

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
FEBRUARY 27, 2002,
1:00 p.m.
Room 334, Legislative Council Chamber
PRELIMINARY AGENDA**

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1/4	SUMMARIES OF THE JANUARY 22, AND JANUARY 29, 2002 COUNCIL MEETING	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	Information
16	• Executive Director's Report	
20	• Renovations: Status Report (Fairservice)	
27	• Status of Interim Studies (Mercier)	
	• Fiscal Report (Pennoyer)	
	• Office of Information Services' Report (Mayotte)	
	REPORTS FROM COUNCIL COMMITTEES	
28	• Subcommittee to Clarify the Law Enforcement Authority of Capitol Security	
	- Meeting Summary of February 13, 2002	
	• Personnel Committee (No report)	
	• Technology and Migration Committee (No report)	
	• Space Committee (No report)	

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
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OLD BUSINESS

32	Item #1: Council Actions taken by Ballot (No action required)	
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NEW BUSINESS

33	Item #1: Consideration of After Deadline Bill Requests	Decision
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	Item #2: Submission of Study Reports	Decision
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36	<ul style="list-style-type: none"> • Committee to Study Access to Private and Public Lands in Maine (pursuant to H.P. 1387) 	
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37	<ul style="list-style-type: none"> • Commission to Develop a Plan to Implement the Closure of the State Liquor Stores (pursuant to Public Law, chapter 358) 	
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ANNOUNCEMENTS AND REMARKS

The next Legislative Council meeting is scheduled for March 27, 2002 at 1:00 p.m.

ADJOURNMENT

REP. MICHAEL V. SAXL
CHAIR

SEN. MICHAEL H. MICHAUD
VICE-CHAIR



120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
JANUARY 22, 2002

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, convened an informational meeting of the Legislative Council at 9:08 a.m.

ROLL CALL

Senators:

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

Representatives:

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

Legislative Officers:

Millicent MacFarland, Clerk of the House
David Shiah, Assistant Clerk of the House
David Boulter, Executive Director, Legislative Council
Paul Mayotte, Director, Legislative Information Services

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE
DIRECTORS**

None.

REPORTS FROM COUNCIL COMMITTEES

None

OLD BUSINESS

None

NEW BUSINESS

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

The Chair, Speaker Saxl reported that on Friday, January 18, 2002, there was legislation before the House of Representatives regarding Capitol Security personnel and concern had been expressed to him that there had not been an adequate opportunity for public comment or to ask questions. The bill, LD 2079, had not been referred to a committee. The purpose of the Council meeting is to give that opportunity and discuss the legislation in a public setting.

Attending the meeting was Donald Suitter, Director, Capitol Security and Michael Kelly, Commissioner, Department of Public Safety.

Discussion: Commissioner Kelly briefed Council members regarding the number of hours of training currently required for various levels of law enforcement personnel. Director Suitter spoke on what was required and given for training to Capitol Security personnel.

Rep. Bruno asked for a summary of what gave rise to the legislation. Commissioner Kelly said that the Department of Public Safety was required to provide a Government Evaluation Act report to the Legislature in the 2nd Regular Session. As the review was being done in preparation for the report, it was discovered that Capitol Security personnel were not provided an exemption under law, as had been assumed, to the 750 hour training requirement. Without the training, Capitol Security officers may not use law enforcement powers. It had been presumed that 100 hours of training was sufficient. In a past legislative session, the Department had sought a direct exemption to the training requirement for Capitol Security, the director of the State Fire Marshal's office and Liquor Enforcement. As part of the legislation, Capitol Security officers would train to a 750 hour level. However, the legislation failed to pass (died on Appropriations Table).

As part of the Government Evaluation Act review, Commissioner Kelly asked the Attorney General's Office for an opinion as to who within Capitol Security is exempt from the 750 hour training requirement. On January 10, 2002 the Attorney General opined that 4 of the Capitol Security officers were not afforded the exemption, therefore removing their law enforcement powers. Three, being hired prior to 1990, were exempt from requirement, Chief Suitter being one.

LD 2079 proposes to provide a limited term exemption so Capitol Security officers may be reinstated with law enforcement powers. Chair, Speaker Saxl noted that matters involving the administration of the Legislature as an institution need to be decided through the Council process. The Legislative Council is charged with that responsibility. The Speaker suggested there should be a Council process to review the Governor's budget proposal for additional resources for Capitol Security and make a policy determination, inviting the Criminal Justice Committee to participate. When the emergency budget is passed, LD 2079 can be sunsetted, but until then, the Chair felt that the Legislature should provide security and safety for all at the State House, which requires law enforcement powers for Capitol Security.

Rep. Bruno, not disagreeing, sought to determine how the problem should be addressed for the long-term solution. He believes the Criminal Justice Committee, who heard the bill originally, should participate in the review process. Speaker Saxl noted the matter arose originally through the Government Evaluation Act and because the Criminal Justice Committee has policy jurisdiction over the Department of Public Safety, the matter was discussed in the committee. From a policy perspective, there is concurrent jurisdiction by the Council and the committee. The Council is the management arm of the Legislature and has responsibility over operations, including State House security, and the Criminal Justice Committee has the responsibility to oversee the Department of Public Safety. The Speaker recommended that the Legislative Council ask the Criminal Justice Committee for comments and participation, but that the Council make the recommendation on the legislation.

Sen. Davis inquired as to what would happen if the bill did not pass. Commissioner Kelly said the law enforcement powers would be removed from Capitol Security personnel, and they could perform only security guard duties.

Rep. Schneider asked if the Department intended to extend the training exemption on a permanent basis. Commissioner Kelly explained that the sunset provision in LD 2079 would allow time to develop a long-term solution. Commissioner Kelly explained that there are various levels of law enforcement training that had been proposed but rejected. The Criminal Justice Committee and the Department can agree on an alternate plan, but the law only recognizes two levels of training, the 720 and 100. A long-term solution is required.

Speaker Saxl believed Council members will need additional information as they review the proposed long-term resolution. He asked Commissioner Kelly to submit a written explanation of the 100 hour and the 750 hour training requirements and the 280 hour requirement that had been considered. He also asked that the Commissioner identify any other law enforcement entities that are affected by the Attorney General's opinion for which a waiver is necessary.

The Chair, Speaker Saxl thanked Commissioner Kelly and Chief Suitter for meeting with the Council.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

No action was taken.

The meeting ended at 9:32 p.m. (There was not a quorum).

REP. MICHAEL V. SAXL
CHAIR

SEN. MICHAEL H. MICHAUD
VICE-CHAIR



120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

DAVID E. BOULTER
EXECUTIVE DIRECTOR

**MEETING SUMMARY
JANUARY 29, 2002**

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 1:47 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Michaud, Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat
Representatives:	Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert, Rep. Schneider
Legislative Officers:	Pamela Cahill, 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 Mercier, 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 DECEMBER 19, 2001, COUNCIL MEETING

Motion: That the Summary of December 19, 2001 be accepted and placed on file. (Motion by Sen. Michaud, second by Rep. Bruno, unanimous).

