

MAINE STATE LEGISLATURE

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SEN. BEVERLY C. DAGGETT
CHAIR

REP. PATRICK COLWELL
VICE-CHAIR



121ST 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
February 19, 2003
APPROVED MARCH 4, 2003

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 2:21 p.m. in the Legislative Council Chamber

ROLL CALL

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

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

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
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

SUMMARY OF THE JANUARY 28, 2003 COUNCIL MEETING

Motion: That the Meeting Summary of January 28, 2003 be accepted and placed on file. (Motion by Rep. Bruno, second by Sen. Davis, unanimous).

President Daggett asked if there was objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item #1.**

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

Sixteen after deadline requests were considered by the Legislative Council. The Council's actions on these requests are included on the attached list.

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported on the following matters:

1. **Public Meeting for Discounted Internet Connection to Law and Legislative Reference Library**

Mr. Boulter reported that the Law and Legislative Reference Library has scheduled a public meeting on Wednesday, February 26, 2003 at 3:30 p.m. in the Welcome Center to discuss the Library's policies regarding Internet access to inappropriate materials by minors. Council members are invited to attend the meeting.

No Council action required.

2. **Staff Position**

Mr. Boulter introduced the following newly appointed staff person:

Nicole Dube, Legislative Analyst, Office of Policy and Legal Analysis. She will be co-staffing the Transportation and Education committees this session.

The Chair, President Daggett, on behalf of the Legislative Council, welcomed Ms. Dube to the Legislature.

- **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 January, 2003**

For the month of January the General Fund revenues were \$3.7 million over budget and remain over budget for the year-to-date by \$6.9 million. Positive variances in the Individual Income Tax line continued to offset negative variances in the Sales, Corporate Income and the Cigarette Taxes lines.

Highway Fund revenues were over budget by \$1.4 million in January and increased its positive variance to \$2.3 million for the year-to-date.

2. Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission met on February 13, 2003. The Commission revised the short-term forecast downward for both the personal income and employment growth. The revisions of the economic forecast will be run through the Maine Revenue Services' models and the results will be presented to the Revenue Forecasting Committee when it meets on February 25, 2003. The Committee will review the changes to the economic forecast.

No Council action required.

- **Office of Information Services' Report**

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

1. Remote Access to the Legislative Network

The objective of the project is to provide secure remote access from outside PCs for authorized users to the Legislature's local area network. The technology and hardware has been installed and is working. The Legislative Information Services staff is developing a disc for individuals to use to load the software to their home PCs. Because of the different types of home PCs or operating system Mr. Mayotte is working to make it as simple and cost effective as possible. Testing should be complete by the end of February and an installation CD available to a test group on March 3, 2003.

2. Migration and Bill Drafting System Performance

Mr. Mayotte reported that H-P has provided the Legislature with a plan to correct the problem log items. H-P still owes the Legislature their proposed resolutions for the warranty items identified in the last round of testing. Mr. Mayotte also reported that he had an extensive conversation with H-P and its subcontractor, LGS, on February 18th regarding the areas remaining to be corrected on the bill drafting system. There are 3 specific areas to be corrected regarding performance:

- a. The application code itself;
- b. The database. H-P is proposing to upgrade from SQL 7.0 to SQL 2000; and
- b. The adequacy of the server hardware purchased to run the application.

The corrections and changes being made, are at no cost to the Legislature. H-P is to provide to the Legislature with the specifics and details of its corrective action plan by March 19, 2003.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, provided an update on the status of legislative studies. He reported that it will be his final report on interim studies authorized for the past interim. Attached to the Meeting summary is the Progress Report on the Legislative Studies as of February 13, 2003.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Richardson, Chair of the Personnel Committee reported that the committee met earlier in the day and discussed the following 3 items:

1. **Step Increase for Millicent MacFarland, Clerk of the House**

The Personnel Committee approved the award of a step increase to Clerk MacFarland, retroactive to her work anniversary date.

