

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**June 24, 2002**  
**1:00 p.m.**  
**Room 334, Legislative Council Chamber**  
**REVISED AGENDA**

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE MAY 29, 2002 COUNCIL MEETING</b>	Decision
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	Information
8	• Executive Director's Report	
	• Legislative Budget Update (Breton)	
11	• Fiscal Report (Pennoyer)	
	• Office of Information Services' Report (Mayotte)	
	• Update on Interim Study Appointments (Norton)	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• Personnel Committee	
12	a) June 12, 2002 Meeting Summary	Information
	b) Recommendation to appoint David C. Elliott as OPLA Director	Decision
16	c) Update on MSEA request for Union recognition and agreement to bargaining units.	Information
	• Technology and Migration Committee	
	No report	

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
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- Subcommittee to Consider Additional Security Measures

The Subcommittee will be meeting June 24, 2002 immediately following the Legislative Council meeting.

- Space Committee

The Space Committee will be meeting Monday, June 24, 2002 at 3:15 in the Legislative Council Chamber

## **OLD BUSINESS**

## **NEW BUSINESS**

- |    |   |          |
|----|---|----------|
| 18 | Item #1: Request for \$2,500 from Jonathan Connick, Maine Center on Deafness, to cover the cost of producing a videotape presentation for members of the Deaf Community in Maine regarding the Legislature's final report on its action to create the Baxter Compensation Authority | Decision |
| 19 | Item #2: Consideration of furlough days for legislative employees   | Decision |

## **ANNOUNCEMENTS AND REMARKS**

The next Legislative Council meeting is scheduled for July 31, 2002 at 1:00 p.m.

## **ADJOURNMENT**

REP. MICHAEL V. SAXL  
CHAIR

SEN. MICHAEL H. MICHAUD  
VICE-CHAIR



120<sup>th</sup> 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  
May 29, 2002

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 10:37 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators: Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis,  
Sen. Treat

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

Legislative Officers: Pamela Cahill, Secretary of the Senate  
David Shiah, Assistant Clerk of the House  
David Boulter, Executive Director, Legislative Council  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Patrick Norton, Interim Director, Office of Policy and Legal Analysis  
Suzanne Gresser, Principal Attorney, Office of the Revisor of Statutes  
Lynn Randall, State Law Librarian  
Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE APRIL 23, 2002 COUNCIL MEETING

**Motion:** That the Meeting Summary of April 23, 2002 be accepted and placed on file. (Motion by Sen. Michaud, second by Rep. Colwell, unanimous)

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

Executive Director Boulter presented one item to the Legislative Council, which involved the dioramas in the connector. He reported that he has had discussions with the Maine State Museum regarding a schedule and funding for final completion of the diorama restoration. Museum funds have not been made available for the project. Mr. Boulter indicated that he will ask the Space Committee to review the matter, before there is a proposal for the full Council.

No Council action required.

- **Legislative Budget Update**

Rose Marie Breton, Assistant for Administrative Services, Office the Executive Director, reported that the Governor issued an Executive Order that curtailed spending in FY 02 and FY 03. Speaker Saxl, Senate President Pro Tempore Michaud, and President Bennett also issued a related memo directing legislative offices to curtail spending. Discussions with the Governor's Office and the Budget Office revealed that the Legislature will be expected to absorb the cost of the general salary increases for FY 03 in the amount of approximately \$700,000. Account balances may be available at the end of FY 02 to fund that cost.

Ms. Breton said based on her preliminary analysis, if spending is curtailed in FY 03 for the Legislature based on discretionary All Other funds, it appears that the budget reduction would be approximately \$55,000.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, OFPR, presented the following fiscal report.

1. **General Fund and Highway Fund Revenue Variances**

The General Fund was below revenue projections by \$44.6 million in April and below budget by \$61.8 million fiscal year to date. The problem areas are individual income tax, corporate income tax and estate tax. The positive areas are sales tax, insurance companies tax and cigarette tax.

The General Fund Revenue, excluding the individual income tax line, is very close to projections. Individual income tax was reprojected downward twice for FY 2002 by the Revenue Forecasting Committee: \$30.7 million down in November 2001 and an additional \$3.1 million down in February, 2002. May revenue collections appear to be under budget in individual income, sales, corporate income and cigarette taxes, but estate tax gained ground due to a large estate settlement, and insurance company tax is well above budget.

Revenues for the Highway Fund are up by \$0.8 million for April and up \$5.8 million for fiscal year to date.

## **2. Revenue Forecasting Schedule**

A joint meeting of the Economic Forecasting Commission and the Revenue Forecasting Committee is scheduled for June 20<sup>th</sup> in Room 228 of the State House.