The Chair moved that the Council take an item out of order, unless there was objection. Hearing none, the Chair moved to Item 1 under New Business.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

Fourteen after deadline requests were considered by the Legislative Council. The Council's action on these requests are included on the attached list.

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Executive Director Boulter presented three items as informational updates.

1. **Staff Position**

Mr. Boulter introduced David Mercier, the newly appointed director for the Office of Policy and Legal Analysis. Mr. Mercier started his position in late December. The Legislative Council welcomed Mr. Mercier and wished him well in his new position.

2. **Public Hearing**

Mr. Boulter reminded members of the Legislative Council that the Appropriations Committee's public hearing for the Legislature's portion of the emergency budget bill, LD 2080, was scheduled for Wednesday, January 30th, at 3:30 p.m.

3. **Renovations of State House**

Mr. Boulter reported that the State House renovations are nearly completed. The 1st floor is completed; the Revisor's Office and the Document Room have reopened in their new spaces, and the Executive Director's Office will be moving into its new space on Thursday, January 31st. The Law Library space will be completed by Friday, February 1st and the Library will re-open for business on Tuesday, February 5th.

- **Renovations: Status Report**

Stanley Fairservice, the Owner's Representative, reported there are still outstanding items that need to be done: the South Entrance repointing work to be done in the spring, granite repair at the West Entry, and need to balance the heating/cooling system. The system can not be balanced until all systems are in place mechanically and he plans to wait until after the session to complete the system balancing. Mr. Fairservice expects Granger Northern to work very aggressively to complete the punch list.

- **Status of Interim Studies**

David Mercier, Director, OPLA reported that most study commissions have completed their work. The several remaining studies should be completed by Friday, February 1, 2002.

- **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 reprojected, 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.

Motion: That the Subcommittee to Consider Additional Security Measures, expanded to include an additional 3 members of the Council, review issues related LD 2079: An Act to Clarify the Law Enforcement Authority of Capitol Security Personnel and make a recommendation to the Legislative Council as to the advisability of legislation as it relates to legislative operations and security. In reviewing the issues, the subcommittee must seek comments and recommendations from the Joint Standing Committee on Criminal Justice, or subcommittee thereof, the Bureau of Capitol Security and the Maine State Police, Special Services unit. (Motion by Speaker Saxl, second by Sen. Michaud, unanimous).

Speaker Saxl then asked for volunteers from the Council of individuals interested in participating. He asked that anyone interested in serving on the committee contact the Executive Director's Office or his office. [Rep. Colwell and Sen. Davis volunteered to participate.]

Item #5: Request for Staffing from Health Care System and Health Security Board
(Memo from Co-Chairs Rep. Paul Volenik, House Chair and Sen. John Martin, Senate Chair)

Rep. Volenik, Co-Chair of the Health Care System and Health Security Board, informed the Council that the Board planned to hold 2 additional meetings during the session and additional meetings following the session. The Board is at the point in its study where note taking cannot be done effectively without staffing.

The Speaker asked Director Mercier if OPLA could provide the staffing for the Board. Mr. Mercier said that he had spoken with Rep. Volenik and that OPLA could provide staffing to take notes for the 2 meetings during the session.

Motion: That the request for OPLA staffing services to the Health Care System and Health Security Board for 2 meetings during the 2nd Regular Session be approved. (Motion by Sen. Treat, second by Rep. Colwell, the motion passed 6-3, Sen. Davis, Rep. Bruno, Rep. Schneider opposed).

Item #7: Request for Extension of Study Reporting Deadline
(no additional funding from the Legislature requested)

- Health Care System and Health Security Board
(from March 1, 2002 to December 1, 2002)

Motion: That the reporting deadline for the Health Care System and Health Security Board be extended from March 1, 2002 to December 1, 2002. (Motion by Sen. Treat, second by Rep. Colwell, unanimous).

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl reported that the Personnel Committee would be meeting following the Council meeting.

- **Technology and Migration Committee**

The Technology Committee did not meet during the past month. Paul Mayotte reported to the Council on the following:

1. **Internet Audio**

Senate and House proceedings are now being broadcast on the Internet, the first broadcast being on January 4, 2002. The Appropriations Committee's hearings and work sessions are also being broadcast on the Internet when the Senate is not in session. The Office of Information Services will be tracking the amount of public use of the broadcasts.

2. **Director Access to the Internet**

The line for direct access to the Internet has been installed, tested and is functioning properly. The firewall hardware and software has been installed and is now being tested. The remaining tasks for the direct Internet access include the global addressing listing, a secondary connection to BIS and finalizing the new legislative address. Mr. Mayotte said the plan is to disconnect from BIS for Internet access and use the direct access.

3. **Backup System Upgrade**

- a. All software and hardware in house.
- b. Installation and testing underway.
- c. An early February completion date is anticipated.

4. **Migration/Bill Drafting System**

- a. A Contract Amendment is being prepared to reflect the agreements in the Completion Plan.
- b. The draft is to be completed no later than 1/31/02 for review by the Technology Committee and Legislative Council in early February.
- c. Assistant Attorney General Laubenstein is supporting this effort.

- **Space Committee**

Rep. Colwell reported that the Space Committee had not met since the last Council meeting and has no report.

- **Budget Subcommittee**

The budget subcommittee met and made its recommendations to the Legislative Council. The Legislative Council subsequently approved its recommendation by ballot. Executive Director David Boulter said no formal action was required by the Council. The material in the packet was what has been provided to Appropriations Committee along with summary of the approved recommendations.

- **Capital Area Advisory Committee**

Following its meeting, the Legislative Council's Capital Area Advisory Committee sent a letter to the Joint Standing Committee on State and Local Government regarding a proposed memorial in Capitol Park. The letter is included in the packet for the Legislative Council's information.

No Council action required.

OLD BUSINESS

Item #2: Rebuilding Fund Request from the Council of State Governments

Speaker Saxl reminded Council members of the request made by the Council of State Governments for a contribution to help CSG rebuild its New York City offices that were destroyed on September 11, 2001. Given the current State and legislative budget, the Chair felt it would be very difficult at this time to meet the rebuilding request (about \$10,000). The Speaker asked Executive Director Boulter to write a letter on behalf of the Council advising CSG that the Legislature is unable to provide additional funds at this time. The other members concurred.

No further action by the Legislative Council is required.

Item #3: Actions taken by Ballot

Executive Director Boulter provided Council members with a list of actions taken by ballot by the Legislative Council since its December 19, 2001 meeting.

No Council action required.

NEW BUSINESS

Item #2: Creation of Legislative Council Subcommittee to Plan for New Legislator Orientation and Other Legislator Education Programs

Speaker Saxl said last year when they began as a new Legislative Council there had been talk regarding implementing training efforts because it was felt by some legislators that they did not believe they had sufficient time to consider or understand the budget or other legislative issues. For that reason the Speaker believed that the Council should institutionalize a curriculum committee of the Legislative Council which would include some members of the Legislature's rank and file, to develop a legislative session training and orientation program in a collaborative, bi-cameral and bi-partisan fashion.