2. **Longevity Stipends for 2003**

The Personnel Committee discussed longevity stipends for employees but postponed action on granting longevity stipends to qualified employees for calendar year 2003 pending receipt of additional information from Executive Director Boulter.

3. **Request for Human Resources Position**

The Committee discussed the establishment of a Human Resources position for the Legislature, recommended by Mr. Boulter. Rep. Richardson offered the following motion:

Motion: That the Legislative Council authorize the Executive Director's Office to establish a Human Resources position as recommended by the Personnel Committee. Funding for the position is to be within existing budgeted resources subject to review by the Budget Subcommittee and a final decision of the full Legislative Council. (Motion by Rep. Richardson, second by Speaker Colwell, unanimous).

Discussion: For clarification purposes, President Daggett asked if the Council's action required any further action by the Personnel Committee. Rep. Richardson said it would not go back to the Personnel Committee, that the motion authorized the position subject to funding approval by the entire Legislative Council as part of its budgeting process.

- **State House Facilities Committee**

The State House Facilities Committee did not meet.

- **Budget Subcommittee**

President Daggett, Chair, reported that she and subcommittee member Rep. Bowles met, but because of the absence of the other 2 subcommittee members, the meeting was informational only. The chair will schedule a second meeting prior to the Legislative Council's appearance before the Appropriations Committee on March 10th.

No Council action is required.

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 January 28, 2003 meeting.

No Council action required.

NEW BUSINESS

Item #2: Placement of the Vietnam War Memorial Plaque in the Hall of Flags

Executive Director Boulter referred members to a memo from Earle G. Shettleworth, Jr., (State House and Capitol Park Commission) recommending that the Vietnam Veterans' Plaque be installed on the north wall of the Hall of Flags immediately to the right of the entrance to the corridor leading to the Law Library. Mr. Boulter introduced Brigadier General Earl Adams, Co-chair of the Commission to Arrange for a Plaque and a Flag or Flags to be Displayed in the Hall of Flags in the State House.

Brigadier General Adams reported to the Council that the Commission had raised funds to commission the plaque is now complete. He then explained the plaque's design. On the left side are pine branches and 16 pinecones interweaved designating the 16 counties within the State of Maine. On the right are bamboo canes that typify the forest of Southeast Asia and are very prominent in the Vietnam area. On the bottom are clusters of white oak which is often used as a symbol of the military services. At the bottom center there are small acorns representing the five branches of the military and the five symbols at the very bottom of the five military branches. Around the edge of the plaque and over the words "In Honor Of" there are 343 small stars representing the 343 Maine Citizens that were killed or unaccounted for as a result of the Vietnam War.

Brigadier General Adams asked, on behalf of the Commission, that the Legislative Council accept the memorial plaque and approve the location of the plaque on the north wall of the Hall of Flags immediately to the right of the entrance to the corridor leading to the Law Library. He noted that there are plans for a World War II and a Korean War plaque to be located on the north wall of the Hall of Flags as well.

Motion: That the Legislative Council accept the Vietnam Veterans' Memorial Plaque presented to it by the legislative commission to recognize Veterans of the Vietnam War and authorize the plaque to be included in the "State House Collection" maintained by the Maine State Museum.

Further, that the Legislative Council direct that the plaque be displayed on the north wall of the Hall of Flags in accordance with the recommendations of the State House and Capitol Park Commission. (Motion by Speaker Colwell, second by Sen. Woodcock, unanimous).

Sen. Woodcock and members of the Legislative Council thanked Brigadier General Adams and the members of the commission for its work to the Vietnam Veterans' Memorial Plaque. It was greatly appreciated and the plaque will be enjoyed for many years to come.

Item #3: Submission of Study Report

OPLA Director David Elliott reported that the study commissions listed below have completed their work and issued final reports.

