

LEGISLATIVE COUNCIL
March 26, 2003
REVISED AGENDA

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MARCH 4, 2003 COUNCIL MEETING	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	Information
6	• Executive Director's Report	
11	• Fiscal Report (Pennoyer)	
	• Office of Information Services' Report (Mayotte)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Rep. Richardson, Chair)	
	- Longevity Stipend for 2003	Decision
	• State House Facilities Committee (Sen. Gagnon, Chair)	
	No report	

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
OLD BUSINESS		
12	Item #1: Council Actions Taken by Ballot	Information
NEW BUSINESS		
14/18	Item #1: Consideration of After Deadline Bill Requests	Decision
19	Item #2: Consideration of Additional Security Measures for the State House	Decision
31	Item #3: Report on the Public Meeting Requirement for Discounted Internet Connection to Law and Legislative Reference Library (Memo from Lynn Randall, State Law Librarian)	Information
	Item #4: Submission of Annual Report	
32	<ul style="list-style-type: none"> • Community Preservation Advisory Committee 	Information

COLLECTIVE BARGAINING (Executive Session)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. BEVERLY C. DAGGETT
CHAIR

REP. PATRICK COLWELL
VICE-CHAIR



121st MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

SEN. SHARON ANGLIN TREAT
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CHANDLER E. WOODCOCK
REP. JOHN RICHARDSON
REP. JOSEPH BRUNO
REP. ROBERT W. DUPLESSIE
REP. DAVID E. BOWLES

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY March 4, 2003

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 4:54 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Daggett, Sen. Treat, Sen. Davis, Sen. Gagnon Sen. Woodcock
Representatives:	Speaker Colwell, Rep. Richardson, Rep. Bruno, Rep. Duplessie, Rep. Bowles
Legislative Officers:	Joy O'Brien, 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 FEBRUARY 19, 2003 COUNCIL MEETING

Motion: That the Meeting Summary of February 19, 2003 be accepted and placed on file. (Motion by Rep. Bruno, second by Rep. Duplessie, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

No Reports

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

No Report

- **Technology and Migration Committee**

No Report

- **Space Committee**

No Report

OLD BUSINESS

None

NEW BUSINESS

Item #1: Review of the Legislature's FY 04/05 Budget

This special meeting of the Legislative Council was convened for the purpose of reviewing the proposed legislative budget for FY 04/05. Representative Richardson presented the Democratic Option of the Proposed Legislative Budget for the 2004-2005 biennium that would modify the budget presented by the Governor in the budget bill (LD 1319). He said the Democrats considered "flat funding" as a bench mark in order to determine the relative increase in the budget. He explained that in calculating the increase, the Democrats considered the FY 03 budget doubled as flat funding, the formula used by the Governor for agencies. Based on that formula, Rep. Richardson said the Democratic option represents a 1.54% increase to the legislative budget over the biennium, totaling \$4,798,055 in cuts to the legislative budget. Rep. Richardson proposed that the Legislative Council accept the \$4,798,055 cuts and then identify further cuts within the next two weeks to bring the increase of the 1.54% to zero. Rep. Richardson listed some of the recommendations in the Democratic Option:

1. Reduce the length of the second regular session by one week;
2. Reduce out-of-state travel to \$100,000 per year;
3. Eliminate funding for OPEGA;
4. Eliminate longevity payments to legislative staff for the biennium;
5. Postpone step increases to legislative staff for the biennium;
6. Eliminate funding for the COLA for legislators for the biennium;
7. Reduce All Other funding by 5% for all legislative offices;
8. Eliminate 2 House positions, 1 from each of the partisan offices;
9. Eliminate 2 committee clerk positions;
10. Eliminate 2 Legislative Council staff positions;
11. Lower the printing and advertising costs and increase use of concept drafting, savings totaling \$350,000.

A copy of the Proposed Legislative Budget – Democratic Option for the 2004-2005 Biennium and the Republican Option are attached to this Meeting Summary.

Motion: That Legislative Council accept the proposed budget reductions specified in the Democratic Option and then to identify further cuts to bring the 1.54% increase down to zero. (Motion by Rep. Richardson, second by Sen. Treat).

Discussion: Rep. Bruno asked if the motion included the reductions to the Law and Legislative Reference Library budget as presented in the Democratic Option. The answer was no.

Rep. Bruno inquired as to why the House Minority Office would be required under the Democratic Option to reduce staff when the Republicans in the House gained seats in the last election. Based on proportionality of representation, Rep. Bruno concluded that the House Republican Office should not lose a staff position. Rep. Richardson responded that he and the other Democrats believe that eliminating 1 position from the House Democratic and Republican Offices places the offices in an appropriate staffing proportion.

A tabling motion was then presented.

Motion: That the motion to accept the Democratic Option be tabled. (Motion by Rep. Richardson, second by Sen. Treat, motion approved, unanimous).

RECESS

Sen. Daggett then recessed the Legislative Council at 5:10 p.m. for the purpose of allowing the members to caucus.

RECONVENE

Chair Daggett reconvened the Legislative Council at 5:40 p.m. and proceeded with the discussion of Item 1 under New Business.

With the Democratic Option motion having been tabled, Rep. Bruno presented a new motion regarding the legislative budget.

Motion: That the Legislative Council table final action on the proposed legislative budget for FY 04/05, request a ten-day time extension from the Appropriations and Financial Affairs Committee for reporting the budget and that the full Legislative Council meet the following week to consider the Democratic and Republican budget options in greater detail. (Motion by Rep. Bruno, second by Rep. Bowles).

Discussion: Speaker Colwell said he would not support the motion. Sen. Treat felt there was only 1 item in the Republican proposal that is completely different in the Democratic proposal, that being the reduced work year. She believed that after an explanation of that proposal, both budget reduction proposals were similar and, therefore, the Legislative Council could make its decision quickly.

Sen. Daggett reminded the Legislative Council members of the pending motion.

Further discussion then followed regarding the Democratic and Republican budget proposals.

Sen. Woodcock believed the Republican Option was a responsible one but that it was unlike the Democratic Option as had been stated earlier. The Democratic Option would decrease the total budget by \$4.79 million and the Republican Option would reduce it by \$7.96 million, a difference of \$3.2

million. He viewed the difference as the difference between flat funding, using a biennial to biennial budget comparison, and a 6.4% increase in the budget.

Sen. Davis, a Budget Subcommittee member, felt the Council members were not given sufficient time to study or discuss the budget and that another meeting should be scheduled. He reminded members that even small towns give much greater attention to their budgets.

Rep. Bruno asked how the Democratic Option would achieve \$350,000 in savings through reduced printing and advertising costs. Sen. Treat said that was a target number, exactly how much can be achieved in any one area was uncertain but she was certain that it can be achieved in a number of ways. She said that the Democrats had calculated that the cost of drafting a single bill is \$10,000. Consequently they would like to move the Legislature toward an additional number of concept draft bills, as much as a 5 or 10 percent increase in concept drafting. This would result in savings, both in staff time and also in printing time. In addition, to reduce printing costs there would be a reduction in the number of study committee reports to be printed. Many are now available on the Web. Executive summaries would be sent out instead. Advertising cost was the 3rd savings area. She felt those items together would result in the \$350,000 savings over a 2 year period of time.

President Daggett inquired whether members were ready to vote on the motion that the Legislative Council postpone final action and meet the following week. (Motion again by Rep. Bruno, second by Rep. Bowles, motion failed 4-5, Sen. Treat, Sen. Gagnon, President Daggett, Speaker Colwell, Rep. Duplessie opposed, Sen. Woodcock absent for the vote).

The Legislative Council then turned its attention to the original tabled matter. A motion was made and seconded to remove the item from the table. The Chair ruled that the motion passed 5-4, (Sen. Davis, Rep. Duplessie, Rep. Bruno and Rep. Bowles opposed, Sen. Woodcock was absent for the vote).

Discussion: There was discussion on the procedure for presenting information to the Appropriations Committee. Rep. Bruno inquired whether a minority report is permissible. Executive Director Boulter responded that he believed that it is the Legislative Council's decision whether to allow minority reports. He reminded members that March 10th is the date when the Appropriations and Financial Affairs Committee would hold a hearing on the Governor's proposal for the Legislative accounts. Minority reports are not generally offered during public hearings. It would be most appropriate to present a minority report at the work session on March 11, 2003 when amendments may be offered.