Speaker Saxl's recommended a standing curriculum committee made up of 4 members of Leadership, the Chair of the Council, and 4 rank and file members each representing each caucus, invite groups to participate and offer suggestions, and that the Secretary of the Senate and Clerk of the House be included as ex officio, non-voting members.

Motion: That the Legislative Council establish a curriculum committee of the Legislative Council for legislator orientation and training which includes a Legislative Council member from each caucus, 1 rank and file member from each caucus and the Chair of the Council. (Motion by Speaker Saxl, second by Rep. Colwell with the amendment that the Secretary of the Senate and Clerk of the House be included as ex officio members. A friendly amendment was made that it be an 8 member board, not 9, with the 2 members ex officio and non-voting. It was moved and seconded, unanimous).

Item #3: Communications Sent on Behalf of the Legislative Council

A copy of the memo sent to the Joint Select Committee on Joint Rules by Executive Director Boulter on behalf of the Legislative Council regarding the recommendation to change the name of the Joint Standing Committee on Banking and Insurance was included in the packet for informational purposes.

No Council action required.

Item #4: Legislative Budget Reduction Proposals (Emergency Budget)

Executive Director David Boulter said this matter did not require Legislative Council action. The material in the packet was for informational purposes. It was what had been provided to Appropriations Committee.

Item #6: Proposed Policy on Loaned Artwork (Memo from David Boulter, Executive Director of the Legislative Council)

Mr. Boulter presented the proposed policy on loaned artwork for a Council decision. He told the Council the proposed policy will allow the Legislature to secure insurance for pieces of art that are on loan and are exhibited in offices in the Legislature. It is not for permanent pieces of artwork that are the responsibility of the Maine State Museum. The proposed policy is consistent with the requirements of the Division of Risk Management. The proposed policy establishes protocols for how artwork is brought into the building, who is responsible for it, at what times and an assurance that it leaves. There is a proposed maximum market value of \$5,000 for individual work with the aggregate maximum value being \$200,000. Mr. Boulter has been told by the Division of Risk Management that absent adoption of a policy, it is unlikely the Legislature could obtain insurance for the pieces of art.

Speaker Saxl asked Mr. Boulter how it had been handled in the past. It was Mr. Boulter's understanding that while art work was hung in the State House, they were not insured up until two years ago when temporary procedures were implemented that allowed insurance coverage.

Rep. Bruno asked for clarification on the determination of the value for the artwork. It was Mr. Boulter's understanding that for the purposes of the initial filing, the artist will state what he or she believes is the value and in the event of a loss an insurance adjuster would require evidence of the fair market value from the owner of the artwork. The person will fill out a form indicating the price of the artwork with the understanding that if the artwork is worth more than \$5,000 the insurance would only cover up to \$5,000.

Motion: Move that the Legislative Council adopt the proposed policy on loaned artwork. (Motion by Sen. Treat, second by Rep. Schneider, unanimous).

Item #8: Submission of Study Reports

The Legislative Council received the following study reports.

- Committee to Study the Needs of Persons With Mental Illness Who Are Incarcerated (pursuant to H.P. 1383)
- Joint Study Committee to Study Growth Management (pursuant to Joint Order H.P. 1330)
- Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing (pursuant to Joint Order, H.P. 1384)
- Committee to Review the Child Protective System (pursuant to Joint Order, H.P. 1385)
- Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave (pursuant to Joint Order, H.P. 1386)
- Joint Study Commission to Study Reimbursement Rates for Maine's Bottle Redemption Rates for Maine's Bottle Redemption Businesses and Other issues Related to the Handling and Collection of Returnable Containers (pursuant to Joint Order, H.P. 1389)
- Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands (pursuant to Joint Order, H.P. 1391)
- Commission to Study Assisted Living (pursuant to Private and Special Law 2001, chapter 36)
- Commission to Study the Needs and Opportunities Associated With the Production of Salmonid Sport Fish in Maine (pursuant to Public Law 462, chapter 124)
- Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry (pursuant to Resolve 1991, chapter 124)
- Commission to Study Domestic Violence (pursuant to Resolve 1999, chapter 126)
- Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials (pursuant to Resolves 2001, chapter 65)
- The Blue Ribbon Commission on Postsecondary Educational Attainment (pursuant to Resolve 2001, chapter 66)

- Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-Terrain Vehicles and Watercraft (pursuant to Resolves 2001, chapter 68)
- Joint Standing Committee on Health and Human Services Review of the Child Welfare System

The Legislative Council accepted the reports and placed them on file.

ANNOUNCEMENTS AND REMARKS


None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:00 p.m. (Motion by Sen. Davis, second by Sen. Treat, unanimous).

Memorandum

TO: The Honorable Michael V. Saxl, Chair
The Honorable Michael H. Michaud, Vice-Chair
Legislative Council
And Honorable Members of the Legislative Council

FROM: 
David R. Mercier, Director

DATE: February 20, 2002

RE: Interim Studies

Attached is a summary of the status of legislative studies authorized for this interim. As you will see, most study commissions have completed their work.

The results of the 22 legislative studies undertaken during the interim between the 1st and 2nd Regular Sessions of the 120th Legislature are as follows:

- 17 have submitted a final report to the Legislature
- 4 are on-going and will report later this year or in subsequent years
- 1 remaining study (School Funding Formula) is being finalized and should be submitted to the printer this week.

I would be happy to answer any questions you may have or to provide additional information.

Attachment (Progress Report, as of 2/19/02).

cc: Senate President Richard A. Bennett
David E. Boulter, Executive Director

Progress Report on Legislative Studies
(Studies authorized or undertaken during 120th Legislature/1st Regular Session)
Status as of February 19, 2002

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress of Study Commission</u>
Access to Private and Public Lands in Maine, Joint Study Committee to Study (HP 1387 – formerly LD 1810)	8/30/01	NO MORE MEETINGS	19-Dec-01	Final report and implementing legislation have been submitted.
Assisted Living, Commission to Study (P&S 2001, c. 36)	10/11/01	NO MORE MEETINGS	05-Dec-01	Final report has been submitted. No legislation.
Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, Joint Study Committee to Study Reimbursement Rates for Maine's (HP 1389 – formerly LD 455)	9/19/01	NO MORE MEETINGS	05-Dec-01	Final report has been submitted. No legislation.
Child Protective System, Committee to Review the (HP 1385 – formerly LD 1793) (JUD)	8/21/01	NO MORE MEETINGS	19-Dec-01	Final report has been submitted. No legislation.
Domestic Violence, Resolve to Establish the Commission to Study (Resolve 1999, c. 126)	9/27/00	NO MORE MEETINGS	05-Dec-01	Final report and implementing legislation have been submitted.
Education Funding Reform Committee (PL 2001, c. 439)	10/16/01	NO MORE MEETINGS	31-Dec-01	Final report and implementing legislation have been submitted.
Educational Attainment, Blue Ribbon Commission on Postsecondary (Resolve 2001, c. 66)	9/20/01	NO MORE MEETINGS	19-Dec-01	Final report and implementing legislation have been submitted.
Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials, Commission to Study the Implementation of a Unified (Resolve 2001, c. 65)	10/9/01	NO MORE MEETINGS	19-Dec-01	Final report and implementing legislation have been submitted.
Family and Medical Leave for Maine Families, Committee to Study the Benefits and Costs for Increasing Access to (HP 1386 – formerly LD 1466)	9/12/01	NO MORE MEETINGS	05-Dec-01	Final report and implementing legislation have been submitted.
Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing, Committee to Study the Loss of Commercial (HP 1384 – formerly LD 1489)	10/9/01	NO MORE MEETINGS	14-Dec-01	Final report has been submitted. No legislation.

Progress Report on Legislative Studies
(Studies authorized or undertaken during 120th Legislature/1st Regular Session)
Status as of February 19, 2002

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress of Study Commission</u>
Forest Products Industry, Round Table to Study Economic and Labor Issues Relating to the (Resolve 1999, c. 124)	10/25/00	NO MORE MEETINGS	05-Dec-01	Final report and implementing legislation have been submitted.
Forests and Lands, Joint Study Committee to Study Issues Concerning Changes to the Traditional Uses of (HP 1391/1393 – formerly LD 1823)	8/30/01	NO MORE MEETINGS	19-Dec-01	Final report and implementing legislation have been submitted.
Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, Commission to Study Equity in the Distribution of (Resolve 2001, c. 68)	2000	NO MORE MEETINGS	19-Dec-01	Final report and implementing legislation have been submitted.
Growth Management, Joint Study Committee to Study (HP 1330)	10/2/01	NO MORE MEETINGS	19-Dec-01	Final report and implementing legislation have been submitted.
Liquor Stores, Commission to Develop a Plan to Implement the Closure of State (PL 2001, c. 358)	8/15/01	NO MORE MEETINGS	31-Jan-02	Final report and implementing legislation have been submitted.
MCJUSTIS Board (Resolve 1997, c. 105, PL 1999, c. 451, PL 1999, c. 790, Resolve 2001, c. 45)	July 1998	NO MORE MEETINGS THIS YEAR	15-Dec-01 15-Dec-02	MCJUSTIS Policy Board completing 2001 report.
Mental Illness Who Are Incarcerated, Joint Study Committee to Study the Needs of Persons with (HP 1383 – formerly LD 1099)	9/13/01	NO MORE MEETINGS	19-Dec-01	Final report and implementing legislation have been submitted.
Recodification of Title 12, chapters 701-721 – Staff Study (HP 613)	7/25/01	Staff Study	15-Jan-02 15-Jan-03	Reporting deadline extended to 15-Jan-03 (SPO761)
Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462)	6/19/01	3/25/02 1:00 pm Rm 206 CSOB (tentative)	01-Dec-01 Interim 31-Oct-02 Final	Interim report has been submitted.
School Funding Formula Based on the Essential Programs and Service Model, Committee Study to Review Transition to a New (Legislative Council Authorized)	7/26/01	NO MORE MEETINGS	15-Jan-02	Draft final report in progress. No legislation.

Progress Report on Legislative Studies
 (Studies authorized or undertaken during 120th Legislature/1st Regular Session)
 Status as of February 19, 2002

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress of Study Commission</u>
Vietnam Veterans in the Hall of Flags, Commission to Recognize (PL 2001, c. 353)	TBA	NO MORE MEETINGS	01-Dec-01	Final report has been submitted. No legislation.
Youth Advisory Council, Legislative (PL 2001, c. 439)	TBA	TBA	15-Feb-03	Youth Advisory Council becomes effective in 2002; funding available July, 2002.

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Fiscal Briefing for the Legislative Council

February 27, 2002

*Prepared by the
Office of Fiscal & Program Review*

1. January 2002 Revenue Variances

- a. General Fund – Down \$4.8M/Up \$4.5M FY-T-D
- b. Highway Fund – Up \$1.7M/Up \$3.9M FY-T-D
(GF Revenue Reflects Nov. 2001 Revisions, not Feb. 2002 Revisions)
(See Variances Attached and Monthly Revenue Sheets)

2. February 2002 Revenue Reprojection – 2002-2003 Biennium

- a. General Fund
 - Restores \$91.2M of the \$248.6M downward revision of November 2001
 - b. Highway Fund and Fund for a Healthy Maine
 - Highway Fund revised upward by \$1.05M
 - Fund for a Healthy Maine revised downward by \$5.35M
- (See Attached Report of the Revenue Forecasting Committee)

3. 2002-2003 Budget Shortfall after February 2002 Reprojection

- a. \$58.3M in FY02 and \$94.8M in FY03

Revenue Update - Fiscal Year 2001-02

General Fund Revenue Variance Summary For the Month of January 2002 (Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session) Revised to Reflect November 2001 Revenue Forecasting Committee Recommendations		
In Millions		
Revenue Source	January 2002	Fiscal Year-to-Date January 2002
Sales and Use Tax	\$7.6	\$10.8
Individual Income Tax	(\$21.4)	(\$15.0)
Corporate Income Tax	(\$0.6)	(\$5.2)
Cigarette and Tobacco Tax	\$3.4	\$7.4
Public Utilities Tax	\$0.0	\$0.2
Insurance Companies Tax	(\$0.1)	\$1.7
Inheritance and Estate Tax	(\$0.5)	(\$2.5)
Property Tax - Unorganized Territories	\$0.0	\$0.0
Income from Investments	(\$0.1)	(\$0.7)
Transfer to Municipal Revenue Sharing	\$0.7	\$0.5
Transfer from Liquor	\$0.2	\$1.0
Transfer from Lottery	(\$0.1)	\$1.7
Other Revenues	\$6.1	\$4.5
Total General Fund - Variances	(\$4.8)	\$4.5

Highway Fund Revenue Variance Summary For the Month of January 2002 (Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
In Millions		
Revenue Source	January 2002	Fiscal Year-to-Date January 2002
Fuel Taxes	\$0.6	\$1.9
Motor Vehicle Registration and Fees	\$1.0	\$3.0
Inspection Fees	\$0.2	(\$0.2)
Other Revenues	(\$0.1)	(\$0.7)
Total Highway Fund - Variances	\$1.7	\$3.9

*Prepared by the Office of Fiscal and Program Review
Based on Preliminary Data; Subject to Change
Does not reflect February 2002 Reprojections*

