

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
September 29, 2003
Approved October 22, 2003

CALL TO ORDER

At the request of the Chair, President Daggett, the Vice-Chair, Speaker Colwell, presided over the meeting. Vice-Chair Colwell called the Legislative Council meeting to order at 2:20 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Daggett, Sen. Treat, Sen. Gagnon
Absent: Sen. Woodcock
(Sen. Davis arrived at 3:00 p.m.)

Representatives: Speaker Colwell, Rep. Richardson, Rep. Bruno,
Rep. Bowles
Absent: Rep. Duplessie

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

**SUMMARIES OF THE JULY 30, AND AUGUST 27, 2003 COUNCIL
MEETING**

Motion: That the Meeting Summaries of July 30, 2003 and August 27, 2003 be accepted and placed on file. (Motion by President Daggett, 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 reminded members that screening of Legislators' request will be heard at the October 22, 2003 Council meeting. He suggested that the Council may want to consider starting the meeting on that day earlier than the usual meeting time of 2:00 p.m.

[**Note:** Subsequent to the meeting, Director Boulter was reminded that the chair and vice-chair had already established the meeting time as 10:00 a.m. and had given notice of the time to Legislators.]

The Cloture Date for the 121st Second Regular Session had been reviewed and established at the July 30, 2003 Council meeting.

October 22, 2003 10:00 a.m. Legislative Council meeting - Screening of Legislators' request

November 12, 2003 10:00 a.m. Legislative Council meeting – consider appeals

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 below budget by \$10.4 million in August but ended with a positive variance of \$0.9 million for the fiscal year-to-date.

Highway Fund revenue was over budget by \$2.4 million in August, increasing the positive variance to \$3.1 million for the first two months of the fiscal year.

2. Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission will meet on Friday, October 3, 2003 at 12:30 pm in the Appropriations Committee Room. The statutory reporting deadline for the Commission is November 1, 2003.

The Revenue Forecasting Committee will meet shortly after the Consensus Economic Forecasting Commission meeting. The statutory reporting deadline for the Committee is December 1, 2003.

3. Cash Pool Status

Mr. Pennoyer reported on the Cash Pool status. The General Fund had a positive balance of \$78.9 million in August. Absent the \$275 million TAN balance and amounts in Reserves, the General Fund would have been \$238.6 million negative in August.

Mr. Pennoyer also brought to the attention of the Council a new analysis of trends in General Fund cash balances. He noted that when the effect of the Tax Anticipation Notes (TAN's) is factored out, the trend for General Fund cash balances is still going down. The trend is expected to turn around after fiscal year 2004.

4. Eastern States Legislative Fiscal Officers Association

Director Pennoyer said he attended the Eastern States Legislative Fiscal Officers Association conference. He said Maine is in the rotation to host next year's conference and that he would be bringing that request before the Legislative Council at a subsequent meeting.

• **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, reported to the Council on the following :

1. Bill Drafting System

On October 1, 2003 HP will be installing the remaining problem log fixes found in testing. On October 2, 2003 they will install an upgrade to the Epic Editor software component. The Legislature's position is still that HP needs to take additional steps to improve the performance of the application.

No Council action required.

2. Expanded Internet Audio Capability

Mr. Mayotte reminded members that the House, Senate and Appropriations Committee proceedings are broadcasted over the Internet. Using existing hardware, software and Internet bandwidth, Legislative Information Services is establishing the option for the Legislature to provide Internet audio broadcasts from all committee rooms simultaneously.

Motion: That the Legislative Council refer the expanded internet audio matter to the State House Facilities Committee for review and decision. (Motion by Sen. Gagnon, second by Sen. Daggett, unanimous).

3. Spam Filtering Software

A SPAM filtering software is being installed on the Legislature's e-mail service and will be in place for the 2nd Regular Session.

No Council action required.

4. Security Patch Update Software

The Legislative Information Office is installing software that will update security patches on PC's automatically so the latest anti-virus protection will be on the Legislature's computer systems.

No Council action required.

- **Office of Policy and Legal Analysis**

David Elliott, Director, Office of Policy and Legal Analysis, referred members to the Progress Report on Legislative Studies in their packet.

