

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE COUNCIL
April 23, 2002
1:00 p.m.
Room 334, Legislative Council Chamber
REVISED AGENDA

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MARCH 26, 2002 COUNCIL MEETING	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	Information
6 13	<ul style="list-style-type: none">• Executive Director's Report• Fiscal Report (Pennoyer)• Office of Information Services' Report (Mayotte)	
	REPORTS FROM COUNCIL COMMITTEES	
	<ul style="list-style-type: none">• Personnel Committee <p>The Personnel Committee's report.</p> <ul style="list-style-type: none">• Technology and Migration Committee• Space Committee <p>The Space Committee will be meeting on April 30, 2002 at 1:00 p.m.</p>	
	OLD BUSINESS	

NEW BUSINESS

- 14 Item #1: Consideration of After Deadline Bill Requests

ANNOUNCEMENTS AND REMARKS

The next Legislative Council meeting is scheduled for May 29, 2002 at 1:00 p.m.

ADJOURNMENT



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

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
MARCH 26, 2002

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 1:56 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Michaud, Sen. Small, Sen. Davis, Sen. Treat Absent: Sen. Daggett,
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 E. Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review Patrick Norton, 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 FEBRUARY 27, 2002 COUNCIL MEETING

Motion: That the Summary of February 27, 2002 be accepted and placed on file. (Motion by Rep. Bruno, second by Rep. Schneider, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Executive Director Boulter presented 3 items to the Legislative Council.

West Wing Re-piping Update

Mr. Boulter reported he and an attorney from the Attorney General's Office had reviewed the proposed release presented by the Settling Parties regarding the installation and replacement of rubber tubing in the West Wing. The release was revised to conform to the conditions set by the Legislative Council at its last meeting. The revised release was accepted by the Settling Parties and is being circulated for signatures. The Legislative Council will not assume any costs or liability for the piping replacement.

Renovations Activities

Mr. Boulter reported most items on the renovation's punch list are scheduled to be completed by April 15, 2002. The dioramas in the connector will require work beyond April 15, 2002.

Speaker Saxl suggested that if anyone is aware of items that should be added to the punch list that they let Mr. Boulter know right away and he would have them added to the punch list.

Balancing of the air system in the building is now ongoing and should be completed within the next two weeks. The water system balancing requires workers to adjust each fan coil unit several times, making this work more intrusive to the offices and is planned for sometime in April, after the session. Mr. Boulter said that the Executive Director's Office will circulate a schedule so offices will know when fan coil adjustment work will be done.

YMCA Model Legislature

Mr. Boulter reminded members of the Legislative Council that the State YMCA Camp of Maine's Youth in Government Program (Model Legislature) will take place at the State House from Friday, May 3 through Sunday, May 5.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, OFPR, presented a report on revenues for February 2002. He noted that February revenues for the General Fund were approximately \$115,000 ahead for the month but were down \$2,039,000 year-to-date. Problem areas are Corporate Income Tax and Estate Tax. Individual Income Tax, although down at the present, should recover over the remainder of the fiscal year. Income from investments was down over \$1 million, \$1 million of that amount was associated with a TAN authorization which was resolved by the budget. Positive areas continue to be: Insurance Companies Taxes, ahead of budget by \$2.2 million; the Other Revenue is ahead by \$3.6 million; and Cigarette Tax up \$2.7 million. Sales taxes are on budget. The Highway Fund continues ahead of projections.

No Council action required.

- **Office of Information Services' Report**

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

1. **Legislative Internet Access**

Director access to the Internet remains on schedule. This project will be completed at the end of April or early May depending on adjournment of the session. Legislative Information Services has reached an agreement on the technical aspects of exchanging global addressing with the Executive Branch. Only a few technicalities need to be resolved.

2. **Migration/Bill Drafting System**

Mr. Mayotte reported that the migration and bill drafting system is taking longer than anticipated. Mr. Boulter has informed Compaq that a prompt resolution was required. Mr. Mayotte also reported they were working with the Revisor of Statutes' office to make sure the Revisor's requirements were met in the proposed amendment to the Compaq contract. The amendment will be presented to the Technology Committee for review before the next Legislative Council meeting.

No Council action required.

