

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 26, 2003
APPROVED APRIL 30, 2003

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 2:20 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:	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

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

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

SUMMARY OF THE MARCH 4, 2003 COUNCIL MEETING

Motion: That the Meeting Summary of March 4, 2003 be accepted and placed on file. (Motion by Rep. Colwell, second by Rep. Duplessie, unanimous).

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. **State House Renovations Update**

- Interior items on the punch list should be completed within the next two weeks. Most work will be done in the evenings and on weekends. Exterior work, including resodding and mortar work will take approximately 3 weeks to complete and will begin when equipment is able to be driven on the lawn.
- Executive Director Boulter is working with the Richard Burt, the architect, on a multi-year work plan for the State House and will have more information of the plan available at the Council's April meeting.
- Mr. Boulter reported that the Dioramas in the connector should be completed by June, 2003.

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 January, 2003**

For the month of February the General Fund revenues were \$12.1 million under budget and under budget for the year-to-date by \$5.2 million. Under budget are the Individual Income Tax, Sales, Corporate Income and the Cigarette Taxes lines. Positive variances include Insurance Companies Tax and Estate Tax.

Adjusted for revenue revision, the General Fund had a positive variance of \$2.4 million for the month of February and \$7.2 million for year-to-date.

Highway Fund revenues were under budget by \$0.8 million in February but has a positive variance of \$1.5 million for the year-to-date.

2. **Cash Pool Status**

Mr. Pennoyer reported that cash pool status has been added to the Office of Fiscal and Program Review's website.

The General Fund balance reflects the TAN issued in August, 2002. Absent the \$250 million TAN and other reserve fund balances, the General Fund would be \$282.1 million negative.

Rep. Bruno asked if the funds were going to be available to pay the TAN which is to be paid in June, 2003. Mr. Pennoyer said that typically after April, the cash position will rise due to the payments of Individual Income Tax. If that does not occur, the TAN will have to be paid from other cash sources in the cash pool. Another TAN will be issued after July 1, 2003.

- **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 to the legislative network for authorized users to the Legislature's local area network. The technology and hardware has been installed and is working. Remote testing is underway. A successful remote access link has been established between a remote PC using Windows 98 and the network, but several unresolved issues remain with remote PCs using Windows XP.

- 2. Migration and Bill Drafting System Performance**

Mr. Mayotte reported that on March 19, 2003, H-P provided the Legislature with a plan to correct the performance issue and to close out the remaining problem log items. H-P will make modifications to the software code and the database design to improve performance, is considering upgrading the version of the SQL database software and is looking at the option of a faster server. H-P's schedule has the corrected software being installed in June, after session ends, with acceptance testing to follow.

Speaker Colwell asked if there was objection to taking an item out of order. Hearing none, the Vice-Chair then moved to **New Business, Items 2, 3 and 4.**

NEW BUSINESS

Item #2: Consideration of Additional Security Measures for the State House

Executive Director Boulter gave Council members background information regarding additional security measures for the State House. Michael Cote, Sr. Sgt-at-arms of the House of Representatives has recommended that certain additional measure be taken and the presiding officers suggested the matter be brought before the Legislative Council for consideration. Steps have been taken to increase security in the building itself. Chief Suitter, Director of Capitol Security, reported that many security procedures were adopted working with the 120th State House Facilities Committee and hoped to continue with the 121st Committee.

Motion: That the matter of additional security measures to be considered for the State House be referred to the State House Facilities Committee for review and its recommendations be brought back to the Legislative Council. (Motion by Sen. Gagnon, second by Rep. Duplessie, unanimous).

Item #3: Report on the Public Meeting Requirement for Discounted Internet Connection to Law and Legislative Reference Library

Lynn Randall, Law and Legislative Reference Librarian, reported on the public meeting that was held concerning access by minors to inappropriate material on the Internet. In compliance with federal law and the Legislative Council's authorization, the Library held a public meeting on

access by minors to inappropriate material on the Internet through computers in the Library on February 26, 2003. The meeting was advertised with legislative hearings the weekend of February 16, 2003 and notices were also placed in the Library.

No comments were received on any aspect of Internet access or on the Library's Public Internet Policy or the Privacy Policy. No changes to the current library policy are anticipated at this time.

No Council action required.

Item #4: Submission of Annual Report

- Community Preservation Advisory Committee

Motion: That the Legislative Council accepted and place on file the annual report of the Community Preservation Advisory Committee. (Motion by Sen. Gagnon, second by Sen. Davis, unanimous).

COLLECTIVE BARGAINING (Executive Session)

Motion: That, pursuant to 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session with its council and negotiators for the purpose of discussing labor contracts and proposals involving MSEA and its represented group of legislative employees. (Motion by Speaker Colwell, second by Sen. Woodcock, unanimous).

The Council proceeded to go into Executive Session at 3:13 p.m.

MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 3:18 p.m. on the motion of the Chair.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee** (Rep. Richardson, Chair)

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

- Temporary Disability Benefits

The Personnel Committee considered and unanimously approved temporary disability income benefits for three legislative employees. This action is consistent with the personnel policies and guidelines for legislative employees.

No Council action required.

- Salary Adjustments for Constitutional Officers

The Personnel Committee tabled action until a later meeting on salary adjustments for Constitutional Officers in FY 03.

- Longevity Stipend for 2003

The Personnel Committee considered the matter of payment of longevity stipend for eligible legislative employees for FY 03 only. After receiving background information on the awards of longevity stipends across state government and considering issues of consistency, the committee voted to recommend that the stipends be paid in FY 03.