The Republican budget proposal was then discussed briefly, including the proposal that legislative employees work a 10 month work schedule since workload decreases significantly during the interim. Also included in the Republican proposal were a \$10,000 per year reduction to funding Legislative studies and \$32,000 reduction in capital equipment purchases.

Chair Daggett drew the members' attention to the section of the Democratic Option that relates to Law and Legislative Reference Library. She stated that it was her understanding that the Democratic Option and motion offered was intended to include the elimination of step increases and longevity payments for Library staff and a 5% reduction in All Other, consistent with those budget reductions applicable to other legislative offices.

Rep. Richardson commented that was correct, but then offered an amendment to his original motion to clarify the inclusion of the reductions to the Library.

Rep. Richardson then amended his original motion.

Motion: That the Legislative Council include budget reductions to the Law and Legislative Reference Library accounts comparable to that of other legislative offices. (Motion by Rep. Richardson, second by Rep. Colwell).

Discussion: There was further discussion regarding the percentage increase in the budget that would result from in each proposal and how those percentages were calculated.

Chair Daggett then called for a vote on the amendment to the motion.

(Motion by Rep. Richardson, second by Rep. Colwell, passed 6-3, Sen. Davis, Rep. Bruno, Rep. Bowles opposed, Sen. Woodcock absent for the vote).

A new motion followed.

Motion: That \$32,000 budgeted for the purchase of capital equipment be included within the Democratic proposed legislative budget reductions. (Motion by Rep. Bowles, second by Rep. Bruno, motion failed 3-6, Sen. Treat, Sen. Gagnon, President Daggett, Speaker Colwell, Rep. Richardson and Rep. Duplessie opposed).

Chair Daggett then called for a vote on the pending motion as amended, that motion being:

Motion: That the Legislative Council accept the proposed reductions to the Legislative budget for FY 04/05 as described in the Democratic Option handout, totaling \$4,798,055; further to accept reductions to the Law and Legislative Reference budget applicable to personnel compensation and 5% reduction to All Other; further reduce funding for miscellaneous legislative studies by \$10,000 each year; and convey the approved budget reductions to the Appropriations and Financial Affairs Committee. (Motion by Rep. Richardson, second by Rep. Colwell, motion passed 6-2, Sen. Davis, Rep. Bowles opposed, Sen. Woodcock and Rep. Bruno were absent for the vote).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 6:27 p.m. (Motion by Rep. Duplessie, second by Sen. Treat, unanimous).

Fiscal Briefing for the Legislative Council

Legislative Council Meeting

March 26, 2003

Updated Version

*Prepared by the
Office of Fiscal & Program Review*

1. General Fund and Highway Fund Revenue Variances for February 2003 (Reflects March 2003 Revenue Forecasting Committee Revisions) (See Attached Summary of February Revenue)

- General Fund – Advanced copy of Fiscal Briefing included revenue summary for February was based on December 2002 Forecast and showed a substantial negative variance in Individual Income Tax of \$18.0 million, reversing what had been a positive variance in that line of \$11.1M through January
- Adjusted for March 2003 Revenue Revisions:
General Fund – Over budget by \$2.5M in Feb./Over FY-T-D by \$7.2M
 - Lottery Revenue - Over budget by \$1.2M in Feb./Under FY-T-D by \$0.2M
 - Insurance Tax - Over budget by \$0.9M in Feb./Over FY-T-D by \$3.3M
 - Estate Tax - Under budget by \$0.2M in Feb./Over FY-T-D by \$3.7M
 - Cigarette Tax - Under budget by \$0.9M in Feb./Under FY-T-D by \$3.2MFor the major tax lines that were revised, Sales and Individual Income Taxes, the monthly distribution was revised based on actual collections through February so that no major variances exist at this point
- Highway Fund – Under Budget by \$0.8M in Feb./Over for FY-T-D by \$1.5M
Note: Highway Fund was not affected by the March 2003 Revenue Revisions

2. Cash Pool Status

- January 2003 Cash Pool Summary (see attached and OFPR's web page)
 - General Fund \$12.8 million positive which reflects the TAN issue in August
 - Absent the \$250 million TAN balance and the other reserve fund balances the General Fund was \$282.1 million negative
- General Fund – History of Cash Balances (see attached and OFPR's web page)
 - General Fund 12-month moving average, the trend, has flattened out recently

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2003
Based on All Actions of the 120th Legislature and December 2002 Revenue Projections

FEBRUARY 2003

FUND Revenue Line	Feb. '03 Budget	Feb. '03 Actual	Feb. '03 Var.	FY03 Budget YTD	FY03 Actual YTD	FY03 Variance YTD	FY03 Budgeted Totals
GF Sales and Use Tax	55,446,665	55,341,287.63	(105,377.37)	520,851,522	517,736,416.76	(3,115,105.24)	868,208,278
GF Individual Income Tax	41,530,433	23,555,163.98	(17,975,269.02)	661,620,748	654,774,395.14	(6,846,352.86)	1,070,028,696
GF Corporate Income Tax	(1,931,688)	438,594.62	2,370,282.62	44,190,559	40,968,992.42	(3,221,566.58)	93,064,397
GF Cigarette and Tobacco Tax	8,695,241	7,769,775.75	(925,465.25)	69,506,541	66,258,453.04	(3,248,087.96)	105,684,505
GF Public Utilities Tax	0	14,380.99	14,380.99	(150,000)	(128,030.21)	21,969.79	30,400,000
GF Insurance Companies Tax	221,561	1,154,875.85	933,314.85	9,558,557	12,841,691.98	3,283,134.98	56,646,354
GF Estate Tax	1,966,615	1,717,198.28	(249,416.72)	12,022,004	15,687,809.35	3,665,805.35	23,821,692
GF Property Tax - Unorganized Territory	0	0.00	0.00	8,843,744	9,300,585.00	456,841.00	10,162,545
GF Income from Investments	151,808	232,759.90	80,951.90	1,529,352	1,839,725.93	310,373.93	1,889,000
GF Transfer to Municipal Revenue Sharing	(4,847,316)	(4,046,087.36)	801,228.64	(62,559,805)	(61,887,470.01)	672,334.99	(103,596,370)
GF Transfer from Liquor Commission	1,830,667	1,718,643.04	(112,023.96)	18,077,914	17,906,029.80	(171,884.20)	26,290,223
GF Transfer from Lottery Commission	3,124,706	4,294,067.91	1,169,361.91	26,173,569	25,691,788.58	(481,780.42)	39,335,176
GF Other Revenue	12,183,087	14,095,616.17	1,912,529.17	93,903,293	97,404,428.56	3,501,135.56	160,125,432
GF Totals	118,371,779	106,286,276.76	(12,085,502.24)	1,403,567,998	1,398,394,816.34	(5,173,181.66)	2,382,059,928
HF Fuel Taxes	14,632,083	13,620,863.97	(1,011,219.03)	109,724,943	109,836,949.34	112,006.34	187,500,000
HF Motor Vehicle Registration and Fees	6,228,942	6,970,830.32	741,888.32	48,395,476	50,121,016.90	1,725,540.90	79,432,966
HF Inspection Fees	437,970	129,438.15	(308,531.85)	2,264,983	2,702,211.16	437,228.16	3,683,907
HF Fines	281,931	215,763.67	(66,167.33)	1,879,797	1,647,895.07	(231,901.93)	3,057,180
HF Income from Investments	122,712	105,831.71	(16,880.29)	920,412	868,365.77	(52,046.23)	1,418,000
HF Other Revenue	689,575	567,638.39	(121,936.61)	6,737,317	6,264,749.42	(472,567.58)	9,064,514
HF Totals	22,393,213	21,610,366.21	(782,846.79)	169,922,928	171,441,187.66	1,518,259.66	284,156,567

