Information Officer withdrew his objections to the Legislature's use of the domain name.

No Council action required.

Following completion of the Executive Director's report, Sen. Treat and Rep. Colwell mentioned that it had been brought to their attention that the men's bathroom on the first floor may not be fully handicapped accessible. They requested that the Executive Director's Office look into the matter along with the status of other handicapped accessible facilities and report back to the Council. Mr. Boulter mentioned that the architect for the State House renovations was responsible for assuring ADA compliance and that he would look into the matter.

- **Fiscal Report**

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

1. Revenue Variances for August 2002

General Fund revenue was below projections by \$11.1 million for the month of August and was down \$4.6 million for the first 2 months of FY03.

The Highway Fund was down almost \$0.4 million in August, but overall was above projections by \$1.5 million for the first 2 months.

These variances figures are based on the old forecast.

2. August 2002 Revenue Forecast

For FY03 the General Fund revenue forecast was reduced by \$148.2 million. For the 2004-2005 biennium, the General Fund revenue forecast was reduced by more than \$370 million.

Revenue projections for the Highway Fund were increased by nearly \$4 million in FY03.

The Fund for a Healthy Maine revenue forecast was reduced by \$66,000 reduction as a result of lower interest earnings assumptions.

The August 2002 Revenue Changes

Mr. Pennoyer reported that his office had just received a revised forecast of distribution but did not have time to update the variance reports in the information included in Council members' packet. He said that based on the revised forecast the General Fund revenue would have been down \$6.8 million for the first 2 months of the fiscal year; Individual Income Tax and Sales Tax collections would have had negative variances of \$5.1 million and \$1.4 million, respectively. A very preliminary look at September collections, which appear to be running ahead of budget, would indicate that some of the negative variance from the new forecast is a timing issue.

The Highway Fund was only slightly negative in August.

3. Cash pool status.

Mr. Pennoyer said the cash pool daily average balances for the month of July 2002 were: The General Fund was negative by \$141.2 million and was \$185.6 million negative (when the 2 major reserves are excluded.) Those 2 major reserves, the Maine Rainy Day Fund and the Reserve for Working Capital will be reduced to \$0.5 million by the end of FY03, if the Legislature adopts the Governor's budget proposal to use \$10 million of the working capital reserve. The Maine Rainy Day Fund is already budgeted to have a \$0 balance at the end of FY03.

Mr. Pennoyer pointed out that the July Cash Pool presentation does not reflect the \$250 million Tax Anticipation Note (TAN) issuance in August. The Highway Fund had been generally improving up until the last 3 months. He did not expect the Highway Fund cash position to be significantly changed. There is proposal in the Governor's budget to take \$9.6 million from the Highway Fund to help balance the General Fund.

4. Office of Fiscal and Program Review's Fiscal Note Performance

Mr. Pennoyer reported that during the 120th Legislature, OFPR produced over 3,500 fiscal note documents. For fiscal note documents required by Joint Rule 312, 78.5% were completed within one week and over 90% were completed within a two-week period. Mr. Pennoyer said OFPR's performance during the 2nd Regular Session improved, where 86.6% were completed within the one-week and almost 95% completed within 2 weeks.

Mr. Pennoyer explained why OFPR did not perform as well with respect to producing fiscal memos that are distributed prior to a public hearing on a bill. The response time has been increasing for the last 2 Legislatures, both in terms of the number "on-time" and the number not completed. Several factors have contributed to this increased response time including:

- the large number of bills that are introduced in the Legislature;
- the increase in workload related to budget issues and committee staffing; and
- during the 119th and the 120th Legislatures, OFPR had new fiscal note coordinators at the start of each of these Legislatures.

He also noted that when establishing priorities in the busiest time of the session, fiscal note memos receive a lower priority because they are not required by joint rule and often bills will get reported out either ONTP or amended in such a way as to change the fiscal impact. OFPR analysts try to keep in close contact with committee staff to make sure that fiscal information is provided as needed.

