

# MAINE STATE LEGISLATURE

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REP. MICHAEL V. SAXL  
CHAIR

SEN. RICHARD A. BENNETT  
VICE-CHAIR

SEN. BEVERLY C. DAGGETT  
SEN. MARY E. SMALL  
SEN. PAUL T. DAVIS, SR.  
SEN. SHARON ANGLIN TREAT  
REP. PATRICK COLWELL  
REP. JOSEPH BRUNO  
REP. WILLIAM S. NORBERT  
REP. WILLIAM J. SCHNEIDER

~~XXXXXXXXXX~~  
**David E. Boulter**  
~~JAMES A. CLARK~~  
EXECUTIVE DIRECTOR

120<sup>th</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**MEETING SUMMARY  
OCTOBER 29, 2001  
APPROVED NOVEMBER 13, 2001**

**CALL TO ORDER**

The Chair, Speaker Michael V. Saxl, called the Council meeting to order at 10:38 a.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	Senate President Pro Tempore Bennett, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Joy O'Brien, Secretary of the Senate Pamela Cahill, Assistant Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House David E. Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Elliott, Interim 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 SEPTEMBER 26, 2001 COUNCIL MEETING**

The Summary of the September 26, 2001, meeting be accepted and placed on file. (Motion by Rep. Norbert, Second by Sen. Bennett, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

The Executive Director did not present his report in the interest of conserving the time for the review of bill requests.

- **Status of Interim Studies**

Interim OPLA Director Elliott referred members to the memo and summary of the status of studies in their packets. The information was provided to update the Council members on the status of the studies. Most all studies have met at least once and some are anticipating their final report.

- **Fiscal Report**

OFFPR Director Pennoyer provided the following information:

- The General Fund Cash Balances are still positive, but continues to decline. The reason for the positive cash balance is due to the 3 major reserves, the Rainy Day Fund, the working capital reserve and the revenue reserve. Absent those reserves there would be a negative of \$168 million.
- The September, 2001 Revenue Variances show that the General Fund was \$33.8 million less than projected and the Highway Fund was up \$4.1 million for the fiscal year to date.
- The Consensus Economic Forecasting Commission will be meeting on November 6, 2001 in the Appropriations Committee. The Revenue Forecasting Committee will be meeting November 26 and 27, 2001 also in the Appropriations Committee room.

## NEW BUSINESS

The Chair moved that the Council take 2 items out of order, unless there was objection. Hearing none, the Chair moved to Items 5 and 6 under New Business.

### **Item #5: Suggested Procedure for Deciding Legislative Bill Requests**

The Speaker asked Mr. Boulter to summarize the suggested protocol to be used to review and decide legislative requests for bills. Mr. Boulter referred to the proposed protocol in the packet. The 1<sup>st</sup> section summarized the requirements under the Constitution or the Joint Rules of the Legislative Council for introduction of bills in the 2<sup>nd</sup> Regular Session.

The 2<sup>nd</sup> section proposed a number of procedures to provide efficiency and consistency in reviewing LRs. They are summarized as follows:

- The Legislative Council will review bill requests alphabetically by sponsor except that bills relating to deaf or hard of hearing would be taken out of order as a group when an ASL Interpreter is present (1:30 pm).

- For procedural consistency, when voting on a bill request, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction along with a second to that motion. A vote of yea is to let in a bill and a vote of nay is to reject a bill for introduction.
- In order to review all legislative requests in a timely manner, voting will be by a show of hands, but that each Council Member's vote on each bill request will be recorded and the record of that vote will be made available for public inspection in accordance with the Legislative Council rules.
- If a bill request is subject to a ruling under Joint Rule 217, the Legislative Council may vote to accept that bill for introduction, conditional upon a subsequent ruling by the presiding officers. If it has been rejected by the bodies it will need the presiding officers' approval to be reintroduced.
- Legislative sponsors are welcome to observe the deliberations, but discussion of the requests will be confined to members. The appropriate time for individual members or their representatives to discuss bill requests will be during the appeal proceeding, November 13, 2001. Discussions among members themselves will be confined, not to the merits of the bills, but to whether it meets the criteria for introduction.
- If the Legislative Council does turn down a bill request, there is an opportunity for the legislator to appeal that decision at the November 13, 2001 meeting at which time members would have a brief opportunity to present their case to the Council.

**Motion:** That the Legislative Council adopt the suggested protocol, A-F, for deciding legislative bill requests as set forth in the "Review of Legislative Bill Requests" document dated October 29, 2001. (Motion by Speaker Saxl, second by Sen. Bennett, unanimous).