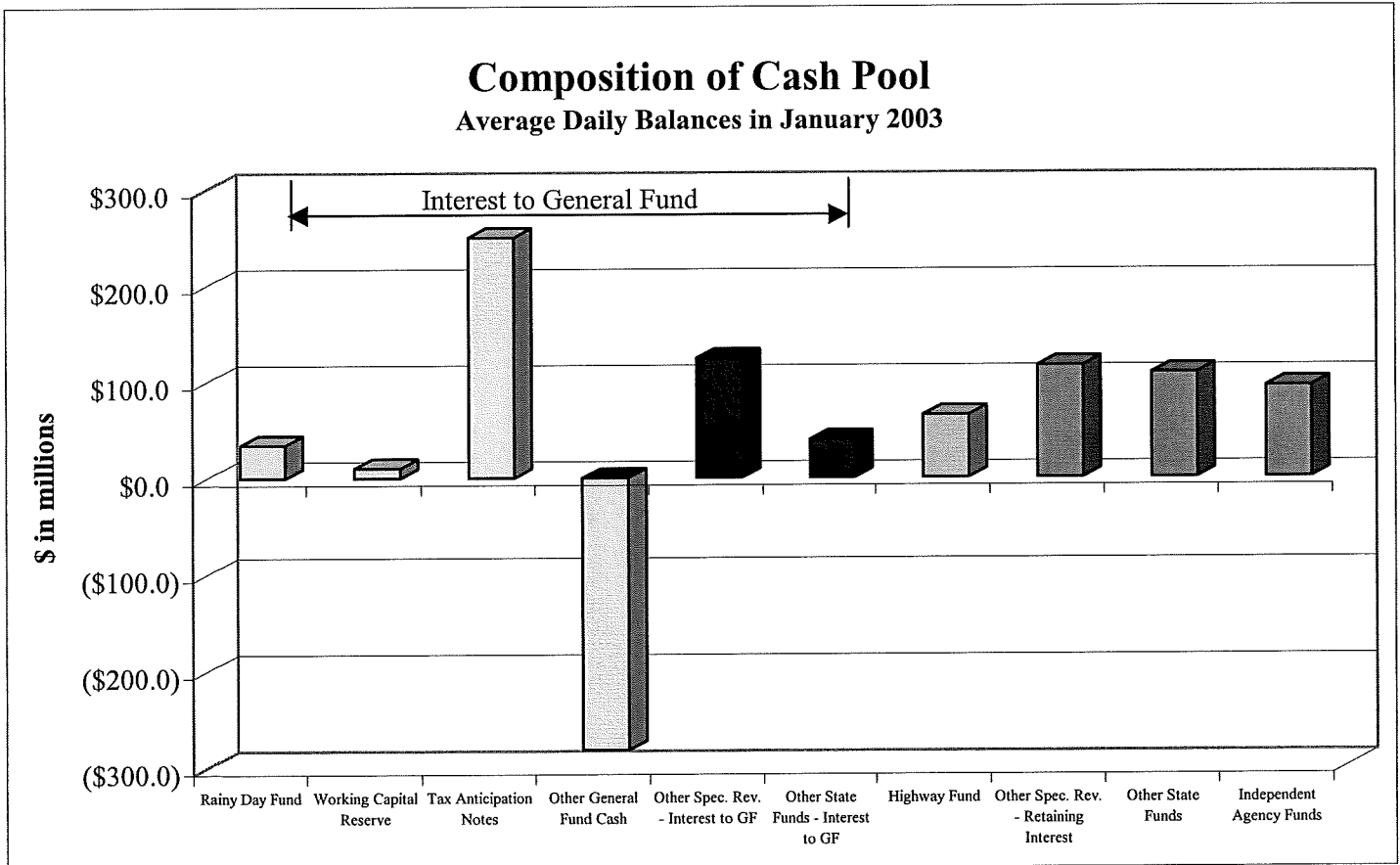
General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2003
Based on All Actions of the 120th Legislature, PL 2003, c. 2 and March 2003 Revenue Projections

FEBRUARY 2003

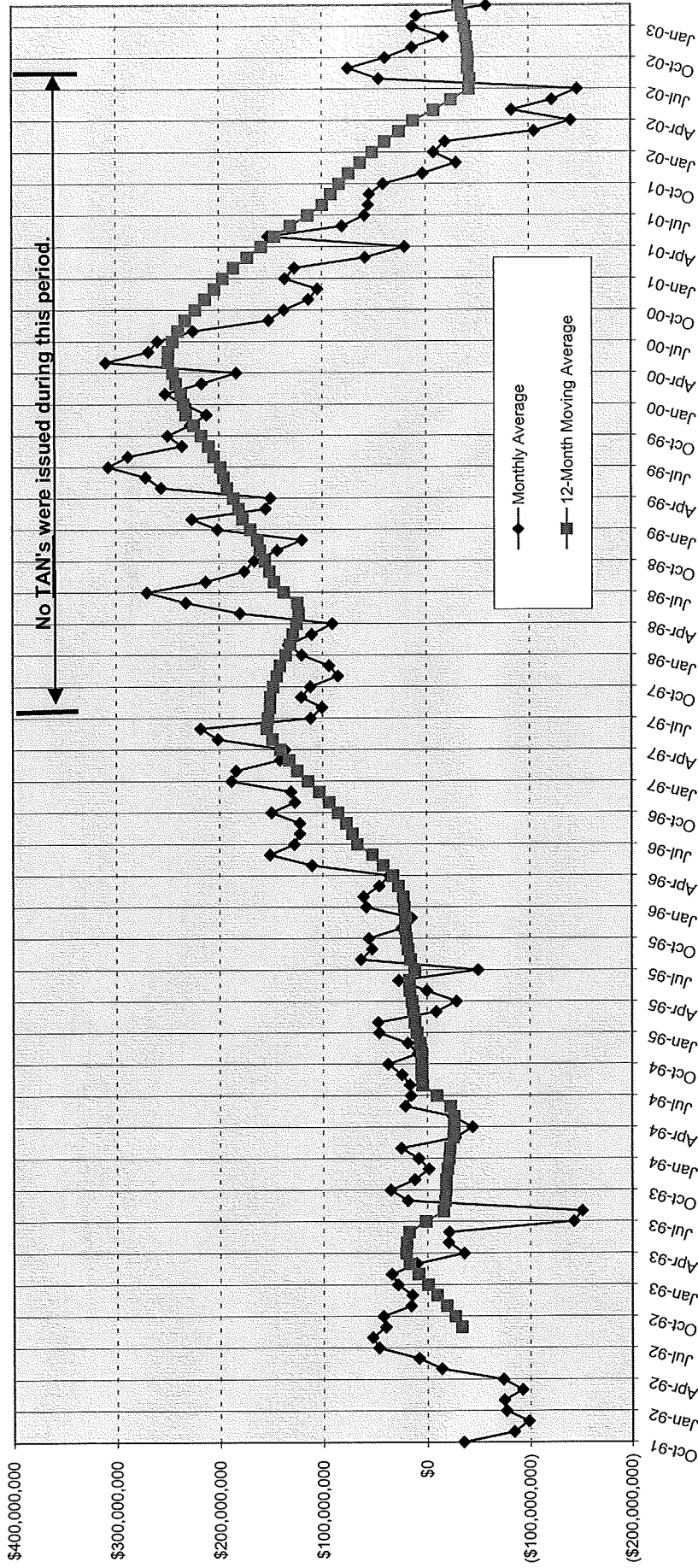
FUND Revenue Line	Feb. '03 Budget	Feb. '03 Actual	Feb. '03 Var.	FY03 Budget YTD	FY03 Actual YTD	FY03 Variance YTD	FY03 Budgeted Totals
GF Sales and Use Tax	55,341,288	55,341,287.63	(0.37)	517,736,417	517,736,416.76	(0.24)	861,578,278
GF Individual Income Tax	23,360,433	23,555,163.98	194,730.98	654,065,665	654,774,395.14	708,730.14	1,063,483,417
GF Corporate Income Tax	500,000	438,594.62	(61,405.38)	41,030,396	40,968,992.42	(61,403.58)	88,170,000
GF Cigarette and Tobacco Tax	8,695,241	7,769,775.75	(925,465.25)	69,506,541	66,258,453.04	(3,248,087.96)	105,684,505
GF Public Utilities Tax	0	14,380.99	14,380.99	(150,000)	(128,030.21)	21,969.79	30,400,000
GF Insurance Companies Tax	221,561	1,154,875.85	933,314.85	9,558,557	12,841,691.98	3,283,134.98	56,646,354
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GF Property Tax - Unorganized Territory	0	0.00	0.00	8,843,744	9,300,585.00	456,841.00	10,162,545
GF Income from Investments	151,808	232,759.90	80,951.90	1,529,352	1,839,725.93	310,373.93	1,889,000
GF Transfer to Municipal Revenue Sharing	(4,039,288)	(4,046,087.36)	(6,799.36)	(61,854,456)	(61,887,470.01)	(33,014.01)	(102,674,817)
GF Transfer from Liquor Commission	1,830,667	1,718,643.04	(112,023.96)	18,077,914	17,906,029.80	(171,884.20)	26,290,223
GF Transfer from Lottery Commission	3,124,706	4,294,067.91	1,169,361.91	26,173,569	25,691,788.58	(481,780.42)	39,635,176
GF Other Revenue	12,678,031	14,095,616.17	1,417,585.17	94,618,284	97,404,428.56	2,786,144.56	161,812,736
GF Totals	103,831,062	106,286,276.76	2,455,214.76	1,391,157,987	1,398,394,816.34	7,236,829.34	2,366,899,109
HF Fuel Taxes	14,632,083	13,620,863.97	(1,011,219.03)	109,724,943	109,836,949.34	112,006.34	187,500,000
HF Motor Vehicle Registration and Fees	6,228,942	6,970,830.32	741,888.32	48,395,476	50,121,016.90	1,725,540.90	79,432,966
HF Inspection Fees	437,970	129,438.15	(308,531.85)	2,264,983	2,702,211.16	437,228.16	3,683,907
HF Fines	281,931	215,763.67	(66,167.33)	1,879,797	1,647,895.07	(231,901.93)	3,057,180
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HF Totals	22,393,213	21,610,366.21	(782,846.79)	169,922,928	171,441,187.66	1,518,259.66	284,156,567

Composition of State's Cash Pool January 2003 Average Daily Balances

	January 2003
General Fund - Total	\$12,763,696
General Fund - Detail	
Rainy Day Fund	\$34,376,811
Working Capital Reserve	\$10,500,000
Tax Anticipation Notes	\$250,000,000
General Fund - Other	(\$282,113,115)
Highway Fund	\$65,058,356
Other Special Revenue - Contributing to General Fund	\$123,972,578
Other Special Revenue - Retaining Interest Earned	\$116,156,315
Other State Funds - Contributing Interest to General Fund	\$39,631,913
Other State Funds	\$108,540,146
Independent Agency Funds	\$94,728,900
Total Cash Pool	\$560,851,904



GENERAL FUND
DAILY STARTING CASH BALANCES



TAX ANTICIPATION NOTES (TAN's) - History from FY 1990-91 ⁽¹⁾

Fiscal Year	Amount Authorized	Amount Issued	Reference
2002-03 ⁽¹⁾	\$285,688,079	\$250,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
1997-98	\$100,000,000	\$0	PL 1997, c. 24, §F-1 (Repealed by PL 1997, c. 643, §E-5)
1996-97	\$190,000,000	\$150,000,000	PL 1995, c. 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: ⁽¹⁾ 5 MRSA, §150 provides the statutory authorization for Tax Anticipation Notes. As amended by PL 2001, c. 705, the limit is the same as that imposed by the Constitution of Maine, Article IX, Sec. 14, 10% of total General Fund appropriations and Highway Fund allocations or 1% of the State Valuation, whichever is less. The amount authorized for fiscal year 2002-03 reflects General Fund appropriations and Highway Fund allocations for fiscal year 2002-03 through the 120th Legislature. Special exceptions to the general authorization levels are detailed in this table.

**121st MAINE STATE LEGISLATURE
Legislative Council
Technology Report**

March 26, 2003

- I. Remote Access to the Legislative Network**
 - a. Objective – Provide secure remote access to the Legislative network over the Internet**
 - b. Virtual private network (VPN) technology installed**
 - c. Remote testing is underway**
 - d. A successful remote access link has been established between a remote access PC using Windows 98 and the network**
 - e. Several unresolved issues remain with remote PCs using Windows XP**

- II. Migration – Bill Drafting System Performance**
 - a. On March 19th, H-P provided the Legislature with its plan to correct the performance issue and to close out the remaining problem log items**
 - b. H-P will make modifications to the software code and the database design to improve performance**
 - c. H-P is also considering upgrading the version of the SQL database software and is looking at the option of a faster server**
 - d. H-P's schedule has the corrected software being installed in June after the end of session with acceptance testing to follow**

**Actions Taken by Ballot by
the Legislative Council Since
the February 19, 2003 Council Meeting**

1. Request for Introduction of Legislative

A. LR 2013: An Act to Encourage Economic Development In Piscataquis

Submitted by: Senator Paul Davis

Accepted: February 25, 2003, 10 - 0 - 0 - 0

B. LR 2018 JOINT RESOLUTION MEMORIALIZING THE PHARMACEUTICAL
INDUSTRY TO RESUME PRESCRIPTION DRUG DELIVERES TO
CANADIAN PHARMACIES THAT SELL PRESCRIPTION DRUGS
TO AMERICAN CITIZENS

Submitted by: Senator Arthur Mayo

Accepted: February 26, 2003, 8 - 2 - 0 - 0

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

March 20, 2003

TO:

SUBJECT: **Your After Deadline Bill Request(s)**

D.B.

The Legislative Council has scheduled its next meeting for:

**Wednesday
March 26, 2003
2:00 p.m.
Room 334, Legislative Council Chamber**

The Council will consider After Deadline Bill Requests at that time, including the request(s) you have filed in the Revisor's Office. The Council is also required by Joint Rule 35 to decide all requests for Memorials (Joint Resolutions that memorialize another governmental agency or official) for introduction.

You should plan to attend this Council meeting or present your request(s) to a member of the Legislative Council prior to the meeting. The Council may, but is not obligated to, table a request until the following meeting if the sponsor is not present, so it will have the benefit of information from the sponsor when it votes.

The Council's review of After Deadline Requests is pursuant to Joint Rule. Please be advised that the Council now asks all sponsors to first research whether there is an existing bill or LR available to a committee that could accommodate their request. The review procedure then will be as follows:

1. The Council Chair, President Beverly Daggett, will read the name of the sponsor and the title of the request.
2. Once recognized to speak by the Chair, the sponsor will probably be asked:
 - Why the bill request is "late" (filed after the cloture date);
 - Why the bill request constitutes an emergency such that the Legislature needs to consider the bill this session; and
 - Whether the probable committee of jurisdiction has a bill already referred to it that could be amended to include the proposal.

Council members may also ask questions related to the content or the intent of the bill.

3. Council members vote on bill requests individually; a roll call vote is required pursuant to Joint Rule.

A complete list of the Council's action on After Deadline Requests is distributed to Council members and all sponsors as soon after adjournment of the Council meeting as possible. The roll call votes are available in the Executive Director's office if you should have any questions.

I hope this information is useful. Please drop by or call me if you have any questions.

cc: Members, Legislative Council

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
March 20, 2003

Action

SPONSOR: Rep. Colwell, Patrick

LR 2027 An Act To Enhance Consumer Protections *In*

SPONSOR: Sen. Daggett, Beverly C.

LR 2051 An Act To Change the Tax Laws as They Apply to
Combat Troops *In*

SPONSOR: Rep. Daigle, Robert A.

LR 2043 An Act To Allow Collaborative Relationships Between
Public and Parochial Schools

Out
Reconsider
Motion to let
in fails
5-11
Out

SPONSOR: Sen. Hall, Christopher

LR 2047 An Act To Amend the Lincoln County Budget Committee
Process

SPONSOR: Rep. Koffman, Theodore

LR 2036 An Act To Allow a Licensed Brewery to Maintain Up to 2
Additional Locations

SPONSOR: Sen. Martin, John L.