5. Budget Bill Production Issues:

Mr. Pennoyer gave an update on budget bill production issues. He believed the Governor's proposed budget bill to address the FY03 budget shortfall would be released later in the day and be available to the public on September 25th. Advertising for public hearings that are planned to begin on October 7th are awaiting final approval for submission to the papers for this weekend's advertising deadline. OFPR is planning to post its summary of the Governor's budget proposal on OFPR's web site by Thursday.

Mr. Pennoyer commented that the submission of the proposed budget that includes the performance budgeting measures raises some policy issues. Staff will be seeking some guidance from the Legislative Council on the format for budget bills and appropriation and allocation sections for other bills as they prepare for the 121st Legislature. The 120th Legislature had earlier decided not to include Performance Budgeting information in the printed budget bills for logistics reasons. Under Maine's Performance Budgeting Process, the budget remains based on traditional program and line category appropriations and not performance measures, goals and objectives.

At a future Legislative Council meeting, Mr. Pennoyer plans to seek guidance on budget bill format, fiscal note production and staffing resource issues.

No Council Action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services reported to the Council on the following items.

Bill Drafting System

HP and his office have completed rounds of "user" testing as it relates to the scope of work in Contract Amendment 4 with HP/Compaq.

As of September 18, 2002 there are 9 unresolved items that remain on the list. HP remains on track at this time to complete the scope of work on Amendment #4. Of the 9 items remaining, 3 are major. At present there is no contention over the items.

At the previous Council meeting Mr. Mayotte had reported his concerns about the current performance speed of the bill drafting system. HP has identified what it views as the major problem. It provided a software fix for the problem and subsequent testing resulted in improved performance, however not to the level HP was expecting. It is continuing to review and make additional fixes to the application.

Mr. Mayotte believes HP will meet the Contract Amendment 4 scope of work, but does not believe they will have solved the application performance issue by October 11th. Rep. Norbert asked if performance was part of having an acceptable system and Mr. Mayotte said it is identified specifically as an acceptance item.

Internet Access

Mr. Mayotte has received approval to use the new address, legislature.maine.gov from the Commissioner of the Department of Administrative and Financial Services and the State's Chief Information Office.

The technical process of exchanging global address lists for email was successfully tested and is being finalized. Several security steps remain to be finalized on the link between the Legislature and the Executive Branch and those will be done over the next several days.

The Work Plan for the final remaining steps to implement the process includes:

- activating "Legislature,Maine.Gov" on the Internet by October 18, 2002 and issuing new staff e-mail addresses;
- by October 31, 2002, remove the Legislature from the direct BIS network link; and
- by December, 2002 issuing new legislator e-mail addresses.

Speaker Saxl asked if the direct internet access system will allow legislators or staff to access the network using remote access. Mr. Mayotte said his office had no immediate plans to provide remote access, but the system is capable of providing remote access. The Speaker encouraged the implementation of remote access to the Legislative computer system.

No Council action required.

Update on Interim Legislative Studies

David Elliott, Director, Office of Policy and Legal Analysis, gave an update on the status of interim studies. Of the 18 legislative studies, 16 are underway and 2 have not yet started. Many of the studies have final report dates of early November.

Attached to the Meeting Summary is the Progress Report on Legislative Studies as of September 23, 2002 that was provided by Mr. Elliott.

No Council action is required.

REPORTS FROM COUNCIL COMMITTEES

• Personnel Committee

Speaker Saxl reported that the Personnel Committee had met earlier in the day and had taken up the following matters:

1. Performance evaluations of Margaret Matheson, Revisor of Statutes and Grant Pennoyer, Director, Office of Fiscal and Program Review.

The Personnel Committee voted unanimously to award Mr. Pennoyer a one step increase. Ms. Matheson is at the top of the salary scale and, therefore, was not eligible for a step increase.

2. Proposed Revisions to Personnel Policies for Leadership Staff

The Personnel Committee members received the draft revised Personnel Policies for Leadership Staff. The Committee did not take formal action on the policies at that time, but are available for review.