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 the Subcommittee's recommendations. She noted that the Legislative Council does not need to take action because most of the recommendations were incorporated into the supplemental budget (Part KK). The Subcommittee's recommendations are that:

1. the current organizational and reporting structure of the Bureau of Capitol Security be retained;
2. the Bureau of Capitol Security be authorized to hire 2 additional officers on a full-time basis;
3. the minimum level of training for law enforcement officers employed by the Bureau of Capitol Security be increased from 100 hours to 220 hours, with the additional hours of training being tailored to the specific functions of the Bureau of Capitol Security; and
4. the Bureau of Capitol Security develop a written agreement with the Bureau of State Police, Special Services unit providing for a protocol for greater coordination of resources, services and communication as they related to security in the State House complex.

Sen. Treat said recommendations 1, 3 and 4 were included in the supplemental budget but recommendation 2 was not.

No Council action required.

- **Personnel Committee**

Speaker Saxl, Chair of the Personnel Committee, announced that the scheduled meeting for March 27, 2002 has been postponed and will be rescheduled at a later time.

Speaker Saxl, on behalf of Council members, congratulated and thanked Patrick Norton for agreeing to serve as the Interim Director for the Office of Policy and Legal Analysis. He noted that Mr. Norton was doing a fine job as Interim Director.

No Council action required.

- **Technology and Migration Committee (No report)**

- **Space Committee (No report)**

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 February 27, 2002 meeting.

No Council action required.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

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

Item #2: Request for Interim Studies

Interim study requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

Item #3: Submission of Study Report

- Committee Study to Review Transition to a New School Funding Formula Based on the Essential Programs and Service Model (pursuant to the authority granted by the Legislative Council)

The Legislative Council accepted the final report for the above noted study and placed it on file.

ANNOUNCEMENTS AND REMARKS

The next Legislative Council meeting is scheduled for April 24, 2002 at 1:00 p.m.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:28 p.m. (Motion by Sen. Davis, second by Sen. Treat, unanimous).

**Legislative Council Meeting
April 23, 2002, 1:00 p.m.**

Executive Director's Report

I have several items to report to you today.

1. West Wing Piping

The Settlement Agreement and Release pertaining to the West Wing piping has been signed by all parties. It is now effective and brings to closure favorably the matter of costs to remove the improper piping and replace it with suitable piping.

2. Security Issues

I am seeking proposals for the installation of security cameras at the entrances to the State House, in accordance with an earlier Council decision to provide additional security measures. I am working with the Department of Administrative Services to coordinate installation of compatible camera system and to work out a cost-sharing arrangement. Hopefully, I will have a proposal before the Legislative Council at its May meeting.

3. Renovations

Completion of punch list items continues. Most work in the West and South Wings is completed. The major areas where work remains are granite and marble flooring, including correction of tile breakage problems on the 3rd floor, fire door hold-open corrections, diorama area completion, and several entrance door corrections. Granger Northern is being urged to complete its obligations by early May.

4. Youth in Government

I wish to remind the Legislative Council that the State YMCA Camp of Maine will hold its Youth in Government Program next Friday through Sunday, May 3-5. About 220 high school youth from across the State will participate in mock legislative sessions to learn about the legislative process and civic responsibility. Interestingly, the students have filed over 110 bills which they will consider over the 3-day period. The bills include a wide array of policy issues, indicative of the maturity of the students. I am distributing a copy so you can get a sense of the issues on students' minds. Interesting, one proposal, LD 102 proposes to raise pay for legislators to \$35,000 annually. On Friday, May 3, if any legislator cares to testify!

5. Snack Bar

As a result of numerous complaints, I will be meeting again with the Division for the Blind to discuss changes that will make operation of the snack bar more in keeping with legislative needs.

That concludes my report.

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
April 23, 2002

*Prepared by the
Office of Fiscal & Program Review*

1. March 2002 Revenue Variances

- a. General Fund – Down by \$10.9M in March/Down FY-T-D by \$12.9M**
 - Individual Income Tax – Down \$11.1M in March/Down FY-T-D by \$15.5M
 - Corporate Income Tax – Down \$4.6M in March/Down FY-T-D by \$6.4M
 - Estate Tax – Down \$0.6M in March/Down FY-T-D by \$4.7M
- b. Highway Fund – Down by \$0.6M for the month/Up \$4.9M FY-T-D**

(Revenue variances reflect Feb. 2002 Revisions but not changes of 120th, 2nd Reg. Session)
(See Variances Attached and Monthly Revenue Sheets)

2. Cash Balances

- a. Composition of Cash Pool for February 2002 – See attached**
- b. Maine Rainy Day Fund – Uncommitted Balances – See attached**
- c. General Fund Cash Balances – Worsening trend line - See attached**
 - April balances are at lows not visited since July and August of 1993
 - Current estimates project a negative balance of >\$350M in FY03
 - Additional TAN authorization up to Constitutional Limit
- d. Highway Fund Cash Balances – Improving trend line – See attached**

