

# MAINE STATE LEGISLATURE

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SEN. BEVERLY C. DAGGETT  
CHAIR

REP. PATRICK COLWELL  
VICE-CHAIR



121<sup>st</sup> MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

SEN. SHARON ANGLIN TREAT  
SEN. PAUL T. DAVIS, SR.  
SEN. KENNETH T. GAGNON  
SEN. CHANDLER E. WOODCOCK  
REP. JOHN RICHARDSON  
REP. JOSEPH BRUNO  
REP. ROBERT W. DUPLESSIE  
REP. DAVID E. BOWLES

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

**MEETING SUMMARY**  
**December 16, 2002**  
**APPROVED JANUARY 28, 2003**

**CALL TO ORDER**

The Chair, President Daggett, called the Legislative Council meeting to order at 11:04 a.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Daggett, Sen. Treat, Sen. Davis, Sen. Gagnon  
Absent: Sen. Woodcock

Representatives: Rep. Bruno, Rep. Duplessie, Rep. Bowles  
Absent: Speaker Colwell, Rep. Richardson,

Legislative Officers: David Shiah, Assistant 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

**SUMMARIES OF THE NOVEMBER 20, 2002, AND DECEMBER 4,  
2002 COUNCIL MEETINGS**

**Motion:** That the Meeting Summaries of November 20, 2002 and December 4, 2002 be accepted and placed on file. (Motion by Rep. Bruno, second by Sen. Treat, unanimous).

President Daggett asked if there was objection to taking several items out of order. Hearing none, the Chair then moved to **New Business, Items 1, 3, 4 and 2.**

## NEW BUSINESS

### Item #1: Duplicate Bill Request Filings

Margaret Matheson, Revisor of Statutes, provided the Legislative Council members with a memo regarding duplicate bill request filings. Ms. Matheson was seeking the guidance of the Council for combining duplicate bill requests by the Revisor's Office. Joint Rule 206, section 2 provides that: For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests.

Ms. Matheson explained that while the process of combining like requests can never be exact, the following process has been developed over the past several years:

- Bill titles are reviewed to identify bills that are so similar that they are virtually alike. If the proposed solutions to the same problem are similar enough, the requests are combined into one measure.
- The sponsor who filed the first complete request becomes the primary sponsor of the measure. Completeness is determined by the standards set out in Joint Rule 208, i.e., whether the request has "sufficient instructions, information and data required for its presentation."
- Later filers are given the opportunity to sign onto the measure as cosponsors; the primary sponsor also may collect the full complement of cosponsors authorized by Joint Rule 206.
- If a later filer believes that the bill request he or she filed is not closely related and so demonstrates, then his or her request will be fully drafted as a separate bill.

**Motion:** That the Legislative Council approve the procedures for duplicate bill requests recommended by the Revisor as set forth in her memo. (Motion by Rep. Bruno, second by Sen. Davis, unanimous).

### Item #3: Submission of Study Reports

David Elliott, Director, Office of Policy and Legal Analysis, explained that the study commissions listed below have completed their work and issued final reports.

- Commission to Study the Needs and Opportunities Associated With the Production of Salmonid Sport Fish in Maine
- Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers
- Task Force on Rail Transportation

**Motion:** That the Legislative Council accept and place on file the reports for the above listed interim studies. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

**Item #4: Request to Extend Reporting Deadline**

- Health Care System and Health Security Board: Extension from January 15, 2003 to April 15, 2003

Mr. Elliott said the Health Care System and Health Security Board is requesting approval of an extension from January 15, 2003 to April 15, 2003 to file its final report. The Legislative Council had extended the Board's request for an extension to January 15, 2003 at its October 30, 2002 meeting. The Board's request for an additional extension was needed to give the Board sufficient time to analyze the data received from its consultant.

Several Legislative Council members commented that April 15, 2003 would be too late in the session if legislation was filed upon the completion of the Board's report.

**Motion:** That the Legislative Council approve a limited extension until March 3, 2002 to the Health Care System and Health Security Board to submit its required report. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

**Item #2: Appointment of Budget Subcommittee Members to Review FY 04/05 Legislative Budget Request**

The Chair, President Daggett, requested that members of the Legislative Council who would like to serve on the Budget Subcommittee contact her office.

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS**

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported that two unions, MSEA and Independent Association of Nonpartisan Legislative Professionals, now represent 2 groups of nonpartisan legislative employees.