3. Union Organization Efforts by Legislative Employees

Speaker Saxl said the Committee discussed the status unionization of legislative employees. Speaker Saxl reported that, after discussion, a majority of the Personnel Committee had voted to present the following motion regarding MSEA bargaining unit composition to the Legislative Council. Sen. Daggett made the following motion:

Motion: That the Legislative Council's Personnel Committee, or its designee, convey to the Maine State Employees Association that, for purposes of bargaining unit composition, the Legislative Council does not object to the inclusion of legislative analysts and committee clerks into the bargaining unit now proposed by MSEA for legislative employees; further, that the Legislative Council accepts MSEA's revised proposal to exclude the administrative employees in the Executive Director's Office and the Administrative Secretary in the Office of Fiscal and Program Review. (Motion by Sen. Daggett, second by Sen. Treat).

Discussion: Sen. Small reminded the Legislative Council members that the effect of the motion would be to include all nonpartisan employees and committee clerks (excluding management positions and certain confidential positions) into a single MSEA bargaining unit – a Legislative Council determination that they all share a “community of interest”. She believes the work of legislative analysts and committee clerks is vastly different such that staff in the proposed bargaining unit do not share a community of interest and, therefore, should not be in the same bargaining unit. Sen. Small said that she accepts that legislative employees will likely be unionized, but she disagrees with the process being used by the Legislative Council. She believes a grave injustice has been done by the Legislative Council to legislative employees who will be subject to collective bargaining whether or not they choose to join MSEA. She reminded Council members that when employees first signed union cards, it was with the understanding that there would be 3 bargaining units; now only 1 is being established (and about to be agreed to by the Council) and card-signers will not be given the opportunity to reconsider their decision. She also reminded the members that the Council had been told that card signers will be polled as to their current position of unionization before the decision was finalized, which was false. There is no process whereby employees would be contacted; employees must take steps directly to withdraw a signed card. Sen. Small objected to representations made to the Legislative Council that the information on the process to be used was true, when in fact it was otherwise.

Sen. Small also expressed her concerns about the nature of nonpartisan work in a political union environment, particularly the work of legislative analysts who deal with legislation and with legislators on the construction of legislation and formation of policy. She believes that placing nonpartisan staff in a union will cause irreversible difficulties in relationships and will change the nature of the legislature. She believes there are concerns that could be worked out, but did not think it was appropriate to move ahead at this time. The process authorized by the Legislative Council should be made to benefit all the individual employees, not the union.

Sen. Daggett responded by saying that she did not believe it inappropriate to move forward at this time and the proposed action was appropriate and within the law passed.

The members then voted on the motion, (approved 6-3-0-1, Sen. Davis, Sen. Small and Rep. Bruno opposed, Rep. Schneider absent).

- **Technology and Migration Committee**

The Technology and Migration Committee did not meet this month.

- **Subcommittee to Consider Additional Security Measures**

The Meeting Summary of the August 28, 2002 Subcommittee meeting is attached.

- **Space Committee**

The Meeting Summary of the August 28, 2002 Space Committee meeting is attached.

OLD BUSINESS

Item #1: Percent for Art Committee

Motion: Move that the recommendations of the Percent for Art Committee item be removed from the table. (Motion by Sen. Small, second by Rep. Bruno, failed 3-6, Sen. Treat, Sen. Daggett, Sen. Michaud, Speaker Saxl, Rep. Colwell and Rep. Norbert opposed).

Discussion: Sen. Small expressed her desire that the Legislative Council act on the earlier recommendations of the Percent for Art Committee. She felt it was a disservice to the artists who had made proposals for the Legislative Council not to decide the matter, even though she was not particularly supportive of the recommended artwork.

Speaker Saxl responded by indicating his view that the Council should postpone a discussion on the recommendations until the current budget situation has been resolved. Sen. Small noted that the Council has a legal responsibility to approve or disapprove the art selections, and a decision would decide whether the money set aside for the Percent for Art selections would be committed or whether alternatives would be considered.

There was some brief discussion by other members of the Council on reviewing the budget proposals before spending Percent for Art money.

