

MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

DAVID E. BOULTER
EXECUTIVE DIRECTOR

**LEGISLATIVE COUNCIL
JULY 7, 2005
REVISED AGENDA**

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	CALL TO ORDER	
	ROLL CALL	
1/5	SUMMARIES OF THE JUNE 14 AND 15, 2005 COUNCIL MEETING	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
7	• Executive Director's Report	
11	• Fiscal Report (Pennoyer)	
	• Office of Information Services' Report (Mayotte)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Rep. Cummings, Chair)	
	Report of the July 7, 2005 Personnel Committee meeting.	
	• State House Facilities Committee (Sen. Gagnon, Chair)	
	No Report	
	OLD BUSINESS	

NEW BUSINESS

- 12 **Item #1: Establishment of Cloture Date for 2nd Regular Session (Matheson)** Decision
- 15 **Item #2: Recruitment for Director, Office of Policy and Legal Analysis
 Vacancy** Decision
- Item #3: Contract Re-opener Regarding Salary Schedule Adjustments.
 This Item Will be Preceded by an Executive Session.** Decision
- Item #4: Salary Schedule Adjustment for Constitutional Officers and
 State Auditor** Decision

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. JOHN RICHARDSON
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DAVID E. BOULTER
EXECUTIVE DIRECTOR

Meeting Summary
June 14, 2005

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:27 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Brennan, Sen. Gagnon
Senators Davis and Weston joined the meeting in progress.

Representatives: Speaker Richardson, Rep. Cummings, Rep. Duplessie, Rep.
Tardy
Rep. Bowles joined the meeting in progress.

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Michael Cote, 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 MAY 26, 2005 COUNCIL MEETING

Motion: That the Meeting Summary of May 26, 2005 be accepted and placed on file. (Motion by Sen. Edmonds, second by Rep. Tardy, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported the following.

The Kennebec County Emergency Management Agency's disaster exercise that was held outside the State House on June 10th went well. The agency expressed appreciation for the Legislature's cooperation with the exercise.

NCSL staff was at the State House again during the week of June 6, 2005 and met with a large number of staff and legislators. They plan to return to Augusta the week of July 18-22, 2005.

Members of the 121st Legislature who accepted payment will be receiving checks for the Special Pay for 121st Legislature on or about June 22nd. For administrative reasons payment will be in 2 checks.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director of Fiscal and Program Review, presented his report to the Council.

1. General Fund and Highway Fund Revenue Variances for May 2005

- **General Fund**

General Fund revenues were above budget projections in May by \$9.9 million, increasing the year-to-date positive variance to \$43.4 million (1.9%). This amount does not reflect the recent Revenue Forecasting Committee FY05 revenue revision, which increased the General Fund revenue projections by \$27.7 million for FY05. This positive variance is largely the result of individual income tax collections, which through 11 months was \$73.9 million ahead of projections.

- **Highway Fund**

Highway Fund revenue was over budget in May by \$1.2 million. With 1 month remaining in FY05, the Highway Fund has a positive variance of \$3.0 million or +1.1%.

2. Revenue Forecasting Committee – Forecast Schedule

- A joint meeting of the Revenue Forecasting Committee and Consensus Economic Forecasting Commission is scheduled for June 30, 2005 in Room 228 of the State House. The meeting will include discussions of FY05 revenue variances and improvements to forecasting methods and procedures in preparation for the fall revenue forecast.

3. Cash Trends

- General Fund average balance trends are still moving upward (excluding the effect of the tax anticipation notes), but the improvement is moderating.
- Highway Fund average balance trend appears to have leveled.

Mr. Pennoyer said the Office of Fiscal and Program Review is tracking the cash trend and will be providing additional analysis after the session.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, reported the following:

- **Bill Drafting System**

Full MELD system testing was completed on Friday, May 27, 2005. Seven minor issues were discovered during testing which HP has agreed to fix at the time of the next software release. As a result of the successful testing, the Executive Director conditionally accepted the MELD bill drafting system on June 6, 2005. HP has one more deliverable under the contract, the Uniform Code Bill process, which it will install in August and test.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee** (Rep. Cummings, Chair)

Rep. Cummings, Chair of the Personnel Committee, reported that the Committee met on May 19, 2005, voted unanimously to recommend that the Legislative Council adopt the proposed Violence in the Workplace Policy. The Legislative Council adopted the policy and the policy has been distributed to all Legislative staff.

