

MAINE STATE LEGISLATURE

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CHAIR

SEN. MICHAEL H. MICHAUD
VICE-CHAIR

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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

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
April 23, 2002
Approved May 29, 2002

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 1:25 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Daggett, Sen. Small, Sen. Davis, Sen. Treat Absent: Sen. Michaud
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 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 MARCH 26, 2002 COUNCIL MEETING

Motion: That the Meeting Summary of March 26, 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 the following items to the Legislative Council.

- 1. West Wing Piping**

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

- 2. Security Issues**

Mr. Boulter is 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. He is working with the Department of Administrative and Financial Services to coordinate installation of a compatible camera system and to work out a cost-sharing arrangement, and hopefully will have a proposal before the Legislative Council at its May meeting.

- 3. Renovations**

Mr. Boulter reported that completion of punch list items continues. Most work in the West and South Wings is complete. 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**

Mr. Boulter reminded the Council members the State YMCA Camp of Maine will hold its Youth in Government Program Friday through Sunday, May 3-5. About 220 high school youths from across the State will participate in mock legislative sessions to learn about the legislative process and civic responsibility.

- 5. Snack Bar**

As a result of numerous complaints received by Mr. Boulter, he 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.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, OFPR, presented a report on the March, 2002 Revenue Variances, stating they were preliminary. The Commissioner of DAFS was waiting for the distribution of the effects of the laws enacted during the 2nd Regular Session because the impact of them would be reduced revenue estimates by \$3.8 million. There is also a \$5.0 million decrease in interest earnings. A TAN will not be issued in FY 2002. The General Fund revenue was down by \$10.9 million for March and \$12.9 million year-to-date. The Individual Income Tax revenue was down by \$11.1 million for March and \$15.5 million year-to-date. It is believed that faster processing of refunds is the reason for the shortfall and Individual Income Tax withholding was also down last month, the timing of receipts is believed to be the major reason. Income Tax and Estate Tax were other problem areas. If the individual income tax effects are not considered, the positive variances in the sales tax, insurance taxes and the other revenue lines more than offset the poor performance in the corporate income tax and estate tax lines.

Mr. Pennoyer said that April is the largest collection month for individual income tax, 1/5 of the annual revenue is collected during the month of April; in excess of \$235 million was budgeted. It was too early to know how the individual income tax was performing for the month. The Highway Fund revenue remains ahead of budgeted revenue for year-to-date.

Another item for the Council's review was the cash position of the State. The State's Cash Pool for the month of February had a negative cash position of \$175 million. The actions of the 2nd Regular Session have eliminated 2 of the major reserves and there is a declining trend in General Fund daily balances. Prior to April 15th, the beginning daily cash balance was as low as \$180.3 million. Excluding the Revenue Reserve and the Maine Rainy Day Fund, the General Fund cash balance was more than \$330 million negative. Mr. Pennoyer said looking ahead to FY 2003, the current projection estimates a negative cash position that may be as low as \$350 million by next April. The maximum Tax Anticipation Note authorization established by the Constitution of Maine is less than \$300 million; P.L. 2001, c. 705, amended the current statutory limit to increase it up to the Constitutional limit, and it will all be needed in FY 2003.

The Highway Fund cash balance has an improving trend.

No Council action required.

- **Technology and Migration Committee**

Sen. Treat, Chair of the Technology and Migration Committee, said the committee had two issues. The first item is a proposed contract amendment with Compaq Corporation, the company the Legislature is in dispute regarding the bill drafting system. Compaq has not yet provided a system that meets the Legislature's needs. Legislative Information Services staff has been working with Compaq to resolve the disagreements and have developed a proposed contract amendment that would compensate Compaq \$200,000 and in return the Legislature would receive certain additional and corrective programming services. The Committee is still in the process of reviewing the matter, and is waiting to hear from the Attorney General's Office concerning an assessment as to the likelihood of prevailing and convincing Compaq the Legislature would prevail on the enforcement of the current contract. The Committee is waiting for the assessment from the AG's office before making a decision regarding entering into the contract amendment. The Committee will then bring before the Council a recommendation prior to the next regularly scheduled meeting, or if necessary action will be taken by ballot or to call an interim meeting. Mr. Mayotte believed the action would have to be taken within a week.