Personal income revenue revisions are to be released by the Federal government on July 24, 2002.

The Revenue Forecasting schedule will depend on the needs of the Legislature.

## **3. Cash Balances**

Mr. Pennoyer provided information on the General Fund and Highway Fund cash positions. For March, the General Fund cash position, excluding reserves, (the Maine Rainy Day Fund, the Revenue Reserve, and Working Capital Advance), was \$261 million negative. The 12-month moving total also was negative, for the 1<sup>st</sup> time since 1994. The Tax Anticipation Note issuance next year will improve the cash position.

No Council action required.

- **Office of Information Services' Report**

Mr. Mayotte, Director, Office of Information Services, reported to the Council that:

### **1. Progress Report on the computer migration/bill drafting system**

Contract Amendment 4, was entered into by Compaq and the Executive Director, on behalf of the Legislative Council, on May 21, 2002. The contract provides for Compaq to complete, test and deliver the new bill drafting system within 100 business days.

### **2. Legislative Director Internet Access**

There are no major technical issues. There remain three items: the global address list finalization; the address approval by the CIO; and to implement the secure link with BIS. The secure link is physically in place and is being tested. Mr. Mayotte said he is in discussions with BIS regarding the process for the global address, which allows the Legislature and the Executive Branch to exchange state email addresses.

Mr. Mayotte noted that a Special Session will potentially affect the timing of the implementation, a matter he would present to the Technology Committee for discussion. Speaker Saxl suggested that Mr. Mayotte work with the Secretary, Clerk, Leadership and the Executive Director to resolve issues that may arise.

## REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Speaker Saxl, Chair of the Personnel Committee, reported the Committee is in the final stages of hiring a new Director for the Office of Policy and Legal Analysis. It is the Committee's hope, to have a recommendation to the Council in the very near future.

The Chair moved that the Council take an item out of order, unless there was objection. Hearing none, the Chair moved to a request for unpaid leave of absence.

- **Request for Unpaid Leave of Absence**

Executive Director Boulter reminded Council members that under the current Personnel Policy Handbook, requests for unpaid leave of absences are subject to approval by the Legislative Council. The Council has received a request for unpaid leave of absence and was reviewed by the Personnel Committee. The Personnel Committee recommended to the Council that the unpaid leave of absence as requested by Polly Gosselin be approved subject to one condition.

**Motion:** That the request by Polly Gosselin for an unpaid leave of absence be granted, subject to a pro-ration of health insurance costs during the period of unpaid leave. (Motion by Speaker Saxl, second by Rep. Bruno, unanimous).

- **Technology and Migration Committee**

None.

- **Space Committee**

The Space Committee submitted its Meeting Summary of the April 30, 2002 to the Legislative Council, and is included in the Council's packet.

A member raised a question as to the current status of the snack bar. Currently, the snack bar is closed except for several soda vending machines and candy vending machine.

Mr. Boulter explained that the Division of the Blind notified him that the snack bar vendor (who also runs the Cross Building Cafeteria) had closed the snack bar because it was unprofitable. The division has been seeking a new vendor but to date has been unsuccessful. Under current law, the preference must be given to vendors who are blind or sight-impaired to operate the snack bar. If the division is unable to find a suitable vendor under its program, the Legislature may seek a commercial vendor.

Legislative Council members commented that unprofitability may be related to the previous vendor's limited food variety, erratic hours of operation and availability and lack of signs announcing foods and specials, and costs. The Legislative Council expressed the desire to see a fully operational snack bar year-round and required the executive director take the necessary steps to find a new vendor, including issuing a RFP for a commercial vendor if necessary.

No Council action required.

## OLD BUSINESS

None

## NEW BUSINESS

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

Speaker Saxl drew Council members' attention to the ballot approved for a contract amendment between the Legislature and Compaq Computer Corporation. A copy of the ballot is attached.

### Item #2: Request for Authorization to Complete Selected State House Renovations Projects

Executive Director Boulter reported that the North Wing renovations are nearly completed. He has had the opportunity to review the budget for available contingency funds that may be used to complete some projects that were put on hold because of the then uncertainty of the total cost for interior renovations work. Several significant projects that were placed on hold until it was known there was enough funds to proceed. The major work remaining includes the restoration of the east steps and the south steps, installation of safety railings for the roof (currently there is no protection for persons on the roof) and the membrane repair on the north and south ends of the roof where there has been deterioration. According to Granger Northern the estimate for the work is approximately \$456,000 with a completion date of fall of this year. The contingency balance is approximately \$406,000. The Department of Transportation has offered \$100,000 as a contribution towards restoration of the east side steps. Therefore, there should be sufficient funds to complete the work projects within the original GMP for the North Wing renovations, allowing for some contingency.