FUND	Revenue Line	Jan. '02 Budget	Jan. '02 Actual	Jan. '02 Var.	Budget FY02 YTD	Actual FY02 YTD	FY02 Variance
GF	Sales and Use Tax	70,812,088	78,460,545.40	7,648,457.40	438,762,989	449,607,378	10,844,388.59
GF	Individual Income Tax	160,373,355	138,942,426.96	(21,430,928.04)	631,459,815	616,469,405	(14,990,409.87)
GF	Corporate Income Tax	470,800	(161,128.56)	(631,928.56)	42,589,681	37,401,477	(5,188,203.88)
GF	Cigarette and Tobacco Tax	6,953,597	10,390,414.19	3,436,817.19	50,595,348	58,021,646	7,426,297.51
GF	Public Utilities Tax	0	0.00	0.00	(150,000)	53,241	203,240.72
GF	Insurance Companies Tax	18,230	(67,273.19)	(85,503.19)	7,180,047	8,870,744	1,690,696.55
GF	Estate Tax	2,740,087	2,196,410.65	(543,676.35)	8,832,961	6,357,673	(2,475,288.13)
GF	Property Tax - Unorganized Territory	0	0.00	0.00	8,827,588	8,827,588	0.00
GF	Income from Investments	364,861	308,656.60	(56,204.40)	3,629,254	2,934,161	(695,092.82)
GF	Transfer to Municipal Revenue Shari	(11,814,469)	(11,079,334.03)	735,134.97	(56,753,436)	(56,277,391)	476,044.75
GF	Transfer from Liquor Commission	1,398,140	1,597,292.16	199,152.16	14,509,911	15,536,868	1,026,957.29
GF	Transfer from Lottery Commission	3,061,205	2,958,077.54	(103,127.46)	21,628,284	23,316,256	1,687,971.59
GF	Other Revenue	9,541,298	15,594,493.22	6,053,195.22	77,893,776	82,417,363	4,523,586.67
GF	Totals	243,919,192	239,140,580.94	(4,778,611.06)	1,249,006,218	1,253,536,406.97	4,530,188.97
HF	Fuel Taxes	15,205,417	15,803,797.85	598,380.85	92,510,419	94,412,068	1,901,648.72
HF	Motor Vehicle Registration and Fees	5,299,876	6,281,526.23	981,650.23	40,673,767	43,652,589	2,978,821.87
HF	Inspection Fees	234,038	453,592.60	219,554.60	1,837,276	1,604,957	(232,318.51)
HF	Other Revenue	851,896	784,333.58	(67,562.42)	6,587,386	5,877,704	(709,682.33)
HF	Totals	21,591,227	23,323,250.26	1,732,023.26	141,608,848	145,547,317.75	3,938,469.75

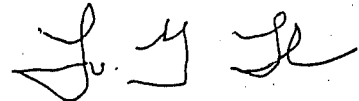
REVENUE FORECASTING COMMITTEE

Memorandum

February 21, 2002

TO: Governor Angus S. King, Jr.
 Members, Legislative Council
 Members, Joint Standing Committee on Appropriations & Financial Affairs
 Members, Joint Standing Committee on Taxation
 Members, Joint Standing Committee on Transportation

FROM: Laurie Lachance, Chair, Revenue Forecasting Committee



RE: Summary of the February 2002 Revenue Forecasting Committee Meetings

The Revenue Forecasting Committee concluded its review of its revenue forecasts today, finalizing our review and reprojection of revenues for the period FY02-FY05. The Revenue Forecasting Committee restored a portion of its \$248.6 million downward revisions to General Fund revenue for the 2002-2003 biennium. That forecast was based on a review of the economy shortly after the events of September 11th. The significant improvement to the economic forecast revised last month by the Consensus Economic Forecasting Commission is the major factor driving the General Fund revenue rejections. However, given the uncertainty surrounding the effect of recent incentives of automobile manufacturers on the timing of auto sales and a substantial reduction of "Estimated Payments" in the individual income tax line in January, the committee is concerned about the potential near term risk in the major tax lines. The committee will be watching sales and income tax collections carefully over the next few months.

We have also revised revenue projections for the Highway Fund and revenue from the Tobacco Settlement Agreement based on some recent variances. A summary of these changes is attached. In aggregate, the recommendations of the Revenue Forecasting Committee increase General Fund and Highway Fund revenue and decrease Tobacco Settlement estimates as follows:

Fiscal Year	General Fund	Highway Fund	Tobacco Settlement
FY 02	\$ 27,621,445	\$ 913,990	(\$5,353,870)
FY 03	<u>63,587,012</u>	<u>138,956</u>	<u>0</u>
2002-2003 Biennium	\$91,208,457	\$1,052,946	(\$5,353,870)
FY 04	\$ 83,980,826	\$ 106,701	0
FY 05	<u>114,870,395</u>	<u>107,254</u>	<u>0</u>
2004-2005 Biennium	\$198,851,221	\$ 213,955	0

Note: The General Fund amounts do not include certain General Fund revenue increases that have been included in the Governor's proposed 2002-2003 supplemental budget bill, LD 2080. The committee reviewed these amounts but did not include them in the totals above to avoid confusion.

Attachments

cc: Members, Revenue Forecasting Committee
 Members, Consensus Economic Forecasting Commission
 Janet Waldron, Commissioner, DAFS
 Mike Allen, Revenue Services
 Jerry Stanhope, Revenue Services
 Galen Rose, State Planning Office
 Dana Evans, MDOL
 OFPR Staff

Revenue Forecasting Committee Revenue Reprojection - February 2002

General Fund Revenue Reprojections - Summary*				
Revenue Source	FY02	FY03	FY04	FY05
Sales and Use Tax	26,720,000	42,090,000	49,870,000	59,920,000
Individual Income Tax	(3,114,093)	22,875,088	37,522,091	59,770,575
Corporate Income Tax	(6,661,483)	(3,902,222)	(5,077,886)	(5,178,054)
Cigarette and Tobacco Tax	3,500,000	3,500,000	3,500,000	3,500,000
Public Utilities Tax	0	0	0	0
Insurance Companies Tax	0	0	0	0
Inheritance and Estate Tax	(1,762,117)	(1,221,502)	(1,149,666)	(1,273,104)
Property Tax - Unorganized Territories	706,186	(175,240)	0	0
Income from Investments	0	0	0	0
Transfer to Municipal Revenue Sharing	(864,165)	(3,149,012)	(4,280,339)	(5,954,651)
Transfer from Liquor	1,449,756	1,678,383	1,629,837	1,970,890
Transfer from Lottery	1,000,000	0	0	0
Other Revenues				
Securities Division	0	0	0	0
Fine Revenue	(759,286)	(782,436)	(865,972)	(881,714)
DHS Revenue	6,322,124	3,288,114	3,391,114	3,496,114
BDS Revenue	1,084,523	(614,161)	(558,353)	(499,661)
Total General Fund - Reprojections	27,621,445	63,587,012	83,980,826	114,870,395
	'02-'03 Biennium:	\$91,208,457	'04-'05 Biennium:	\$198,851,221

* Additional detail is provided on the next pages

Highway Fund Revenue Reprojections - Summary				
Revenue Source	FY02	FY03	FY04	FY05
Fuel Taxes				
Motor Vehicle Registration and Fees	1,000,000	208,328	211,453	214,625
Inspection Fees				
Other Revenues				
DOT Fine Revenue	(86,010)	(69,372)	(104,752)	(107,371)
Total Highway Fund - Reprojections	\$913,990	\$138,956	\$106,701	\$107,254
	'02-'03 Biennium:	\$1,052,946	'04-'05 Biennium:	\$213,955

Tobacco Settlement Funds (Fund for a Healthy Maine) Reprojections - Summary				
Revenue Source	FY02	FY03	FY04	FY05
Tobacco Settlement - Initial Payments (January)	(1,390,820)			
Tobacco Settlement - Annual Payments (April)	(3,979,277)			
Other Revenues	29,827			
Interest Earnings	(13,600)			
Total Highway Fund - Reprojections	(\$5,353,870)	\$0	\$0	\$0
	'02-'03 Biennium:	(\$5,353,870)	'04-'05 Biennium:	\$0

