

# 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**  
**December 8, 2003**  
**Approved January 13, 2004**

**CALL TO ORDER**

The Vice-Chair, Speaker Colwell, called the Legislative Council meeting to order at 2:12 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: Sen. Treat, Sen. Davis, Sen. Gagnon  
Absent: President Daggett and Sen. Woodcock

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

Legislative Officers: 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 NOVEMBER 18, 2003 COUNCIL MEETING**

**Motion:** That the Meeting Summary of November 18, 2003 be accepted and placed on file.  
(Motion by Rep. Bruno, second by Sen. Davis, unanimous).

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS**

• **Executive Director's Report**

David Boulter, Executive Director, reported that a dedication of the portrait of former Governor King is scheduled for Saturday, December 27<sup>th</sup>, 10:00 a.m.

Mr. Boulter also reported that the interpretive panel information regarding the dioramas should be completed by museum staff in January. The benches for the diorama area should also be completed and installed in January.

The 2002 contract with Granger Northern, Inc., the managing contractor for the work at the State House has been signed for renovation work in the State House. The notable change in this contract is that the Legislature now has provisions that are intended to ensure timely work. A stipulated penalties provision has been added to the contract in the event of a failure to perform work in a timely manner.

Mr. Boulter announced the appointment of 2 staff persons:

**Patricia Barney**, Accounting Technician in the Office of the Executive Director. Ms. Barney's first day of employment is December 15, 2003.

**Howard Boucher**, Facilities Support Staff in the Office of the Executive Director. Mr. Boucher began working on December 8, 2003. Mr. Boulter introduced Mr. Boucher to the members of the Legislative Council.

The Vice-Chair, Speaker Colwell, on behalf of the entire Legislative Council, welcomed Mr. Boucher to the Legislature.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported to Council members that the timing of the December Council meeting precluded a report on final November revenues. Based on a preliminary review of the revenue figures, General Fund revenue was under projections by approximately \$18 million based on the old forecast, which he believed to be timing issues. When the Administration's report is released in the next week or so, the new forecast will be reflected and Mr. Pennoyer believes it will be close to budget.

He also reported that the Tax Amnesty program appears to be generating revenue at the amount projected.

A clarification was requested regarding information Mr. Pennoyer provided regarding negative variance and year-to-date balances for sales tax. He said that hopefully sales tax will hold up throughout the year. The Revenue Forecasting Committee is waiting for information about the Holiday season and, therefore, the committee did not change the forecast amounts for the short term.

No Council action required.

- **Office of Information Services' Report**

**Bill Drafting System**

Paul Mayotte, Director, Legislative Information Services, reported that the Legislature, through the Attorney General's Office, has sent a letter to HP clarifying the Legislature's position on what is an acceptable performance for the bill drafting system. HP informed the Legislature on December 5, 2003 that it would be installing the final version software in early January, 2004. Mr. Mayotte said he has made it clear to HP that the legislative session begins January 7, 2004 and the ability to support them would depend on the needs

of the Legislature. HP also proposed for improving performance of the application installing a larger and faster server for the bill drafting system at their expense. HP has been informed that the Legislature wants the software fixed, and will not accept a hardware option to address a software problem.

The Legislature is seeking modifications to the software warranty to provide coverage through a complete legislative session.

### **SPAM Filtering**

The level of incoming SPAM emails is approximately 4,200 per week, which were successfully screened by SPAM filers.

- **Office of Policy and Legal Analysis**

David Elliott, Director, Office of Policy and Legal Analysis, reported that a majority of the studies will be completed by the end of December. A copy of the Progress Report on Legislative Studies is attached for the Legislative Council's reference.

- **Office of the Revisor of Statute**

Margaret Matheson, Revisor of Statutes, reported to the Legislative Council that as of Thursday evening, December 4, 2003, all legislators' bills that had been accepted at the October 22 and November 18, 2003 Council meetings, with two exceptions that had been sanctioned by the Presiding Officers, are out for legislator signature, the total being 160. In addition, approximately 70 agency and independent agency bills have been sent out to the agencies. Cycle two changes are now being received. The Secretary of the Senate, Clerk of the House and Revisor's Office have worked together to expedite the handling of signatures for the bills.