**Motion:** That the Legislative Council authorize the proposed work, utilizing remaining funds budgeted for the current State House renovations work and the DOT funds made available to the Legislative Council. (Motion by Sen. Michaud, second by Rep. Norbert, unanimous).

### Item #3: Proposal for Security Camera Installation in State House

Mr. Boulter reminded members that security cameras were recommended by the Committee to Consider Additional Security Measures. As proposed, cameras would be installed at all exterior door locations and at the outside entrances (plaza areas). The Council had requested a proposal before proceeding and he was reporting back to the Council.

Mr. Boulter had received a proposal from E.S. Boulos Company for the purchase and installation of the cameras and operating system and also a supplemental proposal from the Department of Public Safety, Maine State Police, recommending certain additional camera installations and other technical changes to enhance building security. There are a variety of costs and options to consider with respect to camera type, system design and sophistication and installation locations. Costs to implement the proposals range from a low of about \$64,000 to a high of about \$112,000. Money for camera installation would



come from the Reserve Fund for State House Preservation and Maintenance; sufficient funds would be available after July 1, 2002. Mr. Boulter continues to have discussions with representatives from the Department of Administrative and Financial Services about a cost-sharing arrangement, but has not received any firm commitment for sharing costs for the project.

**Motion:** That the proposal for security camera installation be referred to the Legislative Council Subcommittee to Consider Additional Security Measures for review and decision. (Motion by Sen. Treat, second by Sen. Davis, unanimous).

**Item #4: Request by Maine State Employees Association, SEIU Local 1989, AFL-CIO for Voluntary Recognition of Union to Represent Certain Legislative Employees**

Executive Director Boulter reported that he had received three (3) forms on May 28, 2002 from the Maine State Employees Association: a form for voluntary recognition of MSEA as the bargaining agent for three (3) proposed bargaining units of Legislative employees; a form for agreement to MSEA's proposed bargaining units; and a form for agreement to a process to agree upon bargaining units with subsequent voluntary recognition of the union. Mr. Leinonen, Executive Director of MSEA requested that the matter be placed on the May 29<sup>th</sup> Legislative Council agenda. His request was accommodated. Mr. Boulter noted that the Legislative Council was free to accept the union proposal for the Council's agreement to the proposed bargaining units and voluntary recognition of the union as legislative employees' bargaining agent; alternatively it may request (through the Maine Labor Relations Board) that all affected employees be afforded the opportunity to vote whether to organize, and if so, on who would be their recognized bargaining agent. He also noted that not all employees who would be bound by a decision to recognize a union had been made aware of the proposal made by MESA. Mr. Boulter commented that the Legislative Council is not obligated to act immediately, but may take time to study the proposal and consider its options and the implications.

Speaker Saxl offered Mr. Carl Leinonen, Executive Director, Maine State Employees Association, SEIU Local 1989, the opportunity to address the Council on his request. Mr. Leinonen said approximately four years ago the Legislature passed legislation to allow legislative employees to join a union. The law states the employees may make a request to the Council for union recognition, as the Council is the employer of record. Mr. Leinonen asserted that the Council upon determining that a majority of employees desire representation, must grant recognition, unless it chooses to use an alternative route. He further stated that in the law, the first option is to grant recognition upon proof of majority. Mr. Leinonen suggested a majority of employees in this situation be verified by a "card check" and that the Maine Labor Relations conduct it.

The second issue he raised was the scope of the bargaining units. Mr. Leinonen said they had included in the information provided to the Council their proposals for appropriate bargaining units. Once the units are determined, he proposed the card check.

Members then asked several questions of Mr. Leinonen. In summary, according to Mr. Leinonen:

- The first threshold question is how to determine the certification, whether it be by certifying union cards, by holding an election or by just unilaterally certifying the union without a vote.

- Prior to the certification, it would be appropriate for the Council to sit down with representatives from the employees who chose to organize to discuss bargaining units and then make a determination of bargaining units and then if there is an impasse there, the matter would go to the Maine Labor Relations Board for resolution.
- The third step would be allowing for the Maine Labor Board to certify those cards or if the Council wishes an election, then there would be a different process used, which he thought would be more cumbersome.

Speaker Saxl asked Mr. Boulter to introduce Linda McGill, the labor attorney hired to represent the Legislative Council. Linda McGill, is an attorney from the law firm of Moon, Moss, McGill and Hayes, of Portland.

