

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
November 9, 2004
Approved December 22, 2004

CALL TO ORDER

The Chair, Senate President Daggett, called the Legislative Council meeting to order at 2:29 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. Richardson, Rep. Bruno, Rep. Duplessie
Absent: Rep. Bowles

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, 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 OCTOBER 12, 2004 COUNCIL MEETING

Motion: That the Meeting Summary of October 12, 2004 be accepted and placed on file.
(Motion by Speaker Colwell, second by Senator Davis, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported on the following items:

1. Mr. Boulter reported that the building-wide cleaning is underway and should be completed by the first part of December.
2. The Security Kiosk is due to be installed in the first floor lobby. The Legislative Council Facilities Committee will need to determine what the level of security and deployment of detection and monitoring devices are appropriate.
3. The North parking lot is re-opened.
4. Mr. Boulter reminded Legislative Council members of upcoming Legislative orientation programs. The first is the New Member Orientation, a one-day program on November 17, 2004. On November 29, 30, and December 1, 2004, the Pre-Legislative Conference will be held. The Legislative Banquet at the Civic Center on Tuesday, November 30th is an opportunity to recognize and honor those members of the Legislative Council who will not be returning to the 122nd Council.
5. Several requests have been received to hold legislator policy forums in early January. Mr. Boulter asked those who have an interest to send a letter describing their proposal, to be presented to the Legislative Council.

No Council Action required.

- **Fiscal Report**

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

1. General Fund & Highway Fund Revenue - October 2004

In October 2004 the General Fund revenue was under budget by \$0.9 million. However, absent the negative variance of \$5.2 million in individual income tax, which was expected to be a timing issue, October revenue would have been \$4.3 million over budget for the month. For the first 4 months of FY 05, the General Fund revenue was over budget by \$38.2 million.

Sales Tax (including Service Provider Tax) was \$4.4 million over budget in October and \$5.7 million over budget for Fiscal Year-to-Date; Individual Income Tax had a \$5.2 million negative variance in October due to shift of withholding receipts from October to September, but remained over budget by \$17.8 million for Fiscal Year-to-Date; Corporate Inc Tax was over budget \$0.3 million in October and over budget \$11.5 million for Fiscal Year-to-Date; Cigarette Tax was under budget \$2.0 million in October and under budget \$0.1 million for Fiscal Year-to-Date; Insurance Tax was over budget \$1.5 million in October and \$1.6 million for Fiscal Year-to-Date; Estate Tax was on

budget in October, but remained under budget by \$0.9 million for Fiscal Year-to-Date;

and Lottery Revenue were under budget by \$0.6 million in October and \$0.3 million for Fiscal Year-to-Date.

- **Highway Fund**

The Highway Fund revenue also continues to perform very well and was \$1.4 million ahead of budget in October and \$5.8 million ahead for first 4 months of FY05.

2. Revenue Forecasting Schedule

- The Consensus Economic Forecasting Commission report for November 2004 was released and is available on OFPR's web page (see [Revenue Forecasting](#)).
- The Revenue Forecasting Committee is scheduled to meet Friday, November 19th in the Appropriations Committee Room beginning at 9:30AM.

3. Cash Pool Status

- The General Fund and Highway Fund cash trends show improvement.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services presented his report to the Legislative Council. He reported that on October 27, 2004 David Boulter, Margaret Matheson and he met with HP to reach agreement on the remaining issues of the implementation of bill drafting system. HP is proceeding with carrying out the agreement and plan to complete the necessary work by the end of 2004. Specifically, HP will be providing to the Legislature, at its cost an upgraded server and 8 PC's to be installed in the Revisor's office. The computers are to address the performance issue. HP will correct 7 of the items at its cost and the Legislature is to address 4 items. The Legislature agreed to pay HP an additional \$15,000. From acceptance of the MELD system the Legislature will have a 12-month warranty.

Discussion: Sen. Gagnon asked the cost of the 4 items that the Legislature will correct. Mr. Mayotte said the cost was staff time only and would not require asking for more money from the Legislature.