No Council action required.

## **REPORTS FROM COUNCIL COMMITTEES**

- **Personnel Committee**

The Personnel Committee had met earlier in the day. Rep. Richardson was not in attendance but had requested that the Speaker chair the meeting. Speaker Colwell reported on the following:

1. **Administrative Leave for Christmas Holiday**

Speaker Colwell said the Personnel Committee discussed and voted unanimously to recommend administrative leave for legislative employees. He offered the following motion:

**Motion:** That legislative offices be closed on Wednesday, December 24<sup>th</sup> beginning at noon and all day on Friday, December 26<sup>th</sup>, and that all legislative employees who are in pay status as of December 24<sup>th</sup> be granted paid administrative leave for that time. (Motion by Speaker Colwell, second by Sen. Treat, unanimous).

## 2. Request to Amend Military Leave Provision of Personnel Policies

Speaker Colwell asked Mr. Boulter to summarize this matter. A member of the Personnel Committee has made a request to amend the military leave provision of the personnel policies handbook for legislative staff members who are serving in the Iraqi conflict. A draft proposal was prepared and reviewed by the committee. The proposal makes technical corrections to be consistent with federal and state law.

Under the proposal, employees who either volunteer or are ordered to active duty to serve in the Iraqi conflict would continue to have their health insurance paid to the same extent that it is paid for while they are working for the Legislature. The employee's current share of health insurance costs is paid by the State and 60% of the dependent care coverage is paid by the State. Currently, if an employee is called to active duty, up to 30 days is paid for in that manner. There is no requirement that employers pay beyond the 30 days. Members of the armed forces are eligible for military health insurance under TRICARE as soon as they are ordered to active duty. TRICARE does include medical coverage for dependents. The proposed change would provide a legislative staff member who is called to service in the Iraqi conflict, the option of whether to receive health care coverage under TRICARE or continue with the insurance provisions offered by the Maine Legislature, for a period of up to 18 months. The Personnel Committee recommended approval of the following motion:

**Motion:** That the Legislative Council adopt the suggested revisions to the military leave provisions of the personnel policies and guidelines for legislative employees, in place of the current provisions. (Motion by Speaker Colwell, second by Sen. Treat, unanimous).

Rep. Duplessie suggested that the Personnel Committee consider a long-term policy regarding military leave at some time in the future.

## 3. Human Resources Position

Speaker Colwell requested that Executive Director Boulter provide an update on the human resources position for the legislature. Mr. Boulter reminded members that in February, 2003 the Legislative Council unanimously authorized the creation of a human resources position to serve the legislature and asked that he develop a funding proposal that allowed the position to be funded within existing budgeted resources. The information was presented to the Legislative Council at an earlier meeting and had been tabled so members could assess the information and authorize the position when it believed it most appropriate to do so. The position will be funded within existing budgeted resources by using vacant positions and transferring some positions that are full-time to session only. Mr. Boulter said the Personnel Committee believed that it is the appropriate time to authorize the human resources position and unanimously recommended approval of the funding plan.

**Motion:** That the Legislative Council authorize the Executive Director's Office to establish a Human Resources Director position and fill the position effective April 1, 2004. The position is to be funded within existing budgeted resources and in accordance with the position changes identified in the proposed funding plan. (Motion by Speaker Colwell, second by Rep. Bruno, unanimous).

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

The State House Facilities Committee did not meet.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

### **Item #1: Submission of Study Report**

- Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-Hearing Individuals

**Motion:** That the Legislative Council accept and place on file the above study report. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

### **Item #2: Submission of Work Plans and Proposed Budgets for Approval:**

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

The work plans and proposed budgets submitted for approval are:

- Committee to Study Compliance with Maine's Freedom Access Laws
- Task Force to Study the Needs of Deaf and Hard-of-Hearing Children and Adolescents

**Motion:** That the Legislative Council approve the work plans and proposed budgets. (Motion by Sen. Treat, second by Rep. Bowles, unanimous).