## EXECUTIVE SESSION

**Motion:** That the Council go into Executive Session for the purpose of discussing personnel matters. (Motion by Rep. Bruno, second by Sen. Small, discussion.) There was brief discussion regarding attorneys having different interpretations and the necessity of an executive session. Rep. Bruno withdrew his motion.

**Motion:** That the Council go into Executive Session for the purpose of discussing the union certification process and related collective bargaining matters. (Motion by Rep. Bruno, second by Sen. Davis, the motion passed, 8-1, Sen. Treat opposed).

The Council proceeded to go into Executive Session at 11:45 a.m.

## MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 12:05 p.m., on the motion of the Chair.

Discussion after reconvening regarded referring the union recognition matter to the Personnel Committee and when the Personnel Committee would meet. A request was made by some Council members that the matter be acted upon expeditiously.

**Motion:** That the requests by MSEA be referred to the Personnel Committee for review and recommendation and that the Personnel Committee consider this matter at its earliest available opportunity. A friendly amendment added by Speaker Saxl, that the Personnel Committee meet on the nearest date possible that the Personnel Committee is available. (Motion by Rep. Bruno, second by Speaker Saxl, unanimous).

## ANNOUNCEMENTS AND REMARKS

The next Legislative Council meeting is scheduled for June 26, 2002 at 1:00 p.m.

## ADJOURNMENT

The Legislative Council meeting was adjourned at 12:10 p.m. (Motion by Rep. Bruno, second by Sen. Davis, unanimous).

# Fiscal Briefing for the Legislative Council

Legislative Council Meeting  
June 24, 2002

*Prepared by the  
Office of Fiscal & Program Review*

## 1. General Fund and Highway Fund Revenue Variances for May 2002

General Fund – Down by \$37.2M in May/Down FY-T-D by \$57.5M

- General Fund Problem Areas
  - Individual Income Tax – Down \$43.0M in May/Down FY-T-D by \$104.8M
  - Corporate Income Tax – Down \$3.8M in May/Down FY-T-D by \$10.7M
  - Income from Investments – Down \$0.4M in May/Down FY-T-D by \$1.5M
- General Fund Positive Variances
  - Insurance Companies Tax – Up \$3.2M in May/Up FY-T-D by \$6.5M
  - Estate Tax – Up \$3.4M in May/Down FY-T-D by \$3.8M
  - Other Revenue Line – Up by \$2.0 in May/Up FY-T-D by \$6.8M
    - Other Revenue variance includes IF&W License Fee Revenue
    - IF&W License Fee revenue - up by \$0.6M and \$3.5M, respectively

General Fund Revenue excluding Individual and Corporate Income Taxes is more than \$15M ahead FY-T-D

Highway Fund Revenue – Up by \$3.4M for May/Up \$9.1M FY-T-D

(Revenue variances reflect Feb. 2002 Revisions and changes of 120<sup>th</sup>, 2<sup>nd</sup> Reg. Session)  
(Additional Detail Attached)

## 2. Revenue Forecasting Schedule

- Joint Meeting of the Economic Forecasting Commission and Revenue Forecasting Committee scheduled for June 20<sup>th</sup> in Room 228 of the State House
- Personal Income Revisions to be released by Feds on July 24, 2002
- Consensus Economic Forecasting Commission – July 25<sup>th</sup> or 26<sup>th</sup>
- Revenue Forecasting Committee – August 14<sup>th</sup> and August 28<sup>th</sup>

All meetings of the Consensus Economic Forecasting Commission and the Revenue Forecasting Committee will be held in the Appropriations Committee Room (Rm. 228, State House)

## Revenue Update - Fiscal Year 2001-02

General Fund Revenue Variance Summary		
For the Month of May 2002		
(Revised to Reflect February 2002 Revenue Forecast and 120th 2nd Regular Session Changes)		
In Millions		
Revenue Source	May 2002	Fiscal Year-to-Date May 2002
Sales and Use Tax	(\$0.7)	\$0.7
Individual Income Tax	(\$43.0)	(\$104.8)
Corporate Income Tax	(\$3.8)	(\$10.7)
Cigarette and Tobacco Tax	(\$0.8)	\$3.0
Public Utilities Tax	\$0.3	\$0.4
Insurance Companies Tax	\$3.2	\$6.5
Estate Tax	\$3.4	(\$2.0)
Property Tax - Unorganized Territories	\$0.0	\$0.0
Income from Investments	(\$0.4)	(\$1.5)
Transfer to Municipal Revenue Sharing	\$2.4	\$5.9
Transfer from Liquor	\$0.4	\$0.3
Transfer from Lottery	(\$0.2)	\$1.5
Other Revenues	\$2.0	\$6.8
<b>Total General Fund - Variances</b>	<b>(\$37.2)</b>	<b>(\$94.0)</b>