No further Council action was taken on this item.

NEW BUSINESS

Item #1: Legislative Budget for the 2004-2005 Biennium

Executive Director Boulter presented the proposed current services budget for the Legislature for the 2004-2005 biennium. Under current law, the Executive Director's office is authorized to submit to the State Budget Officer a proposed current services budget on behalf of the Legislative Council, subject to review by the next Council. Mr. Boulter noted that the current services budget represents the budget required to continue legislative operations at their current level. All agencies of state government are required to prepare and submit a current services budget to the State Budget Officer.

Mr. Boulter summarized the major areas of change from the FY 02/03 budget; Personal Services increased about 18%, largely due to cost factors beyond the Legislature's immediate control, including increased costs for employee and legislator health insurance, retirement fund increases, a 27th payroll in the fiscal year and the cost of previously authorized general salary increases for employees. The All Other portion of the budget, which constitutes a greater degree of discretionary spending and more fully within the immediate control of the Legislature, includes only a modest increase – 1.9%. Capital expenditures show a 27% increase, although the actual dollar increase was very small compared to the overall legislative budget. In developing the current services budget, Rose Breton and Mr. Boulter consulted with the heads of legislative offices.

Mr. Boulter also noted that the Reserve Fund for the State House Preservation increased by 1.5% (\$800,000 per year as authorized by law) and the Law and Legislative Reference Library's budget increased 16% in Personal Services and 9.5% in All Other. The largest percent increase in the accounts controlled by the Legislature was due to the legislative creation of a new program and office, the Office of Program Evaluation and Governmental Accountability (OPEGA), to cost over \$1 million annually.

Motion: That the Executive Director is authorized to submit the current services request for the FY 04/05 Legislative Budget to the State Budget Officer no later than October 1, 2002, and is further directed to gather and analyze any new or expanded requests so that the Legislative Council may review these requests at a later date. (Motion by Speaker Saxl, second by Rep. Colwell).

Discussion: Rep. Bruno said he could not support a budget increase without further review. Speaker Saxl clarified that the motion is not to support the budget, but to submit the current services budget as a base budget to the State Budget Office. He noted that following the submission the Legislative Council would then review the budget, at which time the Council could make budget reductions and forward them to the Appropriations Committee. He further noted that the motion is merely to transmit the budget to the State Budget Office and not a substantive motion recommending approval or disapproval of the budget request. It was then suggested that Speaker Saxl rephrase his motion to clarify the effect of the motion.

Speaker Saxl then withdrew his motion and Rep. Colwell withdrew his second to the motion.

Sen. Treat then made a new motion.

Motion: To transmit the base budget for the purposes of the Executive Branch putting together their initial budget documents with the understanding that this Legislative Council and the next will be putting together a process to review that and most likely cut what has been proposed in some way. (Motion by Sen. Treat, second by Rep. Colwell, failed 5-4, Sen. Small, Sen. Davis, Sen. Michaud, Rep. Bruno opposed).

Following failure of the second motion, Executive Director Boulter asked for guidance from the Legislative Council as to how he should proceed with respect to the required current services budget submission.

Speaker Saxl said that if the Legislative Council wanted to combine budget reductions with the current services budget, it might start by eliminating funding for OPEGA since it is a new program, capping the All Other increase for the library (particularly periodical subscriptions) to 3% and treating all further increases as Part II budget requests. Rep. Bruno suggested that rather than submitting a current services budget with the increases, the Legislative Council should flat fund the legislative accounts. A future Legislative Council can then modify that budget proposal if it chose to do so.

Mr. Boulter reminded the Council members that the required submission is the same for the Legislature as for Executive Branch agencies: i.e., the budget required to operate the Branch, agency or department at the current level of services. While the budget can be modified as part of the budget process, the submission does not merely represent a placeholder. He indicated that the Council is welcome to make modifications to the current services budget request, but emphasized the Executive Director's office was careful to follow the budget guidance used by other state agencies in developing the budget.

Speaker Saxl asked Rose Breton to summarize the major areas of increase in the current services budget. Ms. Breton described the increases and answered various questions from members regarding the specific areas of increase.

- 30% attributable to general salary increases approved by the Legislative Council for staff.

(3% in July, 2001, 2% in July, 2002 and 2% to be effective on January 1, 2003, all cumulative for FY 04/05).

- 25% attributable to an employer contribution increase to the Maine State Retirement System.

The new rates obtained from the Budget Office are 21.227 for FY 03, 26.5% for FY 04 and 29.2% in FY 05.

- 27% attributable to employer-paid increases to health insurance for employees.

The Budget Office projects an 18% rate increase in FY 04 and another 16% increase in FY 05.

- 7% attributable to budgeting for a 27th payroll in FY 04 (employees are paid biweekly and every 7 or 8 years a 27th payroll falls within 1 fiscal year). The value of the additional payroll cost is approximately \$400,000.

Ms. Breton noted that the budget reflects a decrease of 3 legislative positions that were no longer authorized (they were established as part of the Senate's power-sharing agreement for the 120th Legislature). In response to a question about required employee furlough or shutdown days, Ms. Breton commented that the FY 03 budget has already been reduced by \$105,000, the savings resulting from 3 furlough days. The employee salary reduction as a result totals about 1.15%, off-setting in large measure the 2% general salary increase due to take effect in January, 2003.

- Several thousand percent increase attributable to fully funding and establishing OPEGA.

In response to a question about funding re-apportionment costs, Ms. Breton indicated that the Legislature appropriated \$400,000 in FY 03 only for reapportionment.

The members then proceeded to discuss the advisability of forming a budget subcommittee to review the budget and make recommendation for revisions to this or the next Legislative Council.

Speaker Saxl then made a new motion, as follows:

Motion: That the Executive Director is authorized to submit the current services request for the FY 04/05 legislative budget to the State Budget Officer no later than October 1, 2002, and further that the Legislative Council establish a budget subcommittee to begin a process of reviewing the budget request and identifying potential savings for the next legislature. (Motion by Speaker Saxl, second by Rep. Norbert).

Discussion: Sen. Michaud emphasized that his initial testimony about submitting the current services budget to the Budget Office without a subcommittee review first arises from his service on the Appropriations Committee where he saw Executive Branch agencies submit a current services budget that contained Part II items (new or expanded programs) that should not have been included as Part I items. He emphasized that he is

willing to make cuts to offset some of the budget increases. Rep. Bruno noted that he had been a member of the earlier ad hoc budget subcommittee and had not supported the recommendations of the committee at that time.

Motion approved, 6-2 (Sen. Davis, Rep. Bruno opposed, Sen. Small was absent for the vote.)

Item #2: Legislative Document Service: Fee Schedule for 121st Legislature

The Legislative Council considered the proposed new fee schedule for legislative documents that had been prepared and submitted by Clerk of the House Millicent MacFarland. Clerk MacFarland was not present to speak to her request. The new fee schedule reflects some fee increases to offset the increase in postage costs. The current and proposed fee schedules were included in the Council packet.

Motion: That the legislative document fee schedule for the 121st Legislature proposed by the Clerk of the House be approved. (Motion by Rep. Colwell, second by Sen. Daggett, unanimous).

Item #3: Briefing by Rich Jones, NCSL, on NCSL Study of Legislative Term Limits

Mr. Rich Jones from the National Conference of State Legislatures traveled from Denver, Colorado to brief the Legislative Council on a legislative term limits study being conducted by NCSL. He informed Legislative Council members that Maine, having term limits, was 1 of several states nationally being studied. The presiding officers had earlier agreed to the inclusion of Maine in the study. The study involves NCSL, CSG, State Legislative Leaders Foundation and leading academics around the country as well as state leaders in the states being studied. It is on the effects of term limits on the various legislatures, to study how they are affecting the legislative process and what legislatures are doing to adjust the procedures. It is not intended to make judgments whether term limits has been positive or negative for states.