### **Item #3: Requests For Extension of Study Reporting Deadlines**

- Commission to Study Compliance With Maine's Freedom of Access Laws (from December 3, 2003 to January 15, 2004)

**Motion:** That the request for an extension of the study reporting deadline be approved from December 3, 2003 to January 9, 2004. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

- Commission to Review the Workers' Compensation Board Budget Process (from December 3, 2003 to December 31, 2003)

**Motion:** That the request for an extension of the study reporting deadline be approved from December 3, 2003 to December 31, 2003. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

- Committee to Study the Revenue Sources of the Office of Consumer Regulation (from December 3, 2003 to January 16, 2004)

**Motion:** That the request for an extension of the study reporting deadline be approved from December 3, 2003 to January 9, 2004, unanimous).

- Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War (from November 1, 2003 to March 1, 2004)

**Motion:** That the request for an extension of the study reporting deadline be approved from November 1, 2003 to March 1, 2004). (Motion by Sen. Gagnon, second by Sen. Davis, unanimous).

#### **Item #4: Request For Further Extension of Study Reporting Deadlines**

- Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents (from January 9, 2004 to January 23, 2004)

**Motion:** That the request for a further extension of the study reporting deadline be approved from January 9, 2004 to January 23, 2004. (Motion by Sen. Treat, second by Sen. Gagnon, approved 6-1). (Rep. Bruno opposed)

- Commission to Study the Scope & Quality of Citizenship Education (from January 9, 2003 to January 23, 2004)

**Motion:** That the request for a further extension of the study reporting deadline be approved from January 9, 2003 to January 23, 2004. (Motion Sen. Gagnon, second by Sen. Davis, failed 5-2). (Rep. Bruno, Rep. Bowles opposed)

#### **Item #5: Eastern States Legislative Fiscal Officers Association Meeting**

Mr. Pennoyer said the Association invited Maine to host the annual meeting of the Eastern States Legislative Fiscal Officers Association in 2001, but due to significant turnover in his office, Maine declined. Maine has now been invited to host the annual meeting in 2004. The estimated funds available from the Association to support Maine hosting the meeting in 2004 is approximately \$4,600. Mr. Pennoyer expects that approximately \$3,000 would be generated from registration revenue. Mr. Pennoyer requested that the Legislative Council approve his request that Maine host the 2004 meeting and to make a contribution to the Eastern States Legislative Fiscal Officers Association to help fund the meeting in the amount of \$2,500.

**Motion:** That the Legislative Council agree to host the Eastern States Legislative Fiscal Officers Association Annual Meeting in 2004 and to assist in the funding of the meeting in an amount not to exceed \$2,500. (Motion by Sen. Treat, second 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 Sen. Treat, second by Rep. Bruno, unanimous).

The Council proceeded to go into Executive Session at 3:00 p.m.

## **MEETING RECONVENED**

The Council ended its Executive Session and reconvened in open session at 3:14 p.m. on the motion of the Vice-Chair.

## **ANNOUNCEMENTS AND REMARKS**

None

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 3:15 p.m. (Motion by Rep. Bruno, second by Sen. Davis, unanimous).



**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken following the 121st Legislature/1st Regular Session)**  
**Status as of 12/04/03 11:28:51 AM**