LR 2034 An Act to Exempt Excavators Constructing Water Wells from
Certain Notification Requirements of the "Dig Safe" Laws

SPONSOR: Sen. Mayo, III, Arthur F.

LR 2026 An Act To Ensure the Availability of Basic Property
Insurance

Tabled
In

SPONSOR: Rep. O'Neil, Christopher P.

LR 2025 An Act To Amend the Statutes of Limitations For Child Sexual Abuse

SPONSOR: Rep. Rosen, Richard W.

LR 2041 Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington *in*

JOINT RESOLUTIONS

SPONSOR: Rep. Cressey, Jr., Philip

LR 2030 JOINT RESOLUTION MEMORIALIZING THE CONGRESSIONAL DELEGATION OF THE STATE TO SUPPORT THE PRESIDENT'S CALL FOR LEGAL REFORM *Out*

SPONSOR: Rep. Gerzofsky, Stanley J.

LR 2017 JOINT RESOLUTION MEMORIALIZING CONGRESS TO CONTINUE AMERI-CORPS FUNDING FOR THE STATE OF MAINE *?*

SPONSOR: Rep. McKee, Linda Rogers

LR 1086 JOINT RESOLUTION MEMORIALIZING THE SUSTAINABLE FORESTRY INITIATIVE'S STATE IMPLEMENTATION COMMITTEE TO ENCOURAGE CERTAIN POLICIES TO REDUCE LIQUIDATION HARVESTING OPERATIONS IN MAINE'S FOREST PRODUCTS INDUSTRY

SPONSOR: Rep. McKee, Linda Rogers

LR 2042 JOINT RESOLUTION MEMORIALIZING THE USDA TO PROVIDE REGIONAL EQUITY IN FEDERAL SUPPORT TO NORTHEAST AGRICULTURE AS PROMISED IN THE 2002 FARM BILL

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Earle, William M. **TABLED**
02/19/03

LR 2009 An Act To Limit the Size of Motor Boat Engines Used on Paradise Pond *in*

SPONSOR: Sen. Gagnon, Kenneth T. **TABLED**
02/19/03

LR 1996 An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System *in*

SPONSOR: Sen. Hall, Christopher **TABLED**
02/19/03

LR 1846 An Act To Require the Department of Transportation to Resume Maintenance of the Clarks Cove Road *in*

SPONSOR: Rep. Koffman, Theodore **TABLED**
02/19/03

LR 2005 An Act Regarding Maine-licensed Breweries

SPONSOR: Rep. Snowe-Mello, Lois A. **TABLED**
02/19/03

LR 1836 An Act to Increase Individual Health Insurance in this State

SPONSOR: Rep. Trahan, A. David **TABLED**
02/19/03

LR 2010 An Act to Establish the Epinephrine Training Fund

JOINT RESOLUTIONS

SPONSOR: Rep. Hotham, Randy E. **TABLED**
02/19/03

LR 0628 JOINT RESOLUTION MEMORIALIZING CONGRESS TO RAISE THE WEIGHT LIMIT FOR TRUCKS ON INTERSTATE 95 *2 opposed in*

SPONSOR: Sen. Martin, John L. **TABLED**
02/19/03

LR 0150 JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO URGE THE SURFACE TRANSPORTATION BOARD TO CANCEL CANADIAN NATIONAL RAILROAD TRACKAGE RIGHTS

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
March 26, 2003**

	Action
SPONSOR: Rep. Colwell, Patrick	ACCEPTED
LR 2027 An Act To Enhance Consumer Protections	
SPONSOR: Sen. Daggett, Beverly C.	ACCEPTED
LR 2051 An Act To Change the Tax Laws as They Apply to Combat Troops	
SPONSOR: Rep. Daigle, Robert A.	FAILED
	Reconsidered: FAILED
LR 2043 An Act To Allow Collaborative Relationships Between Public and Parochial Schools	
SPONSOR: Rep. Dudley, Benjamin F.	ACCEPTED
LR 2058 An Act to Promote the Financial Security of Maine's Families and Children	
SPONSOR: Rep. Earle, William M.	ACCEPTED
LR 2009 An Act To Limit the Size of Motor Boat Engines Used on Paradise Pond	
SPONSOR: Sen. Gagnon, Kenneth T.	ACCEPTED
LR 1996 An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System	
SPONSOR: Sen. Gagnon, Kenneth T.	ACCEPTED
LR 2060 An Act To Authorize the State's Participation in the Powerball Lottery	
SPONSOR: Sen. Hall, Christopher	FAILED
LR 2047 An Act To Amend the Lincoln County Budget Committee Process	

Action

SPONSOR: Sen. Hall, Christopher **ACCPETED**

LR 1846 An Act To Require the Department of Transportation to Resume Maintenance of the Clarks Cove Road

SPONSOR: Rep. Koffman, Theodore **NO ACTION TAKEN**

LR 2036 An Act To Allow a Licensed Brewery to Maintain Up to 2 Additional Locations

SPONSOR: Sen. Mayo, III, Arthur F. **TABLED**
Reconsidered: ACCEPTED

LR 2026 An Act To Ensure the Availability of Basic Property Insurance

SPONSOR: Rep. Rosen, Richard W. **ACCEPTED**

LR 2041 Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington

SPONSOR: Rep. Thomas, Jonathan **ACCEPTED**

LR 2052 An Act To Allow the Early Submission of an Application to Become Licensed As A Motor Vehicle Inspector

JOINT RESOLUTIONS

SPONSOR: Rep. Cressey, Jr., Philip **FAILED**

LR 2030 JOINT RESOLUTION MEMORIALIZING THE CONGRESSIONAL DELEGATION OF THE STATE TO SUPPORT THE PRESIDENT'S CALL FOR LEGAL REFORM

SPONSOR: Rep. Gerzofsky, Stanley J. **ACCEPTED**

LR 2017 JOINT RESOLUTION MEMORIALIZING CONGRESS TO CONTINUE AMERI-CORPS FUNDING FOR THE STATE OF MAINE

SPONSOR: Rep. Hotham, Randy E. **ACCEPTED**

LR 0628 JOINT RESOLUTION MEMORIALIZING CONGRESS TO RAISE THE WEIGHT LIMIT FOR TRUCKS ON INTERSTATE 95

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Koffman, Theodore	TABLED 02/19/03
LR 2005	An Act Regarding Maine-licensed Breweries	
SPONSOR:	Sen. Martin, John L.	TABLED 03/26/03
LR 2034	An Act to Exempt Excavators Constructing Water Wells from Certain Notification Requirements of the "Dig Safe" Laws	
SPONSOR:	Rep. O'Neil, Christopher P.	TABLED 03/26/03
LR 2025	An Act To Amend the Statutes of Limitations For Child Sexual Abuse	
SPONSOR:	Rep. Snowe-Mello, Lois A.	TABLED 02/19/03
LR 1836	An Act to Increase Individual Health Insurance in this State	
SPONSOR:	Rep. Trahan, A. David	TABLED 02/19/03
LR 2010	An Act to Establish the Epinephrine Training Fund	

JOINT RESOLUTIONS

SPONSOR:	Sen. Martin, John L.	TABLED 02/19/03
LR 0150	JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO URGE THE SURFACE TRANSPORTATION BOARD TO CANCEL CANADIAN NATIONAL RAILROAD TRACKAGE RIGHTS	
SPONSOR:	Rep. McKee, Linda Rogers	TABLED 03/26/03
LR 1086	JOINT RESOLUTION MEMORIALIZING THE SUSTAINABLE FORESTRY INITIATIVE'S STATE IMPLEMENTATION COMMITTEE TO ENCOURAGE CERTAIN POLICIES TO REDUCE LIQUIDATION HARVESTING OPERATIONS IN MAINE'S FOREST PRODUCTS INDUSTRY	
SPONSOR:	Rep. McKee, Linda Rogers	TABLED 03/26/03
LR 2042	JOINT RESOLUTION MEMORIALIZING THE USDA TO PROVIDE REGIONAL EQUITY IN FEDERAL SUPPORT TO NORTHEAST AGRICULTURE AS PROMISED IN THE 2002 FARM BILL	

cc: LC



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
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(207) 287-1400

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Ted Koffman

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Bar Harbor, ME 04609
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March 26, 2003

David E. Boulter
Executive Director
Legislative Council
115 State House Station
Augusta, Maine 04333-0115

Dear David:

Since my request for an after deadline bill, LR 2036, I have found an opportunity to achieve my legislative objective through an amendment to an existing bill. I would appreciate that the Legislative Council table my request pending the successful outcome of combining LR 2036 with the existing bill.

