

# MAINE STATE LEGISLATURE

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SEN. BEVERLY C. DAGGETT  
CHAIR

REP. PATRICK COLWELL  
VICE-CHAIR



121<sup>st</sup> 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

### July 30, 2003

### Approved September 29, 2003

#### CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 2:18 p.m. in the Legislative Council Chamber.

#### ROLL CALL

Senators:	President Daggett, Sen. Davis Absent: Sen. Treat, Sen. Gagnon and Sen. Woodcock
Representatives:	Speaker Colwell, Rep. Richardson, Rep. Bruno, Rep. Duplessie, Rep. Bowles
Legislative Officers:	Joy O'Brien, Secretary of the Senate 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 JUNE 10, COUNCIL MEETING

**Motion:** That the Meeting Summary of June 10, 2003 be accepted and placed on file. (Motion by Rep. Bruno, second by Rep. Richardson, 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 items:

#### 1. Renovations – Summer Projects 2003

Renovation projects will begin the week of August 4, 2003 and will continue through the summer. Bids for the replacement of the west wing roof will be opened on August 1, 2003. A more detailed report will be available once the bids have been opened, but he anticipates the work for the roof will begin in late summer, at the earliest.

#### 2. Retirements in Law Library

Simone Antworth, Administrative Secretary and Laura Goss, Library Associate are retiring from legislative service this summer.

Ms. Antworth has worked for the Law Library for more than 25 years and Ms. Goss has worked more than 30 years. They have both contributed greatly to the effectiveness of the Library and will be missed.

#### 3. Dioramas

The Dioramas are completed, with the exceptions of certain lighting adjustments that are being made.

#### 4. Portraits in the State House

Mr. Boulter is working with the Maine State Museum to develop a schedule and portrait hanging plan to return the 144 portraits to the State House. The work is expected to be completed before the start of the 2<sup>nd</sup> Regular session.

#### 5. Flag Replicas in the Hall of Flags

The Museum staff are preparing flag cases in the Hall of Flags to receive the newly completed replicas of civil war flags. The flags are to be installed by mid-August.

#### 6. NCSL Training Seminar

NCSL is holding a professional development seminar for senior research and committee staff in Portland, Maine in early October. The seminar is expected to bring legislative staff from across the county and it is a good opportunity to showcase Maine.

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 FY 03**

Total General Fund revenue was ahead of projections by \$15.9 million in June and ended with a positive variance of \$22.4 million for the fiscal year. Individual Income Tax revenues were ahead of budget projections by \$13.7 million in June and by \$8.2 million year-to-date. Corporate Income was ahead of budget projections by \$2.4 million in June and by \$3 million year-to-date. Also ahead of budget projections, were Insurance Tax by \$5.8 million for June, \$14.4 million year-to-date and the Estate Tax by \$0.6 million in June and \$6.7 million year-to-date.

Cigarette Tax revenues were below projections by \$2.6 million in June and by \$7.3 million for fiscal year-to-date. Sales Tax revenues were also below projections by \$1.2 million in June and \$4.1 million for fiscal year-to-date.

Highway Fund revenues were below budget projections by \$0.5 million in June but had a positive variance of \$4.0 million for the fiscal year.

2. **Cash Pool Status**

Mr. Pennoyer reported that the June 2003 Cash Pool status. He said the General Fund balance has a positive balance of \$33.0 million in June, despite having no reserve fund balances. Absent the \$250 million TAN, the General Fund would have been \$217 million negative in June. The TAN amount for fiscal year 2004 was increased to \$275 million.

Mr. Pennoyer said the General Fund's downward trend of cash balances has flattened out and recently has begun an upward trend. It may be due to the positive variances but also a higher TAN is being issued.

Mr. Pennoyer reported that with the positive variances in the General Fund and additional unbudgeted lapsed balances, the unappropriated surplus increased by \$33.1 million. \$10.6 million went to the Budget Stabilization Fund (successor to the Maine Rainy Day Fund); \$10.6 million set aside for retirement, a portion to be used to fund past service liability of the game warden retirement plan enacted the 120<sup>th</sup>/1<sup>st</sup> Regular Session; and \$5.3 million was set aside in the Working Capital Reserve. Unappropriated surplus after the transfers increased by \$5.3 million.

- **Office of Information Services' Report**

Paul Mayotte, Director Legislative Information Services, reported to the Council that H-P is at the State House, having installed the revised bill drafting system software to address the remaining problem log items, increase functionality and address the slow performance that caused the software to fail the last test. A full performance test is being performed, and is scheduled to be completed by Friday, August 1, 2003. On Monday, August 4, 2003 the Revisor, Executive Director and Mr. Mayotte will meet to discuss the performance of the bill drafting system and will discuss how best to proceed.