President Daggett asked if there was a backup plan in the event the new bill drafting system was not available at the end of 2004. Mr. Mayotte said that for the first session of the 122nd Legislature, the Wang system will be used for bill drafting. HP is working with the Revisor's Office to test the system during the session, but not for actual production purposes. Bill drafts will be converted from the Wang to the new bill drafting system the summer of 2005.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, reported on the interim studies. A copy of the Progress Report on the Legislative Studies is attached.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Richardson, Chair of the Personnel Committee, reported that the Committee met on October 19, 2004 to review the annual performance of Margaret Matheson, Revisor of Statutes and Paul Mayotte, Director of Legislative Information Services.

The Personnel Committee also met on November 9, 2004 to review the annual performance of David Elliott, Director of the Office of Policy and Legal Analysis.

No Council action required.

- **State House Facilities Committee**

Sen. Gagnon, Chair, State House Facilities Committee reported that he had toured the potential office spaces for OPEGA offices that had been identified by the Commissioner of DAFS. He asked Mr. Boulter to summarize relevant law regarding OPEGA office space. Mr. Boulter said the law requires the Commissioner of the Department of Administration and Financial Services to provide office space for the OPEGA offices in the Cross Building at no charge. Sen. Gagnon said he visited the first floor of the Cross Building and looked at the Media Room (next to the Press area) that had originally been allocated to the Legislature but was taken over by the Administration as a general use conference room. He also looked at the space formerly used as the Nurse's station and the adjacent BGS break room, as well as space on the 4th floor. Sen. Gagnon did not believe that 4th floor office was suitable for reasons of lack of privacy. He also toured the office area in the Nash Building. Sen. Gagnon reminded Council members that the legislation specifies that the office be located in the Cross Building and after considering the options he stated that he believed the 1st floor conference room would be the best space for the OPEGA Office.

It was the consensus of the Legislative Council that the OPEGA Office be located in the Cross Office Building and that Mr. Boulter prepare a memo to the Commissioner of the Department of Administrative and Financial Service so stating the Council's position.

No further Council action required.

OLD BUSINESS

Item #1: Percent for Art Project for the State House

President Daggett asked that Mr. Boulter review the pending matter regarding the Percent for Art Program. Mr. Boulter said Percent for Art Program requires an allocation of 1% of the capital construction costs to be allocated to art. As part of the renovation in the State House in 1998 the Legislative Council established a Percent for Art Committee that was responsible for reviewing a series of proposals for art to be purchased for the State House and making recommendations to the Council. It recommended that three pieces of artwork be purchased for the State House. Its recommendations were presented in August, 2002 and also in September, 2002. At that time they were reviewed but the Council did not make a final decision because of budget constraints. Mr. Boulter listed the artwork recommended in 2002 for purchase:

- Two large contemporary figurehead pieces in wood which emerge from the corner walls in the lobby of the State House at a cost of \$66,250.
- Carved wooden benches to be crafted and placed on the first floor lobby area at a cost of \$29,050 but later revised to \$33,000.
- An oil on canvas painting to be displayed on the first floor of the east wall at a cost of \$75,000.

Mr. Boulter reported that there is approximately \$190,000 remaining in the Percent for Art budget.

Motion: That the Legislative Council accept the recommendation made by the State House Percent for Art Committee in 2002 to commission Mr. Valdemar Skov of Waldoboro to construct four carved benches made of cherry on granite bases for the State House, the cost of which may not exceed \$33,000 and upon their completion, arrange for their installation in appropriate locations in the State House. The costs for the benches are to be paid from legislative funds set aside for Percent for Art projects for the State House. Further, that the Legislative Council not accept the recommendations made by the committee for purchase of artwork by 2 other artists. (Motion by Speaker Colwell, second by Rep. Bruno, unanimous).

Motion: That the Legislative Council authorize the commissioning of benches for placement in and about the Living Memorial Garden in Capitol Park, the design and construction of which must be in keeping with the Garden and the parameters of the Percent for Art Program. The Executive Director shall work with the Maine Arts Commission to invite proposals for the benches and make a selection, and shall authorize payment for the benches in an amount not to exceed \$5,000. The costs for the benches are to be paid from legislative funds set aside for Percent for Art projects for the State House. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

Discussion: Discussion followed regarding the appointment of a new Percent for Art Committee. It was recommended that the 122nd Legislative Council consider establishing a new Percent for Art Committee or expanding the State House Facilities Committee membership for the purposes of reviewing art purchases under the Percent for Art program.

