

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
March 4, 2003
Approved March 26, 2003

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 4:54 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Daggett, Sen. Treat, Sen. Davis, Sen. Gagnon Sen. Woodcock
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 FEBRUARY 19, 2003 COUNCIL MEETING

Motion: That the Meeting Summary of February 19, 2003 be accepted and placed on file. (Motion by Rep. Bruno, second by Rep. Duplessie, unanimous).

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

No Reports

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

No Report

- **Technology and Migration Committee**

No Report

- **Space Committee**

No Report

OLD BUSINESS

None

NEW BUSINESS

Item #1: Review of the Legislature's FY 04/05 Budget

This special meeting of the Legislative Council was convened for the purpose of reviewing the proposed legislative budget for FY 04/05. Representative Richardson presented the Democratic Option of the Proposed Legislative Budget for the 2004-2005 biennium that would modify the budget presented by the Governor in the budget bill (LD 1319). He said the Democrats considered "flat funding" as a bench mark in order to determine the relative increase in the budget. He explained that in calculating the increase, the Democrats considered the FY 03 budget doubled as flat funding, the formula used by the Governor for agencies. Based on that formula, Rep. Richardson said the Democratic option represents a 1.54% increase to the legislative budget over the biennium, totaling \$4,798,055 in cuts to the legislative budget. Rep. Richardson proposed that the Legislative Council accept the \$4,798,055 cuts and then identify further cuts within the next two weeks to bring the increase of the 1.54% to zero. Rep. Richardson listed some of the recommendations in the Democratic Option:

1. Reduce the length of the second regular session by one week;
2. Reduce out-of-state travel to \$100,000 per year;
3. Eliminate funding for OPEGA;
4. Eliminate longevity payments to legislative staff for the biennium;
5. Postpone step increases to legislative staff for the biennium;
6. Eliminate funding for the COLA for legislators for the biennium;
7. Reduce All Other funding by 5% for all legislative offices;
8. Eliminate 2 House positions, 1 from each of the partisan offices;
9. Eliminate 2 committee clerk positions;
10. Eliminate 2 Legislative Council staff positions;
11. Lower the printing and advertising costs and increase use of concept drafting, savings totaling \$350,000.

A copy of the Proposed Legislative Budget – Democratic Option for the 2004-2005 Biennium and the Republican Option are attached to this Meeting Summary.

Motion: That Legislative Council accept the proposed budget reductions specified in the Democratic Option and then to identify further cuts to bring the 1.54% increase down to zero. (Motion by Rep. Richardson, second by Sen. Treat).

Discussion: Rep. Bruno asked if the motion included the reductions to the Law and Legislative Reference Library budget as presented in the Democratic Option. The answer was no.

Rep. Bruno inquired as to why the House Minority Office would be required under the Democratic Option to reduce staff when the Republicans in the House gained seats in the last election. Based on proportionality of representation, Rep. Bruno concluded that the House Republican Office should not lose a staff position. Rep. Richardson responded that he and the other Democrats believe that eliminating 1 position from the House Democratic and Republican Offices places the offices in an appropriate staffing proportion.

A tabling motion was then presented.

Motion: That the motion to accept the Democratic Option be tabled. (Motion by Rep. Richardson, second by Sen. Treat, motion approved, unanimous).

RECESS

Sen. Daggett then recessed the Legislative Council at 5:10 p.m. for the purpose of allowing the members to caucus.

RECONVENE

Chair Daggett reconvened the Legislative Council at 5:40 p.m. and proceeded with the discussion of Item 1 under New Business.

With the Democratic Option motion having been tabled, Rep. Bruno presented a new motion regarding the legislative budget.

Motion: That the Legislative Council table final action on the proposed legislative budget for FY 04/05, request a ten-day time extension from the Appropriations and Financial Affairs Committee for reporting the budget and that the full Legislative Council meet the following week to consider the Democratic and Republican budget options in greater detail. (Motion by Rep. Bruno, second by Rep. Bowles).

Discussion: Speaker Colwell said he would not support the motion. Sen. Treat felt there was only 1 item in the Republican proposal that is completely different in the Democratic proposal, that being the reduced work year. She believed that after an explanation of that proposal, both budget reduction proposals were similar and, therefore, the Legislative Council could make its decision quickly.

Sen. Daggett reminded the Legislative Council members of the pending motion.

Further discussion then followed regarding the Democratic and Republican budget proposals.

Sen. Woodcock believed the Republican Option was a responsible one but that it was unlike the Democratic Option as had been stated earlier. The Democratic Option would decrease the total budget

by \$4.79 million and the Republican Option would reduce it by \$7.96 million, a difference of \$3.2 million. He viewed the difference as the difference between flat funding, using a biennial to biennial budget comparison, and a 6.4% increase in the budget.