Highway Fund Revenue Variance Summary		
For the Month of May 2002		
(Revised to Reflect February 2002 Revenue Forecast and 120th 2nd Regular Session Changes)		
In Millions		
Revenue Source	May 2002	Fiscal Year-to-Date May 2002
Fuel Taxes	\$2.2	\$3.8
Motor Vehicle Registration and Fees	\$1.0	\$6.5
Inspection Fees	\$0.2	\$0.0
Other Revenues	\$0.1	(\$1.2)
<b>Total Highway Fund - Variances</b>	<b>\$3.4</b>	<b>\$9.1</b>

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

**General Fund and Highway Fund Revenue**  
**Based on February 2002 Forecast and 120th Legislature 2nd Regular Session Changes**

FUND	Revenue Line	May '02 Budget	May '02 Actual	May '02 Var.	Budget FY02 YTD	Actual FY02 YTD	FY02 Variance
GF	Sales and Use Tax	62,692,508	62,035,206.58	(657,301.42)	681,207,871	681,864,264	656,393.32
GF	Individual Income Tax	104,982,156	61,993,252.51	(42,988,903.49)	1,025,498,314	920,709,042	(104,789,272.31)
GF	Corporate Income Tax	4,591,239	808,212.58	(3,783,026.42)	71,822,005	61,131,699	(10,690,306.08)
GF	Cigarette and Tobacco Tax	9,174,470	8,330,983.97	(843,486.03)	85,945,157	88,905,409	2,960,252.38
GF	Public Utilities Tax	29,700,000	30,006,275.60	306,275.60	30,100,000	30,480,518	380,518.32
GF	Insurance Companies Tax	7,716,259	10,883,232.59	3,166,973.59	32,620,982	39,160,561	6,539,578.56
GF	Estate Tax	2,134,752	5,497,989.20	3,363,237.20	18,977,773	17,001,193	(1,976,579.81)
GF	Property Tax - Unorganized Territory	0	0.00	0.00	8,827,588	8,827,588	0.00
GF	Income from Investments	327,992	(55,279.55)	(383,271.55)	4,912,013	3,388,610	(1,523,402.77)
GF	Transfer to Municipal Revenue Sharing	(8,785,561)	(6,366,670.26)	2,418,890.74	(90,704,938)	(84,848,955)	5,855,982.76
GF	Transfer from Liquor Commission	1,848,279	2,265,572.09	417,293.09	22,563,877	22,820,309	256,432.02
GF	Transfer from Lottery Commission	3,002,111	2,756,417.73	(245,693.27)	34,639,451	36,166,169	1,526,717.87
GF	Other Revenue	11,937,152	13,957,183.48	2,020,031.48	134,810,461	141,629,167	6,818,706.29
GF	Totals	229,321,357	192,112,376.52	(37,208,980.48)	2,061,220,554	1,967,235,574.55	(93,984,979.45)
HF	Fuel Taxes	12,634,823	14,808,182.27	2,173,359.27	145,838,003	149,605,886	3,767,882.94
HF	Motor Vehicle Registration and Fees	7,647,664	8,621,745.71	974,081.71	68,261,682	74,768,284	6,506,601.67
HF	Inspection Fees	204,185	370,070.61	165,885.61	2,949,849	2,981,850	32,001.21
HF	Other Revenue	965,608	1,037,655.44	72,047.44	10,612,957	9,442,829	(1,170,127.97)
HF	Totals	21,452,280	24,837,654.03	3,385,374.03	227,662,491	236,798,848.85	9,136,357.85

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

TECHNOLOGY REPORT

June 24, 2002

1. Computer migration/bill drafting System – Progress Report

- a. Implementation of the Contract Amendment 4 scope of work is on track to the work plan.
- b. No major issues
- c. New Compaq Project Manager assigned

2. Legislative Direct Internet Access

- a. Ready to implement pending
  - i. Global Address List finalization
  - ii. Address approval by CIO

REP. MICHAEL V. SAXL  
CHAIR

SEN. MICHAEL H. MICHAUD  
VICE-CHAIR



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REP. WILLIAM S. NORBERT  
REP. WILLIAM J. SCHNEIDER

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

**Personnel Committee  
Meeting Summary  
June 12, 2002**

**Members Present:**

Speaker Saxl  
Rep. Norbert  
Sen. Daggett  
Sen. Small  
Clerk of the House MacFarland  
Secretary of the Senate Cahill  
Executive Director Boulter

Speaker Saxl convened the meeting at approximately 9:00 a.m. to consider several personnel matters.