After discussion among the members of the Council, the following additional motion was offered:

**Motion:** All LRs identified by the Revisor's Office as needing a presiding officer ruling under Joint Rule 217, identified as closely related to a carryover bill, or identified as being closely related to another LR which was earlier filed (i.e. has a lower LR number) are presumed to have been turned down by a unanimous vote of the Legislative Council. A member whose request for a bill is turned down under this procedure may appeal that decision to the Council, and briefly explain to the Council on November 13<sup>th</sup> why the LR should be accepted and allowed to be introduced. (Motion by Sen. Bennett, second by Rep. Colwell, unanimous)

#### **Item #6: Requests to Introduce Legislation for Consideration in the Second Regular Session**

The Council then proceeded to consider and vote on each bill request in accordance with its policies adopted under item #5 above, approving 79 in all. A list summarizing the Council's action was distributed to legislators following the meeting.

The bills accepted by the Council for introduction action is included on the attached list.

## REPORTS FROM COUNCIL COMMITTEES

- Technology and Migration Committee

Sen. Treat reported that the Technology Committee met earlier in the week. She reminded the Council that the Legislative Council had earlier decided that the Legislature would go independently with its own legislative internet connection and to use InforME for its Website maintenance. The Committee had discussed whether the Legislature should do its own contract with InforME or be part of the service level agreement that is done with all of state government. The Committee chose a separate agreement (SLA) which was drafted to be very clear that the Legislature is not subordinate to the Executive Department, but a separate branch of government. It is the recommendation of Legislative Information Services' staff that the Legislature move ahead with the service level agreement, to save time and money.

**Motion:** That the Executive Director's Office be authorized to sign a service level agreement with InforME to provide Internet web page hosting services at no cost to the Legislature. (Motion by Sen. Treat, second by Rep. Schneider, unanimous).

The second item reported from the Committee related the backup capacity of the computer system. An updated and faster system to back up data from the legislative computer systems is needed. The LIS believed that such a system can be installed without any budget increase to cover the costs (although it may involve moving funds between budget lines). They would use two existing servers and replace the servers the Legislature is presently using. Additional software will need to be purchased.

**Motion:** That the Executive Director is authorized to proceed with necessary action to reallocate existing approved funds to cover the cost of upgrading the Legislature's computer backup system. (Motion by Sen. Treat, second by Rep. Norbert, unanimous).

Sen. Treat reported that the Technology Committee had been disturbed to learn of the extent of problems with the new drafting system being developed by Compaq Corporation. Apparently, some problems have been long-standing, without resolution. For example, the Revisor's Office reported that the system was very slow, does not meet all standards and could require legal action. The Attorney General's Office is aware of the situation and is advising staff.

Mr. Mayotte said the Legislature completed the user testing on September 28, 2001, on schedule. On October 5, 2001, based on the result of the test, the Legislature submitted an extensive list of nonconforming items to Compaq. Compaq had until October 15, 2001 to correct those problems. On October 24<sup>th</sup> Compaq informed us it disagreed with our assessment of their application. At present, Mr. Mayotte and Mr. Boulter are discussing with Compaq the items that are in disagreement. Compaq had been paid approximately \$4 million, with about \$200,000 to be paid. Mr. Mayotte believes that if Compaq is willing to work with the Legislature, the problems could be resolved, but Compaq needs to show an openness to the resolve the problems. The Speaker asked if there had been any legal assessment from the Attorney General as the strength of the Legislature's position. Mr. Boulter said that the contract provides for formal notice of deficiency to be given, and that was what was triggered when submitting our notice on October 5, 2001, requiring Compaq to respond, which they have done. We have entered

a formal stage of putting Compaq on notice. There are provisions for dispute resolution within the terms of the contract itself. The Legislature will be holding Compaq to the terms of its contract with the Legislature. There was consensus that the Legislature move forward decisively and immediately to resolve the issues with Compaq.

No Council action required at this time.

Sen. Treat reported on the status of securing an independent internet service provider. The Legislature needs an Internet provider. One potential provider was CommTel, who recently notified LIS that it will no longer provide the service the Legislature is looking for. The Legislative staff is again looking for Internet providers. There was discussion and consent that the Legislature look at and explore all the options aggressively including a variety of service providers.

The Speaker requested that Mr. Mayotte communicate to OFPR, the Executive Branch, and the Appropriations and Taxation committees that the Legislature will remain on the WANG system for the next legislative session. This is necessary because of the implications for the transfer of budget documents and other documents using the existing computer system.

- **Personnel Committee**

The Speaker reported that the Committee is in the process of hiring a new Director for the Office of Policy and Legal Analysis. The stakeholders' group recommended a list of 13 applicants for further consideration by the Personnel Committee. All recommendations were considered by the Committee and the Committee selected 5 finalists, which it will interview the week of November 5, 2001. The goal is to have the new Director in place by early December.