A copy of the Progress Report on Legislative Studies is attached.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Representative Richardson, Chair, Personnel Committee reported that the Committee met earlier in the afternoon. The Committee considered a request by a legislative employee for temporary disability income benefits under the legislature's personnel policies and voted unanimously to approve the request.

The Committee also agreed to establish a time to meet with the executive director and office directors who are scheduled for performance reviews. Reviews will be scheduled for Paul Mayotte, Grant Pennoyer, David Elliott and Lynn Randall.

No Council action required.

- **State House Facilities Committee**

Senator Gagnon, Chair, State House Facilities Committee said the committee met on September 10, 2003 and discussed the following:

1. Maine Span proposal by Independent Maine Network, Inc.

In order for the Independent Maine Network, Inc. to move forward on its proposal to broadcast the proceedings of the Maine Legislature and other governmental activities through cable television it requested that the Legislative Council provide a level of commitment to the project, specifically that the Legislature make a commitment that it was interested in pursuing the concept of live and taped broadcasts from the State House.

Motion: That the Legislative Council endorse the concept of making available to the public live and taped broadcasts of legislative and other public policy proceedings; work to facilitate such programming without commitment to a particular organization at this time; establish policies and procedures relating to granting broadcast and rebroadcast rights and editorial control of broadcast material; and further, that the Legislative Council make provisions for an allocation of space for an appropriately sized broadcast center in the State House complex at such time as the Legislative Council authorizes an organization to establish a broadcasting center and make broadcasts of legislative proceedings. (Motion by Sen. Gagnon, second by Sen. Treat, unanimous).

2. Consideration of Additional Security Measures for the State House

The Committee discussed the need for additional security equipment in the State House and an opportunity to apply for federal funds. Don Suitter, Chief of Capitol Security, provided information to the committee on the types of equipment he believed were necessary and that may be eligible for funding. State match would not be required for the grants.

Motion: That the Legislative Council, in conjunction with the Bureau of Capitol Security, make application under the federal Homeland Security grant program for funds to purchase necessary security equipment and to provide training in the proper use of the requested equipment. (Motion by Sen. Gagnon, second by Sen. Treat, unanimous).

3. Installation of Emergency of Duress Alarms in Legislative Committee Rooms

The Committee concurred that duress alarms should be installed in all legislative committee rooms. Money is available to complete the installation cost of \$17,000. The Committee suggested that Mr. Boulter include this cost in the application for funding under Homeland Security since the measure is directly related to security of the public and public officials.

No Council action required.

4. Relocation of Capitol News Service to Cross Building

Capitol News Service has moved from the satellite press corps office on the 4th floor of the State House to the press corps section of the Cross Building.

No Council action required.

5. Internet Access

At the State House Facilities Committee meeting Paul Mayotte gave a brief demonstration of a pilot project for wireless access to the Internet . More information will be available in the near future.

No Council action required.

RECESS

The Legislative Council recessed at 2:45 p.m. on the motion of the Vice-Chair.

RECONVENE

The Legislative Council reconvened at 3:00 p.m. and proceeded with consideration of the remaining items on the agenda.

OLD BUSINESS

Item #1: Funding of Human Resources Director Position

Executive Director Boulter reviewed with the Council the funding of the Human Resources Director position. Discussion began in November, 2002 with formal action taken by the Council in February of 2003 to authorize the creation of the position. The authorization was approved on the condition there would be no additional cost; the position would be funded within existing budgeted resources.

Mr. Boulter has met with office directors and others to discuss proposed funding of the position in the current legislative budget through the elimination of 1 position in the Law Library (now vacant), and converting 3 full-time positions (2 in the Revisor's Office and 1 in OPLA) to session only or part-time positions. He believes the proposed position changes will not adversely affect the operation of the Legislature and requests the Council authorize the funding arrangements so he could move forward on recruitment for the position.

Discussion followed regarding the proposed position changes.

Motion: That the Legislative Council table action on the Human Resources Director position until its October 22, 2003 meeting. (Motion by Speaker Colwell, second by Sen. Treat, unanimous).

Item #2: Authorization for Acceptance of Funds for a Legislative Study (Reconsideration)

- Resolve To Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health (letter and Certification Relating to Contribution for Study from John A. LaCasse, President and CEO, Medical Care Development)

No Council action was taken.