Prepared by the Office of Fiscal and Program Review for the Revenue Forecasting Committee

Revenue Forecasting Committee Revenue Projections for
FY2002-FY2005

Source	FY04 Budget	% Chg.	Recom. Chg.	FY04 Reproject	% Chg.	FY05 Budget	% Chg.	Recom. Chg.	FY05 Reproject	% Chg.
Sales and Use Tax	\$888,810,000	4.4%	\$49,870,000	\$938,680,000	5.6%	\$928,630,000	4.5%	\$59,920,000	\$988,550,000	6.5%
Individual Income Tax	\$1,319,963,776	6.0%	\$37,522,091	\$1,357,485,867	2.8%	\$1,394,827,127	5.7%	\$59,770,575	\$1,454,597,702	4.3%
Corporate Income Tax	\$107,687,915	4.1%	(\$5,077,886)	\$102,610,029	-4.7%	\$109,398,084	1.6%	(\$5,178,054)	\$104,220,030	-4.7%
Cigarette and Tobacco Tax	\$98,734,976	-0.7%	\$3,500,000	\$102,234,976	3.5%	\$97,922,388	-0.8%	\$3,500,000	\$101,422,388	3.6%
Public Utilities Tax	\$28,400,000	-3.1%	\$0	\$28,400,000	0.0%	\$27,500,000	-3.2%	\$0	\$27,500,000	0.0%
Insurance Companies Tax	\$41,946,028	2.5%	\$0	\$41,946,028	0.0%	\$42,993,604	2.5%	\$0	\$42,993,604	0.0%
Estate Tax	\$31,205,992	9.1%	(\$1,149,666)	\$30,056,326	-3.7%	\$31,010,277	-0.6%	(\$1,273,104)	\$29,737,173	-4.1%
Property Tax - Unorg. Territory	\$10,466,939	6.3%	\$0	\$10,466,939	0.0%	\$11,055,885	5.6%	\$0	\$11,055,885	0.0%
Income from Investments	\$4,000,000	-11.1%	\$0	\$4,000,000	0.0%	\$4,000,000	0.0%	\$0	\$4,000,000	0.0%
Transfer to Municipal Rev. Sharing	(\$120,456,008)	6.2%	(\$4,280,339)	(\$124,736,347)	3.6%	(\$126,508,471)	5.0%	(\$5,954,651)	(\$132,463,122)	4.7%
Transfer from Liquor Commission	\$25,304,840	2.8%	\$1,629,837	\$26,934,677	6.4%	\$25,317,840	0.1%	\$1,970,890	\$27,288,730	7.8%
Transfer from Lottery Commission	\$36,809,911	0.0%	\$0	\$36,809,911	0.0%	\$36,809,911	0.0%	\$0	\$36,809,911	0.0%
Other Revenues	\$131,367,508	-6.2%	\$1,966,789	\$133,334,297	1.5%	\$132,709,035	1.0%	\$2,114,739	\$134,823,774	1.6%
Total Revenue Available	\$2,604,241,877	4.1%	\$83,980,826	\$2,688,222,703	3.2%	\$2,715,665,680	4.3%	\$114,870,395	\$2,830,536,075	4.2%
								\$198,851,221		

-2.2%

-5.7%

**Revenue Forecasting Committee Revenue Projections for
FY2002-FY2005**

Source	FY00 Actual	FY01 Actual	% Chg.	FY02 Budget	% Chg.	Recom. Chg.	FY02 Reproject	% Chg.	FY03 Budget	% Chg.	Recom. Chg.	FY03 Reproject	% Chg.
Sales and Use Tax	\$847,355,132	\$817,781,460	-3.5%	\$813,360,000	-0.5%	\$26,720,000	\$840,080,000	3.3%	\$851,040,000	4.6%	\$42,090,000	\$893,130,000	4.9%
Individual Income Tax	\$1,074,621,614	\$1,167,748,898	8.7%	\$1,180,830,504	1.1%	(\$3,114,093)	\$1,177,716,411	-0.3%	\$1,245,646,323	5.5%	\$22,875,088	\$1,268,521,411	1.8%
Corporate Income Tax	\$150,045,645	\$96,102,796	-36.0%	\$96,961,509	0.9%	(\$6,661,483)	\$90,300,026	-6.9%	\$103,422,251	6.7%	(\$3,902,222)	\$99,520,029	-3.8%
Cigarette and Tobacco Tax	\$78,343,171	\$77,501,831	-1.1%	\$91,410,131	17.9%	\$3,500,000	\$94,910,131	3.8%	\$99,449,755	8.8%	\$3,500,000	\$102,949,755	3.5%
Public Utilities Tax	\$15,786,930	\$29,777,365	88.6%	\$30,100,000	1.1%	\$0	\$30,100,000	0.0%	\$29,300,000	-2.7%	\$0	\$29,300,000	0.0%
Insurance Companies Tax	\$42,698,686	\$43,576,502	2.1%	\$43,381,856	-0.4%	\$0	\$43,381,856	0.0%	\$40,924,003	-5.7%	\$0	\$40,924,003	0.0%
Estate Tax	\$58,803,666	\$30,616,759	-47.9%	\$27,144,143	-11.3%	(\$1,762,117)	\$25,382,026	-6.5%	\$28,612,122	5.4%	(\$1,221,502)	\$27,390,620	-4.3%
Property Tax - Unorg. Territory	\$9,333,204	\$9,808,431	5.1%	\$9,278,895	-5.4%	\$706,186	\$9,985,081	7.6%	\$9,845,047	6.1%	(\$175,240)	\$9,669,807	-1.8%
Income from Investments	\$20,312,457	\$16,365,950	-19.4%	\$10,650,000	-34.9%	\$0	\$10,650,000	0.0%	\$4,500,000	-57.7%	\$0	\$4,500,000	0.0%
Transfer to Municipal Rev. Sharing	(\$105,673,142)	(\$106,163,291)	0.5%	(\$106,648,753)	0.5%	(\$864,165)	(\$107,512,918)	0.8%	(\$113,459,599)	6.4%	(\$3,149,012)	(\$116,608,611)	2.8%
Transfer from Liquor Commission	\$23,226,758	\$24,231,271	4.3%	\$23,121,548	-4.6%	\$1,449,756	\$24,571,304	6.3%	\$24,611,840	6.4%	\$1,678,383	\$26,290,223	6.8%
Transfer from Lottery Commission	\$38,138,174	\$35,677,299	-6.5%	\$36,762,402	3.0%	\$1,000,000	\$37,762,402	2.7%	\$36,809,911	0.1%	\$0	\$36,809,911	0.0%
Other Revenues	\$142,224,510	\$147,603,081	3.8%	\$143,984,120	-2.5%	\$6,647,361	\$150,631,481	4.6%	\$140,070,292	-2.7%	\$1,891,517	\$141,961,809	1.4%
Total Revenue Available	\$2,395,216,806	\$2,390,628,351	-0.2%	\$2,400,336,355	0.4%	\$27,621,445	\$2,427,957,800	1.2%	\$2,500,771,945	4.2%	\$63,587,012	\$2,564,358,957	2.5%
Change in Biennium											\$91,208,457		

