

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
June 10, 2003
Approved July 30, 2003

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 12:22 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

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

SUMMARIES OF THE MAY 28 AND JUNE 4, 2003 COUNCIL MEETINGS

Motion: That the Meeting Summaries of May 28 and June 4, 2003 be accepted and placed on file. (Motion by Rep. Bruno, second by Sen. Treat, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

No report was presented.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented the following fiscal report:

- 1. General Fund and Highway Fund Revenue Variances**

Total General Fund revenue for the month of May was above projections by \$9.8 million, which resulted in the General Fund being ahead of budget projections by \$4.8 million for the fiscal year-to-date. The individual income tax positive variance was \$8.5 million over budget in May reducing its negative variance to \$5.5 million for fiscal year-to-date through May. Mr. Pennoyer said it looked encouraging to remain ahead of budget through the end of the year.

- 2. Highway Fund**

Highway Fund revenues were below projections by \$1.5 million in May; fuel taxes were below projected revenues by \$2.2 million. Mr. Pennoyer believed it to be a timing issue between April and May. The Highway Fund remains ahead of budget projections by approximately \$4.5 million for fiscal year-to-date.

- **Office of Information Services' Report (Mayotte)**

No report was presented.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

No Report

- **State House Facilities Committee**

Senator Gagnon, Chair of the State House Facilities Committee, asked Executive Director Boulter to give a summary of the Committee's meeting on June 5, 2003. A brief summary follows.

Restoration of the Klir Beck Dioramas

The Committee received an update from the Maine State Museum on the restoration of the dioramas. Two of the four dioramas are now completed. The remaining two are somewhat behind schedule. With the guidance of the Sen. Gagnon, the Museum director agreed to a completion date of June 30, 2003.

Proposed Multi Year Plan for State House Facilities and Grounds

Executive Director Boulter referred members to the proposed Multi Year Plan prepared by Richard Burt, Architect. The plan proposes improvement projects for the next 5 years, beginning in the summer of 2003. The committee discussed whether there was a need for an owner's representative. It was decided, for 2003, the only project that may need an owner's representative is the replacement of the west wing roof and that service could be handled within the bid document itself. Sen. Gagnon offered the following motion.

Motion: That the Legislative Council adopt the Multi Year Plan for Maintenance and Improvement to the Maine State House and Grounds; direct the Executive Director to take necessary measures to implement the plan in accordance with the schedules contained in the plan, notify the Legislative Council of project costs that exceed more than 5% of the total project budget or allowance and to annually present recommended modifications and amendments to the plan to the Legislative Council for consideration; and further that the expenditures of the projects in any given year may not exceed budgeted and available resources except as expressly authorized by the Legislative Council. (Motion by Sen. Gagnon, second by Rep. Duplessie, unanimous).

A copy of the State House Facilities Committee Meeting Summary of June 5, 2003 is attached.

OLD BUSINESS**Item #1: Consideration of Requests for Legislative Studies
(continued from Legislative Council meeting of June 4, 2003)**

Executive Director Boulter reminded Legislative Council Members of the Legislative Council adoption of study guidelines and its earlier actions on legislative studies. The Council proceeded to consider the proposed legislative studies, including those studies that had been added or tabled at its June 4, 2003 meeting.

Following a discussion by Council members of private (non-state) funding for legislative studies, Rep. Richardson offered the following addendum to the legislative studies drafting guidelines.

Motion: That the guidelines be amended to include the following: "The chair(s) of the study group may seek and accept outside funding subject to the following limitations. Contributions to support the work of a study committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested

interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council.

If the Legislative Council authorizes acceptance of funds, the chair(s) shall provide prompt notice of solicitation and acceptance of funds to the executive director of the Legislative Council who will so notify the Legislative Council. All funds accepted must be forwarded to the executive director, along with an accounting that includes amount, date received, from whom, purpose and limitation of use of the funds. The executive director of the Legislative Council administers all funds received. Unless otherwise specified by the Legislative Council, expenses that have an effect on the General Fund may not be incurred by the study group". (Motion by Rep. Richardson, second by Speaker Colwell, 9-1 – Sen. Woodcock opposed).

The Legislative Council then proceeded to review and decide the study requests. The Council's action on study requests are noted on the attached list.

Item #2: 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 May 28, 2003 meeting.

No further Council action was required.

COLLECTIVE BARGAINING (Executive Session)

None.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 1:49 p.m. (Motion by Sen. Davis, second by Speaker Colwell, unanimous).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
June 10, 2003**

		Action
SPONSOR:	Rep. Jackson, Troy D.	FAILED
LR 2181	An Act to Require Use of United States Residents for Work with the Bureau of Parks and Lands	
SPONSOR:	Rep. Trahan, A. David	WITHDRAWN 06/09/03
LR 2010	An Act to Establish the Epinephrine Training Fund	

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:	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 06/10/03
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	