Mr. Boulter said that nonpartisan offices are concluding their recruitment process to fill position vacancies in the Office of Policy and Legal Analysis and the Revisor's Office. Every reasonable attempt will be made to ensure the positions are filled before the session begins.

Mr. Boulter also reported that he and Rose Breton have been working with the Division of the Blind to reach an agreement on operation of the State House snack bar. He said there now is a potential vendor for the snack bar, but requested guidance from the Council prior to contracting with that vendor. Mr. Boulter believed the Space Committee oversees this matter, but because the Space Committee has not been established, he suggested that the Council chair and vice-chair may need to decide the matter prior to the convening of the Space Committee if the snack bar is to be opened before session starts.

No Council action was taken.

- **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 November 2002**  
(Reflects August, 2002 Revenue Forecasting Committee Revisions)

The General Fund Revenue for November was \$7.8 million under budget. The Revenue is still above budget for the fiscal year to date by \$13.97 million. The large positive variances in Individual Income Tax and Sales Tax are beginning to erode.

The Highway Fund is under budget by \$2.2 million under budget. The Fund is under budget for the Fiscal Year to date in the amount of \$0.55 million.

2. **Revenue Forecasting Committee**

For Fiscal Year 2003 the General Fund Revenue was revised downward by \$43.6 million.

The 2004/2005 General Fund Revenue estimates were revised downward by \$119.7 million, therefore increasing the structural gap estimate to approximately \$1 billion.

3. **Cash Pool Status**

The total General Fund Cash Pool position was \$34.9 million positive, which reflects the \$250 million TAN issued in August. Absent the TAN and other reserve balances, \$33.9 million from the Rainy Day Fund and \$10.5 million in the Working Capital Reserve, the General Fund would be \$259.5 million negative.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, updated Council members on two of the major technology projects that have been underway, the first being the direct legislative internet access. Prior to November 23, the Legislature was receiving its Internet access through services provided by the Bureau of Information Services. The Legislature had paid \$4.75 per month per PC, costing approximately \$100,000 a year. Approval was given for the Legislature to proceed with legislative direct Internet access, replacing BIS as the Internet service provider. Mr. Mayotte said the change would reduce the cost by half.

Mr. Mayotte said his office had several issues with BIS that have been resolved and was working to ensure that everything is in place to protect the Legislature's network from unauthorized access. With the software firewall package installed there is the ability to establish remote access to the network. Testing will begin in January and up to 20 access ports supporting the virtual private network capability could be available within a few months.

The second item Mr. Mayotte reported on was the progress on developing a bill drafting system. He said H-P has installed a bill drafting system, which does allow the Revisor's Office to create bills. However, when tested it became clear that the speed of the application is inadequate. Robin Healy, Practice Principal of H-P, confirmed that H-P is committed to correcting the problem and would get back to the Legislature by the end of December with H-P's plan to correct the problem. It was noted by Council members that H-P was beyond the contract deadlines. The client-server platform was anticipated to be available for bill drafting for the 121<sup>st</sup> First Regular Session. It now will not be ready for testing and use until the interim

of the 1<sup>st</sup> session. There was discussion as to the time limit that should be placed on H-P. Mr. Mayotte recommended that a date not be set at this time but at the point at which H-P informs the Legislature what it is going to fix and to what level of improvement the fixes will make to the application. If it does not meet the Legislature's requirements at that point, a meeting should be scheduled with H-P and the next step decided.

No Council action required.

- **Update on Interim Studies**

David Elliott provided an update on the status of interim studies. Attached to the Meeting Summary is the Progress Report on the Legislative Studies as of December 11, 2002.

## **REPORTS FROM COUNCIL COMMITTEES**

President Daggett, Chair of the Legislative Council, announced that she has made the following appointments to the Council Committees for the 121<sup>st</sup> Legislature:

- **Personnel Committee**

Representative John Richardson, Chair  
Senator Sharon A. Treat  
Senator Paul T. Davis, Sr.  
Representative Patrick Colwell  
Representative Joseph Bruno

Joy O'Brien, ex officio, nonvoting  
Millicent MacFarland, ex officio, nonvoting  
David Boulter, ex officio, nonvoting

- **State House Facilities Committee** (also known as the Space Committee)

Senator Kenneth T. Gagnon, Chair  
Senator Chandler E. Woodcock  
Representative Robert W. Duplessie  
Representative David E. Bowles

Joy O'Brien, ex officio, nonvoting  
Millicent MacFarland, ex officio, nonvoting  
David Boulter, ex officio, nonvoting

## **OLD BUSINESS**

None

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 12:07 p.m. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).