

# MAINE STATE LEGISLATURE

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**122nd LEGISLATIVE COUNCIL**  
**May 26, 2005**  
**1:00 p.m.**  
**Room 334, Legislative Council Chamber**  
**Preliminary Agenda**

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE APRIL 28, 2005 COUNCIL MEETING</b>	Acceptance
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES</b>	
9	• Executive Director's Report	
15	• Fiscal Report (Pennoyer)	
	• Office of Information Services' Report (Mayotte)	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> (Rep. Cummings, Chair)	
16	Report of the May 19, 2005 Personnel Committee	
	• <b>State House Facilities Committee</b> (Sen. Gagnon, Chair)	
	The State House Facilities Committee did not meet.	
	<b>OLD BUSINESS</b>	
17	<b>Item #1: Council Actions Taken by Ballot</b>	Information

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
<b>NEW BUSINESS</b>		
19	<b>Item #1: Consideration of After Deadline Bill Requests</b>	Decision
23	<b>Item #2: Request for Funding of the Legislative Youth Advisory Council (Sen. Weston)</b>	Decision
29	<b>Item #3: Legislative Council Policy on Violence in the Workplace</b>	Adoption
	<b>Item #4: Policy Discussion on Use of Hall of Flags (Rep. Bowles)</b>	Discussion

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

REP. JOHN RICHARDSON  
CHAIR

SEN. BETH EDMONDS  
VICE-CHAIR



122<sup>ND</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN  
SEN. PAUL T. DAVIS, SR.  
SEN. KENNETH T. GAGNON  
SEN. CAROL WESTON  
REP. GLENN A. CUMMINGS  
REP. DAVID E. BOWLES  
REP. ROBERT W. DUPLESSIE  
REP. JOSHUA A. TARDY

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

**Meeting Summary**  
**April 28, 2005**

**CALL TO ORDER**

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

**ROLL CALL**

Senators:	President Edmonds, Sen. Davis, Sen. Gagnon, Sen. Brennan and Sen. Weston joined the meeting in progress
Representatives:	Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie, Rep. Tardy
Legislative Officers:	Joy O'Brien, Secretary of the Senate Millicent MacFarland, Clerk of the House Michael Cote, 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

Speaker Richardson asked if there was objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item 1.**

**NEW BUSINESS**

**Item #1: Consideration of After Deadline Bill Requests**

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

## SUMMARIES OF THE MARCH 24 AND APRIL 5, 2005 COUNCIL MEETINGS

**Motion:** That the Meeting Summary of March 24 be accepted with minor correction and that the Meeting Summary of April 5, 2005 be accepted. (Motion by Sen. Edmonds, second Rep. Duplessie, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

### • Executive Director's Report

David Boulter, Executive Director of the Legislative Council, reported that the State of Maine YMCA Youth in Government Program Director Lonney Steeves, extends his thanks to the Council for the use of the State House from April 8-10, 2005.

Executive Director Boulter announced the retirement of Valerie Parlin, Senior Secretary in the Office of Policy and Legal Analysis. Ms. Parlin has worked in OPLA for 20 years.

Mr. Boulter reported that an act of vandalism occurred in the Vietnam Veterans' Memorial in Capitol Park. The Memorial, walkways and concrete benches had been spray painted. The up-lights were smashed and will need to be replaced. He has contacted and will meet with the artist who designed and oversaw the construction of the memorial. He hopes to have it restored by Memorial Day.

No Council action required.

### • Fiscal Report

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

#### 1. General Fund and Highway Fund Revenue Variances for March 2005

General Fund revenue was under budget in March by \$12.7 million, resulting in a negative variance through three quarters of FY 05 of \$14.5 million, (-0.8% of budgeted amounts).

Major positive variances for fiscal year through March include:

- Estate Tax was ahead of projections by \$4.2 million. The variance is expected to decline over the year;
- Individual Income Tax was \$1.3 million above projections; and
- Corporate Income Tax was \$0.8 million above projections.

Major negative variances for fiscal year through March include:

- Sales and Service Provider Taxes (under budget \$10.3 million);
- Insurance Companies Tax (under budget \$5.5 million);
- Lottery Transfer (under budget \$2.2 million); and
- Other Revenue was under budget by \$3.3 million (the Department of Health and Human Services alone represents a negative variance of \$4.2 million).

Highway Fund revenue was under budget in March by \$0.9 million. Motor vehicle registration and fees accounted for \$1.3 million of that variance, but remains positive for the fiscal year. For the first 3 quarters of FY05, the Highway Fund still has a positive variance of \$1.6 million.

## **2. April Income Tax Collections**

Based on preliminary data, income tax collections look very strong for tax year 2004 with final payments and refunds creating a positive variance of approximately \$40 million to \$50 million for FY05. This positive variance should be sufficient to offset other anticipated negative variances through FY05.

## **3. April Tobacco Settlement Payments**

Although Maine received less than anticipated as a result of withholding of some disputed payments, revenue for the Fund for a Healthy Maine will be slightly above budget for FY05.

## **4. March, 2005 Cash Pool Status**

Absent reserve accounts balances and tax anticipation notes the General Fund average cash balance would have been negative by \$228.0 million. However, the trends for General Fund and Highway Fund average balances are still positive.

No Council action required.

## **• Office of Information Services' Report**

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

### **• Bill Drafting System:**

- HP reports that as of April 22, 2005, they are on schedule to meet the May 23 hardware and software installation requirement. The Legislative Systems staff has made significant improvements to the automated process of converting the Wang statutes database to the new database format.

### **• SPAM Blocking:**

Since the last Council meeting the filters used to block incoming SPAM have been adjusted twice with the following results:

- For the week ending March 28, 2005, 53.8% of the emails identified as SPAM were blocked.
- For the week ending April 21, 2005, 87.9% of the emails identified as SPAM were blocked.
- To date, no false positives have been identified.

### **• Business / Disaster Recovery:**

- Hardware to increase the capacity of the Legislature's automated data backup system has been installed. Further steps are in process to provide for offsite data backup and recovery capability.

No Council action required.

## REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Cummings reported that the Personnel Committee met on April 27, 2005 and considered three items.

1. The Personnel Committee voted to grant a step increase to two legislative employees.
2. The Committee voted to change the salary grade for one legislative employee commensurate with other corresponding individuals in legislative offices.
3. The Committee reviewed a draft violence in the workplace policy prepared by the Human Resources Director. The Committee will review a revised draft at its next meeting based on comments received and suggestions by members of the Personnel Committee. The policy will be presented for full Legislative Council review at a future meeting.

No Council action required.

- **State House Facilities Committee**

Sen. Gagnon, Chair of the State House Facilities Committee reported that the committee met on April 12, 2005 and considered a wide array of issues, all of which are summarized in the report enclosed with the agenda.

One item of note, the 2005 facilities work plan, is on the Council agenda under **New Business, Item 3**, and Chair Gagnon indicated he will present the Facilities Committee's recommendation on that plan.

Attached is a copy of the State House Facilities Committee April 12, 2005 Meeting Summary.