Thank you,

Ted Koffman
State Representative

MAR 26 2003

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
March 26, 2003**

Action

SPONSOR: Rep. Dudley, Benjamin F.

LR 2058 An Act to Promote the Financial Security of Maine's
Families and Children

SPONSOR: Sen. Gagnon, Kenneth T.

LR 2060 An Act To Authorize the State's Participation in
the Powerball Lottery


SPONSOR: Rep. Thomas, Jonathan

LR 2052 An Act To Allow the Early Submission of an Application
to Become Licensed As A Motor Vehicle Inspector



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Members of the 121st Legislative Council
From: 
Dave Boulter, Executive Director
Date: March 20, 2003
Re: Suggested Additional Security Measures for the State House

Please find attached a copy of a memo, dated March 10, 2003, from Michael Cote, Sgt-at-Arms in the House of Representatives in which he has suggested that the Legislative Council implement additional measures aimed at enhancing security in and around the State House. He has recommended 12 security measures to be implemented.

You may recall that during the 120th Legislature, the Legislative Council convened a subcommittee of the Space Committee to consider additional security measures for the State House. It concluded its study early in 2003 and recommended that certain measures be implemented, among them being the following:

- Installing security cameras at building entrance locations
- Requiring vendors to park and load/unload materials at certain authorized locations
- Limiting vehicular access to the north parking lot (Governor's entrance)
- Prohibiting unattended or unclaimed packages and briefcases in the State House
- Issuing security access cards to legislators and legislative staff
- Controlling after-hour access to the State House
- Performing emergency evacuation drills for legislators and legislative staff

It also recommended at that time against implementing several security measures, including the following:

- Implementing a comprehensive permit parking for all vehicles for State House complex parking lots
- Installing x-ray machines for screening packages
- Installing magnetometer equipment to screen for weapons and other undesirable items
- Requiring access badges for visitors to the State House
- Installing security cameras in the chambers

Legislative Council
Re: Additional Security Measures
March 20, 2003
Page 2

A summary of the subcommittee's recommendations that were adopted by the Legislative Council is attached for your reference (Council minutes of 1-29-02). I also refer you to a memo from the Chair and Vice-chair of the Legislative Council instituting certain additional security measures in the State House in light of the war in Iraq and homeland security interests (memo dated March 20, 2003 attached).

In some cases, it appears that security in the State House could be enhanced by stricter enforcement of current Legislative Council policies and measures.

Because of the various budgetary and policy considerations that flow from implementing or not implementing the suggested security measures, and to build on the work done by the earlier subcommittee, **I recommend that the Legislative Council consider referring this matter to the State House Facilities Committee for review and recommendation back to the full Council.** If the Legislative Council chooses to evaluate the appropriateness and feasibility of implementing these recommendations, Don Suttter, Chief of Capitol Security, Mike Cote, Sgt-at-Arms and the Executive Director's Office are available to assist you in the review.

If you have any questions, please let me know.

Thank you.

Cc: Sen. Kenneth Gagnon, Chair, State House Facilities Committee

Attachments

G:\Execdir-121st\General\security measurs memot to council 3-14-03.doc (March 14, 2003 3:49 PM)

SEN. BEVERLY C. DAGGETT
CHAIR

REP. PATRICK COLWELL
VICE-CHAIR



121st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. SHARON ANGLIN TREAT
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CHANDLER E. WOODCOCK
REP. JOHN RICHARDSON
REP. JOSEPH BRUNO
REP. ROBERT W. DUPLESSIE
REP. DAVID E. BOWLES

DAVID E. BOULTER
EXECUTIVE DIRECTOR

Memo

TO: All Legislators and Legislative Employees

From: Beverly C. Daggett, President, Maine Senate
And Chair, 121st Legislative Council

Patrick Colwell, Speaker, House of Representatives
And Vice-chair, 121st Legislative Council

Date: March 20, 2003

Re: Implementing Additional Security Measures

As President Bush informed us all, the country is now at war in the Middle East. Earlier in the week, the President raised the national terror alert to the second highest level, warning that we must be alert for strikes against American interests at home and abroad. He also ordered increased security at airports and other key locations.

In light of the President's cautionary statements, we believe that it is prudent at this time to take additional measures to increase security in and around the State House. We want to assure you that these measures are precautionary only. We have received no indication that the State House is or would be the target of any terrorist or other threatening action. These measures are to enhance the security of the visiting public, employees and Legislators who come to the State House, while still allowing the daily activities of the legislative session to continue with minimal disruption.

Effective immediately, we have directed that the following measures be implemented:

1. The north, east, south and Governor's entrances to the State House are closed to use except in emergency situations. **ALL INGRESS INTO THE BUILDING AND EGRESS FROM THE BUILDING MUST BE THROUGH THE WEST ENTRANCE OR THE UNDERGROUND CONNECTOR UNTIL FURTHER NOTICE.**
2. There will be an increased presence of uniformed officers in the State House.

Memo to Legislators and Legislative Employees

Re: Additional Security Measures

March 20, 2003

Page 2

3. Unattended packages found in the State House or on the 2nd floor of the Cross Building will be removed from the building by security personnel.
4. Parking in the north parking lot (near Governor's entrance) is by permit only and parking requirements between the State House and the Cross Building will be strictly enforced. Delivery vehicles may not use the north parking lot, even for brief periods, but will be confined to the 10 minute/delivery parking spaces so noted in the parking lots and to the loading dock at the Cross Building.
5. Security personnel may need to inspect packages and backpacks as individuals enter the State House.
6. Legislative employees are required to obtain security access cards having the legislative employee's photograph and identification on them. Legislative employees who have not already been issued a photo access card must obtain one over the next several days by visiting the Welcome Center on the 1st floor where staff from the Office of Legislative Information Services will take photos and issue the access cards. Office heads will arrange times for employees in each office to have the photos taken.
7. Legislators have been issued a House or Senate photo identification card in addition to a security access card. Legislators must keep the photo identification card in their custody while in the State House complex. Legislators who do not have a photo access card may stop by the Welcome Center at any time over the next several days to obtain one or contact the Office of Legislative Information Services to set up an appointment.
8. Legislators and legislative employees must keep the photo identification or security access card in their custody while in the State House complex and must present it upon request by a Capitol Security or other law enforcement officer. Legislators and legislative employees may not loan or otherwise transfer the security access card to another person, or use the card to grant access to areas for another person who is not authorized such access. A Legislator or legislative employee must immediately report a lost, stolen or damaged security access card.
9. Legislative employees should review the early release, delay or cancellation of a work day provisions and protocols established in the employee personnel policy handbooks in the unlikely event that an emergency situation requires a change to the standard work day schedule.
10. Contractors and maintenance staff are required to have and prominently display on their person a photo identification or security access card while working in the State House.

Memo to Legislators and Legislative Employees
Re: Additional Security Measures
March 20, 2003
Page 3

11. Service areas must be kept locked at all times and accessed only by authorized personnel.

Again, we want to assure you that these measures are precautionary only. As national events unfold in the coming days, these and other steps will be taken to ensure the safety of all of those in the State House complex. A committee of the Legislative Council will be working closely with security personnel to consider other measures that may further enhance security in the State House complex. We thank you for your patience and understanding as these new procedures are implemented.

If you have any questions or concerns, please do not hesitate to speak with a Capitol Security Officer in the State House or contact the Executive Director's Office.

Thank you.

Cc: Donald Sutter, Chief, Capitol Security
Jane Lincoln, Chief of Staff, Office of the Governor



Michael J. Cote
Senior Sergeant-at-arms

State of Maine
House of Representatives
Augusta, Maine 04333-0002
287-1417

To: Beverly Daggett, President of the Senate
Pat Colwell, Speaker of the House

From: Michael Cote, Sr. Sgt-at-arms

Subject: Suggested Security Measures

Date: March 10, 2003

It is understandable that the opinion of most around here is that Maine is not, nor would it ever become a target of international or even domestic terrorism, however this prospective, from my point of view could be quite hazardous to our well being and likewise a naïve way of dealing with reality. The fact of the matter is, unfortunately, far too many people share this same opinion.