- **State House Facilities Committee** (Sen. Gagnon, Chair)

The State House Facilities Committee did not meet.

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

A copy of a list of actions taken by ballot by the Legislative Council since its May 26, 2005 meeting is attached.

Speaker Richardson moved to **New Business, Items 2 and 3.**

NEW BUSINESS

Item #2: Consideration of After Deadline Bill Requests

One after deadline request was considered by the Legislative Council. The Council's actions on this request is included on the attached list.

Item #3: Request for a Permanent Display of a MIA/POW Flag in the Hall of Flags

Representative Stephen Hanley requested that a permanent display of a MIA/POW flag be allowed in the Hall of Flags.

Motion: That the Legislative Council acquire and display in an appropriate manner in the Hall of Flags a MIA/POW flag. (Motion by Sen. Weston, second by President Edmonds, unanimous).

Item #1: Requests for Interim Studies

The members of the Legislative Council discussed postponing the interim study requests until such time as the members have had sufficient opportunity to review the study requests.

Motion: That the Legislative Council table action on Item 1, Requests for Interim Studies until a later time. (Motion by Rep. Duplessie, second by President Edmonds, unanimous).

COLLECTIVE BARGAINING (Executive Session)

Article 54: Contract re-opener for purpose of salary schedule adjustment

Motion: That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing re-opening collective bargaining agreement between MSEA and the Legislative Council, pursuant to Article 54. (Motion by Rep. Cummings, second by President Edmonds, unanimous).

The Legislative Council went into Executive Session at 1:53 p.m.

MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 1:59 p.m. on the motion of President Edmonds, second by Rep. Duplessie, unanimous.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:00 p.m. (Motion by President Edmonds, second by Rep. Duplessie, unanimous).

REP. JOHN RICHARDSON
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DAVID E. BOULTER
EXECUTIVE DIRECTOR

Meeting Summary
June 15, 2005

CALL TO ORDER

The Vice-Chair, Senate President Edmonds, called the Legislative Council meeting to order at 7:55 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Brennan, Sen. Davis, Sen. Sen. Gagnon, Sen. Weston

Representatives: Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie
Rep. Tardy joined the meeting in progress.

Legislative Officers: David Boulter, Executive Director, Legislative Council
David Elliott, Director, Office of Policy and Legal Analysis

OLD BUSINESS

Item #1: Requests for Interim Studies

President Edmonds referred members to the suggested protocol for deciding legislative study requests and asked David Boulter, Executive Director of the Legislative Council, to summarize for Council members the protocol, which he did.

Motion: That the Legislative Council adopt the suggested protocol for deciding requests for interim legislative studies. (Motion by Sen. Gagnon, second by Rep. Duplessie, unanimous).

A copy of the protocol is attached to this Meeting Summary.

The Legislative Council's action on study requests is included on the attached list.

NEW BUSINESS

None

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 9:20 p.m. (Motion by Rep. Duplessie, second by Sen. Brennan, unanimous).

Fiscal Briefing for the Legislative Council

Legislative Council Meeting

July 7, 2005

*Prepared by the
Office of Fiscal & Program Review*

1. General Fund and Highway Fund Revenue Variances for FY05

- **General Fund (GF)** – Based on preliminary data, GF revenue appears that it will end up over the revised budget amount for FY05 by approximately \$25M. This is over and above the additional budgeted revenue of \$27.7M adjusted in early June by the Revenue Forecasting Committee. Individual Income Tax continues to perform well and, despite the upward revision of \$70M in June, will still be over budget by \$10M. Corporate Income Tax also had a strong month in June and will end up ahead of budget by approximately \$12.5M. The Sales Tax line appears to be the only major line with a significant negative variance and is likely to end the year \$3.5M under budget.
- **Highway Fund (HF)** – There appear to be no major variances from budget for HF revenue in June and May's positive year-to-date variance of +\$3.0M or +1.1% will hold up for FY05.