- **Budget Subcommittee**

Speaker Richardson, Chair of the Budget Subcommittee, reported that the subcommittee had been scheduled to meet on April 28, 2005, prior to the Council meeting but due to time constraints that meeting was cancelled. The Speaker noted that although the subcommittee did not meet, each member received information on NCSL's proposed study of legislative operations. At the request of the presiding officers, NCSL prepared a proposal to study legislative operations. The proposal is for NCSL to review all legislative operations and identify ways to reduce costs and increase effectiveness of operations. The total projected costs for the NCSL study is \$81,700, \$48,300 of which would be paid by the Legislature. NCSL would absorb the other costs.

President Edmonds emphasized that the study is for the purpose of identifying efficiencies, and is not because of complaints about the work of legislative offices. President Edmonds suggested one change in Item 4 in the Study Overview of the proposal namely,

- "4. To review the role and structure of the ~~State House Facilities Committee~~ Legislative Council committees and the general legislative procedure for resolving ~~facilities committee~~ issues."

She suggested that rather than singling out one committee, the study should include all Legislative Council committees.

The Council briefly discussed the need for and cost of coordinating the study.

**Motion:** That the Legislative Council accept NCSL's Proposal for the Study of Legislative Operations and Processes as amended by President Edmonds' recommended change. (Motion by President Edmonds, second by Rep. Bowles, accepted 6-2, opposed Sen. Davis and Sen. Weston).

## OLD BUSINESS

### Item #1: Council Actions Taken by Ballot

A copy of a list of actions taken by ballot by the Legislative Council since its March 24, 2005 meeting is attached.

### Item #2: Request by Council of State Governments to Fund the Northeast States Association for Agricultural Stewardship (NSAAS)

Marge Kilkelly, Director, Northeast State Association for Agriculture Stewardship, presented her request for 1 year funding of NSAAS. She told the Council that the organization has grown to be an affiliate of the Eastern Regional Conference for the purposes of strengthening regional influence in Congress on agricultural issues. Ten New England and Middle Atlantic states are part of the organization and have committed to pay dues to support NSAAS. She mentioned that Congress will consider a Farm Bill in 2007 and unless the Northeast can speak with one voice on priorities, the Northeastern states will not have much influence. Ms. Kilkelly requested that the Council approve Maine's share of \$10,000.

Legislative Council members discussed whether Maine has paid dues to NSAAS in the past. Ms. Kilkelly said the Maine Department of Agriculture, Dairy Land Fund paid for the first 2 years. The Legislature has never paid dues to NSAAS.

**Motion:** That the Legislative Council approve the appropriation of \$10,000 to pay dues to the NSAAS for FY 06. (Motion by President Edmonds, second by Rep. Duplessie, 6-3, Sen. Weston, Rep. Bowles and Rep. Tardy opposed).

### Item #3: W. Tom Sawyer, Jr., et al v. Legislative Council et. al (CV-04-97)

Speaker Richardson reminded the Legislative Council that it had voted to recommend to the Attorney General that he not appeal the Superior Court's decision in the matter of W. Tom Sawyer, Jr., et al. v. Legislative Council, et al. The Attorney General did not file an appeal and the 4 plaintiffs are scheduled to be paid what is owed. The remaining policy issue is for the Legislative Council to decide whether the Legislative Council should voluntarily offer Legislators of the 121<sup>st</sup> Legislature who were not parties to the lawsuit special session payment consistent with the Court's decision.

Attorney General Rowe confirmed that no appeal was filed and the 4 plaintiffs will be paid, plus approximately \$600 in court costs.

The Legislative Council discussed policy, legal and financial implications of offering or not offering special session payments to other legislators. The cost would be approximately \$800,000 if all Legislators accepted payment. Attorney General Rowe discussed potential tax ramification of accepting or refusing payment, and urged that legislators be advised to consult with their own tax advisors on tax liability issues.



## RECESS

The Legislative Council recessed at 3:16 pm. on the motion of the Chair.

## RECONVENED

The Chair reconvened the meeting at 3:45 p.m. and continued with the remaining items on the agenda.

### Item #3: W. Tom Sawyer, Jr., et al v. Legislative Council et. al (CV-04-97) con't

Speaker Richardson said the Council should decide on payment to legislators of the 121<sup>st</sup> Legislature who were not parties to the lawsuit and under what conditions payment would be made. The Chair's recommendation is that the Legislative Council pay members of the 121<sup>st</sup> Legislature and do so by sending letters asking if they wish to receive payment. The letter should include information about tax consequences, advising that they should consult with their tax preparer. Rep. Bowles asked whether implicit in the Motion was a requirement that the letter would include a date certain by which legislators must respond. The answer was yes. The Executive Director would be authorized to make payments to anyone who has responded and not refused the payment.

**Motion:** That the Legislative Council has determined that members of the 121<sup>st</sup> Legislature who were in attendance during the 2<sup>nd</sup> Special Session are entitled to certain legislative payments, consistent with the recent Superior Court decision regarding legislative pay. The Legislative Council directs the Executive Director to take all appropriate steps to notify Legislators, calculate payments due and to process final payments to eligible Legislators before the end of this fiscal year by notifying eligible members in writing, and making appropriate payment unless they refuse payment or fail to respond. (Motion by Sen. Gagnon, second by President Edmonds, unanimous).

### New Item

Sen. Weston requested permission to address the Council regarding an item not on the agenda, but from a previous Council meeting. She indicated that she is interested in having the Legislative Council fund the Youth Advisory Council in the amount of \$12,000. The Chair indicated that he would be favorably disposed to such a request and asked Executive Director Boulter to place the matter on the May 26, 2005 Legislative Council agenda.

### Item #4: NCSL Study of Legislative Operations Proposal

**Motion:** That the Legislative Council enter into a contract with National Council of State Legislatures with a change to #4 under the Study Overview of the NCSL proposal section and authorize the Executive Director to negotiate and administer the contract. (Motion by Rep. Duplessie, second by President Edmonds).

A member questioned who would have control over the study. After discussion, the members generally agreed that the Executive Director would sign and administer the contract but that substantive matters and policy issues would come back to the full Legislative Council through the Executive Director for its consideration and guidance.

**Amended Motion:** That the Executive Director is authorized to enter into a contract with NCSL and to administer the contract, but that substantive matters would be presented to the full Legislative Council through the Executive Director for further consideration and decision. (Motion by Rep. Duplessie, second by President Edmonds, 7-3, Senators Gagnon, Davis and Weston opposed).

## NEW BUSINESS

### **Item #2: Legislative Council Policy on Use of Legislative Retiring Rooms**

**Motion:** That the Legislative Council accept the Policy on Use of Legislative Retiring Rooms as presented in the Legislative Council's packet. (Motion by Rep. Duplessie, second by Sen. Gagnon, unanimous).

A copy of the Policy is attached.

### **Item #3: Work Plan for 2005 State House Improvements**

**Motion:** That the Legislative Council authorize maintenance and improve projects for the State House and Grounds, as described in the Multi-Year plan, 2005 Revision, and direct the Executive Director to take all necessary measures to implement the plan as revised. (Motion by Sen. Gagnon, second by President Edmonds, unanimous).

### **Item #4: Proposed Repeal of Certain Legislative Commission**

Executive Director Boulter reported that a bill that has been referred to the Joint Standing Committee on State and Local Government proposes to repeal certain boards and commissions, including:

- State Compensation Commission
- Commission on Performance Budgeting
- New England and Eastern Canada Legislative Commission
- Maine-Canadian Legislative Advisory Commission

The committee is seeking input from the Legislative Council. Absent recommendations from the Legislative Council or individual Council members, the State and Local Government Committee plans to recommend that the commissions be abolished.