It is exactly because of this lack of insight and perhaps understanding that we protect the legislators, staffers, and members of the public against this very real possibility. You see, terrorism can be described simply as the use of violence against persons or property to intimidate or coerce.

The following considerations, if implemented could go a long way to provide the kind of protection deserving of the legislature, its employees and guests.

- Eliminate undue vehicular traffic to State House Governor's entrance
- Implement photo I.D. requirement for all legislators, employees, and lobbyists
- Implement visitor badge protocol
- Train all first contacts for threat assessment (kiosk)
- Establish committee protocols for member protection
- Provide signage for do's and don'ts (unattended bags, weapons etc.)
- Install quick locking mechanisms in chamber (magnetic card reader) & shade
- Increase visibility into balcony hallway & install quick locking mechanism
- Implement early warning system in chambers
- Complete State House perimeter fencing
- Implement ability to use magnetometer and x-ray equipment
- Increase uniform presence at common entrance as well as bldg. wide

In order to be better prepared in the future for an increase in threat assessment levels, there is a real need to implement many of these points as soon as possible. For others however, the need becomes more evident as threat levels increase.

At the out set, the drive leading to the governor's entrance, that is if we are going to continue to utilize it, needs to be an area accessed by only those individuals specifically permitted to be there. It's imperative that we know who will be approaching and parking nearby. Any deliveries to the State House can and should be made through the Cross Office Building.

A picture I.D. requirement for all legislators, staff, and lobbyists would enable us to control to whatever extent we deem appropriate given the particular threat assessment level. If complete control of access is ever needed this would enable us to implement without hesitation. The need for this particular protocol is further established through the use of the magnetometer and x-ray.

A visitors badge protocol would likewise enable us to control to whatever extent, traffic flow throughout/around the building. More importantly, the implementation of this protocol and that of the picture I.D., previously mentioned, would enhance our ability to know just who is here. And, most critically, who might be a potential threat.

Training for first contacts may be achieved through our own State Police, the idea behind this protocol is merely to give the tools needed to both recognize and deal with individuals that could be problematic.

The establishment of committee protocols will give a standard regarding levels in threat assessment whereby chairs will have justification for calling on security. Personally, I feel this is a biggy, with our budgetary concerns as they are, especially, I feel that our openness in committees leave members vulnerable to any number of acts. It's imperative that a uniformed security presence be available when the need arises. Depending on the threat level, a guard may be on call while roaming, posted outside of a particular committee room, or actually posted within.

Signage, do's and don'ts, very simply, people need to be told what's okay, "weapons are not allowed", "don't leave bags unattended", "belongings subject to search", etc. If the general public is not informed, they wont necessarily know there may be rules in place. For instance, this could make a huge difference, say in a committee setting: someone happens to get a little heated and they go at the committee chair with swinging fists instead of the hunting knife that they left in the car because they know it's against the law to carry weapons into state facilities.

A quick locking system for the chamber doors would give us the ability to lock down the House/Senate if the need ever arises, currently while in session, legislators could quickly become the proverbial fish in the barrel, this system could buy the membership some valuable time. And simply a shade on the chamber doors to eliminate the publics view. This recommendation goes hand-in-hand with the gallery.

The early warning system is merely a queue that means take cover, get under the desk, or whatever. This may sound a little ridiculous, unless of course something so simple is ever

needed. It's merely information dissemination so that everyone will know just what to do without hesitation if the need were ever to arise.

Perimeter fencing, just basically complete fencing surrounding the State House, to completely disallow/deter approaching vehicles.

The use of magnetometer and x-ray equipment becomes critical if there is ever a real need to keep people from bringing weapons into the facility. I don't think checking I.D.s would ever become a priority, that is legislators, legislative employees, lobbyists, etc. these persons exclusively, could enter without being put through the security gauntlet.

Increases in uniform presence, this is an obvious one, but without such increases our ability to provide any aforementioned security measures will be inherently limited.

Cc: Senator Treat
Senator Gagnon
Senator Davis
Senator Woodcock
Representative Richardson
Representative Duplessie
Representative Bruno
Representative Bowles
Honorable Millicent MacFarland
Honorable Joy O'Brien
David Boulter
Pat Fleming
Pat Damon
Rick McCarthy
Don Suitter
Paul Mayotte

Fiscal Report

Grant Pennoyer, Director, OFPR, presented a report on the following matters.

1. December 2001 Revenue Variances

General Fund revenues were up \$7.5 million, which is \$9.3 million above projections for the fiscal year to date. This represents less than a 1% variance, close to budgeted revenue.

The Highway Fund revenue was down this month but overall the fund remains ahead of budget by \$2.2 million.

Mr. Pennoyer said that he had checked with Maine Revenue Services specifically on the status of income tax and sales tax receipts. Sales tax reflects a fairly good December, ahead of budget. He also reported that although Council members may have heard of the potential for a major reprojection, he cautioned about too much optimism. January is a critical month, particularly for the individual income tax. Twenty-six percent (26%) of the downward revenue reprojected was for January. Only \$23 million was reprojected down for the first half the year, the remainder of the \$108 million or 70% of the reprojected relates to the 2nd half of the year and 26% in January. Individual income tax may be just under budget for January. This is not encouraging news for any significant change in the revenue forecast.

2. Revenue Projection Schedule

Mr. Pennoyer reported that on Thursday, January 31st, the Consensus Economic Forecasting Commission will meet in the Governor's Cabinet Room at 9:30 a.m. This meeting should determine whether a change in the underlying economic forecast will translate into any significant change in the revenue forecast.

The Revenue Forecasting Committee is scheduled to meet on February 25, at 9:30 a.m. in the Appropriations Committee Room.



REPORTS FROM COUNCIL COMMITTEES

• Subcommittee to Consider Additional Security Measures

Sen. Treat reported that the subcommittee had met 3 times. Subcommittee members have had extensive discussions regarding a number of items and have received recommendations from the State Police. Speaker Saxl inquired as to whether part of the Subcommittee's charge was to review LD 2079 and Sen. Treat said no, it was her understanding that may be part of the responsibilities that the committee may be given, but it was not part of the current charge to the subcommittee.

Subcommittee members ranked various security measures in terms of high priority, medium priority and those not recommended at this time. The subcommittee made the following recommendations to the Legislative Council.

1. **With Respect to Access to the State House:**

- A. Confine access to the State House by the public to the new west entrance and underground connector. Allow Legislators, legislative employees and employees of the Governor's Office access to the State House via the north and south entrances using security access cards.
- B. Require vendors and delivery personnel to pickup and deliver materials only through the loading dock at the Cross Building and underground connector or if the materials are easily transportable through the west entrance.
- C. Limit after hours access to the State House by vendors, non-legislator employees and the public. Allow Legislators, and legislative employees as authorized by their appointing authority, access to State House outside regular business hours.

2. **With Respect to State House and Chamber Security:**

- A. Prohibit unattended packages, briefcases, bags and other similar articles, and charge the Bureau of Capitol Security with enforcing this requirement, including relocating or removing unattended articles to a safe location.

3. **With Respect to Surveillance and Security:**

- A. Install CCTV surveillance cameras at all entrances to the State House and such cameras as necessary to monitor the entrance steps, walks and plazas immediately outside the west and east entrances to the State House. The Department of Administrative and Financial Services has agreed to pay for the costs of procuring and installing the cameras.
- B. Install additional lighting to enhance building security and provide additional safety for pedestrians.

The proposed 19 locations appears excessive. All lighting placed should be shielded and of a design in keeping with the State House, and that the number and placement of lights should be reviewed and approved by the Legislative Council or State House and Capitol Park Commission. The Executive Branch should pay for or at least share in the costs of providing additional lighting since the benefits of the lighting would extend beyond legislature operations.