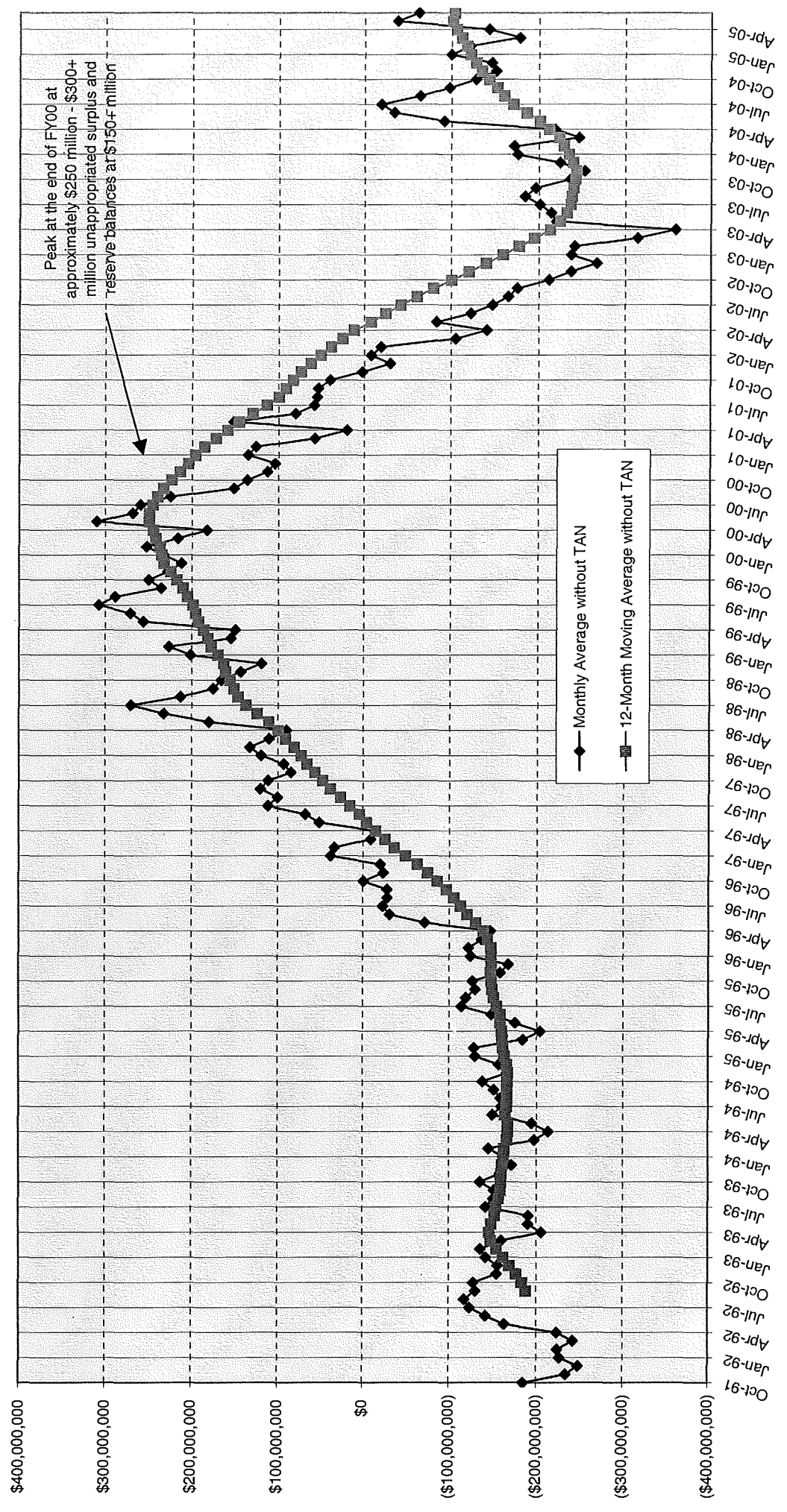
2. Revenue Forecasting Committee – Forecast Schedule

- A Joint Meeting of Revenue Forecasting Committee and Consensus Economic Forecasting Commission was held last Thursday, June 30th. The meeting's primary focus was on ways to improve the forecast. However, the members also discussed the many potential economic risks for Maine, the best way to deal with the uncertainty surrounding these risk and the timeliness of communicating it to the Governor and the Legislature for proper budget planning.
- Another Joint Meeting is planned for the early fall, when more information is available and certain decisions have been made.