- Commission on Fatherhood Issues
- Health Care System and Health Security Board

- Task Force to Study the Impact of a Maine-Based Casino on the Economy, Transportation Infrastructure, State Revenue and Job Market
- Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War
- State House and Capitol Park Commission on the Establishment of a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 22, 2001 Tragedy
- Maine Legislative Youth Advisory Council

Motion: That the Legislative Council accepted and place on file the reports for the above listed interim studies. (Motion by Rep. Bowles, second by Sen. Davis, unanimous).

Item #4: Three Day Notice on Bills (Rep. Bruno)

Rep. Bruno commented that the change from 5 to 3 days for legislators to sign and return bills had not been generally announced, and therefore, had created some confusion about the actual deadline. He requested that in the future when such a change is made that a written notice be sent to all legislators by the Revisor's Office clearly informing them of the revised deadlines. The Chair and Revisor Matheson noted Rep. Bruno's request.

No Legislative Council action was taken.

COLLECTIVE BARGAINING (Executive Session)

Motion: That, pursuant to 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing with its counsel and negotiators labor contracts and proposals regarding MSEA and its represented groups of legislative employees. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

The Council proceeded to go into Executive Session at 3:22 p.m.

MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 3:57 p.m. on the motion of the Chair.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:02 p.m. (Motion by Sen. Davis, second by Rep. Duplessie, unanimous).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
February 19, 2003**

| | | |
|-----------------|---|---------------------------------|
| | | Action |
| SPONSOR: | Sen. Stanley, Stephen | ACCEPTED BY |
| LR 2003 | Resolve, To Provide Emergency Relief For The Schools in East Millinocket | BALLOT 2/14/03 |

| | | |
|-----------------|--|-----------------|
| SPONSOR: | Sen. Stanley, Stephen | ACCEPTED |
| LR 2008 | An Act Concerning the Authority to Extend Electric Utility Services | |

JOINT RESOLUTIONS

| | | |
|-----------------|---|---------------|
| SPONSOR: | Rep. Bull, Thomas | FAILED |
| LR 0115 | JOINT RESOLUTION MEMORIALIZING THE UNITED STATES NAVY TO NOT PARTICIPATE IN LOW-FREQUENCY ACTIVE SONAR | |

| | | |
|-----------------|--|---------------|
| SPONSOR: | Rep. Crosthwaite, Robert H. | FAILED |
| LR 0249 | JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO END THE IMPOSITION OF UNFUNDED FEDERAL MANDATES ON STATE GOVERNMENTS | |

| | | |
|-----------------|--|---------------|
| SPONSOR: | Sen. Douglass, Neria R. | FAILED |
| LR 2004 | JOINT RESOLUTION URGING THE UNITED STATES CONGRESS TO MEET ITS OBLIGATION IN THE FUNDING OF SPECIAL EDUCATION | |

| | | |
|-----------------|---|---------------|
| SPONSOR: | Rep. Jackson, Troy D. | FAILED |
| LR 0194 | JOINT RESOLUTION MEMORIALIZING CONGRESS TO REMOVE BARRIERS TO THE HEALTH AND SAFETY OF PERSONS HARVESTING FOREST PRODUCTS | |

Action

SPONSOR: Rep. Jackson, Troy D.

FAILED

LR 0195 JOINT RESOLUTION MEMORIALIZING CONGRESS TO DIRECT THE
UNITED STATES DEPARTMENT OF LABOR TO EXAMINE METHODOLOGY
FOR CALCULATING RATES IN THE ANNUAL WOODS WAGE SURVEY

SPONSOR: Rep. Jackson, Troy D.

ACCEPTED

LR 0196 JOINT RESOLUTION MEMORIALIZING CONGRESS OF THE UNITED
STATES TO REQUIRE THE UNITED STATES DEPARTMENT OF LABOR
TO ESTABLISH HEAVY EQUIPMENT OPERATIONS RATES

TABLED

SPONSOR: Rep. Earle, William M. **TABLED**
2/19/03

LR 2009 An Act To Limit the Size of Motor Boat Engines
Used on Paradise Pond

SPONSOR: Sen. Gagnon, Kenneth T. **TABLED**
2/19/03

LR 1996 An Act to Authorize Certain Former Members of the
Maine State Retirement System to Rejoin the Maine
State Retirement System

