

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
May 28, 2003
Approved June 10, 2003

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 2:34 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: 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

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

Seven 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 APRIL 30, 2003 COUNCIL MEETING

Motion: That the Meeting Summary of April 30, 2003 be accepted and placed on file. (Motion by Rep. Colwell, second by Sen. Treat, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council reminded members that legislators were invited to a reception at the Maine State Museum that afternoon from 4:30 to 6:30 p.m. to preview the Maine Civil War flag exhibit.

Mr. Boulter also reminded members that most committee work was done and, therefore, most of the committee clerks will be concluding their session work on Friday, May 30, 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 the month of April, General Fund revenues were under budget by \$14.8 and under budget year-to-date by \$5 million.

Individual income tax revenues were under budget by \$22.9 million in April and \$14 million under budget year-to-date. Cigarette tax revenues, although \$0.6 million over budget for the month of April, are still under budget for year-to-date by \$3.7 million. Sales tax was over budget for April, but under budget year-to-date.

Insurance tax and estate tax revenues were over budget for the month of April and also over budget year-to-date.

Excluding the negative variance in the individual income tax for April, the General Fund revenue would be ahead of budget by \$6.9 million through the end of April. Mr. Pennoyer said the May individual income tax revenue was encouraging and he believed the negative variance could be reversed if the June individual income tax collections follow the same trend. If they do, the General Fund revenue would be close to budget for Fiscal Year 03.

The Highway Fund revenues were up for both April and for year-to-date. Receipts of the funds for the Healthy Maine Tobacco settlement are under budget by \$1.1 million.

2. Cash Pool Status

Mr. Pennoyer reported that transfers from the Rainy Day Fund and the Working Capital Reserve were made mid-month. Excluding the Tax Anticipation Note and the reserve balances, the General Fund Cash Balance was minus \$378.1 million. The General Fund Cash Balance average for May moved to a positive value because of the individual income tax processing.

No Council action required.

• Office of Information Services' Report

Paul Mayotte, Director Legislative Information Services, reported to the Council the status of the migration – bill drafting system.

The Legislature has a contract with H-P to install a new bill drafting system for the Legislature to replace the Wang bill drafting system currently in use. Last fall the H-P system failed its acceptance test because of the poor performance of the new drafting system. H-P is recoding the software to improve the performance and correct the deficiencies with an expected completion date for programming on June 6, 2003. Upon completion of the software coding, H-P will begin testing the corrected software at their facility, running an extensive series of test through June 22, 2003. On June 23, 2003 the corrected software will be loaded on the Legislature's server and an extensive test cycle will begin at the State House concluding on July 15, 2003 only with user acceptance of the testing.

Mr. Boulter and Mr. Mayotte met with H-P senior management during the past week. They restated the position of the Legislature that H-P remains obligated to deliver a fully functioning system to the Legislature, and, therefore, rejected several proposed modifications requested by H-P to modify what had been earlier agreed to.

Information Systems is planning for the implementation of the new system to support bill drafting for the Second Regular Session of the 121st Legislature, focusing on user training, support to the users, updating the statutes database and transitioning carryover bills from the Wang system to the new system.

Sen. Treat asked the status of the remote access. Mr. Mayotte reported that the process does work, but does not work reliably at this time and so has not been made available to Legislators.

Sen. Gagnon questioned what changes in the contract H-P had requested. Both Mr. Mayotte and Mr. Boulter said that the request was to narrow the scope of our discretion with respect to acceptance of the system. Contract Amendment 4 is favorable to the Legislature and they are not agreeing to any changes that might weaken the Legislature' position.

No Council action required.

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 further action by the Legislative Council is required.

- **State House Facilities Committee**

The State House Facilities Committee did not meet.

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 April 30, 2003 meeting.

No Council action required.

NEW BUSINESS

Item #2: Multi Year Plan for State House Facilities and Grounds

Mr. Boulter presented the Legislative Council with a proposed Multi Year Plan prepared by Richard Burt, Architect. The plan represents a proposed multi year plan for maintenance and improvements of the State House and grounds. It is intended to be a working document to help plan activities for necessary work. Although the building has been restored, ongoing attention is required. Mr. Boulter emphasized that although the building was fully renovated, the work on the exterior of the building had not been done.

The Multi Year Plan explains what needs to be done, why it needs to be done, and provides a general indication of the schedule and an estimate of the cost. Mr. Boulter recommended to the Council that it refer the plan to the State House Facilities Committee for review and recommendation.

Sen. Treat said the plan assumes a maintenance budget and asked if it was included in the legislative budget or would it require additional appropriations. Mr. Boulter said the plan would not require additional appropriations since the Legislative Council's budget includes funds set aside for this purpose, including the Reserve Fund for State House Preservation and Maintenance.

Motion: That the Multi Year Plan be referred to the State House Facilities Committee for review and recommendation. (Motion by Sen. Treat, second by Davis, unanimous).

COLLECTIVE BARGAINING (Executive Session)

None.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:00 p.m. (Motion by Speaker Colwell, second by Sen. Davis, unanimous).

**LEGISLATIVE COUNCIL
ACTION TAKEN ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
May 28, 2003**

	Action
SPONSOR: Rep. Ash, Jr., Walter E.	FAILED
LR 2150 An Act Requiring Stores of Between 500 to 2500 Square Feet To Make Existing Bathroom Facilities Available for Public Use	
SPONSOR: Rep. Sykes, Richard M.	FAILED
LR 2155 Resolve, to Name the Bolsters Mills Bridge Between Otisfield and Harrison the Kerry Grover Memorial Bridge	

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

JOINT RESOLUTION

SPONSOR: Sen. Weston, Carol **TABLED**
05/28/03

LR 2133 JOINT RESOLUTION MEMORIALIZING CONGRESS TO LIMIT THE
APPELLATE JURISDICTION OF THE FEDERAL COURTS REGARDING THE
RECITATION OF THE PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS