

# 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**  
**August 24, 2004**  
**Approved September 14, 2004**

**CALL TO ORDER**

In the absence of the chair, the vice-chair, Speaker Colwell, called the Legislative Council meeting to order at 2:44 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	Sen. Treat Absent: President Daggett , Sen. Davis, Sen. Gagnon, Sen. Woodcock
Representatives:	Speaker Colwell, Rep. Richardson, Rep. Bruno, Rep. Duplessie, Rep. Bowles
Legislative Officers:	Rose Marie Breton, Legislative Finance Director, Office of the 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 Paul Mayotte, Director, Legislative Information Services

**SUMMARY OF THE JULY 13, 2004 COUNCIL MEETING**

**Motion:** That the Meeting Summary of July 13, 2004 be accepted and placed on file. (Motion by Sen. Rep. Bruno, second by Sen. Treat, unanimous).

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

- **Executive Director's Report**

In the absence of Executive Director Boulter, Rose Breton presented the Executive Director's report to the Council.

Ms. Breton reported that new rocking chairs have been purchased to replace the aging chairs on the 3<sup>rd</sup> floor porch.

No Council action required.

- **Fiscal Report**

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

### **General and Highway Fund Revenue Summaries for July, 2004**

The General Fund, with the exception of Individual Income Tax, was ahead of budget. The Individual Income Tax was \$7.5 million under projections in July, (thought it to be a timing issue). Highway Fund revenues are over budget by \$0.9 million.

Mr. Pennoyer said a schedule has not yet been set for the Revenue Forecasting Committee to meet this fall; however the revenue forecast analysis is underway.

### **General Fund Status and Distribution of FY 04 Unallocated Surplus**

Mr. Pennoyer reported that, including excess revenue and lapsed balances, the unappropriated surplus was increased by \$70.3 million. Most of the surplus has been transferred to various reserves and used to fully fund the FY 04 "Cascade", which increased FY 05 appropriations in certain programs in the general fund programs. Following the required distributions, there is an \$8.4 million increase in the uncommitted balance, and the projected ending balance in the general fund is \$10.7 million.

### **Highway Distribution of FY 04 Unallocated Surplus**

The Highway Fund revenue surplus is more than \$13.7 million, a result of excess revenue, lapsed balances and other accounting adjustments. All the surplus was credited to DOT's Highway and Bridge Improvement program.

The projected ending balance in the Highway Fund for the 2004-2005 biennium remains at \$1.4 million.

### **Cash Pool Status**

The General Fund and Highway Fund cash trends have turned upwards over the last two to three months, due to the excess revenue in both funds.

Rep. Bruno asked if Mr. Pennoyer had seen the article in the Wall Street Journal on new accounting standards for retirees of health insurance plans and the unfunded liability. Rep. Bruno said there were to be new standards for dealing with the health plans. He asked what the impact would be on the FY 06 State budget. Mr. Pennoyer said he had not seen the article, but would follow up on it and his assessment would be included in their structural gap analysis.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, presented his report to the Council on the status of the HP contract to develop a bill drafting system. Following the July 13, 2004 Council meeting, the Legislature through its legal counsel, sent a letter to HP. Contractual discussions are being conducted through legal council for both parties. A memorandum of agreement has been drafted as a means to resolve the disputed items. The major points covered in the memorandum of agreement are:

- HP will install at their cost a new upgraded server to address the performance issue;
- The Legislature will test the server to determine if it meets the Legislature's standards for performance.
- If it meets the Legislature's standards for performance, the parties will agree to negotiate the remaining functional issues.
- The negotiation period will be of short duration.

Mr. Mayotte said if the memorandum of agreement is signed, HP would be here on August 30, 2004 to install the server. The Legislature and the Revisor's office is prepared to support performance testing as soon the server is installed.

The WANG bill drafting system will likely be used for the 1<sup>st</sup> Regular Session of the 122<sup>nd</sup> Legislature. Mr. Mayotte is working with the Revisor's office on drafting on the WANG and if the work on the new bill drafting system is completed, the Revisor's office will do parallel testing on the new system.

Rep. Richardson asked if 2 or 3 people in the Revisor's office could use the new bill drafting system so testing could be done during session. Mr. Mayotte thought it would be to problematic.