SPONSOR: Sen. Hall, Christopher **TABLED**
2/19/03

LR 1846 An Act To Require the Department of Transportation
to Resume Maintenance of the Clarks Cove Road

SPONSOR: Rep. Koffman, Theodore **TABLED**
2/19/03

LR 2005 An Act Regarding Maine-licensed Breweries

SPONSOR: Rep. Snowe-Mello, Lois A. **TABLED**
2/19/03

LR 1836 An Act to Increase Individual Health Insurance in
this State

SPONSOR: Rep. Trahan, A. David **TABLED**
2/19/03

LR 2010 An Act to Establish the Epinephrine Training Fund

JOINT RESOLUTIONS

SPONSOR: Rep. Hotham, Randy E. **TABLED**
2/19/03

LR 0628 JOINT RESOLUTION MEMORIALIZING CONGRESS TO RAISE THE WEIGHT
LIMIT FOR TRUCKS ON INTERSTATE 95

SPONSOR: Sen. Martin, John L. **TABLED**
2/19/03

LR 0150 JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL
DELEGATION TO URGE THE SURFACE TRANSPORTATION BOARD TO
CANCEL CANADIAN NATIONAL RAILROAD TRACKAGE RIGHTS

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
Status as of 02/13/03 10:06:25 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 | No more meetings | 04-Dec-02 | Report complete |
| 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 | No more meetings | 15-Dec-02 | Report complete |
| Community Preservation Advisory Committee, An Act to Establish the (PL 2001, c 648; sunsets 6/1/08) | 10/21/02 | Feb 3, 2003 | Dec. 01 annually | Staffed by SPO; First annual report complete |
| County Jail Population, Cost and Reimbursement by the State, Joint Order to Study (HP 1731) | | | 06-Nov-02 | CRJ interim work; discontinued due to budget constraints |
| 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 | No more meetings | 15-Dec-02 | Report complete |
| Fatherhood Issues Study Commission, Resolve to Establish a (Resolve 2001, c. 121) | 8/27/02 | No more meetings | 06-Nov-02 | Report complete |
| Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114) | 9/19/02 | | 06-Nov-03 | Interim report complete |
| Health Care System and Health Security Board (PL 2001, c. 439, Part ZZZ) | October 2001 Continuation | Tuesday – 2/18/03 9:30 a.m. - noon State House Room 427 | 15-Jan-03 | Report complete; extension legislation submitted |
| 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 | Draft of legislation to ROS |

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 120th Legislature/2nd Regular Session)
Status as of 02/13/03 10:09:15 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) | | | 15-Jan-03 | Staffed by DOE; Legislation drafted |
| Public Funds are Used to Acquire Conservation Easements, Resolve to Promote the Interests of the People of Maine when (Resolve 2001, c. 116) | Continuation | No more meetings | 15-Jan-03 | Staffed by SPO; report complete |
| Rail Transportation, Resolve to Establish and Fund the Task Force on (Resolve 2001, c. 120) | 8/9/02 | No more meetings | 06-Nov-02 | Report complete 12/12/02 |
| Recodification of Title 12, chapters 701-721 (HP 613) | (Staff study – continuation) | | 15-Jan-02 | Draft of legislation to ROS |
| Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462) | Continuation | No more meetings | 15-Nov-02 | Report complete |
| 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; discontinued due to budget constraints |
| 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) | Nov. 8, 2002 | No more meetings | 13-Dec-02 | Report complete 12/23/02 |
| World War II and the Korean War Veterans in the Hall of Flags, Resolve to Recognize (Resolve 2001, c. 113) | 11/30/02 | | 04-Oct-02 Initial Rep. 01-Nov-02 Final Rep. Extension granted | Report complete; extension legislation submitted |
| Youth Advisory Council, Legislative (PL 2001, c. 439, Part PPP) | 9/14/02 | | Feb. 15th annually | Report complete; legislation submitted |