

MAINE STATE LEGISLATURE

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REP. MICHAEL V. SAXL
CHAIR

SEN. MICHAEL H. MICHAUD
VICE-CHAIR

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MARY E. SMALL
JUL 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
November 20, 2002
Approved December 16, 2002**

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 1:17 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Davis Absent: Sen. Michaud, Sen. Daggett, Sen. Small, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Pamela Cahill, Secretary of the Senate 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 OCTOBER 30, 2002 COUNCIL MEETING

Motion: That the Meeting Summary of October 30, 2002 be accepted and placed on file.
(Motion by Sen. Davis, second by Rep. Bruno, unanimous)

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported that the first phase of the employee unionization campaign was completed and as of November 19, 2002 one group of legislative employees is now represented by MSEA. Discussions will be underway regarding terms and conditions of employment. Union matters will involve full Council involvement. The second union item reported on was that employees in the legislative professionals bargaining unit will vote whether to be represented by union. That procedure is being completed by the Labor Relations Board and ballots are due back Monday, December 9.

Executive Director Boulter reminded members of the New Member Orientation that is to be held on November 21, 2002 and the Pre-Legislative Conference to be held December 2 – 4, 2002. Both events are sponsored by the out-going Legislative Council.

Mr. Boulter also reported that the East Entrance should be completed by mid-December.

Mr. Boulter thanked the Council members for their support to all staff during the 120th Legislature.

Speaker Saxl thanked all the members of the Council for their participation, and for taking substantial steps forward for the Legislature on a variety of projects and issues. Speaker Saxl thanked the staff for all of their work and the tremendous job done every day in the operation of the Legislature. He thanked all staff on behalf of the Council, the entire Legislature and on behalf of all the people of Maine.

No Council action required.

- **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 October, 2002**

- The General Fund was ahead of revenue projections by \$17.7 million through October. Although the General Fund appeared to have a sizeable positive revenue variance for the first 1/3 of the fiscal year, that revenue variance is largely due to timing issues.
- The Highway Fund was down by \$1.2 million in October, but was ahead of projections year-to-date.

- 2. Economic Forecast Revisions**

The Consensus Economic Forecasting Committee met on October 21, 2002 and made several additional revisions to its initial forecast in response to concerns raised by the Revenue Forecasting Committee. Mr. Pennoyer said there was a change on November 14, 2002 that will cause a further downward adjustment to revenue projections. The

distribution of the components of Personal Income were shifted in a way to present a more consistent picture.

3. Revenue Forecasting Committee Schedule

The Revenue Forecasting Committee is scheduled to meet November 21, 2002 at 9:00 am. The Committee should have a good sense of revenue projections through fiscal year 2007. December 1, 2002 is the Committee's statutory reporting deadline.

4. Cash Pool Status

The summary of the September 2002 Cash Pool, without the Tax Anticipation Note and some Reserve balances, is \$218 million in the negative. The General Fund was \$76.4 million positive with the TAN issued in August.

5. Budget Bill Formats

Mr. Pennoyer asked if the Legislature should continue to use the line-item budget format (modified somewhat by the Performance Budgeting initiative) or should Performance Measures be included in the budget bills as enacted. The Legislature is still on the Wang bill production system to produce bills for the 121st First Regular Session, and would continue to use the same format until it is able to move to a more flexible program. Speaker Saxl did not believe that the 120th Legislative Council should make that determination for the 121st Legislature. Council members agreed with the Speaker that the Legislature was not in a position to use performance based budgeting at this time.

No Council action taken.

• Office of Information Services' Report

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

1. Migration – Bill Drafting System

- Hewlett-Packard's (Compaq) senior management will be meeting with the Legislature to present their plan for resolving the issues of inadequate application software processing speed. A meeting has been scheduled for Monday, November 25, 2002 to discuss the problems with the processing speed. The system will not be accepted until the application software meets the performance needs of the Legislature.

2. Conversion to Director Internet Access

The new email address was tested November 19, 2002 and appeared to be in working order. Mr. Mayotte is taking extra steps to ensure that the Bureau of Information Services' system has all their security needs met. Full conversion will be completed by November 30, 2002. Users do not need to take any actions at this time, as the old email address will still function.

No Council action is required.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, gave an update on the status of interim studies. Attached to the Meeting Summary is the Progress Report on the Legislative Studies as of October 24, 2002 that was provided by Mr. Elliott.

No Council action is required.

Speaker Saxl asked if there was objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Items 2 and 3.**

NEW BUSINESS

Item #1: Submission of Study Report

- **Blue Ribbon Commission to Address the Finance of Long-Term Care (letter from Sen. Betty Lou Mitchell, Senate Chair and Rep. Thomas Kane, House Chair).**

David Elliott said the Blue Ribbon Commission has completed its interim report, and its final report is due November, 2003. The request of the Commission is for the Council to accept the interim report.