Revenue Update - Fiscal Year 2001-02

General Fund Revenue Variance Summary		
For the Month of March 2002		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
Revised to Reflect February 2002 Revenue Forecasting Committee Recommendations		
In Millions		
Revenue Source	March 2002	Fiscal Year-to-Date March 2002
Sales and Use Tax	\$0.7	\$1.1
Individual Income Tax	(\$11.1)	(\$15.5)
Corporate Income Tax	(\$4.6)	(\$6.4)
Cigarette and Tobacco Tax	(\$0.8)	\$2.0
Public Utilities Tax	\$0.0	\$0.2
Insurance Companies Tax	\$2.0	\$4.3
Estate Tax	(\$0.6)	(\$4.7)
Property Tax - Unorganized Territories	\$0.0	(\$0.7)
Income from Investments	(\$1.0)	(\$3.0)
Transfer to Municipal Revenue Sharing	\$0.8	\$1.1
Transfer from Liquor	(\$0.1)	\$0.0
Transfer from Lottery	\$0.4	\$1.6
Other Revenues	\$3.4	\$7.1
Total General Fund - Variances	(\$10.9)	(\$12.9)

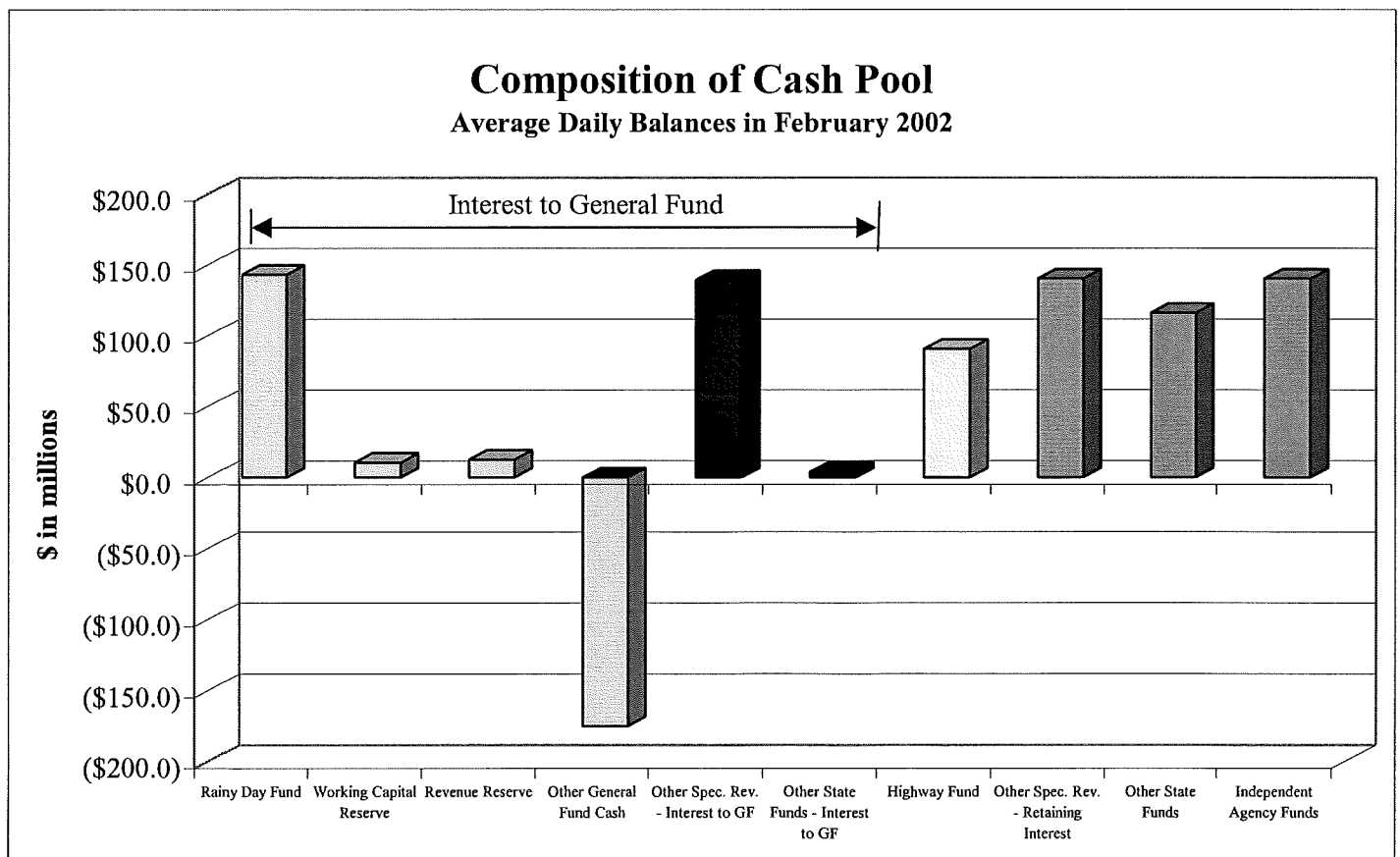
Highway Fund Revenue Variance Summary		
For the Month of March 2002		
(Based on Budgeted Amounts through 120th Legislature, 1st Reg. Session)		
Revised to Reflect February 2002 Revenue Forecasting Committee Recommendations		
In Millions		
Revenue Source	March 2002	Fiscal Year-to-Date March 2002
Fuel Taxes	(\$1.9)	\$2.3
Motor Vehicle Registration and Fees	\$1.6	\$3.9
Inspection Fees	(\$0.2)	(\$0.2)
Other Revenues	(\$0.2)	(\$1.1)
Total Highway Fund - Variances	(\$0.6)	\$4.9