NEW BUSINESS

Item #1: Submission of Work Plans and Proposed Budgets for Approval:

- Commission to Study the Budget Process of the Workers' Compensation Board
- Commission to Study the Needs and Opportunities Associated With the Production of Salmonid Sport Fish in Maine

David Elliott said that most legislation authorizing studies to during the interim contains a provision that directs the study entity to submit a work plan and a budget to the Legislative Council for approval.

Motion: That work plans and budgets for the studies be approved. (Motion by Sen. Treat, second by Sen. Gagnon, unanimous).

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 President Daggett, unanimous).

The Legislative Council went into Executive Session at 3:12 p.m.

MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 3:24 p.m. on the motion of Sen. Daggett, second by Sen. Treat, unanimous.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:25 p.m. (Motion by Sen. Davis, second by Sen. Treat, unanimous).

Progress Report on Legislative Studies
 (Studies authorized or undertaken following the 121st Legislature/1st Regular Session)
 Status as of 09/25/03 8:20:59 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Comments/Status Of Study Commission</u>
Community Safety and Sex Offender Accountability, Resolve to Improve (LD 372 – Resolve 2003, c. 75)	9/12/03	Monday, October 27 th 9:30 a.m. – 3 p.m. Room 126, State House	12/03/03	1 st meeting held
Equity in Mortgage Volume Fees, An Act to Ensure (LD 969 – P.L. 2003, c. 462)			12/03/03	
Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	Continuation		11/06/03	
Health Care System and Health Security Board, An Act to Extend the Authority of the (LD 20 – P.L. 2003, c. 492)	Continuation		11/01/04	
Logging Industry, Study New Payment Models for the (JSO, HP 724)	9/12/03	Friday, October 24 th 10 a.m. – 5 p.m. Room 206, CSOB	12/03/03	1 st meeting held
Maine's Freedom of Access Laws, Resolve to Study Compliance with (LD 1079 – Resolve 2003, c. 83)			12/03/03	
Needs of Deaf and Hard-of-hearing Children and Adolescents, Resolve to Study (LD 553 – Resolve 2003, c. 84)			12/03/03	
Obesity and Methods to Decrease the Cost of Health Care, Resolve to Study (LD 471 – Resolve 2003, c. 95)			12/01/03	Outside funding not accepted by Council
Prepare Maine's Students for Active Citizenship, Resolve to (LD 425 – Resolve, 2003, c. 85)			12/03/03	Outside funding accepted by Council
Recodification of Title 12 (substantive and technical pieces) (LD 1600 – P.L. 2003, c. 414)	Continuation		12/15/03	Staff study
Recodification of Title 7, Joint Order Directing (JSO, SP 586)			01/15/05	Staff study

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<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Date</u>	<u>Comments/Status Of Study Commission</u>
Salmonid Sport Fish in Maine, Resolve to Reestablish the Commission to Study the Needs and Opportunities Associated with the Production of (LD 1358 – Resolve 2003, c. 89)	Continuation		None Required	1 st meeting held
Retirement Benefits for State, Municipal, and County Law Enforcement Officers and Firefighters, Resolve to Study Parity and Portability of (LD 1343 – Resolve 2003, c. 76)			12/03/03	
State's Wholesale Liquor Business, Joint Order to Study Implementation of Privatization of the (JSO, SP 552)		Thursday, September 25 th 1 p.m. Room 436, State House	12/03/03	
Veterans of World War II and Korean War in the State House Hall of Flags, Resolve to Extend the Commission to Recognize (LD 40 – Resolve 2003, c. 77)	Continuation		11/03/03	
Worker's Compensation Board, Review the Budget Process of the (LD 35 – P.L. 2003, c. 425)	8/20/03	Monday, October 6 th 9 a.m. – Noon Room 220, Cross State Office Building	12/03/03	1 st meeting held
Youth in Maine, Presiding Officers Task Force on Creating a Future for (P.O. Order)	9/5/03	Thursday, October 2 nd 2 a.m. – 6 p.m. Univ. of St. Me., Portland Woodbury Campus Center Rooms A and B	12/08/03	1 st meeting held