The study will collect demographic information on all state legislatures nationwide to compare the backgrounds of legislators in term-limited and non-term limited states and the approach to their jobs. Maine will participate in in-depth case studies with five other states: Arkansas, Arizona, California, Colorado and Ohio. A member of the national organization and an academic will participate in gathering information and in interviewing legislators, legislative staff, and observing the process.

NCSL anticipates it will produce a report and their findings by December, 2002.

Item #4: Approval of Work Plan and Budget for Legislative Studies

The following study committees and commissions submitted proposed work plans and budgets to the Legislative Council for approval as required by their enabling legislation.

- Blue Ribbon Commission on Financing Long-term Care
- Commission on Fatherhood Issues
- Task Force to Study the Impact of a Maine-based Casino
- Task Force on Rail Transportation
- Committee to Continue to Study the Costs and Benefits of Increasing Access to Paid Family and Medical Leave for Maine Families
- Committee to Study Reimbursement Rates for Maine Bottle Redemption Business
- Health Care System and Health Security Board

David Elliott, Director, Office of Policy and Legal Analysis, explained that the plans have been developed by members of the study in conjunction with their staff, and are within the budgets and reporting deadlines established for the studies.

He noted that the Health Care System and Health Security Board is a 2-year study, beginning last year and carried over into this year. That Board is not required by legislation to submit a budget for Council approval, but submitted it for the Council's information.

Discussion: A member asked if study committees reimburse members who are not legislators for their expenses in attending study committee meetings. Mr. Elliott responded by saying that the drafting guidelines for studies that had been approved by the Council required that only members of study committees who are not otherwise compensated by their employers or others whom they represent are entitled to reimbursement of necessary expenses. No per diem is paid to those members. This practice was designed to create equity in compensation of members among various study committees and to financially assist members who lose wages by taking time to participate in studies, where there is a demonstration of need.

Motion: That the proposed work plans and budgets for the 6 studies be approved. (Motion by Sen. Treat, second by Rep. Colwell, approved 8-1, Rep. Bruno opposed).

The Legislative Council took no action on the Health Security Board's memo.

Item #5: Request from Study Commission to Hold Additional Meeting

- Task Force on Rail Transportation (Memo from Sen. John L. Martin and Rep. Charles D. Fisher, Chairs)

David Elliott said the Task Force on Rail Transportation were authorized 4 meetings, have met 3 times, with a 4th meeting scheduled and believes it will require another meeting. The Task Force's budget can accommodate the additional meeting. The Task Force requested authorization to hold a 5th meeting.

Motion: That the request by the Task Force on Rail Transportation to hold an additional (5th) meeting is approved. (Motion by Sen. Daggett, second by Rep. Colwell, approved unanimous).

ANNOUNCEMENTS AND REMARKS

The next Legislative Council meeting is scheduled for October 30, 2002 at 1:00 p.m.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:59 p.m. (Motion by Rep. Norbert, second by Sen. Treat, unanimous).

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
 Status as of 09/23/02 8:32:59 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, Committee to Study Reimbursement Rates for Maine's (PL 2001, c. 661)		Wednesday – 9/25/02 9:00 a.m. Armory	06-Nov-02	Staffed by SPO
Casino on the Economy, Transportation Infrastructure, State Revenue and Job Market, Resolve to Study the Impact of a Maine-based (Resolve 2001, c. 124)	9/3/02	Monday – 9/30/02 10:00 a.m. Cross State Office Bldg. Room 208	06-Nov-02	
Community Preservation Advisory Committee, An Act to Establish the (PL 2001, c 648; sunsets 6/1/08)			Dec. 01 annually	Staffed by SPO; OPLA drafting assistance
County Jail Population, Cost and Reimbursement by the State, Joint Order to Study (HP 1731)			06-Nov-02	CRJ interim work. Gathering information. No meetings requested or scheduled yet. Likely only one meeting will be requested.
Family and Medical Leave for Maine Families, Resolve to Continue the Study of Benefits and Costs for Increasing Access to (Resolve 2001, c. 115)	9/9/02	Monday – 10/7/02 9:00 a.m. Cross State Office Bldg. Room 220	06-Nov-02	
Fatherhood Issues Study Commission, Resolve to Establish a (Resolve 2001, c. 121)	8/27/02	Thursday – 10/10/02 9:00 a.m. – 4:00 p.m. Cross State Office Bldg. Room 214	06-Nov-02	
Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	9/19/02	Tuesday – 10/1/02 10:00 a.m. – 2:00 p.m. Cross State Office Bldg. Room 202	06-Nov-03	
Health Care System and Health Security Board (PL 2001, c. 439, Part ZZZ)	October 2001 Continuation	Wednesday – 9/25/02 9:30 a.m. Room 427, State House	01-Dec-02	Draft report expected mid-October.
MCJUSTIS Board, Resolve to Implement the Recommendations of the (Resolve 1997, c. 105, PL 1999, c. 451, PL 1999, c. 790, Resolve 2001, c. 45)	Continuation		15-Dec-02	Beginning to send drafts to ROS

