

# MAINE STATE LEGISLATURE

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REP. MICHAEL V. SAXL  
CHAIR

SEN. MICHAEL H. MICHAUD  
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

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

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

**MEETING SUMMARY  
FEBRUARY 27, 2002  
APPROVED MARCH 26, 2002**

**CALL TO ORDER**

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

**ROLL CALL**

Senators:	Sen. Michaud, Sen. Daggett, Sen. Small, Sen. Treat Absent: Sen. Davis
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 Elliott, Principal Analyst, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

**SUMMARIES OF THE JANUARY 22, AND JANUARY 29, 2002  
COUNCIL MEETINGS**

**Motion:** That the Summaries of January 22 and January 29, 2002 be accepted and placed on file. (Motion by Rep. Bruno, second by Sen. Michaud, 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

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

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Executive Director Boulter presented two items to the Legislative Council.

1. **Renovations Activities**

Mr. Boulter reported that all offices were back into the State House and all areas of the building have been re-opened. The following are the next steps:

- a. Completing the punch list items within the next month or so. Contractors will work from 5:00 pm to 2:00 am to complete the work;
- b. Re-hanging the portraits and memorial plaques will begin in early March; and
- c. Until the Percent for Art Committee makes its final recommendations for commissioned artwork, there will be a temporary exhibit of artwork by Maine artists in the 1<sup>st</sup> floor lobby area to give the area a more finished appearance.

2. **West Wing Re-piping**

Mr. Boulter has received notice from Granger Northern, Inc., that the rubber tubing in the West Wing has been removed and replaced with suitable piping at no cost to the Legislature. The contractor worked closely with Weinrich + Burt Architects and Continental Casualty Insurance Company to reach a settlement agreement that excludes the Legislature from any financial liability. Mr. Boulter expressed his appreciation of Rick Burt and Bruce Hilfrank from Granger Northern for resolving the matter in such a positive manner. The settling parties asked Mr. Boulter to sign a general release from the insurance company on behalf of the Legislative Council. He is currently reviewing the proposed release with the Attorney General's Office.

Executive Director Boulter sought authorization from the Legislative Council to execute a limited Release in order to allow the piping settlement to go forward. His request was made with the understanding that the release terms and conditions would be acceptable to the Attorney General's Office, that it require no financial payment by the Legislative Council as a condition of release and that the release would not waive any warranty or rights of recourse by the Council in the event of subsequent failure or defect of the replacement piping.

**Motion:** That the Executive Director be authorized to execute a limited Release, the parties, terms and scope of which are acceptable to the Attorney General's Office, for causes of action and claims related to the original design and installation of the rubber

tubing in the West Wing for the HVAC system installed as part of the State House renovations; Further, that the Release require no financial payment by the Legislative Council and that the Release not waive any warranty or rights of recourse by the Legislative Council in the event of failure or defect of the replacement piping. (Motion by Speaker Saxl, seconded by Rep. Bruno, unanimous 7-0, absent: Senators Davis, Daggett and Michaud).

- **Renovations: Status Report**

Stanley Fairservice, the Owner's Representative, reported he has been working with the Bureau of General Services to familiarize the maintenance and trades personnel with the mechanical, electrical, and other facility systems before his employment contract ends on March 15, 2002. At that time he will be transmitting all renovation-related documents including change orders, architects' revisions, and all blue prints to the Executive Director's Office or BGS.

Speaker Saxl thanked Mr. Fairservice for his work.

- **Status of Interim Studies**

David Elliott, Principal Analyst from OPLA, reported that of the 22 legislative studies OPLA had worked on during the interim, 17 have been completed with final reports issued, 4 of the studies are on ongoing and will report later this year or next year, and the 1 remaining, the Essential Program Services and School Funding Study, will be completed shortly.

Speaker Saxl inquired as to why full committees were having study recommendations and legislation referred to them for further study. Sen. Treat said that for studies with which she was familiar, having committees study the issues afforded an opportunity for public hearing and comment that was not available earlier.

- **Fiscal Report**

Grant Pennoyer, Director, OFPR, presented a report on revenues for January, 2002. He noted that the revenue variances do not reflect the recent reprojections for February. Rather the figures were based on the old forecast. The General Fund Revenue was up by \$4.5 million for year-to-date, but the January revenue was down \$4.8 million. The Highway Fund continued to be up \$1.7 million for the month, and up \$3.9 million for year-to-date.