The Speaker asked Margaret Matheson, Revisor of Statutes, her opinion on testing of the system. She said the Revisor's office has usually completed the majority of the initial bill drafting by the middle of March. She would propose to use the system while there is a full load on the entire legislative network to debug the system during the warranty period.

No Council action required.

- **Update on Interim Studies**

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** (Rep. Richardson, Chair)

The Personnel Committee did not meet.

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

The State House Facilities Committee is scheduled to meet August 31, 2004 at 1:00 p.m.

## OLD BUSINESS

None

## NEW BUSINESS

### **Item #5: Request from Study Commission to Hold Additional Meetings**

The following Task Force requested that it be authorized to hold 2 additional meetings in order to complete its study. The meetings will not affect the task force's budget or its established completion date.

- Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters (Memo from Sen. Beth Edmonds and Rep. Robert Duplessie, Chairs)

**Motion:** That the task force's request be granted. (Motion by Sen. Treat, second by Rep. Bruno; unanimous).

## ANNOUNCEMENTS AND REMARKS

None

## ADJOURNMENT

The Legislative Council meeting was adjourned at 3:05 p.m. (Motion by Rep. Duplessie, second by Rep. Bruno, unanimous).

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken following the 121st Legislature)**

Status as of 8/24/2004 9:02:01AM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Dates/ Reports To</u>	<u>Comments/Status of Study</u>
Recodification of Title 7 SP0586 -			January 15, 2005: ACF Committee	2-year study begun in 2003; OPLA/ROS developing draft for ACF Committee review
Commission to Study Public Health LD0471 - Resolve 2003, Chapter 95	12/5/03	9/24/04 9:00 am	November 3, 2004: 1st Regular Session, 122nd Legislature	Continuation of 2003 study; subcommittees formed to develop recommendations; full committee met 8/2/04; will hold public hearing to take comments on preliminary recommendations
Health Care System and Health Security Board LD0855 - Public Law 2001, Chapter 439, Part ZZZ	10/12/01		January 1, 2004: Health and Human Services Committee	Multi-year study begun 2001; tentatively scheduled to meet mid September for update on Dirigo
Commission to Study Compliance with Maine's Freedom of Access Laws LD1079 - Resolve 2003, Chapter 83	11/19/03	9/28/04 9:30 am Rm 438, SH	November 3, 2004: Joint Standing Committee on Judiciary	Study extended from 2003 by PL 2003, c. 709; commission is forming subcommittees to address new charge
Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters LD1343 - Resolve 2003, Chapter 76	11/10/03	9/29/04 9:00 am Labor Committee, Room # 220, COB	November 3, 2004: 1st Reg. Session of 122nd Legislature	Continuation of 2003 study; met 8/11/04; requesting additional meetings
Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners LD1614 - Public Law 2003, Chapter 451	9/4/03		2/5/2004: Criminal Justice and Public Safety Committee 1/1/2005: Criminal Justice and Public Safety Committee	Study extended from 2003 by PL 2003, c. 707

**Progress Report on Legislative Studies**  
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Status as of 8/24/2004 9:02:02AM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Dates/ Reports To</u>	<u>Comments/Status of Study</u>
<b>Citizen Trade Policy Commission</b> LD1815 - Public Law 2003, Chapter 699			Annual: Governor, Legislature AG and municipalities Annually: Congressional delegation, Maine International Trad : Maine International Trade Center : Maine Municipal Association : United States Trade Representative's Office : NCSL and NAAG	10 of 22 appointments made
<b>Maine Drug Return Implementation Group</b> LD1826 - Public Law 2003, Chapter 679			January 31, 2005: Health and Human Services Committee	6 of 11 appointments made
<b>Health and Human Services Committee</b> <b>Review of the Establishment of the</b> <b>Department of Health and Human Services</b> LD1913 - Public Law 2003, Chapter 689	7/27/04	9/15/04 10:00 am Health and Human Services Committee, Room 202, COB	None Required	1st meeting held 7/27/ 04; 2nd meeting scheduled 9/15/04
<b>Intergovernmental Advisory Group</b> LD1930 - Public Law 2003, Chapter 696			Annually in January: State and Local Government Committee	2 of 15 appointments made

Selection criteria:

Session ID = 121

Study Type = Legislative