

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)



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
October 30, 2002
Approved November 20, 2002

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Legislative Council meeting to order at 1:35 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Legislative Officers: Pamela Cahill, Secretary of the Senate
Millicent MacFarland, Clerk of the House
David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
David Elliott, 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 SEPTEMBER 24, 2002 COUNCIL MEETING

Motion: That the Meeting Summary of September 24, 2002 be accepted and placed on file.
(Motion by Rep. Norbert, second by Rep. Schneider, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

• Executive Director's Report

David Boulter, Executive Director of the Legislative Council reported that the building directory authorized by the Legislative Council has been installed in the first floor lobby of the State House. The directory was designed by Welch Architectural of Scarborough, Maine.

The Maine State Museum has installed the touch-screen kiosk in the Welcome Center that provides images and background information on the flags that had been exhibited in the Hall of Flags.

Mr. Boulter also reported that the State House and Capitol Park Commission met on September 23, 2002 and unanimously recommended acceptance of a living memorial plan for Capitol Park consistent with the enabling legislation. The memorial will be a development of a garden in the northwest section of Capitol Park, as well as a completion of the planting of an allée of trees. Written recommendations from the Commission will be provided to the Legislative Council when it submits its written report in November.

Executive Director Boulter provided the Council with an update on union activities. There are two proposed bargaining units. A Form 1 agreement has been filed for the "Charbonneau Bargaining Unit", which includes analysts, paralegals and researchers. The Maine Labor Relations Board will notify employees and the Council when an election is scheduled among those employees to decide whether they wish to be represented. The second bargaining unit is with MSEA, and the composition is consistent with the Council's action. A Form 1 agreement will be filed shortly. The Maine Labor Relations Board will conduct a count of signed union cards, the voting tool recommended by the Council, before November 28, 2002 to verify that a majority of employees in the unit want to be represented.

No Council action required.

• Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented the following fiscal report:

1. General Fund and Highway Fund Revenue Variances for September 2002

In September the General Fund was ahead of revenue projections by \$10.6 million and for the year-to-date \$4 million above projections, offsetting a negative variance from the first two months.

The Highway Fund was up by \$1.7 million in September and increased to \$2.9 million over budget for year-to-date.

The amount reflects the August revisions thereby moving the revenue estimates for FY 03 downward by \$142 million.

2. The Economic Forecasting Committee

The Economic Forecasting Committee met on October 21, 2002, revised the economic forecast downward and extended the economic projections through calendar year 2007. The changes to the personal income variable will drive the revenue estimates downward, including the current fiscal year.

3. The Revenue Forecasting Committee

The Revenue Forecasting Committee has a statutory reporting deadline of December 1, 2002. The Committee met October 22, 2002 for a planning session, but the next meeting has not yet been scheduled.

4. Cash Pool Status

The Cash Pool status reflects the general status of the General Fund. The General Fund was positive because of the Tax Anticipation Note (TAN). Without the TAN and the other reserve fund balances the General Fund would have been \$204.3 million negative.

No Council action is required.

• Office of Information Services' Report

Paul Mayotte, Director, Legislative Information Services reported to the Council on the following items:

Bill Drafting System

HP installed a stable and functioning software application between October 16 and 17, 2002. The Revisor's Office tested the software on October 18 and 21, 2002. HP had a senior level manager at the Legislature on October 21, 2002 to observe the testing. The software was tested in a "production" like environment with 6 or more users on the system. Based on the repeated tests over the two-day period, it was found that the software took excessive time to perform several standard bill drafting functions.

The Executive Director of the Legislative Council, formally notified HP on October 28, 2002 that the system failed the acceptance test. HP is not contesting the results of the testing and must submit a corrective action plan by November 8, 2002.

The Legislative staff is proceeding to prepare the Wang bill drafting system to support the 1st Regular Session of the 121st Legislature.

No Council action required.

Internet Access

A technical problem surfaced during the Columbus Day weekend; the Executive Branch e-mail server recognized the Global Address List link with the Legislature as the best connection for sending e-mail to the Internet. The link has been disconnected and a new process to share address lists has been tested and works with no risk of e-mail being routed through the Legislature's Internet connection. The new process requires an additional software license, which is being ordered. The Legislature will move to the Maine.Gov address during the weekend of November 9-10, 2002.