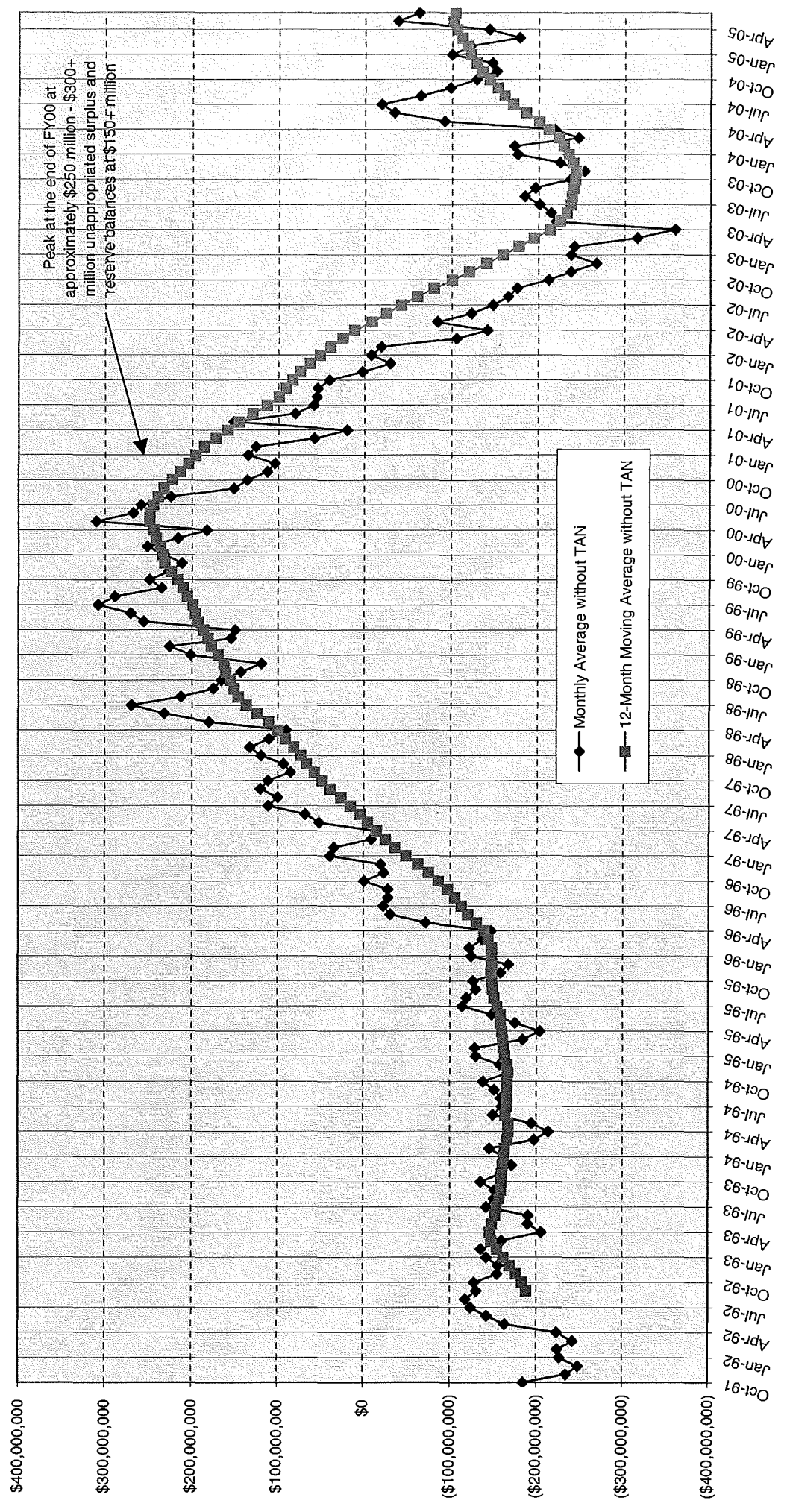
3. Cash Trends

- GF average balance trends appear to have flattened out and may be trending downward.
- HF trend also appears to have flattened out and has begun to trend downward.
- The additional reserves (approximately \$11M according to preliminary Budget Office estimates) that will result from the General Fund revenue surplus and lapsed appropriation balances should help reduce the need for the amount of Tax Anticipation Notes (TAN's) issued for FY06.