No Council action taken.

### **Item #5: CSG Eastern Leadership Academy**

Executive Director reported that the CSG/ERC has established a new leadership academy, the CSG/ERC Eastern Leadership Academy. CSG requested that Executive Director Boulter bring to the Council's attention the new academy and invite members of Leadership and other Legislators to apply to attend. The Executive Director's office has informational brochures on the academy.

No Council action required.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 4:13 p.m. (Motion by Sen. Davis, second by Rep. Duplessie, unanimous).

# Fiscal Briefing for the Legislative Council

Legislative Council Meeting

May 26, 2005

*Prepared by the  
Office of Fiscal & Program Review*

## 1. General Fund and Highway Fund Revenue Variances for April 2005

- **General Fund (GF)** - GF revenue was over budget in April by \$48.0M, erasing the previous year-to-date negative variance. Through 10 months of FY05, General Fund revenue was \$33.5M or 1.6% over budget, largely a result of a pleasant “April Surprise” in individual income tax collections, which was ahead of projections in April by \$63.6M.
  - Major positive variances for fiscal year through April include:
    - Individual Income Tax (+\$64.9M)
    - Estate Tax (+\$3.6M)
    - Corporate Income Tax (+\$1.3M)
  - Major negative variances for fiscal year through April include:
    - Sales and Service Provider Taxes (-\$13.5M)
    - Insurance Companies Tax (-\$10.5M)
    - Lottery Transfer (-\$2.4M)
    - Other Revenue (-\$7.8M with DHHS alone representing -\$8.5M)
  - May 2005 GF revenue appears to be performing better in some of the lines that had been negative, particularly the Sales Tax and Insurance Companies Tax revenue lines. The hope is that as we move out of the “heating” season, the sales will recover as the dampening effect of the burden of high oil prices subsides.
- **Highway Fund (HF)** - HF revenue was over budget in April by \$0.2M or +0.9%. With 2 months remaining in FY05, the HF has a positive variance of +\$1.8M or +0.8%.

## 2. Cash Pool Status

- April 2005 Cash Pool Summary (see attached) – Absent reserve accounts balances and tax anticipation notes, General Fund average cash balance would have been negative by \$193.3M (compared to -\$228.0M in March). Typically, April has the lowest average balance and represents the turnaround month in the year with the filing of individual income tax returns. It looks like balances began their recovery earlier this year.
- GF average balance trends are still trending upward (when you exclude the effect of the tax anticipation notes). HF trend appears to have flattened out.

**General Fund and Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2005**  
**Based on All Actions of the 122nd Legislature through 1st Regular Session**

**APRIL 2005 VARIANCE REPORT**

FUND	Revenue Line	April '05 Budget	April '05 Actual	April '05 Variance	FY05 YTD Budget	FY05 YTD Actual	FY05 YTD Variance	FY05 Budgeted Totals
GF	Sales and Use Tax	70,325,878	67,381,774.13	(2,944,103.87)	680,233,474	668,317,945.41	(11,915,528.59)	914,710,000
GF	Service Provider Tax	4,122,109	3,856,691.37	(265,417.63)	34,440,215	32,834,677.83	(1,605,537.17)	46,700,000
GF	Individual Income Tax	178,649,424	242,229,663.35	63,580,239.35	953,161,017	1,018,061,319.59	64,900,302.59	1,189,334,448
GF	Corporate Income Tax	18,279,823	18,746,782.21	466,959.21	99,384,213	100,637,173.52	1,252,960.52	123,300,647
GF	Cigarette and Tobacco Tax	7,806,742	7,992,541.69	185,799.69	80,023,901	80,118,652.03	94,751.03	96,019,864
GF	Public Utilities Tax	450,000	569,105.93	119,105.93	300,000	419,105.93	119,105.93	26,675,000
GF	Insurance Companies Tax	11,096,478	6,101,092.48	(4,995,385.52)	46,783,456	36,252,972.56	(10,530,483.44)	78,615,872
GF	Estate Tax	2,380,539	1,693,163.38	(687,375.62)	19,520,608	23,070,614.43	3,550,006.43	29,042,767
GF	Property Tax - Unorganized Territory	0	0.00	0.00	9,722,362	9,638,377.00	(83,985.00)	10,580,086
GF	Income from Investments	325,213	411,882.65	86,669.65	3,488,679	3,632,966.35	144,287.35	4,896,463
GF	Transfer to Municipal Revenue Sharing	(13,840,237)	(16,942,960.46)	(3,102,723.46)	(90,226,643)	(92,762,406.90)	(2,535,763.90)	(116,074,782)
GF	Transfer from Lottery Commission	4,239,546	4,003,510.20	(236,035.80)	43,529,470	41,093,518.13	(2,435,951.87)	52,292,750
GF	Other Revenue	17,470,166	13,278,637.84	(4,191,528.16)	217,574,924	210,113,938.68	(7,460,985.32)	264,907,493
GF	<b>Totals</b>	<b>301,305,681</b>	<b>349,321,884.77</b>	<b>48,016,203.77</b>	<b>2,097,935,676</b>	<b>2,131,428,854.56</b>	<b>33,493,178.56</b>	<b>2,721,000,608</b>
HF	Fuel Taxes	16,449,551	16,335,061.74	(114,489.26)	165,214,352	165,176,286.23	(38,065.77)	220,838,729
HF	Motor Vehicle Registration and Fees	7,955,373	7,987,834.57	32,461.57	65,279,565	67,285,834.69	2,006,269.69	81,378,234
HF	Inspection Fees	256,854	379,787.60	122,933.60	3,756,728	3,437,868.79	(318,859.21)	4,281,459
HF	Fines	174,529	84,786.50	(89,742.50)	1,517,720	1,373,084.29	(144,635.71)	1,890,359
HF	Income from Investments	108,696	183,664.64	74,968.64	710,428	933,883.51	223,455.51	1,059,903
HF	Other Revenue	617,268	812,645.71	195,377.71	7,590,822	7,656,321.14	65,499.14	13,817,473
HF	<b>Totals</b>	<b>25,562,271</b>	<b>25,783,780.76</b>	<b>221,509.76</b>	<b>244,069,615</b>	<b>245,863,278.65</b>	<b>1,793,663.65</b>	<b>323,266,157</b>