He noted that the Revenue Forecasting Committee has concluded its revenue re-forecast. The forecast restored \$91.2 million of the \$248.6 million projected shortfall in November. The sales tax line was where almost \$70 million of the \$106 million was restored. \$20 million was restored to the individual income tax. Other major elements: cigarette taxes increased by \$7 million for the current biennium, liquor and lottery were re-forecast upward by \$4.1 million and DHS revenues was projected upward by \$9.6 million. The Highway Fund had strong performances in fuel tax and motor vehicles; the forecast was upward by \$1.1 million for the biennium. The Fund for Healthy Maine had a one time downward reprojection of \$5.35 million, although there was not total agreement with that amount. It is not in the 2002 forecast and has been set aside in escrow, until the disagreement is resolved.

The current General Fund budget shortfall is now projected to be \$58.3 million in Fiscal Year 02 and \$95 million in Fiscal Year 03. Mr. Pennoyer noted that to balance the budget in Fiscal Year 02, \$58.3 million of savings in Fiscal Year 02 will be required.

Rep. Bruno said a budget was needed by the end of March and asked what would happen if the projected numbers were not met. Mr. Pennoyer said that after the Legislature adjourns it would be the Governor's responsibility to respond to any significant shortfalls to assure that the budget remains balanced. His course of action would be a curtailment of allotments. It is too early to look at the performance of February's sales and to say that forecast will not be met. He noted that if the Revenue Forecasting Committee sees a revenue picture in the short term that is dramatically different, it would call themselves back in to meet to discuss the change.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services reported the following

1. **Backup System Upgrade**

The new upgraded backup system is complete, and has a backup performance time that is better than expected.

2. **Legislative Direct Internet Access**

Mr. Mayotte reported the hardware infrastructure is in place and his office is working on a shared global address list with the Executive Branch, a backup connection to BIS for certain accounting transfers and finalizing the new legislative internet address. The system will be ready to test after the session. Mr. Mayotte believes direct legislative access will occur in late April or early May.

3. **Migration/Bill Drafting System**

Mr. Mayotte said that a draft contract amendment with Compaq has been developed. Attorney General William Laubenstein is currently reviewing the contract. A Migration Technology Committee meeting will be scheduled in the near future to review the Compaq package, and the Committee will prepare recommendations for the Council to consider.

## **REPORTS FROM COUNCIL COMMITTEES**

- **Subcommittee to Clarify the Law Enforcement Authority of Capitol Security**

Sen. Treat, Co-chair of the Subcommittee to Clarify the Law Enforcement Authority of Capitol Security reported to the Council that the Subcommittee met on February 13, 2002. They are looking at 3 issues:

1. The level of training for a Capitol Security officer;
2. how many officers are needed; and
3. reporting structure, whether Capitol Security should be merged with the State Police.

The Subcommittee requested that Commissioner Kelly work with David Boulter to provide the committee with information on the following:

- a) a copy of current rules and procedures adopted by the Department of Public Safety that limited the use of law enforcement powers of Capitol Security personnel;

- b) 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;
- c) a proposal for Capitol Security that provides a comparable staffing level as the Governor's proposal but without 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;
- d) 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.

When the above information is received, the Subcommittee will meet and will then make its recommendation to the Council.

No Council action required.

- **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.

- **Space Committee**

The Space Committee did not meet during the past month.

## **OLD BUSINESS**

### **Item #1: Council Actions Taken by Ballot**

Executive Director Boulter provided Council members with a list of actions taken by ballot by the Legislative Council since its January 29, 2002 meeting.

No Council action required.

## **NEW BUSINESS**

### **Item #2: Restoration of East Entrance to the State House**

Rep. Colwell reported to the Council that the restoration of the East Entrance to the State House had been deferred pending funding sources and said the Executive Director had information to present to the Council regarding funding. Executive Director Boulter said the Council had identified the East steps (the grand entrance facing Capitol Park) as high priority but for fiscal reasons it was not funded until the interior renovations were completed. Mr. Boulter became aware of potential money through the Department of Transportation. John Melrose, Commissioner of Transportation has recently offered to provide \$100,000 in funding assistance toward restoration of the East Entrance under the

federal Transportation Enhancement Program. Mr. Boulter believes there will be money left in the contingency account for the building renovations that could be applied to the steps restoration. The combination of funds should be sufficient to pay for the renovations costs. With funding in place restoration could be completed this summer. The estimates for the work range from \$215,000 to \$275,000.

