

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

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-at-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).