Updated: May 19, 2005

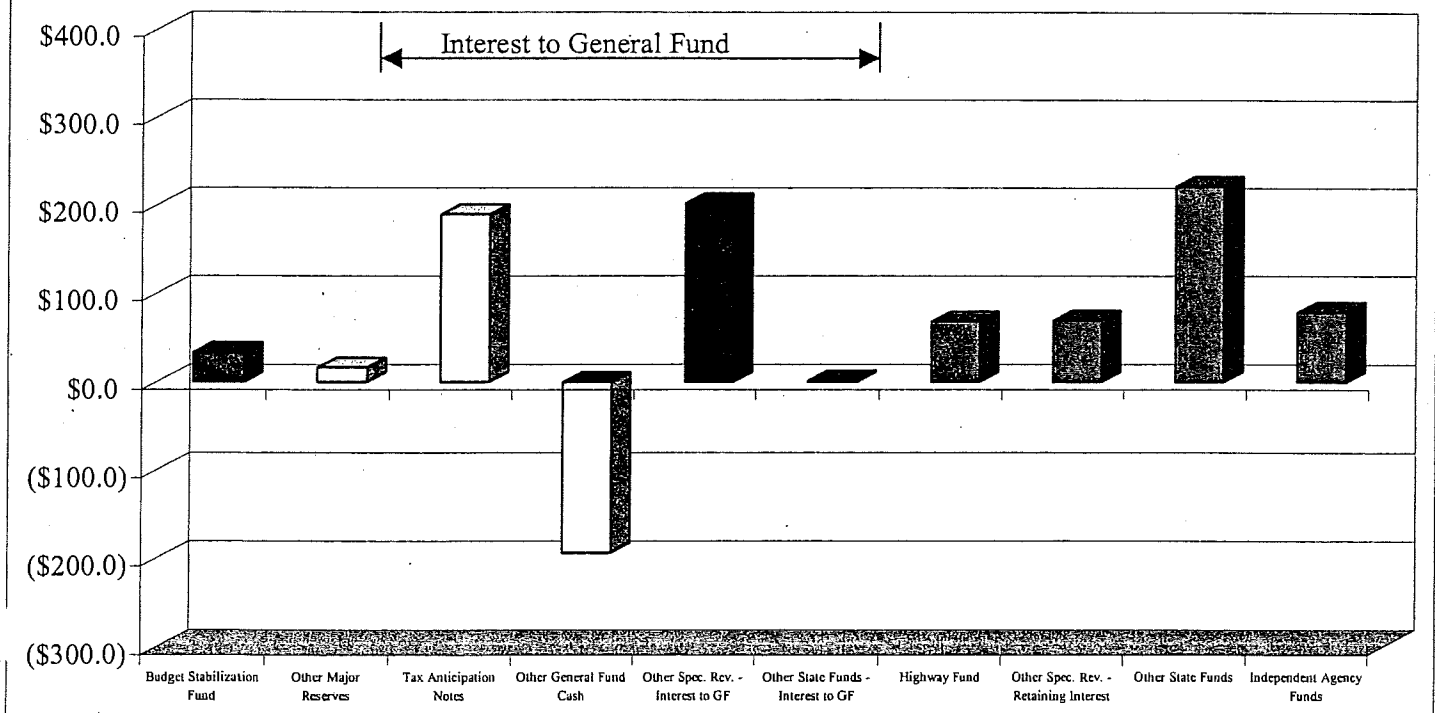
## Composition of State's Cash Pool

### April 2005 Average Daily Balances

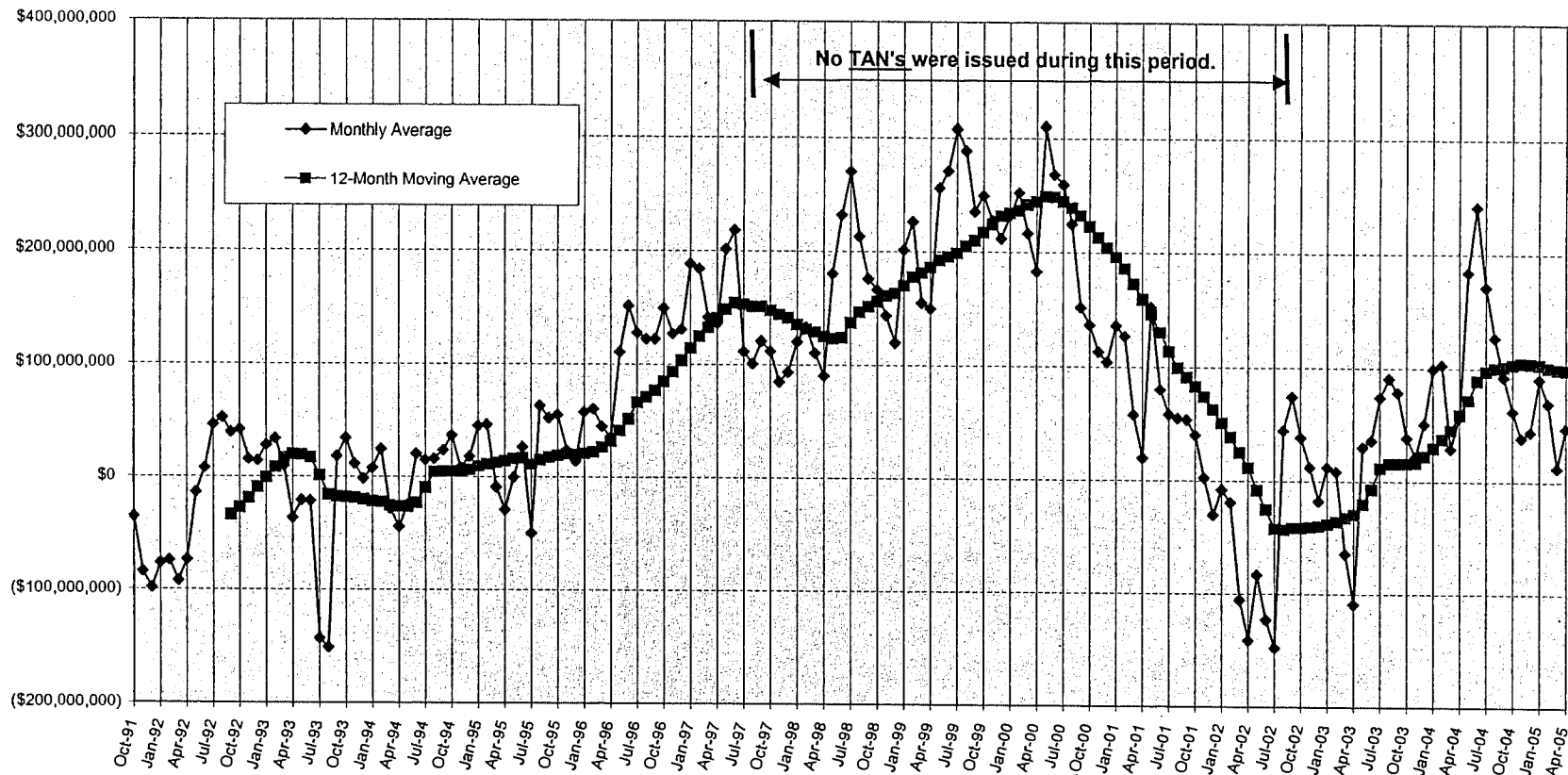
	April 2005
General Fund - Total	\$46,843,621
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$33,622,902
Reserve for General Fund Operating Capital	\$16,532,953
Tax Anticipation Notes	\$190,000,000
General Fund - Other	(\$193,312,234)
Highway Fund	\$68,461,629
Other Special Revenue - Contributing to General Fund	\$202,483,430
Other Special Revenue - Retaining Interest Earned	\$69,499,717
Other State Funds - Contributing Interest to General Fund	\$1,463,636
Other State Funds	\$221,914,939
Independent Agency Funds	\$79,053,156
<b>Total Cash Pool</b>	<b>\$689,720,128</b>

## Composition of Cash Pool

### Average Daily Balances in April 2005



### GENERAL FUND DAILY STARTING CASH BALANCES

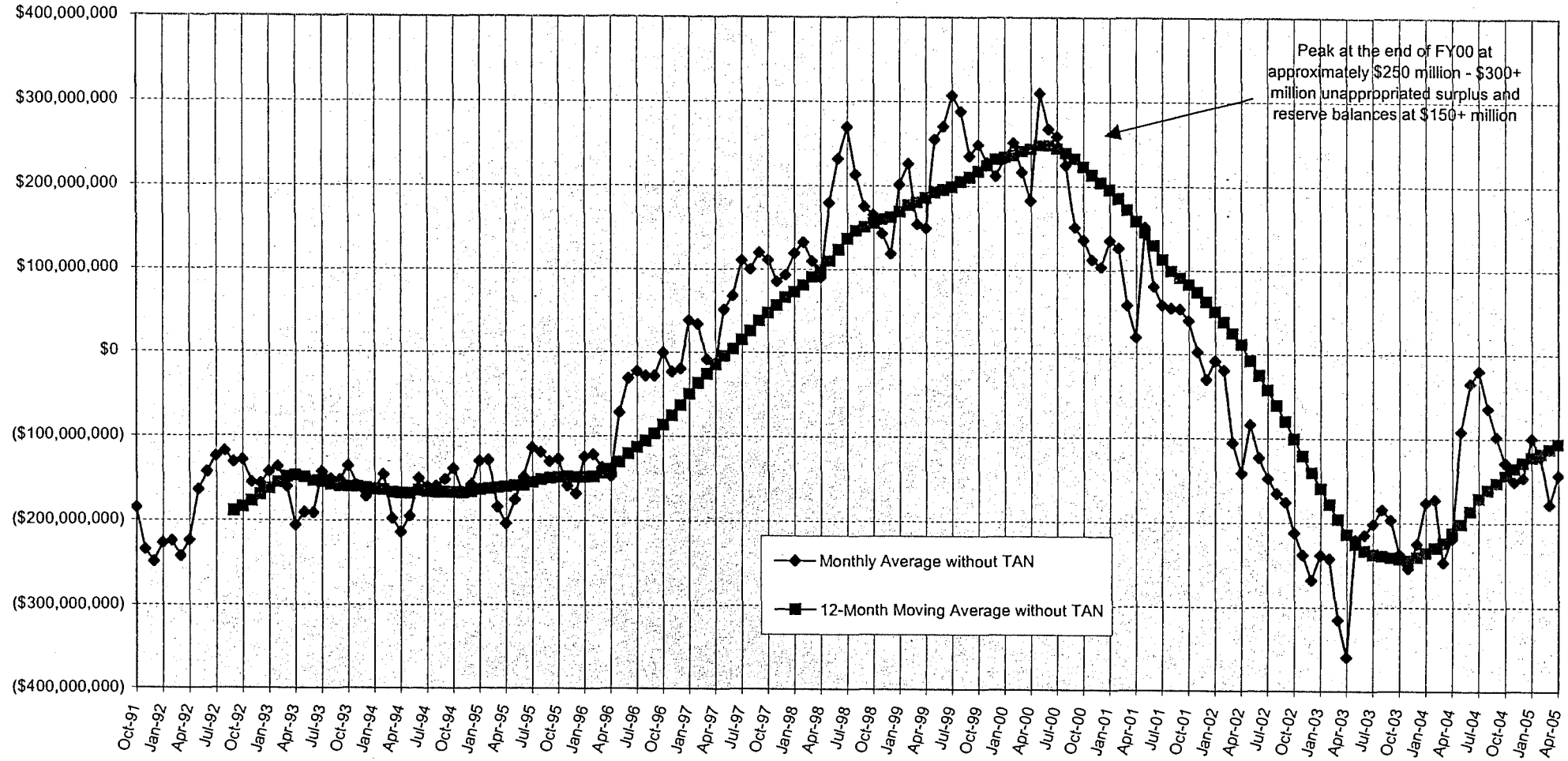


TAX ANTICIPATION NOTES (TAN's) - History from FY 1990-91 <sup>(1)</sup>

Fiscal Year	Amount Authorized	Amount Issued	Reference
2004-05 <sup>(1)</sup>	\$301,688,831 <sup>(1)</sup>	\$190,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2003-04 <sup>(1)</sup>	\$284,492,042 <sup>(1)</sup>	\$275,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2002-03 <sup>(1)</sup>	\$282,869,203 <sup>(1)</sup>	\$250,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
1997-98	\$100,000,000	\$0	PL 1997, c. 24, §F-1 (Repealed by PL 1997, c. 643, §E-5)
1996-97	\$190,000,000	\$150,000,000	PL 1995, c. 665 §P-1
1995-96	\$182,000,000	\$182,000,000	PL 1995, c. 368, §V-1
1994-95	\$175,000,000	\$175,000,000	PL 1993, c. 707, §P-2
1993-94	\$170,000,000	\$170,000,000	PL 1993, c. 382, §1
1992-93	\$170,000,000	\$170,000,000	PL 1991, c. 780, §BB-1
1991-92	\$150,000,000	\$150,000,000	PL 1991, c. 589, §1
1990-91	\$125,000,000	\$115,000,000	PL 1991, c. 5, §1

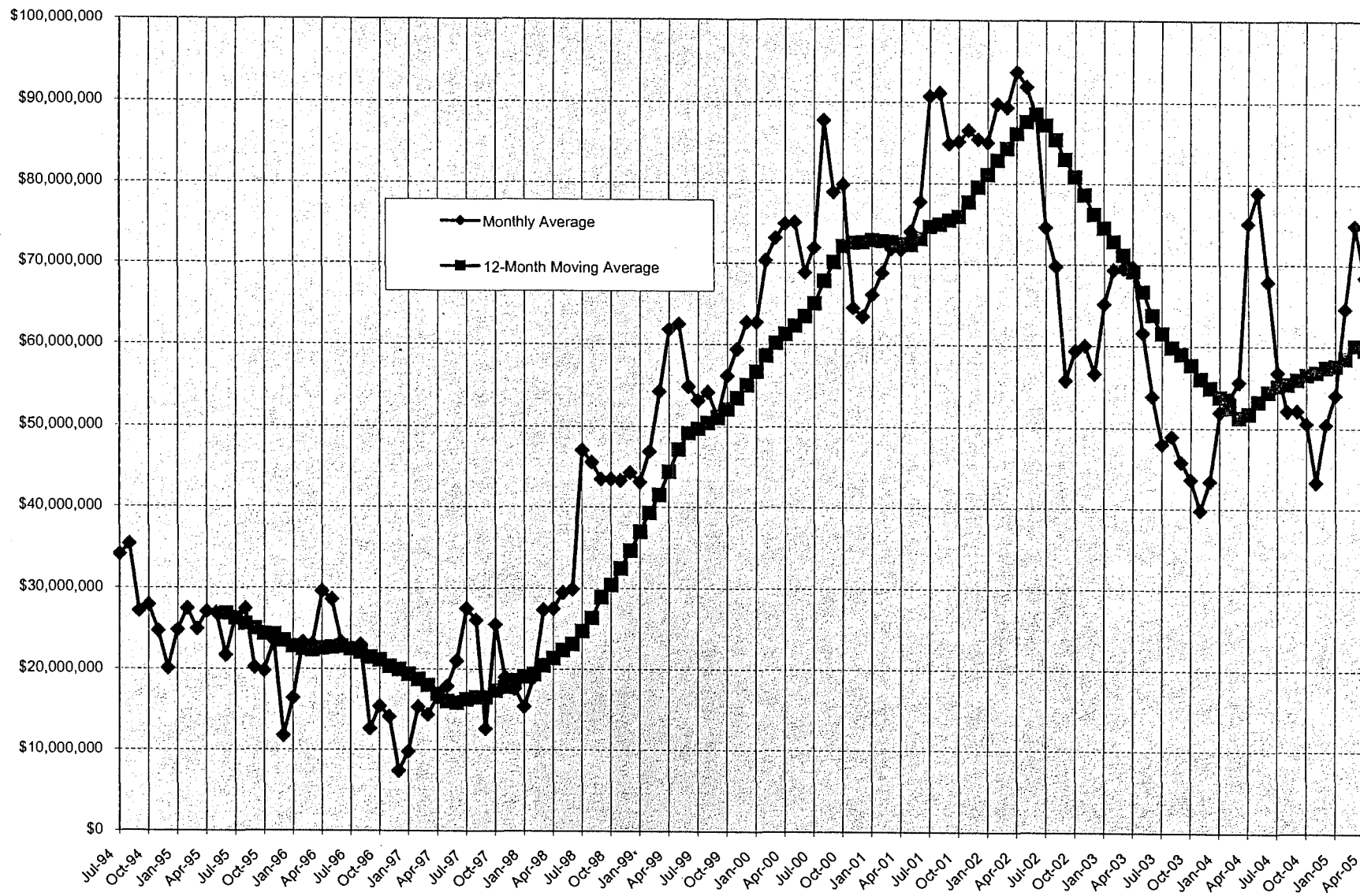
Notes: <sup>(1)</sup> 5 MRSA, §150 provides the statutory authorization for Tax Anticipation Notes. As amended by PL 2001, c. 705, the limit is the same as that imposed by the Constitution of Maine, Article IX, Sec. 14, 10% of total General Fund appropriations and Highway Fund allocations or 1% of the State Valuation, whichever is less. The amounts authorized for fiscal years 2002-03 and 2003-04 reflect General Fund appropriations and Highway Fund allocations through the 121st Legislature, 1st Regular Session. Amounts for fiscal year 2004-05 reflect budgeted amounts at the end of the 121st Legislature, 2nd Special Session. Special exceptions to the general authorization levels are detailed in this table.

