

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
April 13, 2004
Approved May 11, 2004

CALL TO ORDER

The Chair, Senate President Daggett, called the Legislative Council meeting to order at 2:27 p.m. in the Legislative Council Chamber.

ROLL CALL

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

Representatives: Speaker Colwell, Rep. Bruno, Rep. Bowles
(Rep. Richardson and Rep. Duplessie joined the
meeting in progress)

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
David Shiah, Assistant Clerk of the House
David E. 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 MARCH 9, 2004 COUNCIL MEETING

Motion: That the Meeting Summary of March 9, 2004 be accepted and placed on file. (Motion by Sen. Davis, second by Representative Bruno, unanimous.)

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director, reported on the following items:

1. The 2004 facility improvement projects are scheduled to begin in May, following legislative adjournment. Major work will include roof replacement on the West Wing and repointing of the West Wing of the building. Interior work will include some repainting. The Executive Director's office and Granger Northern, Inc. will work with affected offices to minimize disruptions this summer.
2. The Executive Director's office has received notice that Victoria Wallack of Portland is starting the "Maine State House News Service" providing news to a group of newspapers including the Ellsworth American, Mt. Desert Islander, Village Soup, Boothbay Register and Brunswick Times Record. She has requested access to the State House as a news reporter.
3. The Legislative Council's deadline for submission of major substantive rules passed on February 20, 2004. The Executive Director's office has received word that a late filed rule might be submitted this week for legislative review. Other late-filed rules have been filed and accepted by the Legislature, however, never this late in the process. The significance of a late filed rule is that a failure by the Legislature to act on a rule once it is accepted by the Legislature for review, constitutes authorization for the agency to finally adopt the rule. The Legislature is not bound to accept rules for review after the Legislative Council deadline for submission. Mr. Boulter said that if a rule was filed, he would notify Legislative Council members.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review presented his report to the Council.

General Fund and Highway Fund Revenue Variances for March 2004

- The total General Fund revenue for the month of March was ahead of budget by \$6.1 million and is slightly ahead of budget through the first three quarters of FY 04 by \$6.8 million. The next three weeks is a critical period because of the individual income taxes. At present, tax revenue appears to be on track, but if the office becomes aware of major changes Mr. Pennoyer will inform Council members as soon as possible.
- Major tax lines are very close to budgeted amounts, with the positive variance in the sales tax line balancing out a negative variance in the insurance tax line.

Highway Fund

- The total Highway Fund revenue was over budget by \$1.9 million in March, increasing the positive variance to \$5.6 million year-to-date. The fuel tax and motor vehicle registration and fees were the major factors for the positive variance.

Rep. Bruno commented that Mr. Pennoyer usually provided a cash flow analysis but one had not been included in the packet. Mr. Pennoyer said that the Office of Fiscal and Program Review now posts it on their Web page in lieu of paper distribution, but if there is interest in receiving it in the packet, he would certainly include it in future.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, reported the following:

State Web Page Response

The Office of Legislative Information Services has received requests to check the slow web page response. Mr. Mayotte's office has been in contact with the Bureau of Information Services. It was determined it was a band width capacity problem at the Informe web hosting service. BIS is working to provide additional capacity and improvement should be noticed.

Bill Drafting System

David Boulter, Margaret Matheson and Paul Mayotte met with HP senior management. They received a commitment from HP to make the necessary corrections to deliver an acceptable bill drafting system to the Legislature. To protect the Legislature's position contractually, HP has been notified that the current version of software is in noncompliance. The remaining issues include a processing speed issue, which HP is proposing to address with upgrading hardware at no cost to the Legislature. Issues to be corrected include:

- Phrase search
- Compare function
- Processing constitutional resolutions correctly
- Processing joint orders
- Database issues

Mr. Mayotte does not believe there to be any major technical issues with resolving the system deficiencies. Another meeting will be scheduled with HP senior management within the next two weeks to bring the bill drafting system to completion within the next month.

Mr. Mayotte said a change to the warranty period is needed to make sure that the Legislature is covered for a full legislative cycle. This issue has been communicated to HP.

No Council action required.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, presented the status of legislative studies. Mr. Elliott reported that all studies due to report this session have submitted the reports or reports are being printed. This will be Mr. Elliott's last report on studies this session.

A copy of the Progress Report on Legislative Studies is attached for the Legislative Council's reference.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

The Personnel Committee meeting scheduled for April 13, 2004 was cancelled.

President Daggett asked if there was objection to taking certain items out of order. Hearing none, the Chair then moved to **Old Business, Item #1**, followed by **New Business Item #1**.

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 March 9, 2004 meeting.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

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

President Daggett then resumed taking items in agenda order.

REPORTS FROM COUNCIL COMMITTEES (con't)

- **State House Facilities Committee**

Senator Gagnon, Chair of the State House Facilities Committee, summarized the Committee's April 7 and 14, 2004 meetings.

April 7, 2004

The committee met on April 7th to consider several pending matters. Due to time constraints, the committee focused on a proposal by Sen. Gagnon to re-establish a Senate retiring room on the 4th floor of the State House. The current proposal would require the relocation of one staff office, the legislative computer room and the media satellite office. The discussion focused on logistical concerns and whether relocating the computer room to the 4th floor would be feasible. The committee concluded that further discussion and consideration of alternatives were warranted. All other matters were postponed to a future meeting. No final action was taken.

April 13, 2004

The committee met briefly to review the bids received for the State House repointing project scheduled to begin next month. Although the bids were all higher than the budget estimate developed by Granger Northern, the project was deemed to be necessary and sufficient funds are budgeted to perform the work at the low bid price. The committee voted to authorize acceptance of the low bid and authorize the Executive Director to enter into a contract at the bid price, subject to appropriate contract terms and conditions.

No Council action required.

Item #2: Submission of Study Reports

The Legislative Council received the following study reports:

- **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**
- **Commission to Study the Scope and Quality of Citizenship Education**

Motion: That the Legislative Council accept the reports and that they be placed on file. (Motion by Sen. Treat, second by Speaker Colwell, unanimous).

COLLECTIVE BARGAINING (Executive Session)

None.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:57 p.m. (Motion by Sen. Treat, second by Rep. Bowles, unanimous).