

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**March 4, 2003**  
**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 FEBRUARY 19, 2003 COUNCIL MEETING</b>	Decision
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
	No Reports	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b>	
	No Report	
	• <b>Technology and Migration Committee</b>	
	No Report	
	• <b>Space Committee</b>	
	No Report	
	<b>OLD BUSINESS</b>	
	None	
	<b>NEW BUSINESS</b>	
	<b>Item #1: Review of the Legislature's FY 04/05 Budget</b>	
	<b>ANNOUNCEMENTS AND REMARKS</b>	
	<b>ADJOURNMENT</b>	



SEN. BEVERLY C. DAGGETT  
CHAIR

REP. PATRICK COLWELL  
VICE-CHAIR

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

121<sup>ST</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**MEETING SUMMARY**  
**February 19, 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 18<sup>th</sup> 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 10<sup>th</sup>.

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).



**DRAFT - FOR DISCUSS PURPOSES ONLY**

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02/24/03

**LEGISLATIVE BUDGET: OPTIONS TO REDUCE BIENNIAL BUDGET FOR FY 2004-2005 (UPDATED)**  
**(REFLECTS TARGET REDUCTION AMOUNT OF \$2,222,156 INCLUDED IN GOVERNOR'S DRAFT BUDGET BILL)**

	FISCAL YEAR 2003 APPROPRIATION	FISCAL YEAR 2004 REQ. BUDGET	FISCAL YEAR 2005 REQ. BUDGET	BIENNIAL BUDGET
<b>LEGISLATIVE ACCOUNTS SUMMARY:</b>				
PERSONAL SERVICES	15,833,044	17,280,856	18,726,844	36,007,700
ALL OTHER	5,785,156	5,182,115	5,712,820	10,894,935
CAPITAL	102,500	68,200	25,000	93,200
<b>TOTAL SUMMARY</b>	<b>21,720,700</b>	<b>22,531,171</b>	<b>24,464,664</b>	<b>46,995,835</b>
<b>Legislative Account</b>	<b>20,894,768</b>	<b>22,062,459</b>	<b>24,012,432</b>	<b>46,074,891</b>
Comm on Interstate Cooperation	177,198	177,198	177,198	354,396
Comm on Uniform State Laws	27,200	27,200	27,200	54,400
Misc. Studies	3,700	46,480	30,000	76,480
State House & Capitol Park Comm	67,834	67,834	67,834	135,668
Apportionment Commission	400,000	0	0	0
Education Research Institute	150,000	150,000	150,000	300,000
<b>Total - All Programs</b>	<b>21,720,700</b>	<b>22,531,171</b>	<b>24,464,664</b>	<b>46,995,835</b>
<b>Other Programs:</b>				
Office of Program Evaluation and Government Accountability	17,262	1,048,792	1,062,550	2,111,342
Reserve Fund for State House Preservation and Maintenance	800,000	800,000	800,000	1,600,000
Law and Legislative Reference Library	1,356,327	1,512,277	1,549,753	3,062,030
<b>GRAND TOTAL ALL PROGRAMS</b>	<b>23,894,289</b>	<b>25,892,240</b>	<b>27,876,967</b>	<b>53,769,207</b>
<b>Reduction Options for discussion purposes:</b>				
1. Reduce funding for Education Research Institute (funds @ \$75,000 per year)		(75,000)	(75,000)	(150,000)
2. Reduce projected available balance for dues to NCSL and CSG		(4,969)	(4,530)	(9,499)
3. Eliminate funding for Comm. on Uniform State Laws		(27,200)	(27,200)	(54,400)
4. Reduce length of the session by 1 week in 2nd Reg Session		(89,800)		(89,800)
5. Reduce funding for Out-of-State Travel (funds @ \$150,000 per year)		(46,672)	(51,203)	(97,875)
6. Identify outside funding for Legislative Youth Advisory Council (completely eliminates funding in FY 05)		(23,930)	(47,860)	(71,790)
7. Phase in full implementation of OPEGA by FY 06 (Funds at \$362,550 in FY 05)		(1,048,792)	(700,000)	(1,748,792)
<b>Subtotal - Reductions</b>		<b>(1,316,363)</b>	<b>(905,793)</b>	<b>(2,222,156)</b>



**Lynn Randall**  
**Legislative Council Info.**

**Beverly C. Daggett**  
*President of the Senate*

**State of Maine**  
**121<sup>st</sup> Maine Legislature**

**Patrick Colwell**  
*Speaker of the House*

**TO:** Senate and House Chairs,  
Joint Standing Committees of the 121<sup>st</sup> Legislature

**FROM:** Beverly C. Daggett, President of the Senate  
Patrick Colwell, Speaker of the House

**DATE:** March 10, 2003

**RE:** **Requests to Carry Over Bills to the Second Regular  
Session of the 121<sup>st</sup> Legislature**

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As committees plan their workloads to meet the bill reporting deadlines, we want to outline this session's procedures governing requests to carry bills over to the Second Regular Session. We ask you share the details of this memorandum with your committee members.

The bill carryover mechanism is designed to give committees, and the full Legislature, a vehicle for deferring action on selected bills. This deferral gives the committee additional time to consider a complex issue, to have the committee analyst perform more in-depth research and analysis during the interim, or to allow time for outside parties to reach consensus on an issue. Requests to carry over bills will be reviewed by the presiding officers; bills that are approved will then be assembled in a Joint Order that will subsequently be acted on by the full Legislature.

### **Procedures**

If your committee wants to carry over any bills, we ask that you use the following procedures:

- The committees must vote on all bills to be carried over prior to requesting that they be carried over.
- Submit your request to carry over a bill or bills in a single, brief letter by **April 18, 2003** addressed to the Senate President and Speaker of the House and delivered to the Legislative Information Office. Your committee analyst will assist you in preparing this letter. The Legislative Information Office will compile and distribute all requests prior to the time when we will review all carryover requests.
- For each bill, include the reason for requesting the bill be carried over until next session.

Memo to Committee Chairs  
Re: Carry Over Bill Requests  
March 10, 2003  
Page 2

- Please provide a copy of all carryover requests to the Executive Director's Office.
- For carryover requests that are approved, the committees have until December 5, 2003 to have heard and reported out all carryover bills. Committees may meet in the legislative interim only with the prior approval of the presiding officers. The standard public notice requirements for holding hearings and work sessions apply to bills heard and worked during the interim.

We will review all requests that we have received **no later than April 25, 2003** and ask that you be available in the event that we have any questions. The Joint Order referenced above will not be prepared until the final week of the Session.

We appreciate the dedication and diligence with which you are working in committee. We recognize that it is a busy session with many factors competing for the committee's attention. However, it is very important that the Legislature completes its work in a timely manner; and that committees do their part by meeting their bill reporting deadlines.

If you have any questions, please see your respective presiding officer.

Thank you.

cc: Members, Legislative Council  
Joy O'Brien, Secretary of the Senate  
Millie MacFarland, Clerk of the House  
David Boulter, Executive Director  
Teen Griffin, Manager, Legislative Information Office  
Legislative Council Office Directors