**GENERAL FUND**  
**DAILY STARTING CASH BALANCES - EXCLUDING TAX ANTICIPATION NOTES**





### HIGHWAY FUND DAILY STARTING CASH BALANCES



**122<sup>nd</sup> MAINE STATE LEGISLATURE**  
**LEGISLATIVE COUNCIL**  
**Technology Report**  
**May 26, 2005**

**Bill Drafting System:**

- Per the agreement between the Council and HP:
  - HP has provided 8 high speed PCs and a 4 CPU server, which are installed on the network
  - HP has delivered and installed the bill drafting system software that includes five contractual requirement items
- Testing on each of the five items is complete and full system testing started on Wednesday, May 25<sup>th</sup>
- Testing will be completed Friday, May 27<sup>th</sup>

**Virus / SPAM Blocking:**

- The “Sober.P” virus resulted in unprecedented volumes of email traffic
- Legislature computers were not infected
- For the 7 day period ending 5/23/05 223,000 SPAM emails hit the Legislature’s system
- The resulting SPAM from this virus is different in form from “normal” SPAM, which allowed higher levels of SPAM to escape blocking

**Legislative Internet Home Page:**

- The newly updated Legislative Home page is now on line

**Legislative Council  
Personnel Committee  
Report of Meeting of May 19, 2005**

**Members Present:**

Rep. Cummings, Chair  
Speaker Richardson  
Senator Davis  
Rep. Tardy

**Members Absent:**

Sen. Brennan

The Personnel Committee was convened at approximately 2:15 p.m. in the House Majority Office. The Committee considered two matters as follows:

**1. Proposed policy on violence in the workplace**

Human Resources Director Debra Olken reviewed with the members the proposed policy that she drafted, summarizing the policy review process, and the resulting re-draft. The committee members reviewed the proposal and concluded the policy statement and actions and implementation were appropriate and fully reflected the Legislative Council's intent.

Rep. Tardy made a motion that the Personnel Committee recommend that the Legislative Council adopt the policy, as drafted, at its next regular meeting. Sen. Davis seconded the motion and the motion passed unanimously (3-0) (Speaker Richardson was absent for the vote).

**2. Performance review for Office of Fiscal and Program Review Director Grant Pennoyer**

The Personnel Committee met with Grant, and reviewed his self assessment and Executive Director Boulter's memo regarding performance. The members expressed satisfaction with and appreciation for Grant's work and that of OFPR staff generally. In particular, they noted his promptness and responsiveness to requests. The members also discussed a step increase for Grant. Mr. Boulter noted that Grant is eligible for a 1-step increase in his salary grade, to step 9. Sen. Davis indicated that while he appreciated Grant's good work, he thought that legislative salaries were too high to justify a step increase.

Rep. Tardy made a motion that Grant receive a step increase to Step 9, retroactive to his work anniversary date and administered consistent with the Legislative Council's personnel policies and guidelines. Rep. Cummings seconded the motion. The motion passed 3-1, with Speaker Richardson, Rep. Cummings and Rep. Tardy supporting, Sen. Davis opposed.

The meeting was adjourned at approximately 3:00 p.m.

**Action Taken by Ballot by  
the Legislative Council Since  
the April 28, 2005 Council Meeting**

**1. Request for Introduction of Legislative**

- A. LR 2366: An Act to Exempt Internet Sales From the Definition of "Auction"

Submitted by: Senator Lynn Bromley

Accepted: May 6, 2005, 6 - 0 - 0 - 4

- B. LR 2398 Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for An Additional Five Years

Submitted by: Representative Arthur Lerman

Cosponsor: Representative Christopher Rector

Accepted: May 18, 2005, 10 - 0 - 0 - 0

- C. LR 2393 An Act to Clarify Entities Eligible for Funding by the Maine Health and Higher Education Facilities

Submitted by: Senator Arthur Mayo

Accepted: May 20, 2005, 10 - 0 - 0 - 0

- D. LR 2369 An Act to Establish a Cost-Sharing Formula for the Five Town CSD

Submitted by: Representative Barbara Merrill

Accepted: May 3, 2005, 10 - 0 - 0 - 0

- E. LR 2400 An Act to Develop a New Judicial Facility in Bangor

Submitted by: Senator Joseph Perry

Accepted: May 6, 2005, 8 - 0 - 0 - 2

- F. LR 2374 JOINT RESOLUTION URGING THE FEDERAL AVIATION ADMINISTRATION TO FULLY AND PROPERLY STAFF AND MAINTAIN THE AUTOMATED FLIGHT SERVICE STATION LOCATED AT THE BANGOR INTERNATIONAL AIRPORT IN BANGOR, MAINE

Submitted by: Representative David Richardson

Accepted: May 25, 2005, 10 - 0 - 0 - 0

G. LR 2381      An Act to Improve Dirigo Health

Submitted by: Senator Nancy Sullivan  
Accepted: May 18, 2005, 6 - 4 - 0 - 0

H. LR 2390      An Act to Amend Procedures Used in Criminal Proceedings In Which  
the Victim is Mentally Disabled

Submitted by: Representative John Tuttle  
Accepted: March 23, 2005, 7 - 0 - 0 - 3

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
FIRST SPECIAL SESSION  
May 26, 2005

Action

WITHDRAWN

SPONSOR: Rep. Bishop, Jr., George

LR 2368 An Act To Amend the Law Governing the Core Assessed  
Liabilities That Municipalities May Include In Computing  
Budget Limitations

SPONSOR: Rep. Canavan, Marilyn E.