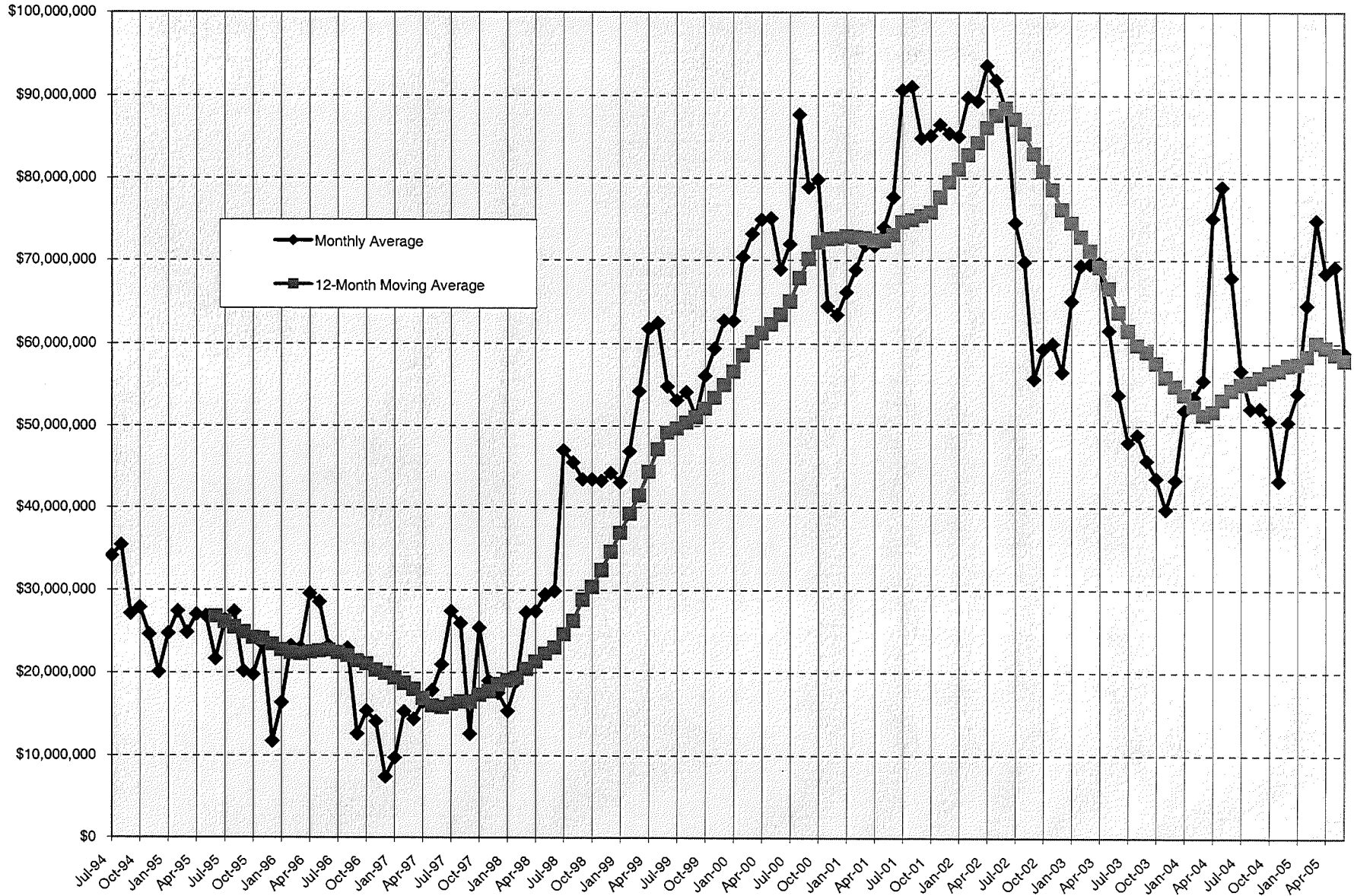
GENERAL FUND
 DAILY STARTING CASH BALANCES - EXCLUDING TAX ANTICIPATION NOTES



GENERAL FUND DAILY STARTING CASH BALANCES - EXCLUDING TAX ANTICIPATION NOTES



HIGHWAY FUND DAILY STARTING CASH BALANCES



**122nd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Technology Report
July 7, 2005**

Bill Drafting System:

- **HP has confirmed in writing that it is proceeding to correct the all issues that were found during the last test cycle**
- **The corrections will be installed as part of HP's next software release in August**
- **HP is reporting that it remains on schedule to complete the software project by August**

MARGARET E. MATHESON
Revisor of Statutes

SUZANNE M. GRESSER
Principal Attorney

EDWARD A. CHARBONNEAU IV
Senior Attorney

MARK A. SWANSON
Legislative Attorney



JUDITH L. PAQUETTE
JAY SELBERG
Paralegals

MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
STATE HOUSE STATION 7
AUGUSTA, MAINE 04333-0007
(207) 287-1650
FAX: (207) 287-6468
E-MAIL: revisor.office@legislature.maine.gov

Date: June 24, 2005

To: John Richardson, Chair of the Legislative Council
Beth Edmonds, Vice Chair of the Legislative Council
Members of the Legislative Council

From: Margaret E. Matheson, Revisor *MEM (smg)*

RE: Second Session Cloture Schedule and Related Dates

The attached draft schedule establishing dates and deadlines for cloture and related events for the Second Regular Session of the 122nd Legislature is offered for your review, discussion, change and adoption.

The cloture deadline as set out tracks the traditional cloture date for a second regular session, namely the first week in October. The requirement that a request be accompanied on the cloture date by sufficient instructions from which a bill may be drafted or it will be drafted as a concept draft is one that was instituted by the Legislative Council of the 120th Legislature to provide sufficient time to draft and process bills for the Second Regular Session. This cloture requirement is now consistent with that of the First Regular Session. The schedule also requires departments and agencies to submit final drafts on the cloture date, which is also consistent with past practice and the First Regular Session.

During the period of time between cloture and the next meeting of the Legislative Council to undertake the initial screening of Legislators' bill requests, the Revisor's Office will prepare and distribute a loose-leaf volume that includes all requests filed by Legislators that are subject to affirmative votes of the council. Each request to be voted upon is indexed by subject matter by the Legislative Indexer and given a brief summary by the Revisor's Office. The office, with the assistance of the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review, also identifies requests that appear to be closely related to other requests, to bills carried over to the second regular session or to bills that might be considered finally rejected in the first regular session. The volume also includes a listing of those bills carried over and a listing of bill titles submitted by

executive and independent agencies, which, traditionally, have never been subject to the screening process.

After the initial screening of Legislators' requests, the results are compiled and the Revisor's Office notifies each individual Legislator of the Council's actions and provides instructions on how to appeal a decision.

A supplemental volume will be prepared and distributed between the appeal deadline and the meeting of the Council to hear those appeals.

Last on the schedule is a suggested bill signing day. The Legislative Council for the 120th Legislature recommended to the Presiding Officers that they establish a bill signing day in order to ensure a more productive beginning of the session. Two years ago, out of 362 Legislator-filed bill requests submitted, the Legislative Council admitted a total of 130. Of those, the vast majority had been completed and were signed on the bill signing day and transmitted to the Secretary of the Senate and the Clerk of the House for printing and referral to committees before the Second Regular Session convened. Departments and agencies were also subject to the bill signing day and all of those filed by cloture date were also completed and sent to the chambers before the session convened.

If I can provide you any further information, please do not hesitate to contact me.

122nd LEGISLATIVE COUNCIL
 SECOND REGULAR SESSION
 REVIEW OF REQUESTS TO INTRODUCE LEGISLATION
 PROPOSED FALL 2005 SCHEDULE

October 5th (Wednesday)
 4 p.m.

Filing Deadline (Cloture) *

- Legislators (With sufficient information to draft or authorize a concept draft)
- Department/Agencies (Final Drafts)

October 27th (Thursday)
 10 a.m.

**Legislative Council Meeting –
 Screening of Legislators' requests**

October 31st (Monday)

**Notification of Council's action
 mailed to sponsors**

November 7th (Monday)

Deadline for filing appeals

November 17th (Thursday)
 10 a.m.

**Legislative Council Meeting to
 consider appeals**

December 16th (Friday)

Bill Signing Day **

January 4th (Wednesday)

Legislature convenes

* Legislators are encouraged to file bill requests well in advance of this deadline.