**1. Employee's Request to Activate a Sick Leave Bank**

Interim OPLA Director Patrick Norton presented a request by an OPLA employee to activate a sick leave bank that would allow the employee a paid leave in order to care for an immediate family member who has a life threatening illness. The employee will have exhausted all paid leave and is not eligible for temporary disability income benefits under the Legislative Council's policies. The request seeks to draw donated time as needed, for a period of up to 3 months.

Personnel Committee members discussed the policy aspects of the requests, noting that the current sick leave bank policy has never been implemented because it was deemed to be unworkable - they also noted that ad hoc sick leave banks have been authorized in the past to assist ill employees. It was suggested an ad hoc sick leave bank policy could be temporarily implemented along the lines of the draft revised sick leave bank policy now under consideration until such time that the revised policy is adopted. A further suggestion was made that employees from all legislative offices have an opportunity to contribute time to the sick leave bank for the purpose of assisting the employee.

Speaker Saxl made a motion that an ad hoc sick leave bank be established for the purpose of soliciting donations of unused vacation or sick leave in the bank, and that the requesting OPLA employee be authorized to draw time from the sick

leave bank as necessary to care for the employee's ill family member for up to 3 months. The motion was seconded by Sen. Small, and the Motion passed unanimously. The Executive Director's Office was charged with informing the employee of the authorization and activating the sick leave bank.

## **2. OPLA Director Search**

The members continued their discussion of OPLA director candidates that was begun at an earlier meeting. They noted the strong qualifications and different skill mixes offered by the interviewed candidates. After discussion about the candidates and the Personnel Committee's view of the type of leadership and changes needed for the Office of Policy and Legal Analysis, Speaker Saxl made the following motion.

**Motion:** That the Personnel Committee recommend to the Legislative Council that David C. Elliott of Whitefield, Maine be appointed as director of the Office of Policy and Legal Analysis; that Mr. Elliott's appointment be for a 3-year term pursuant to 3 MRSA, section 162, subsection 6, subject to a 1-year probationary period; and that Mr. Elliott's initial salary in the position be a salary grade 14, step 6; further that,

the organizational structure of the Office of Policy and Legal Analysis be changed from the current director/principal analyst to director/deputy director structure, with implementation of the changed structure be carried out by the director and the executive director; and further that,

the executive director, develop, subject to approval of the Personnel Committee, performance standards and goals for the director of the Office of Policy and Legal Analysis for his first year of appointment.

The motion was seconded by Sen. Small. The motion was unanimously approved.

## **3. MSEA Requests for Union Recognition and Agreement on Bargaining Units**

The members met with Legislative Council counsel to continue its discussion of the MSEA requests. Immediately prior to the meeting, MSEA presented the Personnel Committee with a new proposal list of legislative positions proposed for inclusion in the union and those proposed to be excluded. This new request is intended to replace the union's earlier request to the Legislative Council. The revision represents a substantial departure from the 1<sup>st</sup> proposal. The members



also reviewed a memo to the Personnel Committee from concerned employees. The memo was from unidentified employees who said that more than 20 employees in various non-partisan offices were not supportive of union status and asked that since union recognition would substantially affect the employees and a voluntary recognition by the Council was irreversible, they requested the opportunity for a general election by ballot on the matter. The memo concluded by saying that the memo was not signed by the employees for fear of retaliation by union card-signers.

Counsel Linda McGill and Dave Boulter reported their brief conversation earlier in the day with Carl Leinonen, MSEA, who indicated that the MSEA proposal is still in flux as he continues to meet with interested employees, but his revised proposal was what he had worked out with employees thus far. He indicated that the current proposal would result in most supervisory personnel being excluded and the remaining included employees, professional and nonprofessional being placed in a single bargaining unit for the purposes of collective bargaining.

A lengthy discussion followed. The members concluded that it was very apparent that discussions between employees and MSEA remain on-going and that the proposals presented to the Legislature to date are fluid and likely subject to further change or refinement. The members agreed that it would be premature, and inappropriate at this time to act on MSEA's request for recognition of MSEA as legislative employee's bargaining agent. Under law, the Legislative Council is not obligated to act on the union's request. Deferring action at this time will give employees and the union more opportunity to discuss the matter and agree on a final proposal. Ms. McGill noted that prior to a decision on recognition of a union, by employer agreement or by vote, the composition of bargaining units must be determined.

The Personnel Committee members agreed that any action of recognition of a union, by whatever means, is most appropriately deferred until such time as the final union proposal is presented to the Legislature and evaluated.