LR 2386 An Act To Require Large Retailers To Pay Health Care Costs

SPONSOR: Rep. Gerzofsky, Stanley J.

LR 2403 An Act To Amend the Laws Governing Political Caucuses and  
Conventions

SPONSOR: Rep. Hanley, Bruce Q.

LR 2410 An Act To Allow the Buckfield Village Corporation To Be  
Dissolved and Combined With the Town Of Buckfield

SPONSOR: Rep. Muse, Roberta M.

LR 2407 An Act To Protect the Water Quality of Colcord Pond and  
Bickford Pond in Porter

SPONSOR: Sen. Plowman, Debra D.

LR 2405 An Act To Require the State To Honor Its Obligations to  
Health Care Providers under the Tax and Match Program

SPONSOR: Sen. Plowman, Debra D.

LR 2404 An Act To Establish the Right to Work Act

SPONSOR: Sen. Raye, Kevin L.

LR 2375 An Act Authorizing the Deorganization of Drew Plantation

SPONSOR: Rep. Tardy, Joshua A.

LR 2376 An Act To Prohibit the Assessment of Union Dues on Non-union  
Members

## JOINT RESOLUTIONS

SPONSOR: Sen. Edmonds, Beth G.

LR 2399 JOINT RESOLUTION MEMORIALIZING CONGRESS TO NOT ACCEPT THE  
BRAC COMMISSION RECOMMENDATION

SPONSOR: Rep. Richardson, David E.

ACCEPTED BY  
BALLOT

LR 2374 JOINT RESOLUTION URGING THE FEDERAL AVIATION ADMINISTRATION  
TO FULLY AND PROPERLY STAFF AND MAINTAIN THE AUTOMATED  
FLIGHT SERVICE STATION LOCATED AT THE BANGOR INTERNATIONAL  
AIRPORT IN BANGOR, MAINE

## TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Perry, Joseph C.

TABLED  
03/24/05

LR 2213 An Act To Allow a Prorated Refund of a Registration Fee  
upon the Sale of a Motor Vehicle

SPONSOR: Sen. Strimling, Ethan

TABLED  
03/24/05

LR 2141 An Act To Change the Procedure by Which a Vacancy in the  
United States Senate is Filled

SPONSOR: Rep. Twomey, Joanne T.

TABLED  
03/24/05

LR 2282 Resolve, Directing That Signs Be Posted at Places Where  
Lobbyists Are Not Allowed

DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

May 20, 2005

TO:

FROM:  Dave Boulter, Executive Director

SUBJECT: **Your After Deadline Bill Request(s)**

The Legislative Council has scheduled its next meeting for:

**Thursday, May 26, 2005  
1:00 p.m.  
Room 334, Legislative Council Chamber**

In accordance with the Joint Rules, the Council will consider After Deadline Bill Requests at that time, including the request(s) you have filed with the Revisor's Office. In addition, the Council is required by Joint Rule 35 to decide all requests for Memorials (Joint Resolutions that memorialize another governmental agency or official) for introduction.

**You should plan to attend this Council meeting or present your request(s) to a member of the Legislative Council prior to the meeting.** The Council may, but is not obligated to, table a request until the following meeting if the sponsor is not present, so it will have the benefit of information from the sponsor when it votes.

The Council's review of After Deadline Requests is pursuant to Joint Rule. Please be advised that the Council asks that all sponsors first research whether there is an existing bill or LR available to a committee that could accommodate their request. The review procedure then will be as follows:

1. The Council Chair, Speaker John Richardson, will read the name of the sponsor and the title of the request.
2. Once recognized to speak by the Chair, the sponsor may proceed to the microphone. The sponsor should be prepared to concisely answer the following:
  - Why the bill request is "late" (filed after the cloture date);
  - Why the bill request constitutes an emergency such that the Legislature needs to consider the bill this session; and
  - Whether the likely committee of jurisdiction has a bill already referred to it that could be amended to include the proposal.

Council members may also ask questions related to the content or the intent of the bill to clarify the request, although sponsors generally are not asked to speak to the merits of the bill.



3. Following the questions Council members will vote on bill requests individually; a roll call vote is required pursuant to Joint Rule.

A complete list of the Council's action on After Deadline Requests is distributed to Council members and all sponsors as soon after adjournment of the Council meeting as possible. The list and the roll call votes are available in the Executive Director's office if you should have any questions.

I hope this information is useful. Please drop by or call me if you have any questions.

Attachment

cc: Members, Legislative Council



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1511

H.P. 1056

House of Representatives, March 30, 2005

### An Act Regarding the Budget Process for the Legislative Youth Advisory Council

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TRAHAN of Waldoboro.  
Cosponsored by Senator WESTON of Waldo and  
Representatives: PARADIS of Frenchville, TARDY of Newport, Senator: DAVIS of  
Piscataquis.

Be it enacted by the People of the State of Maine as follows:

2           Sec. 1. 3 MRSA §168-A, sub-§10, as amended by PL 2003, c. 20,  
4 Pt. F, §3, is further amended to read:

6           10. ~~Staff. The Edmund-S.-Mackie-School-of-Public-Service~~  
8 ~~Legislative Council~~ shall provide ~~funding-and~~ staff assistance to  
10 the council from within its existing budgeted resources or from  
12 ~~any~~ grants received by the ~~seheel~~ Legislative Council for that  
14 purpose. ~~The Office-of-Policy-and-Legal-Analysis staff assigned~~  
~~by the Legislative Council~~ shall draft all legislation submitted  
to the Legislature by the council. Legislative Council staffing  
may be suspended during periods when the Legislature is in  
regular or special session.

16           Sec. 2. 3 MRSA §168-A, sub-§11 is enacted to read:

18           11. Funding. The Legislative Council may seek outside  
20 funds to fund costs of the council. Contributions to support the  
22 work of the youth council may not be accepted from any party  
24 having a pecuniary or other vested interest in the outcome of the  
26 matters being studied or who would in any way compromise the work  
28 of the council. Any person, other than a state agency, desiring  
30 to make a financial or in-kind contribution must certify to the  
32 Legislative Council or its designee in the manner prescribed by  
34 the Legislative Council that the person has no pecuniary or  
other vested interest in the outcome of the work of the council.  
All contributions are subject to approval by the Legislative  
Council or its designee. The Executive Director of the  
Legislative Council administers any funds received by the youth  
council. The executive director shall notify the chairs of the  
youth council of the status of the funding on or before December  
1st annually what funding is available for the immediately  
following calendar year.

36           Sec. 3. **Budget.** The Legislative Youth Advisory Council,  
38 established in the Maine Revised Statutes, Title 3, section  
40 168-A, shall work with the Executive Director of the Legislative  
42 Council to develop a budget for the youth council. The budget  
44 must be submitted to the Executive Director of the Legislative  
46 Council within 60 days of the effective date of this Act. The  
Legislative Council shall pay reasonable expenses of members who  
are Legislators to attend authorized meetings of the youth  
council. All other expenses must be paid for from the youth  
council's budget. The youth council may not incur any expense  
that would cause the youth council to exceed its budgeted  
resources.

