

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
April 30, 2003
Approved May 28, 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. 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 MARCH 26, 2003 COUNCIL MEETING

Motion: That the Meeting Summary of March 26, 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**

The Executive Director's Office is working with the architect Richard Burt and Granger Northern, Inc. to prepare a multi-year facilities plan for the State House and Grounds. The plan will identify maintenance and repair projects and suggested facility improvements, including estimated costs and implementation schedules, and will be presented to the Legislative Council for its review at the Council's May meeting.

- 2. Processing Amendments and Other Staff Work**

During the Legislative recess in April, staff focused on drafting and processing committee amendments that had been voted over the prior two weeks. Over 175 amendments have been drafted since April 18th. Approximately 100 have been sent for printing and the Office of Fiscal and Program Review has released approximately 175 fiscal notes during the same period of time.

The Secretary of the Senate's Office and the Office of the Clerk of the House also have been working very diligently with Legislative Council staff. As a result, much of the committee work is nearly completed, with the goal of adjournment by May 30th.

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 March 2003**

For the month of March, General Fund revenues were \$9.8 million ahead of budget. The Highway Fund revenues were also ahead of budget by \$3.4 million.

Tobacco Settlement revenues were under budget by \$1.1 million, attributable to declining national cigarette sales. Payments were received in January and in April. Mr. Pennoyer believes the declining revenues will result in a downward revision of Fund for Healthy Maine revenue projections when the Revenue Forecasting Committee meets in the fall.

Individual income tax collections through April may be under budget by \$10 to \$15 million after accounting for the April revenues. Sales, corporate insurance, cigarette and estate taxes were up for April.

2. Cash Pool Status

Mr. Pennoyer reported that the cash pool status remains negative even with the issuance of TANS. The final transfers from the Rainy Day Fund and the Working Capital Reserve were made in mid-April and, therefore, are at zero balances.

A general discussion followed regarding the budget variances through April. Mr. Pennoyer estimated that the State may be under budget by \$10 to \$15 million, but is hopeful that some budget bounce back will occur before year-end.

No Council action required.

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

Fifteen 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 (con't)

• Office of Information Services' Report

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

1. Remote Access to the Legislative Network

The Information Services Office plans to begin testing the remote access to the Legislative network over the Internet with staff member volunteers this month.

2. Migration – Bill Drafting System Performance

HP is proceeding with the modifications to both correct the performance problem and to resolve the final remaining log items. As of April 25, 2003, HP reported it was on schedule and Mr. Mayotte said he has talked with HP about moving several of the tasks forward. When the session ends, HP will be at the State House to install the revised software and a test program will begin. It is the intention of the Office of Legislative Information Services and HP to have a new bill drafting system in place and fully operational by mid-July, 2003.

REPORTS FROM COUNCIL COMMITTEES

• Personnel Committee

Rep. Richardson, Chair of the Personnel Committee, reported that the committee met earlier in the day. It considered and unanimously approved temporary disability income benefits for a full-time legislative employee in accordance with provisions of the personnel policies and guidelines for legislative employees.

No action by the Legislative Council is required.

• State House Facilities Committee

Sen. Gagnon, Chair of the State House Facilities Committee, reported that the committee met on April 28, 2003. Also attending the meeting were Donald Suitter, Chief, Capitol Security and Michael Cote, House Sgt-art-arms. The committee discussed the following items:

1. Consideration of Additional Security Measures for the State House
2. Access through North and South Entrances of the State House
3. Food/Meal Catering Policy for the Hall of Flags
4. Re-installation of Dioramas (update)
5. Use of Satellite Media Office (update)
6. Directional Sign for the Elevator in the Connector (request)

Discussion: Sen. Gagnon summarized the committee's discussion on each of the issues. He noted that improved signage in the State House is important. By way of example, he noted that regulations prohibit any person (except an on-duty officer) from bringing any type of firearm into the State House even if a person has a concealed weapons permit. Without proper signage, visitors may be unaware of this prohibition.

Rep. Bowles asked for clarification of item 4 under Consideration of Additional Security Measures for the State House meeting summary. He believed the Committee did not authorize the purchase of portable detection equipment at this time but asked Chief Suitter to research available detection equipment as a potential security measure. Sen. Gagnon agreed with Rep. Bowles' understanding of what the Committee had requested.

Sen. Gagnon also noted that the committee discussed the need for improved security in the Senate chamber. The current chamber configuration and unlimited access by others to the chamber and to members' seats (unlike in the House chamber) provides no physical separation between the members and others. This situation can result in distractions, interruptions or security issues for Senators. He suggested that measures be considered in the Senate to mitigate the issues. Chair Daggett suggested that matters of security that are solely within the Senate Chamber itself is properly the purview of the Senate.

