

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
May 11, 2004
Approved June 8, 2004

CALL TO ORDER

The Chair, Senate President Daggett, called the Legislative Council meeting to order at 2:31 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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 E. Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
David Elliott, Director, Office of Policy and Legal Analysis
Paul Mayotte, Director, Legislative Information Services

SUMMARIES OF THE APRIL 13, 27, AND 29, 2004 COUNCIL MEETINGS

Motion: That the Meeting Summaries of April 13, 27 and 29, 2004 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 on the following items:

1. The State YMCA of Maine held its Youth in Government program from April 30 to May 2, 2004. Over 150 students participated and it was reported to be very successful. Lonney Steeves, Executive Director of the program, wished to express his appreciation to the Council for use of the State House, once again. Mr. Boulter thanked legislative staff who worked over the weekend to help with the program.
2. The offices of Fiscal and Program Review and Policy and Legal Analysis are working on the Enacted Law Digest. They are waiting for the final bills to be signed by the Governor and hopefully will have the information finalized by May 14, 2004. The digest should be printed during the week of May 17th and distributed to legislators shortly thereafter.
3. The Governor issued an Executive Order on May 6, 2004 regarding gambling oversight. He established a Governor's Gambling Control Advisory Council to assist in preparing for implementing the recently enacted gambling control legislation. The Council will consist of 5 members appointed by the Governor and will develop recommended rules and procedures that may be helpful to the statutorily created Gambling Control Board. The Advisory Council will dissolve upon the appointment and confirmation of the Control Board members.

No Council 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 April, 2004

The total General Fund revenue for the month of April was ahead of budget by \$35.9 million, increasing the positive year-to-date variance to \$42.7 million. The major positive variances include: Individual Income Tax, \$35.2 million above budget in April and \$33.8 million above budget for year-to-date; Sales Tax, \$4.6 million above budget in April and positive \$8.7 million year-to-date; Corporate Income Tax, above budget by \$0.9 million in April and positive \$2.9 million year-to-date; and Other Revenue was ahead of budget \$0.6 million and positive \$9.5 for year-to-date. The major negative variances for April include: Insurance Company Tax, negative by \$0.5 million and under budget \$4.7 million year-to-date; Estate Tax, negative by \$1.3 million and under budget \$2.9 million year-to-date; and Cigarette Tax, under budget \$0.8 million and under budget \$1.2 million year-to-date.

Mr. Pennoyer said the positive variance in April was due primarily to Individual Income Tax, although some may be a timing issue; therefore there may be an offset with a negative variance for May.

The total Highway Fund revenue was over budget by \$1.2 million in April, increasing the positive variance to \$6.8 million year-to-date through April.

Cash Pool Status

Mr. Pennoyer presented the cash pool status.

Absent the Reserves and Tax Anticipated Note borrowing, the General Fund would be negative by \$290.4 million. He noted that there is an upward trend in the balance.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, presented the current status of the bill drafting system being developed by HP/Compaq. Another final acceptance testing was completed in March, 2004. Although HP's performance speed and functionality improved, the system still did not meet the Legislature's requirements and HP was so advised. Mr. Mayotte said he, Margaret Matheson and David Boulter met with HP following the testing and felt that HP was committed to resolving the problems. A letter was sent to HP that identified critical functional items that they needed to address successfully before the Legislature would sign off on final acceptance. They meet again with HP on May 4, 2004. Mr. Mayotte said HP was put on notice that unless they delivered a satisfactory system, the Executive Director was prepared to come before the Council with recommendation for stronger action. At the end of the May 4th meeting HP requested re-verification of the specific requirements for the critical items they are required to deliver. The requested information was provided to HP on May 10, 2004 and they have until May 14, 2004 to respond. Depending on HP's response, Mr. Boulter may be making a recommendation to the Council that the Legislature pursue legal action to force HP to fully comply with the terms in its contract.

Discussion: President Daggett said the Council did not want to wait until the next Council meeting to know HP's response and asked Mr. Mayotte to let the Council know of HP's response by May 14, 2004. Rep. Richardson asked if the system was to help streamline the work in the Revisor's office. Mr. Mayotte said the Revisor's office needs to be production ready in October, 2004 to support the upcoming session. Rep. Richardson recalled the present system was breaking down, and he recalled a similar discussion last year regarding the Legislature's need to take affirmative action against HP before October, 2003. He questioned why the issues had not been resolved given the period since the issues were last raised. President Daggett asked that Mr. Mayotte include with HP's response, a brief summary of the actions that have taken place over the past three to four years.

Rep. Bowles asked what the Legislature's leverage with HP was at this time. Mr. Boulter said some money had been withheld, according to Mr. Mayotte, approximately \$250,000. Mr. Boulter responded to Rep. Richardson's comments. He said when the tests were done in September, 2003, the system failed to meet standards. A series of meetings took place and HP made improvements to the system after the meetings, but it is now at the point that certain essential requirements are still not met and HP is contractual bound to implement them. Mr. Boulter said once the October, 2003 deadline was missed it did not matter if it was October or March, since the system was not operational for the session. Now staff needs a system in place before September, 2004.

President Daggett said the information requested by the Council regarding HP should be sent to Council members individually. She requested that, if any member had questions, they be directed to the Executive Director, and if the Council needs to meet, a special Council meeting can be called.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

The Personnel Committee did not meet.

- **State House Facilities Committee**

The State House Facilities Committee did not meet.

OLD BUSINESS

None

NEW BUSINESS

Item #1: Submission of Study Report

The Legislative Council received the following study report:

- **Committee to Study New Payment Models for the Logging Industry**

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

COLLECTIVE BARGAINING (Executive Session)

None

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:48 p.m. (Motion by Speaker Colwell, second by Sen. Davis, unanimous).