No Council action required.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, gave an update on the status of interim studies. Attached to the Meeting Summary is the Progress Report on the Legislative Studies as of October 24, 2003 that was provided by Mr. Elliott.

No Council action is required.

Speaker Saxl asked if there was objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item #2.**

NEW BUSINESS

Item #2: Requests from Study Commissions for Extensions of Reporting Deadlines

David Elliott said 6 of the study commissions are requesting limited extensions of their reporting deadlines. Mr. Elliott noted that the request from the Health Care System and Health Security Board was for an extension to January 15, 2003. All the study requests are to be completed within the existing budget and authorized number of meetings. The study commissions requesting extensions are:

- Task Force to Study the Impact of a Maine-Based Casino: to December 15, 2002 (letter from Sen. Kevin Shorey and Rep. Donna Loring, Co-chairs)
- Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish In Maine: Extension to November 15, 2002 (memo from Sen. Woodcock, Senate Chair and Rep. Bryant, House Chair)
- Health Care System and Health Security Board: **Amended Request** for Extension to January 15, 2003 (memos from Sen. John Martin, Senate Chair and Rep. Paul Volenik, House Chair)
- Task Force to Study Methods of Addressing Inequities in the in the Retirement Benefits of State Employees and Teachers: Extension to December 13, 2002 (memo from Sen. Edmonds and Rep. Norton, Co-Chairs)
- Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers: Extension to December 4, 2002 (letter from Sen. Youngblood)
- Committee to Continue to Study the Costs and Benefits of Increasing Access to Family and Medical Leave for Maine Families (letter from Sen. Edmonds and Rep. Davis, Co-chairs)

Motion: That the proposed extensions for the 6 study commissions be approved. (Motion by Rep. Bruno, second by Sen. Davis, unanimous).

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

The Personnel Committee met on October 30, 2002 and discussed the following items:

1. **Employee Request for Temporary Income Benefits**

Based on the unanimous recommendation of the Personnel Committee, the Speaker made the following motion:

Motion: That the Legislative Council grant Temporary Income Protection Benefits as provided for in Section VI (H) of the Personnel Policies and Guidelines for a Legislative Council employee as reviewed and recommended by the Personnel Committee at its October 30, 2002 meeting. (Motion by Speaker Saxl, second by Rep. Bruno, unanimous).

2. **Review and Recommendation on Revised Personnel Policies**

Speaker Saxl reported that the Personnel Committee reviewed the revised Personnel Policies for: Leadership staff; Clerk's and Secretary's office staff; and Committee Clerks. Several amendments will be made to the draft revisions and then a ballot will be circulated to recommend to the presiding officers that they adopt the policies immediately.

3. **Personnel/Human Resources staffing**

The need for a Human Resources Director was also discussed at the Personnel Committee meeting. Chair Saxl said the Committee directed David Boulter, Executive Director, to prepare a proposal on funding a human resources director position within existing resources, either by finding savings or reorganization of existing staff.

4. **Performance Evaluations**

Speaker Saxl said the Personnel Committee will be conducting performance evaluations of Lynn Randall, Law Librarian; Paul Mayotte, Director, Legislative Information Services, and Dave Boulter, Executive Director at its next meeting.

- **Technology and Migration Committee**

The Technology and Migration Committee did not meet this month.

- **Space Committee**

The Space Committee did not meet this month.

OLD BUSINESS

None

NEW BUSINESS

Item #1: Recommendation for Reappointment of Marc Cyr, Principal Analyst, OFPR, to the Revenue Forecasting Committee

Motion: That Marc Cyr be Reappointment to the Revenue Forecasting Committee.
(Motion by Rep. Bruno, second by Sen. Davis, unanimous).

ANNOUNCEMENTS AND REMARKS

The next Legislative Council meeting is scheduled for November 20, 2002 at 1:00 p.m.

ADJOURNMENT

The Legislative Council meeting was adjourned at 1:56 p.m. (Motion by Rep. Bruno, second by Rep. Schneider, unanimous).