** If approved by the Presiding Officers.

	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
OCTOBER 2005						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
NOVEMBER 2005						
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
December 2005						
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Legislative Council Members

From: *Dave* Dave Boulter, Executive Director

Date: June 27, 2005

Re: OPLA Director position

As you know, OPLA Director David Elliott is retiring on or about August 1, 2005. Under Title 3, appointment of a successor OPLA Director rests with the Legislative Council. The director is appointed to a 3-year term. Please find attached the OPLA Director job description and a suggested recruitment plan.

The recruitment plan envisions that the Personnel Committee or other subcommittee of the Legislative Council guide the interview process, participate in the interviews and, ultimately, recommend a candidate for the position to the full Legislative Council. The suggested recruitment plan establishes a goal of having a director selected and on board by early Fall.

I am happy to elaborate on the job description and proposed recruitment plan at the Legislative Council meeting on July 7th.

Attachments

G:\Execdir-122nd\general\OPEGA director recruitment plan memo.doc (June 27, 2005 11:00:00 AM)

PROPOSED RECRUITMENT PLAN
for
DIRECTOR, OFFICE OF POLICY AND LEGAL ANALYSIS

June 27, 2005

- Thursday, 7/7/05** **Legislative Council authorizes recruitment for director.**
- July/August, 2005** Begin recruitment; announce position opening:
Maine Sunday Telegram; Kennebec Journal; Bangor Daily News
(weekend editions), and other Maine papers as feasible
- Post position announcement on legislative website and Executive Branch
websites
Make internal postings in legislative offices
Internet posting on Jobs-in-Maine.com website
- Establish Legislative Council interview team, if different from
Personnel Committee**
- Select dates for first and second interviews.
 - Discuss and develop interview questions.
- Friday, 08/12/05** Deadline for receipt of all applications.
- August, 2005** Initial review of applications, make copies and distribute to interview
team.
- Send letter of acknowledgement to all applicants.
- Finalize list of applicants to interview; notify selected applicants.
- Conduct interviews.
- Aug/Sept, 2005** **Present recommendation to Legislative Council for decision.**

CLASS TITLE: Director

Definition of the Class

A Director is the senior manager of a major function of administration or legislative services such as fiscal analysis, statutory revision, bill and amendment production, policy and legal analysis, information systems or library services. A Director plans, directs and manages a wide range of professional, technical and secretarial services and coordinates the provisions of those services with other offices. Performs a broad range of highly complex administrative and managerial tasks. Works in concert with the Executive Director and other office directors to identify, develop and strengthen overall policies and procedures dealing with the administration of the legislature and the accomplishment of legislative work. A Director works under the overall direction of the Executive Director in carrying out policies established by the Legislative Council.

Examples of Duties

1. Plans, assigns, directs, schedules, supervises, coordinates and evaluates the work of all professional, technical, secretarial and supervisory personnel in an office.
2. Recruits, trains, coaches, evaluates and disciplines, when necessary, employees of an office.
3. Reviews, critiques and otherwise ensures that high standards of quality are met in the work products of an office.
4. Coordinates with other office directors and the Executive Director the provision of legislative services, the completion of interoffice projects, and the development of new activities.
5. Participates in the development of legislative policies and procedures with other office directors and the Executive Director and articulates, implements and interprets those policies, procedures and guidelines for an office.
6. Manages legislative personnel, financial resources and office work in accordance with Legislative Council policy, statutory provisions and other guidelines articulated by the Executive Director.
7. Identifies and implements new strategies for accomplishing the work of an office.
8. Performs complex and diverse research, analytic, fiscal, library and legal functions for the legislature, a legislative committee or individual legislators.

Desirable Minimum Qualifications

1. Bachelor's degree and at least eight years of progressive public policy and managerial experience; or a law degree or a master's degree and at least five years of progressive public policy and management experience. Any equivalent combination of education and experience may be substituted.
2. Requires at least three years of management experience in the functional area of legislative service which the individual will direct or equivalent experience.
3. Requires a working knowledge of the operations and procedures of state government and state legislatures.
4. Requires demonstrated competence to lead and manage people.
5. Requires demonstrated skill in problem solving and decision making.
6. May be required to participate in external organizations' boards or committees.