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Date</u>	<u>Comments/Status Of Study Commission</u>
<b>Community Safety and Sex Offender Accountability</b> , Resolve to Improve (LD 372 – Resolve 2003, c. 75)	9/12/03	Mon., December 15th 9:30 a.m. – 3:00 p.m. Room 126, SH	12/03/03	4 meetings held; extension to be Dec. 31 and 1 additional meeting authorized; report being drafted.
<b>Equity in Mortgage Volume Fees</b> , An Act to Ensure (LD 969 – P.L. 2003, c. 462)	11/20/03	Fri., December 12 <sup>th</sup> 9:00 a.m. Room 208, CSOB	12/03/03	1 meeting held; extension requested.
<b>Financing of Long-term Care</b> , Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	Continuation		11/06/03	Commission has not met; plan to leave the financing issue for consideration by the LTC Oversight Committee created this year.
<b>Health Care System and Health Security Board</b> , An Act to Extend the Authority of the (LD 20 – P.L. 2003, c. 492)	Continuation		11/01/04	Will not meet this interim; report due next year. Applying for Health Access Foundation grant.
<b>Logging Industry</b> , Study New Payment Models for the (JSO, HP 724)	9/12/03	Weds., January 7 <sup>th</sup> 1:30 p.m. Room 206, CSOB	12/03/03	2 meetings held; Jt. Order extending reporting date will be introduced in 2 <sup>nd</sup> Regular Session.
<b>Maine's Freedom of Access Laws</b> , Resolve to Study Compliance with (LD 1079 – Resolve 2003, c. 83)	11/20/03	Weds., December 10 <sup>th</sup> Weds., December 17 <sup>th</sup> 1:30 p.m. Room 438, SH	12/03/03	1 meeting held; extension requested.
<b>Needs of Deaf and Hard-of-hearing Children and Adolescents</b> , Resolve to Study (LD 553 – Resolve 2003, c. 84)	11/20/03	Weds., December 17 <sup>th</sup> 8 a.m. – 1 p.m. Room 127, SH	12/03/03	1 meeting held; extension requested.
<b>Obesity and Methods to Decrease the Cost of Health Care</b> , Resolve to Study (LD 471 – Resolve 2003, c. 95)		Fri., December 5 <sup>th</sup> 9:00 a.m. Room 228, SH	12/05/03	Outside funding accepted by Council; extension granted to 1/9/04.
<b>Prepare Maine's Students for Active Citizenship</b> , Resolve to (LD 425 – Resolve, 2003, c. 85)	11/5/03	Wed., Dec. 3rd 9 a.m. – 1 p.m.. Room 438, SH	12/03/03	Outside funding accepted by Council; 1 <sup>st</sup> meeting held; extension granted to 1/9/04.
<b>Recodification of Title 12 (substantive and technical pieces)</b> (LD 1600 – P.L. 2003, c. 414)	Continuation		12/15/03	Basic recod enacted last year. This year's bill addressing technical and substantive changes is in initial draft stage.
<b>Recodification of Title 7</b> , Joint Order Directing (JSO, SP 586)			01/15/05	Recod due next year; initial outline being developed.

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken following the 121st Legislature/1st Regular Session)**  
**Status as of 12/04/03 11:28:51 AM**

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Date</u>	<u>Comments/Status Of Study Commission</u>
<b>Salmonid Sport Fish in Maine</b> , 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	1st meeting held; final meeting will be in the spring.
<b>Retirement Benefits for State, Municipal, and County Law Enforcement Officers and Firefighters</b> , Resolve to Study Parity and Portability of (LD 1343 – Resolve 2003, c. 76)	11/10/03	Mon., December 15 9:00 a.m. Room 220, CSOB	12/03/03	1 <sup>st</sup> meeting held; extension granted to 1/9/04.
<b>State's Wholesale Liquor Business</b> , Joint Order to Study Implementation of Privatization of the (JSO, SP 552)	9/25/03		12/03/03	Meetings completed; recommendations finalized; report being drafted.
<b>Veterans of World War II and Korean War in the State House Hall of Flags</b> , Resolve to Extend the Commission to Recognize (LD 40 – Resolve 2003, c. 77)	Continuation	Thurs., December 4 1:00 p.m. Room 126, SH	11/03/03	1 <sup>st</sup> meeting held; plan developed to solicit design or funding; legislation to extend completion date likely for 2 <sup>nd</sup> Regular Session.
<b>Worker's Compensation Board</b> , Review the Budget Process of the (LD 35 – P.L. 2003, c. 425)	8/20/03		12/03/03	4 meetings held; extension requested.
<b>Youth in Maine</b> , Presiding Officers Task Force on Creating a Future for (P.O. Order)	9/5/03		12/08/03	2 meetings and 2 public hearings held; recommendations being finalized.

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