- **Space Committee**

- Subcommittee to Determine the Use of the Interpretive Center

The Committee had no report this month.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

Study-related Matters

Summary Memo from Interim OPLA Director Elliott. The memo summarized the requests made by the study committees and commission.

### **Item #1: Submission of Study Work Plans and Proposed Budgets for Approval** (all within legislative appropriation)

- Study Reimbursement Rates for Maine Bottle Redemption Businesses
- Blue Ribbon Commission on Postsecondary Educational Attainment
- Study Benefits and Costs for Increasing Access to Family Medical Leave
- Committee to Review the Child Protective System
- Education Funding Reform Committee (Tax Policy)
- Study School Funding Formula (Essential Programs and Services)

- Study the Needs of Persons With Mental Illness Who Are Incarcerated
- Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry
- Commission to Study Domestic Violence

**Motion:** That the work plans and proposed budgets for the above studies be approved. (Motion by Sen. Bennett, second by Speaker Saxl, unanimous).

**Item #2: Requests for Extension of Study Reporting Deadline**

(all have no budgetary implications)

- Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests (Leased-lots Study) (from November 1, 2001 to January 1, 2002)
- Study Unified Response for Emergency Releases and Spills of Toxic or Hazardous Materials (from December 5, 2001 to December 14, 2001)
- Study the Loss of Commercial Fishing Waterfront Access (from December 5, 2001 to December 14, 2001)
- Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools 2001 (from November 15, 2001 to December 31, 2001)

**Motion:** That the requests for extension be granted, with the exception of requests that would extend beyond December 19<sup>th</sup>. Those requests would be granted extensions only to December 19, 2001. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

**Item #3: Requests to Hold an Additional Study Meeting and Extension of Reporting Date**

(no additional funding needed)

- Joint Study Committee to Study Growth Management (from December 5, 2001 to December 19, 2001)

**Motion:** That the Study Committee be granted the additional meeting, with the understanding that the committee may not exceed its currently authorized budget. (Motion by Sen. Bennett, second by Speaker Saxl).

**Item #4: Requests for Additional Funding for Authorized and Proposed Meetings**

- Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands

**Motion:** That the Legislative Council authorize additional funding, not to exceed \$1,000, from the study line in the legislative account in order to cover the expenses of the committee for its fourth meeting, and to not authorize a 5<sup>th</sup> meeting of the committee. (Motion by Sen. Davis, second by Rep. Colwell, unanimous).

## ANNOUNCEMENTS AND REMARKS

None.

## ADJOURNMENT

The Council was adjourned at 1:55 p.m. (Motion by Rep. Bruno, second by Sen. Davis, unanimous).



















LEGISLATOR REQUESTS ACCEPTED BY THE LEGISLATIVE COUNCIL

AT OCTOBER 29, 2001 SCREENING

Prepared by the Office of the Revisor of Statutes

SPONSOR: Sen. Small LR 2851  
of Sagadahoc ACCEPTED ON: 10/29/01  
An Act to Clarify the Law Governing Unlawful Solicitation  
to Benefit Law Enforcement Agencies

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SPONSOR: Sen. Small LR 2948  
of Sagadahoc ACCEPTED ON: 10/29/01  
An Act to Assist Municipalities of Sagadahoc County With  
the Change in the County Budget Year

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SPONSOR: Rep. Snowe-Mello LR 2974  
of Poland ACCEPTED ON: 10/29/01  
An Act to Repeal the Retroactive Effect of Changes Made to  
the Subdivision Laws

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SPONSOR: Rep. Snowe-Mello LR 3033  
of Poland ACCEPTED ON: 10/29/01  
Resolve, to Extend the Reporting Deadline for the Maine  
Millennium Commission on Hunger and Food Security

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SPONSOR: Rep. Soctomah LR 2833  
of Passamaquoddy Tribe ACCEPTED ON: 10/29/01  
An Act to Create the Maine Native American Human Remains Act

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SPONSOR: Rep. Stedman LR 2897  
of Hartland ACCEPTED ON: 10/29/01  
An Act to Amend the Boundaries Between Ripley and St. Albans

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SPONSOR: Rep. Tessier LR 2927  
of Fairfield ACCEPTED ON: 10/29/01  
An Act to Amend the Laws Governing Background Checks for  
Prospective Adoptive Parents

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SPONSOR: Rep. Trahan LR 3086  
of Waldoboro ACCEPTED ON: 10/29/01  
An Act to Authorize a Bond Anticipation Note Extension  
for the Town of Waldoboro

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SPONSOR: Sen. Treat LR 2939  
of Kennebec ACCEPTED ON: 10/29/01  
An Act to Provide Adult Education and Other Support Services

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