-3.1%

-4.8%

**120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

TECHNOLOGY REPORT

February 27, 2002

- I. Backup System Upgrade**
 - a. Upgrade of the network tape backup system is complete**
 - b. Early results re: time needed to complete backups, are better than expected**
- II. Legislative Direct Internet Access**
 - a. Working to complete remaining tasks**
 - i. shared global addressing**
 - ii. auxiliary connection to BIS**
 - iii. finalizing the new Legislative address**
 - b. Test period before cutover**
 - c. Implementation late April or early May**
- III. Migration/Bill Drafting System**
 - a. Drafted a Contract Amendment to reflect the agreements in the Completion Plan**
 - b. Will review amendment and issues with the Technology Committee for Legislative Council recommendation**

Legislative Council
Subcommittee to Clarify the Law
Enforcement Authority of Capitol Security

Meeting Summary of
February 13, 2002 Meeting

Subcommittee Members Present:

Sen. Treat, Rep. Schneider, Rep. Colwell, Sen. Davis, Millie MacFarland, Clerk of the House, Pam Cahill, Secretary of the Senate, David Boulter, Executive Director

Invited Participants from Joint Standing Committee on Criminal Justice:

Present: Rep. Quint, Rep. Snow-Mello

Absent: Sen. McAleve, Rep. Povich

Invited Guests:

Present: Commissioner Michael Kelly, Department of Public Safety

Absent: Director Don Sutter, Capitol Security

Sen. Treat convened the meeting at 1:50 p.m. She welcomed the committee members and other participants. She thanked the Criminal Justice Committee members for agreeing to participate by offering their advice to the subcommittee. Sen. Treat then reminded members of the Legislative Council's charge to the subcommittee:

1. Review options relating to the law enforcement powers of the Bureau of Capitol Security, including training requirements and appropriate levels of authority for Capitol Security officers; and
2. Make recommendations to the Legislative Council for its consideration.

By way of background, earlier this year the Attorney General ruled that Capitol Security officers did not have the requisite training as law enforcement officers and, therefore, are not empowered to use law enforcement powers. On January 22, 2002, the Legislature enacted as an emergency measure PL 2001, Chapter 472 that temporarily reinstates the law enforcement authority of Capitol Security officers, with a repeal date of December 31, 2002. The law provides a window of opportunity to assess the situation so that a long-term solution may be developed and instituted before the end of the Second Regular Session.

The Legislative Council asked that the subcommittee review the issues and make its recommendations in an expeditious fashion. Representatives of the Department of Public Safety and the Bureau of Capitol Security were invited so the subcommittee has the benefit of their information and recommendations before a final recommendation is made.

Sen. Treat asked Commissioner Kelly to discuss with the subcommittee the Department of Public Safety's (DPS) perspective on the appropriate law enforcement powers for Capitol Security, current training levels and other potential training requirements that may be appropriate for Capitol Security officers.

Commissioner Kelly made the following points.

1. The level of training for Capitol Security personnel that is considered appropriate has changed over the last few years - a bit of a moving target.
2. Two levels of training are currently recognized under law and by the Maine Criminal Justice Academy for law enforcement officers:
 - A) 100 hours of training (Capitol Security)
 - B) 750 hours of training (State Police, municipal and county and University of Maine officers)

The 100 hour training requirement is limited to part-time officers, those earning less than \$10,000 in salary per year.

3. Capitol Security officers could be trained to 750 hours, meeting the legal requirements. However, Capitol Security's scope of responsibility, being primarily security of the facilities and safety of persons in the facilities, is limited relative to other law enforcement officers. For example, Capitol Security officers ordinarily would not conduct motor vehicle enforcement, high speed chases or criminal investigations. Some of the 750 hour training may be unnecessary.
4. Training Capitol Security officers to the 750 hour level will almost certainly precipitate a salary reclassification request by Capitol Security personnel, from the current Range 12 to Range 18 (troopers). In addition, officer retention is likely to be an issue since, once trained, officers would have available much greater opportunities for promotion and diversity of job assignments with other law enforcement organizations.
5. The Governor's proposal is to merge Capitol Security with the Bureau of State Police. (Capitol Security would no longer be a stand-alone bureau). There would be a net increase of 2 officers in Capitol Security. Overall, the plan would call for a total of 5 troopers, 6 Capitol Security officers and the current number of night watchpersons on assignment year-round at the State House complex. The costs, excluding reclassification costs, are approximately \$340,000 per year. The current Capitol Security budget is \$625,000 per year.

6. Capitol Security currently provides for some training in addition to the required 100 hours.
7. The Department of Public Safety is now considering an additional 120 hours of training for Capitol Security, tailored to its specialized functions. A detailed training program would need to be developed by the Maine Criminal Justice Academy and sanctioned by a change in law. Such additional training might consist of personal intervention skills and security-related procedures.

Sen. Treat suggested that the variety of issues discussed could be grouped into 1 of 2 distinct, but related issues:

- 1 - the level of training that is appropriate for Capitol Security officers given their specialized functions; and
- 2 - the organizational and reporting structure of Capitol Security.

The other members agreed.

Commissioner Kelly recommended a change in minimum training levels for Capitol Security from 100 to 220 hours regardless of whether it is reorganized. He was uncertain whether the increased level of training would trigger a reclassification request as it undoubtedly would for the 750 hour training level.

Rep. Quint and Snowe-Mello stated that the Criminal Justice Committee had recommended to the Appropriations Committee that:

- A. The Legislature not adopt the Governor's proposal for transfer of Capitol Security supervision to the Maine State Police.
- B. Current Capitol Security officers be exempted under Title 25, section 2801-B from the full law enforcement training standards, but complete a specialized field training program.
- C. Newly hired Capitol Security officers complete the 100 hour preservice law enforcement training course under Title 25, section 2804-B and a specialized field training program.
- D. No change be made to the current structure and supervision of Capitol Security.

[Note: 1 member did not endorse the recommendations at that time, opting instead to wait for the Legislative Council's subcommittee to complete its review].

After further discussion, and at the suggestion of Rep. Schneider, the subcommittee asked that Commissioner Kelly work with David Boulter to provide the committee with the following information:

- 1 - a copy of current rules and procedures adopted by the Department of Public Safety that limit the use of law enforcement powers of Capitol Security personnel;
- 2 - an organization chart, listing positions and incumbents, of the current structure of Capitol Security and the new structure proposed by the Governor in his bill budget;
- 3 - a proposal for Capitol Security that provides a comparable staffing level as the Governor's proposal but without the proposed organizational merger with the Bureau of State Police. The proposal should include position titles and functions, costs, training levels required for each position and potential placement of incumbents;
- 4 - proposals for Capitol Security that provide for a net increase of 2 law enforcement officers under the current and proposed organizational structures, incorporating 220 hours of training. The proposal should include position titles and functions, typical areas for the training and costs.

The subcommittee concluded that the requested information was necessary in order for it to fully evaluate options and make informed recommendations to the Legislative Council. The subcommittee agreed to reconvene following receipt of the requested information.

The meeting adjourned at 2:45 p.m.

**Actions Taken by Ballot by
the Legislative Council Since
the January 29, 2002 Council Meeting
(as of February 21, 2002)**

1. Request for Introduction of Legislative

A. LR 3422; An Act to Provide Funding for Conservation Education

Submitted by: Sen. John Martin

Accepted: February 14, 2002, 8 - 0 - 0 - 2

**B. LR 3437; An Act To Allow Qualified Shellfish Harvesters to Continue to Sample
Water Quality**

Submitted by: Rep. David Etnier

Accepted: February 14, 2002, 6 - 0 - 0 - 4

C. LR 3458; An Act to Improve Access to Prescription Drugs for the Elderly

Submitted by: Sen. Sharon Treat

Accepted: February 5, 2002, 10 - 0

**D. LR 3456; An Act to Include all State-supported Institutions of Higher Education in
the Clean Government Initiative**

Submitted by: Rep. Baker

Accepted: February 21, 2002, 10 - 0

**E. LR 3466; An Act to Change the Governing Board of the George Stevens Academy
in Blue Hill**

Submitted by: Rep. Volenik

Accepted: February 18, 2002, 8 - 0 - 0 - 2

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
As of February 21, 2002

Action

SPONSOR: Rep. Baker, Christina L.

LR 3455 An Act Regarding the Cumulative Effects of Nonpoint
Source Pollution

SPONSOR: Rep. Baker, Christina L.

LR 3457 An Act to Expand Maternity Leave to Mothers of
Adopted Children Under the Age of One Year

SPONSOR: Sen. Davis, Sr., Paul T.

LR 3515 An Act to Amend the Charter of the Corinna Water
District to Allow for the Appointment of Trustees

SPONSOR: Rep. Dudley, Benjamin F.

LR 3485 An Act to Create a Registry for Personal Care
Attendants and Certified Nursing Assistants

SPONSOR: Rep. Haskell, Anita P.

LR 3496 Resolve, to Allow Julie Harrington to Sue the State

SPONSOR: Rep. Matthews, Zachary E.

LR 3487 An Act to Raise the Cigarette and Beer and Wine Tax
Action

SPONSOR: Sen. Michaud, Michael H.

LR 3486 An Act to Conform State Law to Federal Law Regarding
Deferred Compensation Plans

SPONSOR: Rep. Saxl, Michael V.

LR 3480 Resolve to Create the Commission on Affordable Housing

SPONSOR: Rep. Skoglund, James G.

LR 3445 An Act to Provide Alternate Funding for Demolition
and Removal of the Maine State Prison Facilities
at Thomaston

SPONSOR: Rep. Sullivan, Nancy B.

LR 3502 An Act to Provide Flexibility in the Rate of Interest
Charged on Delinquent Taxes

SPONSOR: Rep. Twomey, Joanne T.

LR 3441 An Act to Make All Durable Medical Equipment Tax Exempt

JOINT RESOLUTIONS

SPONSOR: Rep. Bliss, Lawrence

LR 3476 JOINT RESOLUTION, MEMORIALIZING THE PRESIDENT OF THE
UNITED STATES AND THE CONGRESS OF THE UNITED STATES
TO FULFILL THE INTENT TO FUND 40% OF THE COSTS OF
SPECIAL EDUCATION MANDATES TO THE STATES UNDER THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SPONSOR: Rep. McKenney, Terrence P.

LR 3470 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE
UNITED STATES AND THE CONGRESS OF THE UNITED STATES
TO RESTORE THE EQUITABLE DISTRIBUTION OF FEDERAL
HIGHWAY FUNDING TO STATES AND MUNICIPALITIES

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Gerzofsky, Stanley J.

TABLED
01/29/02

LR 3421 An Act to Prevent Funds From Being Transferred to the
Capital Construction/ Repairs/ Improvements-Administrative
Program for the Demolition of the Maine State Prison in
Thomaston.

SPONSOR: Rep. Lemoine, David G.

TABLED
01/29/02

LR 3331 An Act to Restore the Passage of Alewives on the
Lower St. Croix River

SPONSOR: Rep. Perry, Joseph C.

TABLED
01/29/02

LR 3410 Resolve, Authorizing Michelle Booker to Sue the State

JOINT RESOLUTION

SPONSOR: Rep. Michaud, Marc

TABLED
01/29/02

LR 2810 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO REMOVE THE ALLAGASH WILDERNESS
WATERWAY FROM THE AUSPICES OF THE WILD AND SCENIC
RIVERS ACT



MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMITTEE TO STUDY ACCESS TO PRIVATE AND PUBLIC LANDS IN MAINE

January 31, 2002

The Honorable Michael V. Saxl, Chair
The Honorable Michael H. Michaud, Vice-Chair
Legislative Council
115 State House Station
Augusta, Maine 04333

Dear Representative Saxl and Senator Michaud:

This letter is to inform you that the Committee to Study Access to Private and Public Lands in Maine has submitted the attached report including recommended legislation to the Joint Standing Committee on Agriculture, Conservation and Forestry, pursuant to Joint Order, House Paper 1387. Copies of the report have been transmitted to the Legislative Council and have been placed on file with the Law and Legislative Reference Library.

Sincerely,

Senator Marge L. Kilkelly, Senate Chair


Representative Monica McGlocklin, House Chair

cc: Members of the Legislative Council (w/enc.)
Senate President Richard A. Bennett

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FEB - 4 2002



MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMISSION TO DEVELOP A PLAN TO IMPLEMENT
THE CLOSURE OF THE STATE LIQUOR STORES

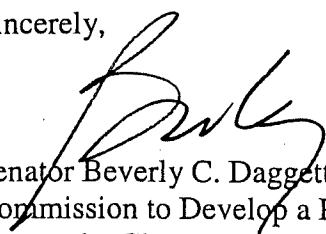
February 21, 2002

The Honorable Michael V. Saxl, Chair
The Honorable Richard A. Bennett, Vice-Chair
Legislative Council
115 State House Station
Augusta, ME 04333


Dear Representative Saxl and Senator Bennett:

Pursuant to Public Law 2001, chapter 358, the Commission to Develop a Plan to Implement the Closure of the State Liquor Stores is pleased to submit its final report. Copies of the report have been transmitted to the Joint Standing Committee on Legal and Veterans' Affairs, and placed on file with the Law and Legislative Reference Library.

Sincerely,



Senator Beverly C. Daggett, Chair
Commission to Develop a Plan to Implement
the Closure of the State Liquor Stores



Representative John L. Tuttle, Jr., Chair
Commission to Develop a Plan to Implement
the Closure of the State Liquor Stores

cc: David Boulter, Executive Director, Legislative Council
David Mercier, Director, OPLA
Members of the Legislative Council(w/enc.)
Chairs, Legal and Veterans' Affairs Committee
Senator Michael H. Michaud, President Pro Tempore

FEB 22 2002