The Committee felt that once MSEA arrived at a final proposal, it would be appropriate for a negotiating team to meet for the purpose of having preliminary discussions on the scope and composition of the bargaining unit(s). This would be done with the understanding that entering into these discussions would represent a good faith management response to the request but it would not constitute any agreement to proposed bargaining units or recognition of a union.

Speaker Saxl made the following motion:

That the Personnel Committee appoint Sen. Daggett and Sen. Small with support by Dave Boulter and Legal Counsel Linda McGill as the negotiating team for the purposes of entering into discussions with MSEA; that a letter be sent to MSEA stating the Personnel Committee's willingness to enter into preliminary discussion with MSEA once MSEA has arrived on and presented to the Executive Director a final proposed bargaining unit configuration; that the discussions be solely on the

scope and composition of bargaining units, that the results and recommendations be reported back to the Personnel Committee for its review and recommendation to the full Council; and with authorization from the Personnel Committee, disagreements on the scope or composition of bargaining unit(s) be presented to the Maine Labor Relations Board for resolution. The motion was seconded by Sen. Small and was approved unanimously.

Following the vote, the Speaker mentioned that he is preparing a memo to nonpartisan staff from the Chair and Vice-chair of the Legislative Council that provides general guidance to staff as to the appropriate parameters for union organizing activities in the work place. The memo is in response to several employee inquiries seeking clarification as to what is or is not permissible in the work place and on work time.

#### 4. Review of Personnel Policies and Guidelines

Dave Boulter drew the members' attention to the memo and draft policies that were distributed to members earlier. He noted that there remain a few outstanding policy issues to be decided. At the next Personnel Committee meeting, he will review those proposed changes not already discussed by the committee.

Speaker Saxl asked members to review the draft policies and be prepared at the meeting to discuss and vote on the personnel policies. In the meantime, questions or suggested language should be directed to Executive Director Boulter.

Having considered all matters before it, the Personnel Committee adjourned at 10:30 a.m.

REP. MICHAEL V. SAXL  
CHAIR

SEN. MICHAEL H. MICHAUD  
VICE-CHAIR



120<sup>th</sup> 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

June 20, 2002

Carl Leinonen, Executive Director  
Maine State Employees Association,  
Service Employees International Union  
Local 1989, AFL-CIO  
P.O. Box 1072  
65 State Street  
Augusta, Maine 04332-1072

Re: Your Recent Communication to the Legislative Council

Dear Carl:

This letter is to acknowledge the Legislative Council's receipt of the proposed bargaining unit descriptions and MSEA's request for union recognition for certain legislative employees. At its' meeting on May 29, 2002, the Legislative Council referred this matter to its Personnel Committee for review. Since then, the Personnel Committee has met several times to consider MSEA's proposals, and the matter remains under advisement.

At the Personnel Committee meeting on June 12, 2002, you submitted a new proposed bargaining unit description that is substantially different from the unit description MSEA proposed on May 28<sup>th</sup>. That description proposes a single bargaining unit for all eligible legislative employees.

The Personnel Committee would like to enter into preliminary discussions with MSEA regarding the bargaining unit. The discussions would be to explore solely whether agreement may be reached on the scope and composition of bargaining units for legislative employees, consistent with the process established by the Maine Labor Relations Board. Toward that end, the committee appointed Senator Beverly Daggett, Senator Mary Small, Counsel Linda McGill and Executive Director Boulter to discuss the unit issues on its behalf. Following the discussions, the Personnel Committee will report to the Legislative Council on the status and results of the preliminary unit discussions, so that the Legislative Council may consider any action that is appropriate at some time in the future.

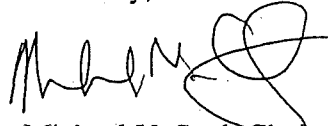
Carl Leinonen, MSEA  
Re: Union proposals  
Date: June 20, 2002  
Page 2

Please contact David Boulter to schedule a meeting. As we move forward in this process, please direct all communications regarding unit descriptions and union recognition to Dave Boulter. He may be reached at 287-1615, or by mail at:

Office of the Executive Director  
Legislative Council  
115 State House Station  
Augusta, Maine 04333-0115

We look forward to hearing from you soon.

Sincerely,



Michael V. Saxl, Chair  
120<sup>th</sup> Legislative Council

cc: Members, Personnel Committee  
Dave Boulter, Executive Director  
Linda McGill, Esq.