Motion: That the Blue Ribbon Commission to Address the Finance of Long-Term Care's interim report be accepted and placed on file. (Motion by Rep. Colwell, second by Rep. Bruno, unanimous).

Item #2: Submission of Work Plan and Budget

- **Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers**

Mr. Elliott said the Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers' is requesting approval of its work plan and proposed budget. The Task Force's work plan and budget is within the money authorized in the bill and gets them to the extended reporting deadline.

Motion: That the proposed work plan and budget be approved. (Motion by Rep. Norbert, second by Rep. Colwell, unanimous).

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl, Chair of the Personnel Committee, reported that the Committee had approved Personnel Policies for partisan and non-partisan staff and committee clerks through the Legislative Council and the Presiding Officers' actions.

Speaker Saxl reported that the performance reviews of Lynn Randall, State Law Librarian, Paul Mayotte, Director, Legislative Information Services and David Boulter, Executive Director of the Legislative Council were completed and that Margaret Matheson's, Revisor

of Statutes, review was completed last month by the Personnel Committee. Ms. Matheson's 3-year term as Revisor of Statutes has expired and Ms. Matheson seeks reappointment to the position.

Motion: That upon the unanimous recommendation of the Personnel Committee, Margaret Matheson be reappointed to a 3-year term as the Revisor of Statutes, the date of re-appointment being retroactive to November 8, 2002. (Motion by Speaker Saxl, second by Rep. Bruno, unanimous).

Note: As of the meeting, the Personnel Committee had recommended to the presiding officers that the revised personnel policies handbook for Leadership staff and Clerk's Office and Secretary's Office staff be approved, but the presiding officers had not acted on the recommendation. Therefore, only the personnel policies for Legislative Council staff and Committee Clerks have formally been approved.

- **Technology and Migration Committee**

The Technology and Migration Committee did not meet this month.

- **Space Committee**

The Space Committee did not meet this month.

OLD BUSINESS

None

NEW BUSINESS

Item #3: Recommended Changes to Legislative Emergency Procedures

Mr. Boulter said Michael Cote, Senior Sgt-at-Arms, submitted information regarding recommended changes to Legislative Emergency Procedures. He believed an appropriate action would be to refer the matter the Space Committee for review.

Motion: That the recommended changes to legislative emergency procedures be referred to the Space Committee for review and recommendation. (Motion by Rep. Colwell, second by Rep. Schneider, unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

That the Legislative Council meeting was adjourned at 1:47 p.m. (Motion by Sen. Davis, second by Rep. Norbert, unanimous).

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
Status as of 12/11/02 12:07:19 PM

<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)	8/28/02	No more meetings	04-Dec-02	Report complete
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	No more meetings	15-Dec-02	Report being drafted
Community Preservation Advisory Committee, An Act to Establish the (PL 2001, c 648; sunsets 6/1/08)	10/21/02	Jan. 14, 2003	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.
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	No more meetings	15-Dec-02	Report being drafted
Fatherhood Issues Study Commission, Resolve to Establish a (Resolve 2001, c. 121)	8/27/02	No more meetings	06-Nov-02	Drafting report; drafting legislation
Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	9/19/02		06-Nov-03	Interim report complete
Health Care System and Health Security Board (PL 2001, c. 439, Part ZZZ)	October 2001 Continuation	Wednesday – 12/18/02 9:30 a.m. – 3:00 p.m. State House Room 427	15-Jan-03	
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	Initial draft of legislation to ROS

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
 Status as of 12/11/02 12:28:19 PM

<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)			15-Jan-03	Staffed by DOE; OPLA drafting assistance. DOE/SBE updating essential program and services model
Public Funds are Used to Acquire Conservation Easements, Resolve to Promote the Interests of the People of Maine when (Resolve 2001, c. 116)	Continuation	No more meetings	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	No more meetings	06-Nov-02	Report complete
Recodification of Title 12, chapters 701-721 (HP 613)	(Staff study – continuation)		15-Jan-02	Draft of legislation to ROS
Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462)	Continuation	No more meetings	15-Nov-02	Report complete
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)	Nov. 8, 2002	No more meetings	13-Dec-02	Report being drafted
World War II and the Korean War Veterans in the Hall of Flags, Resolve to Recognize (Resolve 2001, c. 113)	11/30/02		04-Oct-02 Initial Rep. 01-Nov-02 Final Rep. Extension granted	
Youth Advisory Council, Legislative (PL 2001, c. 439, Part PPP)	9/14/02		Feb. 15th annually	First annual report being drafted; Legislation being drafted