48           Sec. 4. **Appropriations and allocations.** The following  
50 appropriations and allocations are made.

2 UNIVERSITY OF MAINE SYSTEM

4 Legislative Youth Advisory Council

6 Initiative: Provides funds to pay for staffing and other  
8 expenses incurred through involvement with the Legislative Youth  
Advisory Council.

10	GENERAL FUND	2005-06	2006-07
	All Other	\$12,000	\$12,000
12			
14	GENERAL FUND TOTAL	\$12,000	\$12,000

16 SUMMARY

18 This bill authorizes the Legislative Council to seek outside  
20 sources of funding for the Legislative Youth Advisory Council and  
eliminates the requirement on the part of the Edmund S. Muskie  
22 School of Public Service to provide funding for the youth  
council. The bill also directs the youth council to prepare a  
24 budget with the help of the Executive Director of the Legislative  
Council, to be submitted to the Legislative Council.

L.D. 1511

DATE: 5/17/05

(Filing No. H-390)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1056, L.D. 1511, Bill, "An Act Regarding the Budget Process for the Legislative Youth Advisory Council"

Amend the bill in section 1 in subsection 10 by striking out all of the last underlined sentence (page 1, lines 12 to 14 in L.D.)

Further amend the bill by striking out all of section 4 and inserting in its place the following:

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides funds to pay for staffing and other expenses incurred through involvement with the Legislative Youth Advisory Council.

GENERAL FUND	2005-06	2006-07
All Other	\$12,000	\$12,000
GENERAL FUND TOTAL	\$12,000	\$12,000

COMMITTEE AMENDMENT "A" to H.P. 1056, L.D. 1511 .

2	OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
	All Other	\$500	\$500
4	OTHER SPECIAL REVENUE FUNDS	\$500	\$500
6	LEGISLATURE		
8	DEPARTMENT TOTALS	2005-06	2006-07
	GENERAL FUND	\$12,000	\$12,000
10	OTHER SPECIAL REVENUE FUNDS	\$500	\$500
12	DEPARTMENT TOTAL - ALL FUNDS	\$12,500	\$12,500

14

SUMMARY

16

18 This amendment strikes the provision that allows the  
Legislative Council to suspend staffing the Legislative Youth  
20 Advisory Council during periods when the Legislature is in  
regular or special session. In addition, the amendment adds an  
22 Other Special Revenue allocation in the event outside funds are  
received to support the activities of the council.

24

FISCAL NOTE REQUIRED  
(See attached)

26



Approved: 05/12/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 1511

LR 0777(02)

## An Act Regarding the Budget Process for the Legislative Youth Advisory Council

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Appropriations and Financial Affairs

Fiscal Note Required: Yes

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### Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Net Cost (Savings)</b>				
General Fund	\$12,000	\$12,000	\$12,000	\$12,000
<b>Appropriations/Allocations</b>				
General Fund	\$12,000	\$12,000	\$12,000	\$12,000
Other Special Revenue Funds	\$500	\$500	\$0	\$0


### Fiscal Detail and Notes

Included in this legislation is a General Fund appropriation of \$12,000 annually to the Legislature to provide funds for Legislative Youth Advisory Council activities. This bill also requires the Legislative Council to provide staff assistance and authorizes the Legislative Council to seek outside sources of funding for the costs of the advisory council, which may result in the collection of Other Special Revenue funds. A base allocation of \$500 in each of fiscal years 2005-06 and 2006-07 is included in the event outside sources of funding are received.

DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

TO: Members of the Legislative Council  
FROM:  Debby Olken, Human Resources Director  
DATE: May 20, 2005  
RE: Policy on Violence in the Workplace

Please find enclosed a final proposed Policy on Violence in the Workplace for your consideration. The Personnel Committee met on May 19, 2005 and unanimously recommends its adoption.

Please contact me if you have any questions or I can provide any additional information. Thank you.

Enclosure



# **Maine Legislature**

## **Policy On Violence In The Workplace**

### **I. Policy Statement**

The Maine Legislature, acting through the Legislative Council, is committed to providing a safe and secure work environment and expressly prohibits all violent acts, threats and other potentially violent behavior either in or related to the workplace, among employees, legislators and constituents. If an employee is the target of such behavior in the workplace or by another employee, or is witness to such behavior, the improper conduct should be reported immediately to the chair or vice-chair of the Legislative Council, the Executive Director of the Legislative Council or the Legislature's Human Resources Director. An investigation of the report will be undertaken immediately.

### **II. Actions And Implementation**

Any employee who, upon investigation, is reasonably believed to have committed or threatened to commit a violent act in the workplace or related to the workplace against another employee or legislator will be subject to appropriate sanctions up to and including termination of employment. Furthermore, if an employee is threatened either in the workplace or elsewhere by a person not employed by the Maine Legislature, and the threats or conduct may threaten his or her security in the workplace, such threats or conduct should be reported immediately so that appropriate safety and security measures may be taken. The Legislative Council recognizes the sensitivity of the information and will adhere to confidentiality procedures to recognize and respect the privacy of the reporting employee to the extent possible.

The Legislative Council recognizes that violence, including domestic violence, affects the lives and compromises the safety of its victims with destructive and dangerous results. Domestic violence is defined as a pattern of coercive behavior that is used by a person against family or household members to establish and maintain power or control over the other party in the relationship. This behavior may include physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control and destruction of personal property. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often affects the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism and increased employee turnover.

#### Leave for Victims of Domestic Violence

Pursuant to 26 M.R.S.A. Section 850, the Legislative Council will grant reasonable and necessary leave from work, with or without pay, for an employee to:

1. Prepare for and attend court proceedings;

2. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or
3. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The Legislative Council will consider an employee's request for leave if it is needed because the employee or the employee's child, parent or spouse is a victim of violence, assault, sexual assaults as defined under 17-A M.R.S.A. Section 251-258, stalking or any act that would support an order for protection under Title 19-A, Section 4001-4014. An employee who wishes to request this leave should meet with the Human Resources Director to discuss arrangements for the leave, who will discuss such request with the employee's appointing authority.

Leave must be requested with as much advance notice as is reasonable under the circumstances. Leave may be denied if: the legislature or legislative office would sustain an undue hardship by virtue of the employee's absence; the request for leave is not communicated to the employee's appointing authority within a reasonable time under the circumstances; or the leave is impractical, unreasonable or unnecessary based on the facts made known to the Human Resources Director.

#### Actions Taken Against Employees Who Commit Violence

To further protect and support employees from violence in the workplace, the Legislative Council will:

1. Hold accountable and take appropriate corrective or disciplinary action against employees who engage in the following behavior:
  - a. misusing legislative resources to commit an act of violence;
  - b. committing an act of violence from or at the workplace or from any location while on official legislative business; or
  - c. misusing their job-related authority to assist perpetrators in locating a victim or in perpetrating an act of violence.
2. Hold accountable and take appropriate corrective or disciplinary action against any employee who is found to have threatened, harassed, or abused a family or household members at the workplace, from the workplace, or on state business using any workplace resources or equipment.

This Policy is adopted by the Legislative Council on this 26th day of May, 2005.

By: \_\_\_\_\_  
David E. Boulter, Executive Director  
Legislative Council