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# Maine Center on Deafness



68 Bishop Street, Suite 3 • Portland, Maine 04103  
(207) 797-7656 TTY/V • 797-9791 FAX  
1-800-659-3884 TTY/V outside the Portland calling area

May 2, 2002.

Speaker Michael V. Saxl  
Chair, Legislative Council  
115 State House Station  
Augusta, Maine 04333-0115

Dear Speaker Saxl:

This letter is to request \$2,500 from the Legislature to cover the cost of producing a videotape presentation for members of the Deaf Community in Maine regarding the Legislature final report on its action to create the Baxter Compensation Authority.

It is extremely important to the process now underway with the BCA that Deaf people in Maine understand how and why the BCA was established. The report that was released by the Legislature documents the process that led to creation of the BCA, the reasons for its creation and the Legislature's recommendations for the compensation process that the BCA is now beginning. It also details the responsibilities undertaken by other state agencies which were mandated by the State Legislature.

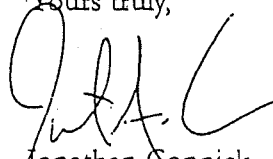
As you know, the Legislature's recommendations related to the BCA address the type of information to be provided by claimants, the basis for making decisions regarding who should receive compensation and what dollar amounts should be awarded, and many other important aspects of this process. All of these recommendations are included in this report.

It is critical to the Deaf community that they understand the action taken by the Legislature, and the responsibilities of the BCA and other state agencies to address past abuse and create a safety net of services and preventive measures. However, this written report does not provide the information in a format accessible to a large proportion of Maine's culturally Deaf population, who have a poor command of the English language. We have therefore taken steps to arrange for a skilled deaf interpreter to work with MCD to convert this written report into a visual presentation in American Sign Language for Deaf individuals.

We are sure you will agree that it is important to make this report available to the Deaf community in an accessible format. The funding requested by this letter will support the production of this American Sign Language presentation of the Legislature's report, videotaped so that copies can be made available to Deaf people across the state.

Thank you for your attention to this request. As always, we appreciate your leadership in the Legislature's action to address the past abuse inflicted upon Maine's Deaf Community.

Yours truly,

  
Jonathan Connick  
Executive Director

cc: Teen Ellen Griffin /  
Manager, Legislative Information



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

Memorandum

To: The Honorable Michael V. Saxl, Speaker  
Chair of the Legislative Council

And Honorable Members of the 120<sup>th</sup> Legislative Council

From: Dave Boulter, Executive Director

Date: June 24, 2002

Re: Mandatory Furlough Days for Executive Branch Employees

Last week, Governor King outlined his plan to deal with the current budget shortfall. Among the measures he is instituting is requiring Executive Branch employees to take three (3) furlough days within the next fiscal year. Governor King estimates that the State will save approximately \$4 million by requiring the 3 furlough days. He has established July 5<sup>th</sup> as the first of the 3 furlough days for Executive Branch employees. Except for those workers in offices who are required to provide essential State services, Executive Branch offices will be closed all day on Friday, July 5<sup>th</sup>.

A "furlough day" is a temporary, unpaid layoff for 1 day for employees. A furlough day does not affect employees' benefits such as state-paid insurances and leave accrual. Since the purpose of furlough days is to reduce State expenditures (specifically in Personal Services), employees may not use vacation time or any other form of paid leave to cover their furlough from work.

The Governor's decision to place State workers on furlough does not necessarily affect legislative employees. Any decision to furlough legislative employees rests with the Legislative Council and the presiding officers, and in the past has been a formal action of the Legislative Council. If the Legislative Council decides to follow the Governor's decision and place legislative employees on furlough for 3 days, the estimated Personal Services savings would be about \$105,000 for FY03. These budget savings would not be on-going, but would be limited to FY 03 unless furlough days were to be re-instituted in subsequent years or the Legislative Council found other means to reduce the Personal Services budget. Employees who are placed on furlough for 3 days would experience a wage reduction of about 1.15%.

Memo to Legislative Council  
Re: Furlough Days  
June 24, 2002  
Page 2

The Legislative Council may:

- 1- take no action, in which case, legislative employees would not be placed on furlough, and legislative offices would remain open for business. No budget savings would accrue;
- 2- track the Governor's decision and schedule, placing legislative employees on furlough for 3 days, with resultant office closings and budget savings;
- 3- track the governor's decision but not his schedule, thereby placing legislative employees on furlough for 3 days, with resultant budget savings. Rather than requiring all offices be closed on specific days, employee furloughs would be staggered within each office so that offices would remain open to the public (although at reduced levels); or
- 4- require reductions and adjustments to legislative accounts to achieve a similar savings to the budget, but through means other than the use of employee furlough days.