*Prepared by the Office of Fiscal and Program Review
 Based on Preliminary Data; Subject to Change*

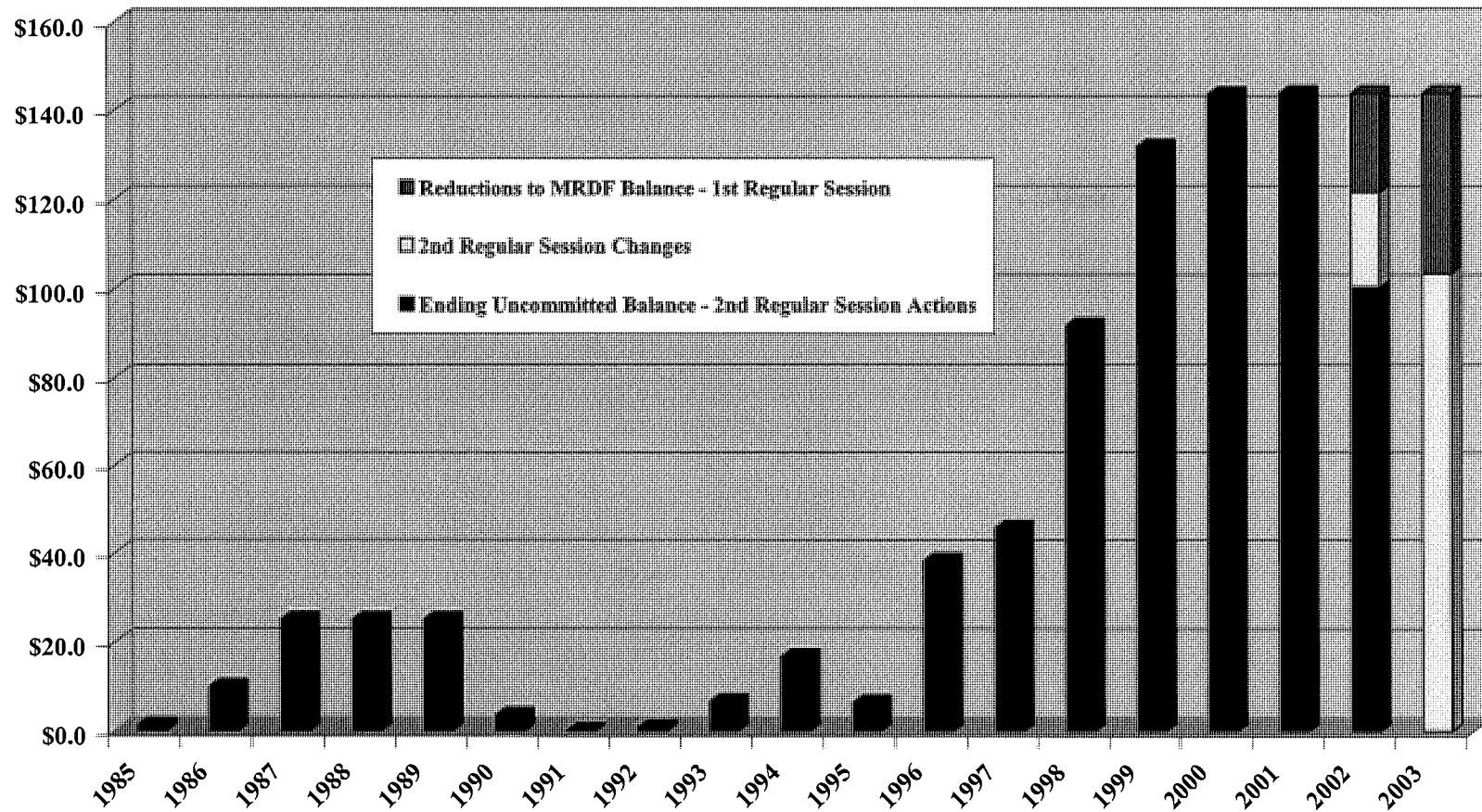
FUND	Revenue Line	Mar. '02 Budget	Mar. '02 Actual	Mar. '02 Var.	Budget FY02 YTD	Actual FY02 YTD	FY02 Variance
GF	Sales and Use Tax	54,611,269	55,289,002.27	677,733.27	556,897,649	557,979,092	1,081,442.65
GF	Individual Income Tax	33,049,213	21,945,214.13	(11,103,998.87)	685,759,885	670,276,280	(15,483,604.88)
GF	Corporate Income Tax	16,320,374	11,694,303.48	(4,626,070.52)	53,011,378	46,658,616	(6,352,762.32)
GF	Cigarette and Tobacco Tax	7,573,978	6,784,208.11	(789,769.89)	69,810,899	71,771,215	1,960,315.66
GF	Public Utilities Tax	0	0.00	0.00	(150,000)	53,241	203,240.72
GF	Insurance Companies Tax	12,193,824	14,243,634.55	2,049,810.55	19,533,476	23,797,770	4,264,293.68
GF	Estate Tax	2,134,751	1,529,208.98	(605,542.02)	14,708,269	10,027,705	(4,680,563.94)
GF	Property Tax - Unorganized Territory	0	0.00	0.00	9,533,774	8,827,588	(706,186.00)
GF	Income from Investments	1,349,281	305,119.64	(1,044,161.36)	6,376,208	3,359,694	(3,016,513.51)
GF	Transfer to Municipal Revenue Sharing	(5,303,022)	(4,535,354.51)	767,667.49	(66,079,112)	(65,020,613)	1,058,498.65
GF	Transfer from Liquor Commission	1,844,681	1,772,814.31	(71,866.69)	18,884,971	18,927,999	43,027.50