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
 Status as of 09/23/02 8:32:59 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Proposed Revisions to School Finance Laws and Recommendations to Implement the Essential Programs and Services Funding Model, Department of Education and State Board of Education Study (PL 2001, c. 660)		Monday – 10/21/02	15-Jan-03	Staffed by DOE; OPLA drafting assistance. DOE/SBE updating essential program and services model and drafting statutory revisions
Public Funds are Used to Acquire Conservation Easements, Resolve to Promote the Interests of the People of Maine when (Resolve 2001, c. 116)	Continuation		15-Jan-03	Staffed by SPO; work complete – will report to ACF in January
Rail Transportation, Resolve to Establish and Fund the Task Force on (Resolve 2001, c. 120)	8/9/02	Thursday – 10/03/02 1:00 p.m. State House Room 126	06-Nov-02	
Recodification of Title 12, chapters 701-721 (HP 613)	(Staff study – continuation)		15-Jan-02	Initial draft to ROS
Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462)	Continuation	10/23/02	31-Oct-02	
Stormwater Management in Developed Watersheds, Resolve to Establish the Task Force to Study the Effectiveness of (LD 2186)	May 31, 2002		06-Nov-02	NAT Interim work
Unfunded Liability of the MSRS and the Equity of Retirement Benefits for State Employees and Teachers, An Act to Address the (PL 2001, c 707)			06-Nov-02	1 of 7 members appointed
World War II and the Korean War Veterans in the Hall of Flags, Resolve to Recognize (PL 2001, c. 353)			04-Oct-02 Initial Rep. 01-Nov-02 Final Rep.	4 of 7 appointments made

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
 Status as of 09/23/02 8:32:59 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Youth Advisory Council, Legislative (PL 2001, c. 439, Part PPP (on-going beginning July 2002))	9/14/02	Friday - 9/20/02 9:00 a.m. - 4:00 p.m. Room 228 State House Friday - 10/18/02 9:00 a.m. - 4:00 p.m. Location (TBA)	Feb. 15th annually	

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**Subcommittee to Consider
Additional Security Measures
Meeting Summary
August 28, 2002 @ 3:00 p.m.**

Members present: Sen. Treat
Rep. Schneider
Millie MacFarland
Dave Boulter

Sen. Treat convened the subcommittee.

The subcommittee met to discuss the matter of installation of security cameras in the State House, and the Executive Branch's proposed response plans.

Richard Thompson, Director of the Bureau of Purchases, represented Building Control. Chief Switter had a scheduling conflict and was unable to attend the meeting.

The subcommittee discussed the information regarding security response and protocol that was submitted by Chief Switter and Building Control. Members generally concluded that although the information was helpful, the plan needed greater attention to response planning and procedures for specific incident scenarios. Subcommittee members felt that the following was necessary:

- 1 - training in the use of the security camera equipment, should include establishing camera-monitoring protocols;
- 2 - training of Capitol Security and Building Control personnel in response to likely incidents or emergencies;
- 3 - training be conducted either by Capitol Security personnel or in conjunction with officer training at the Criminal Justice Academy. [Note: Building Control personnel generally do not participate in CJA training sessions]; and
- 4 - fire drill training and practice drills for legislators.