Motion: That in recognition of the important contributions that Robert Indiana of Vinalhaven has made nationally and internationally over the past 50 years as a leading figure in the Pop Art movement and his continuing artistic influence as a major American artist, the Legislative Council urges the Maine Arts Commission, in conjunction with the Maine State Museum, to arrange for the purchase of the Indiana oil on canvas painting *First Maine* through private contribution of funds for public display in the State museum. In support of this effort, the Legislative Council authorizes a one-time contribution in the amount of \$5,000 from existing legislative funds to a capital campaign for the State purchase of the painting. (Motion by Speaker Colwell, second by Sen. Treat, motion passes 6-2. Opposed: Sen. Davis and Rep. Bruno).

NEW BUSINESS

Item #1: Legislative Document Service: Fee Schedule for 122nd Legislature

Motion: That the Legislative Council approve the legislative document service fee schedule for the 122nd Legislature, as presented by Clerk of the House Millie MacFarland. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

Item #2: Submission of Annual Reports:

- **Loring Development Authority of Maine**
- **Washington County Development Authority**

Motion: That the Legislative Council accept and place on file the annual reports of the Loring Development Authority of Maine and the Washington County Development Authority. (Motion by Sen. Treat, second by Speaker Colwell, unanimous).

Item #3: Final Report of the Health Care Workforce Leadership Council

Mr. Boulter reported that no action was required on the final report of the Health Care Workforce Leadership Council.

ANNOUNCEMENTS AND REMARKS

President Daggett thanked all Council members for their work and cooperation during the 121st Legislature. Speaker Colwell then thanked President Daggett for her hard work as Chair of the Legislative Council.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:14 p.m. (Motion by Speaker Colwell, second by Sen. Treat, unanimous).

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

Status as of 11/9/2004 11:03:29AM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time & 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	OPLA/ROS developing draft for ACF Committee review
Commission to Study Public Health LD0471 - Resolve 2003, Chapter 95	12/5/03	11/13/04 9:00 am Room 228, State House	November 3, 2004: 1st Regular Session, 122nd Legislature	Final meeting scheduled to approve recommendations
Health Care System and Health Security Board LD0855 - Public Law 2001, Chapter 439, Part ZZZ	10/12/01		Nov. 1, 2004: 1st Reg. Session of 122nd Legislature	Report sent to printer; legislation anticipated
Commission to Study Compliance with Maine's Freedom of Access Laws LD1079 - Resolve 2003, Chapter 83	11/19/03		November 3, 2004: Joint Standing Committee on Judiciary	Final meeting held; report being drafted; legislation anticipated
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	8/11/03	11/12/04 9:00 am Rm 220, CSOB	December 1, 2004: 1st Reg. Session of 122nd Legislature	Expect to finalize recommendations at next meeting
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	Two meetings held

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

Status as of 11/9/2004 11:03:30AM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Dates/ Reports To</u>	<u>Comments/Status of Study</u>
Citizen Trade Policy Commission LD1815 - Public Law 2003, Chapter 699	10/6/04	11/9/04 9:00 am State House Room 127	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	1st meeting held; 2nd meeting scheduled
Maine Drug Return Implementation Group LD1826 - Public Law 2003, Chapter 679	10/15/04	11/12/04 10:00 am CSOB, Room 202	January 31, 2005: Health and Human Services Committee	1st meeting held; 2nd meeting scheduled
Health and Human Services Committee Review of the Establishment of the Department of Health and Human Services LD1913 - Public Law 2003, Chapter 689	7/27/04	11/9/04 10:00 am CSOB, Room 202	None Required	Two meetings held; 3rd meeting scheduled
Intergovernmental Advisory Group LD1930 - Public Law 2003, Chapter 696			Annually in January: State and Local Government Committee	2 legislative appointments made; awaiting 13 gubernatorial appointments
Government Oversight Committee (OPEGA) LD2193 - Public Law, Ch. 702	8/19/04			Committee rules adopted; working on mission statement; 3rd meeting anticipated in November

Selection criteria:
 Session ID = 121
 Study Type = Legislative