Sen. Gagnon also noted that the committee discussed in some detail the issues regarding use of the Hall of Flags and food service. He noted that the use of the Hall of Flags has increased dramatically, particularly for non-legislative functions and that food provided has expanded from refreshments to full meals on a routine basis. The Hall of Flags is booked every session day. Currently, there is no formal policy regarding use and the extent of food service. Issues raised include: perceptions of inequitable access to legislators by virtue of providing free meals; free meals for legislative staff and other state employees who are amply compensated in

their jobs; security in the Hall of Flags; inability for the cafeteria and the snack bar to compete for business when free meals are routinely provided; and the lack of time available for the Hall of Flags to be used by legislators.

Sen. Treat commented that the current level of use by outside interests should be addressed so the Hall of Flags can be scheduled and used regularly for legislators for their legislative business. Others mentioned that a use policy should distinguish between refreshments and full meals. Sen. Gagnon explained that these factors will be fully considered in drafting a use policy for the Hall of Flags, for consideration by the committee and ultimately the Legislative Council.

A meeting summary is attached for the Legislative Council's reference.

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 March 26, 2003 meeting.

No Council action required.

President Daggett asked if there were other matters the Council wished to discuss before going into Executive Session.

Rep. Duplessie asked when the legislative retiring rooms in the Cross Building would again be available to legislators. President Daggett said that since not all reapportionment plans were agreed to, the Court must decide the matter. Since the court may ask for information from the Reapportionment Committee, the rooms remain in use by the 2 political parties. The rooms will not be available until at least July.

COLLECTIVE BARGAINING (Executive Session)

Motion: That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session with its counsel and negotiators for the purposes of discussing labor contracts and proposals involving MSEA and its represented legislative employees. (Motion by Speaker Colwell, second by Sen. Treat, unanimous).

MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 4:05 p.m. on the motion of Sen. Davis, second by Rep. Duplessie, unanimous.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:06 p.m. (Motion by Rep. Duplessie, second by Sen. Davis, unanimous).

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
April 30, 2003

		Action
SPONSOR:	Sen. Gagnon, Kenneth T.	ACCEPTED
LR 2086	Resolve, Authorizing Germaine Bell to Sue the State	
SPONSOR:	Rep. Goodwin, Albion D.	FAILED
LR 2111	An Act To Allow the Burning of Paper	
SPONSOR:	Rep. Koffman, Theodore	WITHDRAWN 04/30/03
LR 2005	An Act Regarding Maine-licensed Breweries	
SPONSOR:	Sen. LaFountain III, Lloyd P.	ACCEPTED BY BALLOT 04/30/03
LR 2112	An Act To Amend the Law Relating to Multiple-Employer Welfare Arrangements	
SPONSOR:	Sen. Martin, John L.	ACCEPTED
LR 2034	An Act to Exempt Excavators Constructing Water Wells from Certain Notification Requirements of the "Dig Safe" Laws	
SPONSOR:	Rep. McKee, Linda Rogers	FAILED
LR 2125	An Act To Strengthen Standards Governing the Revocation of a Durable Power of Attorney	
SPONSOR:	Rep. Perry, Anne C.	ACCEPTED
LR 2101	An Act To Amend the Charter of the Baileyville Utilities District	
SPONSOR:	Rep. Thompson, Judd D.	FAILED
LR 2087	An Act To Amend the Laws Governing the Use of Medical Marijuana For Certain Specific Seriously Ill Patients	

JOINT RESOLUTIONS

SPONSOR: Sen. Martin, John L.

ACCEPTED

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

ACCEPTED

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

ACCEPTED

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

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Moody, Stanley A.	TABLED
		04/30/03
LR 2074	Resolution, Proposing an Amendment to the Constitution of Maine to Protect the Funds of the Public Utilities Commission	
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	
SPONSOR:	Sen. Youngblood, Edward M.	TABLED
		04-30-03
LR 2113	An Act To Require A Legal Notice Be Served on a Pet Owner Before a Pet May Be Taken from the Owner	

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

121st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
State House Facilities Committee
Meeting Summary
April 28, 2003
Legislative Council Chamber

Chair Gagnon convened the State House Facilities Committee at 1:25 p.m.

Members Present:

Sen. Gagnon
Rep. Bowles
Rep. Duplessie
Millie MacFarland, Clerk of the House
Dave Boulter, Executive Director

Members Absent:

Sen. Woodcock
Joy O'Brien, Secretary of the Senate

The Committee considered the following matters.

1. Consideration of Additional Security Measures for the State House

Donald Suitter, Chief, Capitol Security summarized the security measures now in place, emphasizing those that were in response to the Homeland Security threat level. Of note was the closure of entrances except for the west entrance which Chief Suitter indicated was implemented without major complaint. He noted that kiosk personnel, committee clerks and other front line employees recently received security measure training through his office and the state police.

When asked about response time in the event of an emergency. Chief Suitter responded that response is generally in a matter of a few minutes. Because of the few officers on the Capitol police force (5), an officer might have to respond from the AMHI complex across the river. He further explained that the most recent budget eliminated 3 positions in Capitol Security. Capitol Security is now about half the size it was in the early 1990's.

Currently, the officer presence in the State House costs about \$500 extra a week due to necessary overtime of the officers. Due to budgetary limitations, this coverage will end soon.