- C. Relocate as many handicap parking spaces as is feasible from the area between the State House and the Cross Building to the parking area immediately adjacent and to the north of the State House. In doing so care must be given to assuring adequate and convenient parking, in compliance with ADA requirements, for individuals with disabilities who want to access either the Cross Building or the State House.
- D. Reaffirm, by posting or other appropriate notice, that firearms or other weapons are prohibited in the State House and in legislative areas of the Cross Building, except by law enforcement officers specifically authorized to carry such weapons in the performance of their capitol security duties.

- E. Improve pedestrian walkways from area parking lots to the State House. Work with the Bureau of General Services to develop and implement plans for improved existing or new walkways that are properly lighted and maintained to increase pedestrian safety.
- F. Provide a security presence by having Capitol Security to perform regular security patrols on the 2nd floor of the Cross Building and in the State House. It should also institute regular foot patrols in parking lots and in State House grounds.
- G. Maintain a security and Legislative Information Office presence at the information kiosks at all times when the Legislature is in session and the State House is open to the public.
- H. Provide secure and designated, but unmarked, parking spaces in close proximity to a State House entrance for the Governor and the presiding officers.
- I. Install CCTV security cameras in the State parking garage to be monitored by Building Control.
- J. Place emergency call boxes in parking lots in the State House complex and in the State parking garage. The Bureau of General Services should develop and implement a plan for the installation of call boxes.
- K. Install a "hot line" between the Governor and the presiding officers to assure the ability for an immediate and secure means of communication in the event of an emergency. In addition, provide for telecommunications, not reliant on electric power, between the Commissioner of Administrative and Financial Services, Maine Emergency Management Agency and the Executive Director's Office in the event of an emergency.
- L. Perform regular fire and building emergency evacuation drills at the State House. Drills should be in coordination with the Bureau of Capitol Security and Building Control. Information about emergency evacuation procedures should be distributed to Legislators as well as legislative employees.
- M. Until such time as a comprehensive parking system for the State House complex is developed and implemented by the Bureau of General Services and Capitol Security, the subcommittee feels that it is infeasible to institute an effective employee parking system to identify state employee vehicles. The subcommittee recommends that the Bureau of General Services and Capitol Security develop a comprehensive parking system that would allow implementation of such a system.

4. With Respect to People Management

- A. Establish a written protocol with the Bureau of Capitol Security, Maine State Police and the Legislature for the protection of the Senate President and the Speaker of the House in the event of threats of harm or other emergencies.

Discussion: Speaker Saxl thanked the members for serving on the subcommittee and for their excellent work. The Speaker brought to the Council's attention that the Appropriation's Committee has been meeting after regular business hours and the Legislative Information

Office and Capitol Security were not seen in the building. Apparently the building is locked at 5:00 p.m., but he believes it is the Council's intention that whenever there is a public hearing in process, the public should be allowed to enter and leave the State House through the appropriate entrances and that the information kiosks should be staffed by Capitol Security and the Legislative Information Office. Sen. Treat believes the implementation of the after hours access has to be very thoughtful, and need to have a system that does not prevent access to public proceedings by the public.

Members agreed that the current outside lighting, especially in parking areas is poor, and the safety of everyone, especially, in the evening, is a high priority. Sen. Michaud asked the cost of the recommended security measures. Sen. Treat believed most items were in the Governor's budget or could be absorbed by the Executive branch. Mr. Boulter informed the Council that not all items have yet been costed out. The cost for the purchase and installation of the surveillance cameras has been agreed to by the Department of Administration and Financial Services, and he believes that the costs for the additional lighting could be worked out as well. Many security measures represent modest costs. Mr. Boulter pointed out that the subcommittee recommends that Council staff work with Bureau of General Services and bring information back to the full Council before expending any significant amount of money for security measures.

Motion: That the Legislative Council institute the additional security measures as recommended by the Subcommittee to Consider Additional Security Measures, Recommendations 1 A-C, 2A, 3 A - M and 4 A as described in the Subcommittee's meeting summary dated January 25, 2002, and further that the Legislative Council or its designee work in consultation with the Department of Administrative and Financial Services and the Bureau of Capitol Security to develop a plan and schedule for prompt implementation of the recommended security measures. Further that security measures having a significant cost would be discussed with the Legislative Council before implementation and that there be an appropriate allocation of the costs between the different branches of State government. (Motion by Sen. Treat, second by Rep. Schneider, unanimously).

The Chair, Speaker Saxl then moved that the Council taken another item out of order, unless there was objection. Hearing none, the Chair moved to Item 1 under Old Business and Items 5 and 7 under New Business.

OLD BUSINESS

Item #1: An Act to Clarify the Law Enforcement Authority of Capitol Security Personnel LD 2079

The Chair, Speaker Saxl reminded members that the Legislature enacted emergency legislation last week that temporarily exempts certain training requirements for Capitol Security officers. The exemption is repealed on December 31, 2002. The legislation, an outgrowth of LD 2079, also reaffirms the Legislative Council's role in deciding levels of security and security measures at the State House. The Chair stated that he believes the Legislative Council, in addition to relevant policy committees, should review proposals for various training levels for Capitol Security personnel and make a recommendation to the Legislature before the exemption is repealed. The Chair recommended that the existing security subcommittee, with 3 additional Council members added, review the information and ask for input from the Criminal Justice Committee, which has been dealing with the training issues.



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State Law Librarian

Stephanie P. Ralph
Principal Law Librarian

Sheila M. Bearor
Principal Law Librarian

Memorandum

To: The Honorable Beverly C. Daggett, Chair
The Honorable Patrick Colwell, Vice-Chair
And Honorable Members of the Legislative Council

From: ^{LER} Lynn E. Randall, State Law Librarian

Date: March 26, 2003

Re: Reporting on public meeting on access by minors to inappropriate material
on the Internet

In compliance with federal law and the Legislative Council's authorization, the Library held a public meeting on access by minors to inappropriate material on the Internet through computers in the Library. This meeting was held on Wednesday, February 26 at 3:30 p.m. in the State House Welcome Center. The meeting was advertised with legislative hearings the weekend of February 16. Notices were also placed in the Library.

No comments were received on any aspect of Internet access at the Library or on the Library's Public Internet Policy or the Privacy Policy. These policies currently govern use of public computers in the library to access the Internet and privacy of personally identifying information, including server logs. These policies apply to all users, including users who may be minors.

Both policies of the Library were developed to address the requirements of the federal Neighborhood Children's Internet Protection Act and to comply with access guidelines and interpretations from the American Library Association and the Statement on Internet Access of the Maine Library Association. No changes to the policies or other action by the Legislative Council are required.

I would be happy to answer any questions you may have.

Cc: David Boulter, Executive Director of the Legislative Council

MAR 17 2003

Community Preservation Advisory Committee

MEMORANDUM

TO: Sen. Beverly C. Daggett, President of the Senate, Legislative Council Chair
Senator John Martin, Joint Standing Committee on Natural Resources Co-Chair
Representative Ted Koffman, Joint Standing Committee on Natural Resources Co-Chair
Members of the Legislative Council
Members of the Joint Standing Committee on Natural Resources

FROM: Representative Peter Mills, CPAC Chair
Representative Ted Koffman, CPAC Chair

DATE: March 7, 2003

RE: Community Preservation Advisory Committee First Annual Report

The Community Preservation Advisory Committee (established by passage of LD 2070 in the 120th Legislature) is required to submit an annual report of the committee's activities to the Legislature and the joint standing committee of the Legislature having jurisdiction over natural resources matters. We are happy to submit that report to you, the honorable members of the Legislative Council and the Joint Standing Committee on Natural Resources, today.

The first year of the Community Preservation Advisory Committee has been a very productive one. Seven proposed bills came out of the Committee's fall meetings, focusing on the areas of affordable housing, transportation and land use planning, public transportation, rate of growth ordinances, local retroactive referenda, and building codes. In addition to the Committee's legislative agenda, the members remain committed to working with state agencies and outside stakeholders to pursue their legislative charge: to "advise the Governor, the Legislature, and state agencies and entities on matters relating to community preservation."

We would be happy to respond to any questions you may have on this report. Thank you for your consideration.

CC: David Elliott, Director, Office of Policy and Legal Analysis