Motion: That the Legislative Council approve payment of a longevity stipend to eligible legislative employees for calendar year 2003, in accordance with legislative personnel policies; and further that the Executive Director's Office pay the stipends prior to June 30, 2003 from existing legislative resources budgeted for that purpose. (Motion by Rep. Richardson, second by Sen. Gagnon, passed 7-3. Sen. Woodcock, Sen. Davis and Rep. Bowles opposed).

- **State House Facilities Committee** (Sen. Gagnon, Chair)

No report

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 February 19, 2003 meeting.

No Council action required.

ANNOUNCEMENTS AND REMARKS**ADJOURNMENT**

The Legislative Council meeting was adjourned at 3:42 p.m. (Motion by Sen. Gagnon, second by Speaker Colwell, unanimous).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
March 26, 2003**

		Action
SPONSOR:	Rep. Colwell, Patrick	ACCEPTED
LR 2027	An Act To Enhance Consumer Protections	
SPONSOR:	Sen. Daggett, Beverly C.	ACCEPTED
LR 2051	An Act To Change the Tax Laws as They Apply to Combat Troops	
SPONSOR:	Rep. Daigle, Robert A.	FAILED
		Reconsidered: FAILED
LR 2043	An Act To Allow Collaborative Relationships Between Public and Parochial Schools	
SPONSOR:	Rep. Dudley, Benjamin F.	ACCEPTED
LR 2058	An Act to Promote the Financial Security of Maine's Families and Children	
SPONSOR:	Rep. Earle, William M.	ACCEPTED
LR 2009	An Act To Limit the Size of Motor Boat Engines Used on Paradise Pond	
SPONSOR:	Sen. Gagnon, Kenneth T.	ACCEPTED
LR 1996	An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System	
SPONSOR:	Sen. Gagnon, Kenneth T.	ACCEPTED
LR 2060	An Act To Authorize the State's Participation in the Powerball Lottery	
SPONSOR:	Sen. Hall, Christopher	FAILED
LR 2047	An Act To Amend the Lincoln County Budget Committee Process	

		Action
SPONSOR:	Sen. Hall, Christopher	ACCPETED
LR 1846	An Act To Require the Department of Transportation to Resume Maintenance of the Clarks Cove Road	
SPONSOR:	Rep. Koffman, Theodore	NO ACTION TAKEN
LR 2036	An Act To Allow a Licensed Brewery to Maintain Up to 2 Additional Locations	
SPONSOR:	Sen. Mayo, III, Arthur F.	TABLED
	Reconsidered:	ACCEPTED
LR 2026	An Act To Ensure the Availability of Basic Property Insurance	
SPONSOR:	Rep. Rosen, Richard W.	ACCEPTED
LR 2041	Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington	
SPONSOR:	Rep. Thomas, Jonathan	ACCEPTED
LR 2052	An Act To Allow the Early Submission of an Application to Become Licensed As A Motor Vehicle Inspector	

JOINT RESOLUTIONS

SPONSOR:	Rep. Cressey, Jr., Philip	FAILED
LR 2030	JOINT RESOLUTION MEMORIALIZING THE CONGRESSIONAL DELEGATION OF THE STATE TO SUPPORT THE PRESIDENT'S CALL FOR LEGAL REFORM	
SPONSOR:	Rep. Gerzofsky, Stanley J.	ACCEPTED
LR 2017	JOINT RESOLUTION MEMORIALIZING CONGRESS TO CONTINUE AMERI-CORPS FUNDING FOR THE STATE OF MAINE	
SPONSOR:	Rep. Hotham, Randy E.	ACCEPTED
LR 0628	JOINT RESOLUTION MEMORIALIZING CONGRESS TO RAISE THE WEIGHT LIMIT FOR TRUCKS ON INTERSTATE 95	

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Koffman, Theodore **TABLED**
02/19/03

LR 2005 An Act Regarding Maine-licensed Breweries

SPONSOR: Sen. Martin, John L. **TABLED**
03/26/03

LR 2034 An Act to Exempt Excavators Constructing Water Wells from
Certain Notification Requirements of the "Dig Safe" Laws

SPONSOR: Rep. O'Neil, Christopher P. **TABLED**
03/26/03

LR 2025 An Act To Amend the Statutes of Limitations For Child
Sexual Abuse

SPONSOR: Rep. Snowe-Mello, Lois A. **TABLED**
02/19/03

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

SPONSOR: Rep. Trahan, A. David **TABLED**
02/19/03

LR 2010 An Act to Establish the Epinephrine Training Fund

JOINT RESOLUTIONS

SPONSOR: Sen. Martin, John L. **TABLED**
02/19/03

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

SPONSOR: Rep. McKee, Linda Rogers **TABLED**
03/26/03

LR 1086 JOINT RESOLUTION MEMORIALIZING THE SUSTAINABLE FORESTRY
INITIATIVE'S STATE IMPLEMENTATION COMMITTEE TO ENCOURAGE
CERTAIN POLICIES TO REDUCE LIQUIDATION HARVESTING
OPERATIONS IN MAINE'S FOREST PRODUCTS INDUSTRY

SPONSOR: Rep. McKee, Linda Rogers **TABLED**
03/26/03

LR 2042 JOINT RESOLUTION MEMORIALIZING THE USDA TO PROVIDE
REGIONAL EQUITY IN FEDERAL SUPPORT TO NORTHEAST
AGRICULTURE AS PROMISED IN THE 2002 FARM BILL