GF	Transfer from Lottery Commission	3,054,978	3,471,823.04	416,845.04	28,265,158	29,833,810	1,568,651.70
GF	Other Revenue	14,793,617	18,217,241.25	3,423,624.25	110,205,580	117,320,735	7,115,155.05
GF	Totals	141,622,944	130,717,215.25	(10,905,728.75)	1,506,758,135	1,493,813,129.96	(12,945,005.04)
HF	Fuel Taxes	14,769,503	12,913,890.17	(1,855,612.83)	119,233,419	121,551,925	2,318,506.10
HF	Motor Vehicle Registration and Fees	6,649,232	8,239,590.09	1,590,358.09	54,535,097	58,401,499	3,866,402.09
HF	Inspection Fees	416,627	253,930.51	(162,696.49)	2,469,387	2,298,357	(171,030.00)
HF	Other Revenue	1,080,260	911,619.50	(168,640.50)	8,689,965	7,591,066	(1,098,898.82)
HF	Totals	22,915,622	22,319,030.27	(596,591.73)	184,927,868	189,842,847.37	4,914,979.37

Composition of State's Cash Pool February 2002 Average Daily Balances

February 2002	
General Fund - Total	(\$8,948,475)
General Fund - Detail	
Rainy Day Fund	\$143,053,008
Working Capital Reserve	\$10,500,000
Revenue Reserve	\$12,557,435
General Fund - Other	(\$175,058,918)
Highway Fund	\$90,579,165
Other Special Revenue - Contributing to General Fund	\$139,439,853
Other Special Revenue - Retaining Interest Earned	\$140,306,037
Other State Funds - Contributing Interest to General Fund	\$3,841,482
Other State Funds	\$115,891,843
Independent Agency Funds	\$140,288,239
Total Cash Pool	\$621,398,144