Mr. Mayotte said remote access to legislative email accounts is now available to legislators and staff. He suggested that members contact the Legislative Information Services' office if they are interested in being set up for remote access.

Mr. Mayotte also reported that actions are being taken to reduce the volume of SPAM being received by staff and legislators. Presently he is reviewing options for installing SPAM filters that would further reduce the unwanted mail.

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 a request for unpaid leave of absence for a legislative employee to allow the employee to pursue advanced education. The Committee recommended approval of the request.

**Motion:** That the Legislative Council approve the request by legislative employee Patrick Norton for a leave of absence for up to 10 months to pursue advanced educational opportunities, and delegate to the Executive Director's administration of the leave provisions consistent with Section 7 (F) of the Legislative Council Personnel Policies. (Motion by Rep. Richardson, second by Sen. Davis, unanimous).

The Personnel Committee also considered and tabled, for further policy discussion, a request for re-employment after retirement by a legislative employee. The matter was tabled so that the Personnel Committee would have the opportunity to discuss and consider a policy to handle requests for re-employment after retirement was made. The Personnel Committee will report their recommendations to the Council.

No Council action required at this time.

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

The State House Facilities Committee did not meet.

## OLD BUSINESS

None.

## NEW BUSINESS

**Item #1: Request that Maine's Public Affairs Network Provide Live & Taped Coverage of the Maine Legislature, Public Hearings, News Conferences and Public Policy Forums**

President Daggett referred Council members to the letter from the Honorable Michael V. Saxl, former Speaker of the House and Senator Richard A. Bennett, former President of the Senate, requesting authorization for Maine Public Affairs Network to broadcast live and taped coverage of the Maine Legislature, public hearings, news conferences and public policy forums.

**Motion:** That the Legislative Council refer the request by Maine Public Affairs Network for televised broadcasting of legislative proceedings and related issues to the State House Facilities Committee for review, and following that review that the committee make a recommendation to the Legislative Council on an appropriate course of action. (Motion by Speaker Colwell, second by Rep. Richardson, unanimous).

**Item #2: 121<sup>st</sup>/Second Regular Session Cloture Schedule and Related Dates**

Margaret Matheson, Revisor of Statutes, referred the Council members to her memo of July 23, 2003 in their packet. The memo requested that pursuant to the Joint Rules, the Legislative Council establish a cloture date and related schedule for the filing of bill requests for the 2<sup>nd</sup> Regular Session. The members reviewed the proposed schedule and generally agreed that the schedule was workable, with the exception of December 19<sup>th</sup> as a bill signing day. Members felt the date was too close to the Christmas holidays to assure availability of members. December 12<sup>th</sup> was suggested as a better date.

**Motion:** That the Legislative Council adopt the cloture schedule for filing of legislative requests as recommended by the Revisor of Statutes with a change in the Bill Signing Day to December 12, 2003 and directed that Legislators, state agencies and the Governor's office be notified of the bill filing deadlines. (Motion by Rep. Duplessie, second by Rep. Bruno, unanimous).

A copy of the 121<sup>st</sup> Cloture Schedule is attached.

**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 Rep. Duplessie, unanimous).

The Legislative Council went into Executive Session at 2:50 p.m.

**MEETING RECONVENED**

The Council ended its Executive Session and reconvened in open session at 3:03 p.m. on the motion of Sen. Davis, second by Rep. Colwell, unanimous.

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 3:04 p.m. (Motion by Rep. Bruno, second by Rep. Colwell, unanimous).

121st LEGISLATIVE COUNCIL  
 SECOND REGULAR SESSION  
 REVIEW OF REQUESTS TO INTRODUCE LEGISLATION  
 FALL 2003 SCHEDULE

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October 1<sup>st</sup> (Wednesday)  
 4 p.m.

Filing Deadline (Cloture) \*

- Legislators (With sufficient information to draft or authorize a concept draft)
- Department/Agencies (Final Drafts)

October 22<sup>nd</sup> (Wednesday)  
 10 a.m.

Legislative Council Meeting –  
 Screening of Legislators' requests

October 27<sup>th</sup> (Monday)

Notification of Council's action  
 mailed to sponsors

November 3<sup>rd</sup> (Monday)

Deadline for filing appeals

November 12<sup>th</sup> (Wednesday)  
 10 a.m.

Legislative Council Meeting to  
 consider appeals

December 12<sup>th</sup> (Friday)

Bill Signing Day \*\*

January 7<sup>th</sup> (Wednesday)

Legislature convenes

\* Legislators are encouraged to file bill requests well in advance of this deadline.

\*\* If approved by the Presiding Officers.

	Mon	Tue	Wed	Thu	Fri	Sat
OCTOBER 2003						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
NOVEMBER 2003						
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
December 2003						
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			