**Motion:** That the Executive Director be authorized to develop and issue, in consultation with the Legislative Council's Space Committee, a Request for Proposals to repair and restore the East Entrance to the State House. Further, that the Executive Director seek approval from the Legislative Council before awarding a contract for the restoration work.

Further, that the Executive Director be authorized to accept funding assistance in the amount of \$100,000 from the Department of Transportation to be used toward restoration of the East Entrance to the State House. (Motion by Rep. Colwell, second by Rep. Bruno, unanimous, 6-0, absent: Senators Michaud, Davis, Small and Daggett).

### **Item #3: Submission of Study Reports**

- Committee to Study Access to Private and Public Lands in Maine (pursuant to H.P. 1387)
- Commission to Develop a Plan to Implement the Closure of the State Liquor Stores (pursuant to Public Law, chapter 358)

The Legislative Council accepted the final reports for the above noted studies and placed them on file.

## **ANNOUNCEMENTS AND REMARKS**

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

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:13 p.m. (Motion by Sen. Treat, second by Rep. Schneider, unanimous).

LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
February 27, 2002

	Action
<b>SPONSOR:</b> Rep. Baker, Christina L.	<b>ACCEPTED</b>
LR 3455 An Act Regarding the Cumulative Effects of Nonpoint Source Pollution	<b>BY Ballot</b> <b>02/27/02</b>
<b>SPONSOR:</b> Rep. Baker, Christina L.	<b>ACCEPTED</b>
LR 3457 An Act to Provide Equity to Adoptive Parents with Respect to Parental Leave	
<b>SPONSOR:</b> Rep. Baker, Christina L.	<b>FAILED</b>
LR 3534 An Act to Protect Public Libraries	
<b>SPONSOR:</b> Rep. Dudley, Benjamin F.	<b>WITHDRAWN</b>
LR 3485 An Act to Create a Registry for Personal Care Attendants and Certified Nursing Assistants	
<b>SPONSOR:</b> Rep. Gerzofsky, Stanley J.	<b>FAILED</b>
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	
<b>SPONSOR:</b> Rep. Haskell, Anita P.	<b>ACCEPTED</b>
LR 3496 Resolve, to Allow Julie Harrington to Sue the State	
<b>SPONSOR:</b> Rep. Skoglund, James G.	<b>WITHDRAWN</b>
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.**

**ACCEPTED**

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

### **JOINT RESOLUTIONS**

**SPONSOR: Rep. Bliss, Lawrence**

**ACCEPTED**

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.**

**ACCEPTED**

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: Sen. Davis, Sr., Paul T. TABLED  
(Ballot being  
LR 3515 An Act to Amend the Charter of the Corinna Water  
District to Allow for the Appointment of Trustees circulated)

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. Matthews, Zachary E. TABLED  
02/27/02  
LR 3487 An Act to Raise the Cigarette and Beer and Wine Tax

SPONSOR: Sen. Michaud, Michael H. TABLED  
02/27/02  
LR 3486 An Act to Conform State Law to Federal Law Regarding  
Deferred Compensation Plans

SPONSOR: Sen. Michaud, Michael H. TABLED  
02/27/02  
LR 3531 An Act to Provide Maine State Retirement System  
Representation on the State Employee Health Commission

SPONSOR: Rep. Perry, Joseph C. TABLED  
01/29/02  
LR 3410 Resolve, Authorizing Michelle Booker to Sue the State

SPONSOR: Rep. Saxl, Michael V. TABLED  
02/27/02  
LR 3480 Resolve to Create the Commission on Affordable Housing

SPONSOR: Rep. Tuttle, Jr., John L. TABLED  
02/27/02  
LR 3533 An Act to Amend the Clean Elections Act to Ensure Proper  
Disbursement of Matching Funds

SPONSOR: Rep. Twomey, Joanne T.

TABLED  
02/27/02

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

### 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