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
 Status as of 10/24/02 9:59:55 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, Committee to Study Reimbursement Rates for Maine's (PL 2001, c. 661)	8/28/02	Thursday – 11/14/02 9:00 a.m. – 12:00 p.m. Augusta Armory Room 117	06-Nov-02	Extension requested
Casino on the Economy, Transportation Infrastructure, State Revenue and Job Market, Resolve to Study the Impact of a Maine-based (Resolve 2001, c. 124)	9/3/02	Friday - 10/25/02 10 a.m. – 1 p.m. meeting 1 p.m. – 5 p.m. PH Augusta Armory Room 209	06-Nov-02	Extension requested
Community Preservation Advisory Committee, An Act to Establish the (PL 2001, c 648; sunsets 6/1/08)	10/21/02	11/12/02 9:00 a.m. – 2:00 p.m. State House Room 437	Dec. 01 annually	Staffed by SPO; OPLA drafting assistance
County Jail Population, Cost and Reimbursement by the State, Joint Order to Study (HP 1731)			06-Nov-02	CRJ interim work. Meeting held during hearings on LD 2220.
Family and Medical Leave for Maine Families, Resolve to Continue the Study of Benefits and Costs for Increasing Access to (Resolve 2001, c. 115)	9/9/02	Wednesday – 10/30/02 9 a.m. – 12 p.m. Cross State Office Bldg. Room 220	06-Nov-02	
Fatherhood Issues Study Commission, Resolve to Establish a (Resolve 2001, c. 121)	8/27/02	Monday – 10/28/02 9:00 a.m. – 4:00 p.m. Cross State Office Bldg. Room 214	06-Nov-02	
Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	9/19/02	Thursday – 10/31/02 9:00 a.m. – 1:00 p.m. Cross State Office Bldg. Room 202	06-Nov-03	Interim report this year
Health Care System and Health Security Board (PL 2001, c. 439, Part ZZZ)	October 2001 Continuation	Monday – 10/28/02 9:00 a.m. – 3:00 p.m. State House Room 427	01-Dec-02	Extension requested; draft report due November 22.
MCJUSTIS Board, Resolve to Implement the Recommendations of the (Resolve 1997, c. 105, PL 1999, c. 451, PL 1999, c. 790, Resolve 2001, c. 45)	Continuation		15-Dec-02	In drafting stage

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
 Status as of 10/24/02 9:59:55 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Proposed Revisions to School Finance Laws and Recommendations to Implement the Essential Programs and Services Funding Model, Department of Education and State Board of Education Study (PL 2001, c. 660)		Monday – 10/21/02	15-Jan-03	Staffed by DOE; OPLA drafting assistance. DOE/SBE updating essential program and services model
Public Funds are Used to Acquire Conservation Easements, Resolve to Promote the Interests of the People of Maine when (Resolve 2001, c. 116)	Continuation		15-Jan-03	Staffed by SPO; work complete – will report to ACF in January
Rail Transportation, Resolve to Establish and Fund the Task Force on (Resolve 2001, c. 120)	8/9/02		06-Nov-02	Last meeting held; final report being drafted; no legislation authorized
Recodification of Title 12, chapters 701-721 (HP 613)	(Staff study – continuation)		15-Jan-02	Initial draft to ROS
Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462)	Continuation	Wednesday – 10/23/02 10:00 a.m. Room 208 Cross State Office Bldg	31-Oct-02	Last meeting held; extension requested
Stormwater Management in Developed Watersheds, Resolve to Establish the Task Force to Study the Effectiveness of (LD 2186)	May 31, 2002		06-Nov-02	NAT Interim work
Unfunded Liability of the MSRS and the Equity of Retirement Benefits for State Employees and Teachers, An Act to Address the (PL 2001, c 707)		Friday – 11/08/02 Cross State Office Bldg. Room 220	06-Nov-02	Appointments completed; 1 st meeting scheduled; extension requested
World War II and the Korean War Veterans in the Hall of Flags, Resolve to Recognize (Resolve 2001, c. 113)		Wednesday – 10/30/02 9:30 a.m. – 12:30 p.m. State House Room 126	04-Oct-02 Initial Rep. 01-Nov-02 Final Rep.	Appointments complete; 1 st meeting scheduled
Youth Advisory Council, Legislative (PL 2001, c. 439, Part PPP)	9/14/02	Thursday – 11/14/02 3 p.m. – 8 p.m. Bangor Civic Center Lecture Room	Feb. 15th annually	