Mike Cote, House Sgt-at-arms then explained his major recommendations contained in his memo (included in packet). He recommended:

- a) Eliminating traffic to the north parking lot through vigilant enforcement and improved signage. Long-term, a card reader system is advisable.
- b) Requiring photo ID's for legislators, legislative employees and lobbyists. (This provision has been implemented for legislators and staff).

- c) Implementing a procedure that requires badges for all visitors. Chief Switter noted that such a procedure is time consuming, given the size of the groups entering the building.
- d) Providing threat assessment and measures training for legislators as part of the general legislator orientation.
- e) Training for committee chairs on how to handle disruptive or threatening behavior in committees.
- f) Placing signs at the west entrance explaining the security rules and procedures.
- g) Installing a lockdown mechanism to lock legislators in chambers in the event of a threat outside a chamber.
- h) Installing fencing around the State House, including at the west entrance.
- i) Installing x-ray machines and magnetometers, for use in emergencies and during joint sessions of the legislature.
- j) Reconsidering current access by MPBN to the entrance drive at west entrance.

A general discussion of the recommendations followed.

Rep. Duplessie suggested that all telephones be uniformly programmed for emergency calling. Sen. Gagnon noted that the Senate chamber poses a security risk to members due to the fully unrestricted access the public has to members' seats. He suggested that a new protocol and procedure be considered. There was also a suggestion that the legislature consider having its own police force so security coverage could be assured.

The committee asked that the following measures be pursued.

- 1 – improved signage at the north parking lot and at the west entrance, for security rules;
- 2 – better security for the Senate chamber, to be further discussed at a subsequent meeting;
- 3 – visitor badges, including badges for lobbyists, perhaps as a contingency in the event that tighter security is warranted in the future, to be further discussed at a subsequent meeting;
- 4 – purchase of portable detection equipment for use by Capitol Security (e.g. – magnetometers); and
- 5 – confining MBN vehicles to an area outside the bollards.

No further action was taken.

2. Access through North and South Entrances of State House

Currently, the north and south entrances are closed, in response to an increased security threat. The Chair and Vice-chair of the Legislative Council are considering re-opening the entrances in light of the recently lowered threat level. The committee members generally favored linking access to security levels, if restricting use of the entrances is necessary.

The committee suggested that the north and south entrances be re-opened to legislators and legislative employees, but remain closed to others for ingress and egress. The committee asked that this recommendation be forwarded to the chair and vice-chair of the Legislative Council for consideration.

3. Food/Meal Catering Policy for the Hall of Flags

Currently no formal policy exists for preparing and providing food in the Hall of Flags or for limiting the extent of food provided. Clerk MacFarland commented that there has been a tremendous increase in the use of the Hall of Flags (booked every session day) and the extent of food served (full meals rather than snacks, etc.). She noted that lobby groups that had previously hosted events off-site are now hosting them in the Hall of Flags. Several press reports have mentioned the extent of free food for legislators.

Members noted that legislators are already compensated for meals as part of their legislative pay without need for "free" meals. Similarly, legislative staff are amply compensated. Sen. Gagnon mentioned that the expansion of food availability to full course meals has led to a perception of inequitable access to legislators by virtue of hosting free meals. Further, it undermines the viability of the snack bar and cafeteria operations because it is difficult to compete with hosted free meals for legislators and staff. Reducing the intensity of use of the Hall of Flags will help ease security and safety issues as well.

The members generally agreed that a policy limiting food service/catering in the State House is appropriate. Two options were considered: prohibiting food; or limiting food to a level such as coffee and doughnuts, except for special events hosted by the Legislature, e.g. Welcome Back Day, culinary art student exhibits.

The committee requested that Clerk MacFarland and Executive Director Boulter draft a policy statement and guidelines for food service and hosting in the State House, limiting food to light refreshments except for certain legislatively-sponsored events. Finally, the policy should encourage groups hosting meals to make arrangements at an off-site location. The committee will review the draft policy and guidelines at its next meeting.

4. Re-installation of Dioramas

The committee reviewed the progress report by the museum (dated March 28, 2003) and heard from Sheila McDonald and JR Phillips (Maine State Museum) on the latest progress. They reported that the project is a top priority; more staff and more hours have been devoted to the project. Some complications have emerged, but they felt the project was still on schedule for a mid-June completion. They will provide an updated status report by mid-May, including an assessment of the schedule. Sen. Gagnon reiterated the importance of completing the work on schedule, so a planned reopening of the dioramas and the scheduled building photography may occur.

5. Use of Satellite Media Office

Executive Director Boulter reported that DAFS continues to search for space on the 1st floor of the Cross Building to house Capitol News Service so the satellite media office can be returned to its original purpose of nonexclusive use for authorized members of the media.

DAFS' recommendations will be presented to Mr. Boulter within 2 weeks.

6. Other Matters

It was noted that the directional sign for the elevator that is in the connector is too small to be useful. Mr. Boulter will arrange for a more suitable sign.

No other matters were discussed by the committee and the committee was adjourned at approximately 3:10 p.m.