Mr. Thompson commented that appropriate personnel have the technical equipment capability and the equipment provider could conduct additional equipment training. He noted that the operational response plan needed improvement and existing procedures now used in the Cross Building and the State House should be formalized in the response plan.

The subcommittee members concluded that with the implementation of the suggested training and the development of a more detailed monitoring and response plan the purchase and installation of the security cameras in the State House was appropriate.

Rep. Schneider made a motion that the Executive Director be authorized to purchase and install the security camera system in the State House in accordance with the earlier proposal submitted by E.S. Boulous Company. Sen. Treat seconded the motion and it was passed unanimously.

Sen. Treat then asked Mr. Thompson to work with Mr. Boulter, Capitol Security and Building Control personnel to arrange for appropriate training and develop a more detailed monitoring and response plan. Mr. Thompson agreed to do so. Mr. Boulter will arrange for fire drills for legislators, in consultation with legislative Leadership.

With no other matters pending, Senator Treat adjourned the subcommittee.

**Legislative Council
Space Committee**

**Meeting Summary
August 28, 2002**

Rep. Colwell, Space Committee Chair, convened meeting at 1:40PM.

Members present:

Rep. Colwell, Chair
Sen. Daggett
Sen. Small -- absent
Rep. Schneider -- joined in progress

Two items were considered:

1. Building Directory in State House
2. Progress Report on re-installation of dioramas by Maine State Museum

Item #1: State House Directory

As part of the North Wing renovations to the State House, the design plans called for a building directory to be placed in the lobby on the 1st floor. The south wall (adjacent to the Welcome Center entrance) has been reserved for a wall-mounted directory. Executive Director Boulter presented 2 proposals for a building directory: a preliminary proposal and budget estimate by Woodworth Associates of Portland; and a proposal by Welch Architectural Signage of Scarborough. The Woodworth proposal itemized costs for interior and exterior signs. Design fees for the interior signs were estimated to be \$13,750 and the cost for the proposed directory sign ranged from \$8,000 - \$16,000. The Welch proposal was approximately \$11,000. The sign would be brass plates with black lettering mounted on a Corian background.

Welch Architectural constructed the directory that is located in the Cross Building.

After a brief discussion, the Committee concluded that the lower bid proposed by Welch Architectural Signage would result in an appropriate, cost-effective directory for the State House. The chair asked Earle Shettleworth, Director of the MHPC who was present at the meeting for his comments, and Mr. Shettleworth concurred with the Committee's conclusion.

Rep. Colwell then made a motion that the lower bid be accepted and that the Executive Director be authorized to enter into an agreement with Welch Architectural Signage for the purchase and installation of a building directory for the State House, for a cost of approximately \$11,000. The motion was seconded by

Senator Daggett and passed unanimously. It was decided that no further Legislative Council or Committee action was needed on this matter. Installation is scheduled to be completed before December 1, 2002.

Item #2:Diorama Re-installation

Maine State Museum Director J.R. Phillips and staff member Sheila McDonald gave the committee a report on the progress the Museum is making to complete re-installation of the dioramas.

They reported that the flora that had been placed in storage was in remarkably good condition, thus facilitating re-installation. Much of the work on the flora is delicate and time-consuming; for example, the exhibit contains 90 trays of moss. The fauna is also being restored; the Museum reported that the animals contain far less hazardous substances (notably arsenic) than was anticipated.

Mr. Phillips reiterated that this project is the Museum's top priority. The Museum staff also reported on the results of their efforts to obtain outside sources of funding. The request made to L.L. Bean, Inc. was declined. The Museum should hear word in September whether the Fisher Foundation has approved its \$35,000 request.

Lastly, the Museum staff indicated that it has revised downward its budget for the project, to \$40,000. This would represent a savings of about \$26,000. The current schedule calls for the project to be completed by July, 2003.

With all matters before the Committee having been decided, the Committee adjourned.