Speaker Saxl said that he had understood that LIS had already renegotiated the contract and had previously reached an agreement on the scope of work. Sen. Treat replied that the Executive Director and the AG's office met with Compaq to determine what needed to be done, and that this proposed contract amendment was the outcome of the negotiations.

No Council action was taken.

- **Office of Information Services' Report**

Mr. Mayotte, Director, Office of Information Services, reported that the Chief Information Officer's Office in the Executive Branch has secured the rights to "Maine.gov" as an Internet address. He is working with that office to see if the Legislature could use "Legislature.maine.gov" as an address for direct Internet access. The Executive Branch also has "me.gov" reserved.

Mr. Mayotte said testing of email through the new gateway was successful. He is finalizing the shared global addressing protocol with the Executive Branch, and is working through the details of an auxiliary connection with BIS for budgeting and other information. At present LIS are on track for an early May implementation of direct Internet access pending the finalization of the address the Legislature will use. Mr. Mayotte, when asked about the system's spam filtering capability, said there is little filtering now, but that the Legislative Council and the presiding officers can make policy decisions to control the level of spam.

The Information Services' Office will begin to outline a technology budget for FY 2004-2005 that will be incorporated into the Executive Director's budget for review by the Technology Committee.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl, Chair of the Personnel Committee said the Personnel Committee had met earlier in the day. The Committee discussed the following items:

- The Committee has tentatively established a day in September for the employee recognition ceremony. A planning committee is working on the details of the event.
- The Committee is in the process of reviewing the annual evaluations of Margaret Matheson, Revisor of Statutes and Grant Pennoyer, Director, Office of Fiscal and Program Review and will meet with them within the next two months to complete the reviews.
- The Committee considered and tabled a matter regarding an unpaid leave of absence by a member of the Office of Legislative Information Services so the Committee could insure the action it took, if precedent setting, will be an action the Committee is fully comfortable with.
- The Committee has restarted deliberations of the OPLA Director search and hopes to complete the process by the first week of June.

- The Committee continues to review the personnel policies. It is trying to combine and make the policies consistent between the non-partisan, partisan and, as relevant, executive employees. About 75% of the policies have been reviewed. The Committee is hopeful it will have the review completed by the end of the summer to bring to the full Council for consideration.
- The Committee is reviewing recent statutory revisions to health and dental benefits that affect retired employees hired by the Legislature.
- The final item from the Personnel Committee related to collective bargaining that is being considered by employees precipitated in the non-partisan offices. Non-partisan employees are allowed to organize under legislation sponsored by Rep. Lindahl and subsequently enacted into law. The Council then considered the following motion.

Motion: That the Executive Director of the Legislative Council be authorized to retain legal counsel, as necessary, for matters relating to personnel and collective bargaining by employees, the fees for which may not exceed \$15,000. (Motion by Sen. Small, second by Rep. Bruno, unanimous)

- **Space Committee**

Rep. Colwell, Chair of the Space Committee, reported the Committee will be meeting on April 30, 2002 at 1:00 p.m. to consider several items.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

The following motion was made with the intent it encompass all currently pending bill requests.

Motion: That all pending requests for after the fact introduction legislation be denied, unless otherwise subsequently passed by Legislative Council ballot. (Motion by Sen. Small, second by Rep. Schneider, unanimous).

Attached is a list of the after deadline bill requests.

ANNOUNCEMENTS AND REMARKS

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

ADJOURNMENT

The Legislative Council meeting was adjourned at 1:54 p.m. (Motion by Rep. Schneider, second by Rep. Norbert, unanimous).

**LEGISLATIVE COUNCIL
ACTION TAKEN ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
April 24, 2002**

		Action
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.	FAILED
LR 3487	An Act to Raise the Cigarette and Beer and Wine Tax	
SPONSOR:	Rep. Muse, Christopher T.	FAILED
LR 3635	An Act to Transfer \$3,500,000 From the Maine Learning Technology Endowment to the General Purpose Aid Cushion	
SPONSOR:	Rep. Twomey, Joanne T.	FAILED
LR 3441	An Act to Make All Durable Medical Equipment Tax Exempt	

JOINT RESOLUTION

SPONSOR:	Rep. Cowger, Scott W.	ACCEPTED BY BALLOT 04/24/02
LR 3655	JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO MAINTAIN THE PROVISIONS OF THE FEDERAL CLEAN AIR ACT	