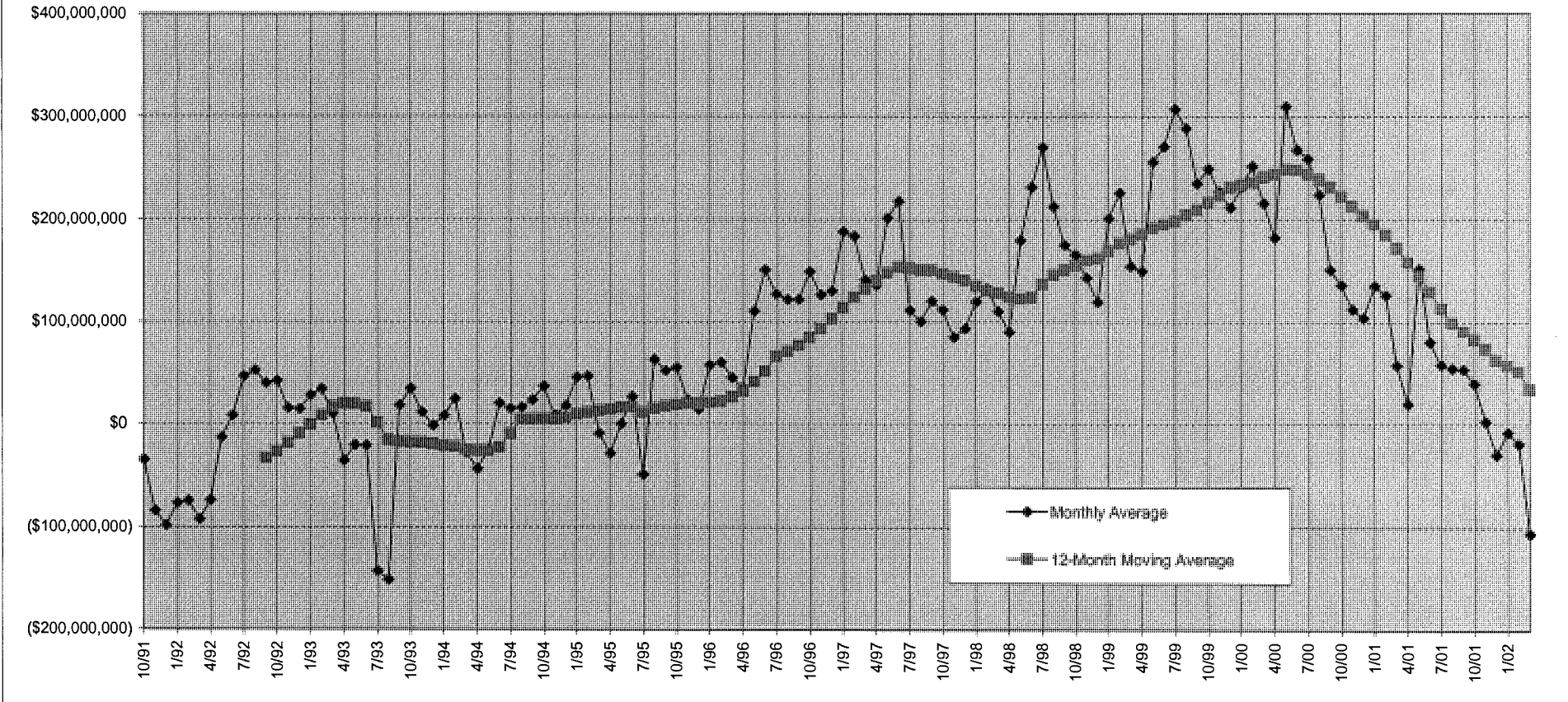
Maine Rainy Day Fund (MRDF) - Ending Balances - 120th Legislature



Summary of 2002-2003 Changes to Uncommitted Maine Rainy Day Fund Balance:

	FY 2002	FY 2003
Beginning Balances - FY2001 Actual Ending and FY2002 Budgeted Ending	143.7	100.3
Transfers to the General Fund (PL 2001, c. 358, Pt. G)	(17.3)	(18.2)
Transfers to the Baxter Compensation Authority (PL 2001, c. 439, Pt. T)	(2.0)	
Designation of Balance within MRDF for Baxter Comp. Authority (PL 2001, c. 439, Pt. T)	(3.0)	
2002-2003 Supplemental Budget - Additional Transfers to GF - (PL 2001, c. 559, Pt. E)	(10.4)	(86.6)
2002-2003 Supplemental Budget - Delay Working Capital Advance - (PL 2001, c. 559, Pt. E)	(0.6)	0.6
2002-2003 Supplemental Budget - Transfer from Maine Clean Elections Fund - (PL 2001, c. 559, Pt. E)		4.0
2002-2003 Supplemental Budget - Transfer to Tax Conformity Reserve - (PL 2001, c. 559, Pt. GG)	(10.2)	
Projected Uncommitted Ending Balances after actions of 120th Leg., 2nd Regular Session	100.3	0.0