Sen. Davis, a Budget Subcommittee member, felt the Council members were not given sufficient time to study or discuss the budget and that another meeting should be scheduled. He reminded members that even small towns give much greater attention to their budgets.

Rep. Bruno asked how the Democratic Option would achieve \$350,000 in savings through reduced printing and advertising costs. Sen. Treat said that was a target number, exactly how much can be achieved in any one area was uncertain but she was certain that it can be achieved in a number of ways. She said that the Democrats had calculated that the cost of drafting a single bill is \$10,000. Consequently they would like to move the Legislature toward an additional number of concept draft bills, as much as a 5 or 10 percent increase in concept drafting. This would result in savings, both in staff time and also in printing time. In addition, to reduce printing costs there would be a reduction in the number of study committee reports to be printed. Many are now available on the Web. Executive summaries would be sent out instead. Advertising cost was the 3rd savings area. She felt those items together would result in the \$350,000 savings over a 2 year period of time.

President Daggett inquired whether members were ready to vote on the motion that the Legislative Council postpone final action and meet the following week. (Motion again by Rep. Bruno, second by Rep. Bowles, motion failed 4-5, Sen. Treat, Sen. Gagnon, President Daggett, Speaker Colwell, Rep. Duplessie opposed, Sen. Woodcock absent for the vote).

The Legislative Council then turned its attention to the original tabled matter. A motion was made and seconded to remove the item from the table. The Chair ruled that the motion passed 5-4, (Sen. Davis, Rep. Duplessie, Rep. Bruno and Rep. Bowles opposed, Sen. Woodcock was absent for the vote).

Discussion: There was discussion on the procedure for presenting information to the Appropriations Committee. Rep. Bruno inquired whether a minority report is permissible. Executive Director Boulter responded that he believed that it is the Legislative Council's decision whether to allow minority reports. He reminded members that March 10th is the date when the Appropriations and Financial Affairs Committee would hold a hearing on the Governor's proposal for the Legislative accounts. Minority reports are not generally offered during public hearings. It would be most appropriate to present a minority report at the work session on March 11, 2003 when amendments may be offered.

The Republican budget proposal was then discussed briefly, including the proposal that legislative employees work a 10 month work schedule since workload decreases significantly during the interim. Also included in the Republican proposal were a \$10,000 per year reduction to funding Legislative studies and \$32,000 reduction in capital equipment purchases.

Chair Daggett drew the members' attention to the section of the Democratic Option that relates to Law and Legislative Reference Library. She stated that it was her understanding that the Democratic Option and motion offered was intended to include the elimination of step increases and longevity payments for Library staff and a 5% reduction in All Other, consistent with those budget reductions applicable to other legislative offices.

Rep. Richardson commented that was correct, but then offered an amendment to his original motion to clarify the inclusion of the reductions to the Library.

Rep. Richardson then amended his original motion.

Motion: That the Legislative Council include budget reductions to the Law and Legislative Reference Library accounts comparable to that of other legislative offices. (Motion by Rep. Richardson, second by Rep. Colwell).

Discussion: There was further discussion regarding the percentage increase in the budget that would result from in each proposal and how those percentages were calculated.

Chair Daggett then called for a vote on the amendment to the motion.

(Motion by Rep. Richardson, second by Rep. Colwell, passed 6-3, Sen. Davis, Rep. Bruno, Rep. Bowles opposed, Sen. Woodcock absent for the vote).

A new motion followed.

Motion: That \$32,000 budgeted for the purchase of capital equipment be included within the Democratic proposed legislative budget reductions. (Motion by Rep. Bowles, second by Rep. Bruno, motion failed 3-6, Sen. Treat, Sen. Gagnon, President Daggett, Speaker Colwell, Rep. Richardson and Rep. Duplessie opposed).

Chair Daggett then called for a vote on the pending motion as amended, that motion being:

Motion: That the Legislative Council accept the proposed reductions to the Legislative budget for FY 04/05 as described in the Democratic Option handout, totaling \$4,798,055; further to accept reductions to the Law and Legislative Reference budget applicable to personnel compensation and 5% reduction to All Other; further reduce funding for miscellaneous legislative studies by \$10,000 each year; and convey the approved budget reductions to the Appropriations and Financial Affairs Committee. (Motion by Rep. Richardson, second by Rep. Colwell, motion passed 6-2, Sen. Davis, Rep. Bowles opposed, Sen. Woodcock and Rep. Bruno were absent for the vote).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 6:27 p.m. (Motion by Rep. Duplessie, second by Sen. Treat, unanimous).