GENERAL FUND DAILY STARTING CASH BALANCES

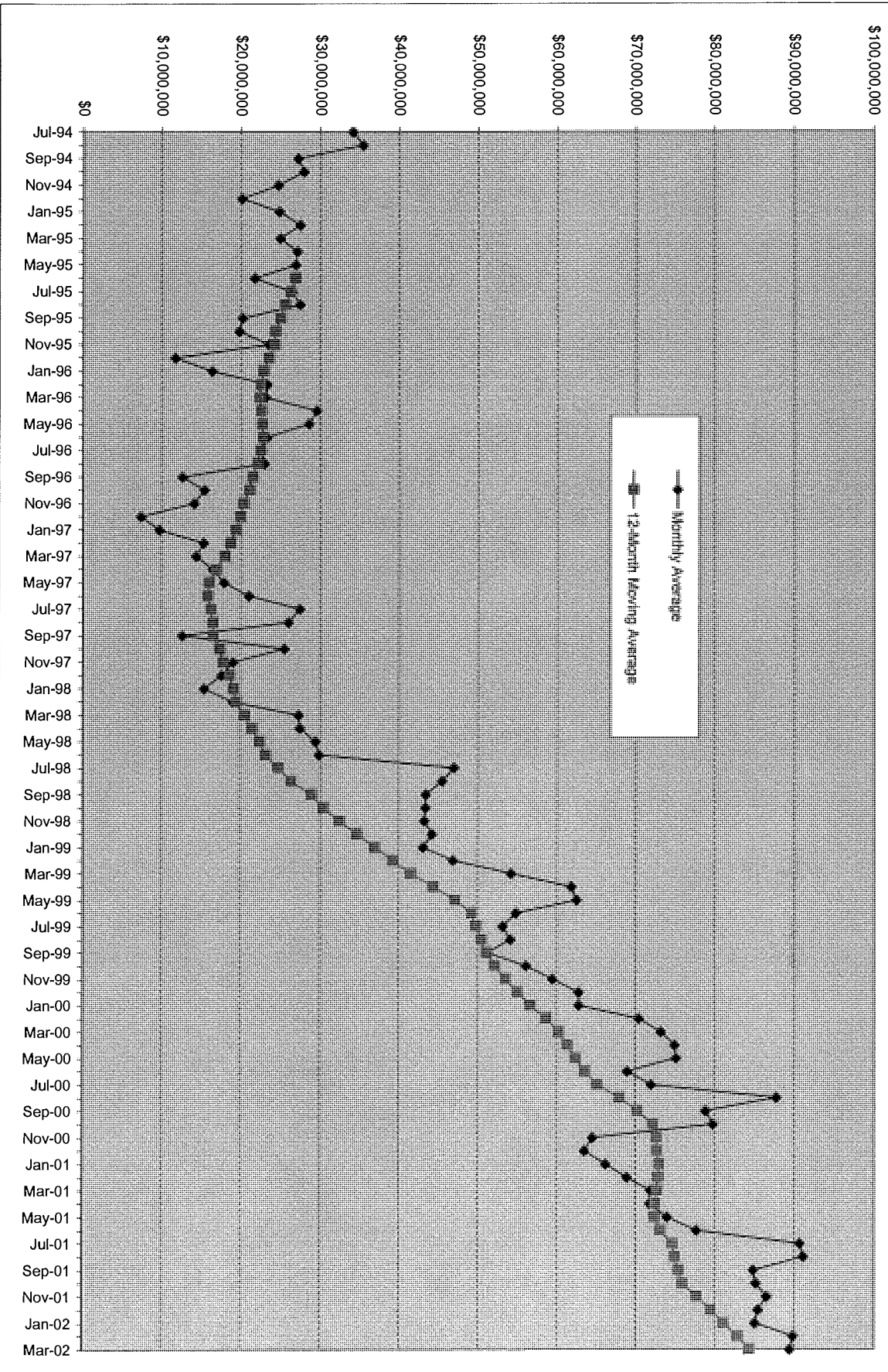


TAX ANTICIPATION NOTES - History from FY 1990-91 ⁽¹⁾

<u>Fiscal Year</u>	<u>Amount Authorized</u>	<u>Amount Issued</u>	<u>Reference</u>
2002-03 ⁽¹⁾	\$298,997,440 ⁽¹⁾	?	5 MRSA, §150 (as amended by PL 2001, c. 705)
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
1997-98	\$100,000,000	\$0	PL 1997, c. 24, §F-1 (Repealed by PL 1997, c. 643, §E-5)
1996-97	\$190,000,000	\$150,000,000	PL 1995, c. 665 §P-1
1995-96	\$182,000,000	\$182,000,000	PL 1995, c. 368, §V-1
1994-95	\$175,000,000	\$175,000,000	PL 1993, c. 707, §P-2
1993-94	\$170,000,000	\$170,000,000	PL 1993, c. 382, §1
1992-93	\$170,000,000	\$170,000,000	PL 1991, c. 780, §BB-1
1991-92	\$150,000,000	\$150,000,000	PL 1991, c. 589, §1
1990-91	\$125,000,000	\$115,000,000	PL 1991, c. 5, §1

Notes: ⁽¹⁾ 5 MRSA, §150 provides the statutory authorization for Tax Anticipation Notes. As amended by PL 2001, c. 705, the limit is the same as that imposed by the Constitution of Maine, Article IX, Sec. 14, 10% of total General Fund appropriations and Highway Fund allocations or 1% of the State Valuation, whichever is less. The amount authorized for fiscal year 2002-03 reflects General Fund appropriations and Highway Fund allocations for fiscal year 2002-03 through the 120th Legislature, 1st Reg. Session. Special exceptions to the general authorization levels are detailed in this table.

HIGHWAY FUND DAILY STARTING CASH BALANCES



120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

TECHNOLOGY REPORT

April 23, 2002

- I. Migration/Bill Drafting System
 - a. Results of Technology Committee Review
 - b. Council Discussion

- II. Legislative Direct Internet Access
 - a. Completing Remaining Project Tasks
 - i. Finalizing the new Legislative address (Legislature.Maine.gov)
 - ii. Successful test passing e-mail to and from external addresses
 - iii. Shared global addressing with Executive Branch being designed
 - iv. Auxiliary connection to BIS
 - b. Implementation early May pending finalization of address

- III. Legislative Council FY 2004-2005 Technology Budget

**Subject to Technology Committee Directed Revision Prior to the 4/23/02
Legislative Council Meeting**

Personnel Committee Report for April 23, 2002

The Personnel Committee met earlier today to consider various matters on its agenda. The committee:

1. discussed a date for the annual employee recognition ceremony. The committee has tentatively established in Sept. as the day for the employee recognition ceremony. A planning committee was established to assist in the coordination of the event;
2. discussed the performance evaluation process for Meg Matheson and Grant Pennoyer, both of whom have their annual evaluations due. The committee plans to meet with Grant and Meg within the next month to conclude the reviews;
3. considered a request for an unpaid leave of absence by a member of the Office of Legislative Information Services. The committee has a recommendation that will be offered momentarily; Tabled
4. continued its review of the personnel policies. It has worked through about 75% of the policies and hopes to conclude its work in early summer, with revised policies handbooks for the Legislative Council's consideration; ~
5. discussed several recent revisions to Maine law that affect retirement provisions for legislative employees;
6. restarted its deliberations of the OPLA Director search, now that the legislative session is winding down. It began the review of applications that were received, will be meeting to decide candidates to interview, and will be interviewing them within the next 30 days so a final decision can be made soon; and 1st wk of June
7. finally, the committee discussed collective bargaining matters and the current interest of some legislative employees in seeking union recognition and representation. The committee will offer a motion relating to that discussion as well.

That concludes the Personnel Committee's report.

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
April 23, 2002

Action

SPONSOR: Rep. Muse, Christopher T.

LR 3635 An Act to Transfer \$3,500,000 From the Maine
Learning Technology Endowment to the General
Purpose Aid Cushion

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Koffman, Theodore WITHDRAWN

LR 3613 Resolve, to Consider the Challenges of Creating Housing, Including Affordable Housing, in Certain Areas of the State

SPONSOR: Rep. Matthews, Zachary E. TABLED
02/27/02

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

SPONSOR: Rep. Twomey, Joanne T. TABLED
02/27/02

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

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
April 23, 2002

Action

JOINT RESOLUTION

SPONSOR: Rep. Cowger, Scott W.

LR 3655 JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL
DELEGATION TO MAINTAIN THE PROVISIONS OF THE FEDERAL
CLEAN AIR ACT