

# MAINE STATE LEGISLATURE

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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**  
**May 26, 2005**  
**Approved June 14, 2005**

**CALL TO ORDER**

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:36 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Edmonds, Sen. Gagnon, and Sen. Weston.  
Sen. Brennan and Sen. Davis joined the meeting in progress.

Representatives: Speaker Richardson, Rep. Cummings, Rep. Duplessie,  
and Rep. Tardy.  
Rep. Bowles joined the meeting in progress.

Legislative Officers: Joy O'Brien, Secretary of the Senate  
Michael Cote, Assistant Clerk of the House  
Rose Marie Breton, Legislative Finance Director  
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 APRIL 28, 2005 COUNCIL MEETING**

**Motion:** That the Meeting Summary of April 28, 2005 be accepted and placed on file. (Motion by Sen. Edmonds, second by Rep. Duplessie, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

### • Executive Director's Report

Rose Marie Breton, Legislative Finance Director, reported that David Boulter, Executive Director, who was unable to attend the meeting, had provided the executive director's report in his weekly administrative report. He did want to remind members that the World War II and Korean War plaques will not be completed in time for Memorial Day. The plaque dedication and ceremony will occur sometime this summer.

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 April 2005

##### • General Fund

General Fund revenue was over budget in April by \$48.0 million, negating the earlier year-to-date negative variance. Through ten months of FY 05, General Fund revenue was \$33.5 million or 1.6% over budget, largely as a result of individual income tax collections in April, which were ahead of projections in April by \$63.6 million.

Major positive variances for fiscal year through April include:

- Individual income tax had a positive variance of \$64.9 million;
- Estate tax had a positive variance of \$3.6 million; and
- Corporate income tax had a positive variance of \$1.3 million.

Major negative variances for fiscal year through April include:

- Sales and service provider taxes were \$13.5 million negative;
- Insurance companies tax was \$10.5 million negative;
- Lottery transfer was \$2.4 million negative; and
- Other Revenue was under projections by \$7.8 million (the Department of Health and Human Services represents a negative variance of \$8.5 million).

As of May 2005 the General Fund 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. It is hoped that as the heating season ends, sales will recover as the dampening effect of the burden of high oil prices subsides.

##### • Highway Fund

Highway Fund revenue was over budget in April by \$0.2 million. With 2 months remaining in FY05, the Highway Fund has a positive variance of \$1.8 million.

## **2. Cash Pool Status**

- Absent reserve accounts balances and tax anticipation notes, the General Fund average cash balance would have been negative by \$193.3 million. April has typically been the lowest average balance. It appears that balances began their recovery earlier this year.

No Council action required.

- **Office of Information Services' Report**

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

### **Bill Drafting System**

In accordance with the agreement between the Council and HP, HP has provided 8 high speed PCs and a server which are installed on the network, all part of the MELD bill drafting system. HP delivered and installed the bill drafting system software that includes the five contractually required items. Testing on each of the five items was completed and full system testing began on Wednesday, May 25, 2005 and will be completed on Friday, May 27, 2005. No serious issues have arisen during the testing process, thus far.

### **Virus/SPAM Blocking**

Some SPAM has passed through the Legislature's filters for the email system. The "Sober.P" computer virus resulted in unprecedented volumes of email traffic, but the Legislature's computers were not infected.

### **Legislative Internet Home Page**

The newly updated Legislative Home page is now online.

### **Committee Bill Status Report**

Speaker Richardson reported that there were 175 bills remaining in committee and they must be reported out no later than Friday, May 27<sup>th</sup> by 5:00 p.m. 275 other bills are still in the process and the Speaker inquired as to their status. Mr. Elliott, Director, Office of Policy and Legal Analysis reported that there are approximately 60 unvoted bills, most of which are in the Appropriations and Financial Affairs Committee and the Judiciary Committee. Approximately 15 of those bills have been voted but need amendments drafted, 50-75 are drafted and in various production stages and will be in the chambers early in the week of May 30th.

## **REPORTS FROM COUNCIL COMMITTEES**

- **Personnel Committee** (Rep. Cummings, Chair)

Rep. Cummings, Chair of the Personnel Committee reported that the Personnel Committee met on May 19, 2005 and voted unanimous to recommend that the Legislative Council adopt the proposed Violence in the Workplace Policy.

**Motion:** That the Legislative Council adopt the proposed Legislative Council Policy on Violence in the Workplace, with the policy becoming effective immediately and applying to all legislative offices. (Motion by Rep. Cummings, second by Rep. Tardy, unanimous).

- **State House Facilities Committee**

Sen. Gagnon, Chair of the State House Facilities Committee reported that the committee did not meet, but will be meeting soon to discuss, among other items, a policy for the use of the Hall of Flags and the food being served. Sen. Gagnon said the committee will be considering a policy that would curtail the meals served noting that full meals served have increased dramatically over the years. Serving of food also raises issues relating to security, costs of clean-up and adverse effects to business in the State House café. Sen. Gagnon suggested that if members of the Council have concerns, they should speak with a member of the State House Facilities Committee soon because the Committee will be drafting a policy to bring before the Council.

## 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 April 28, 2005 meeting is attached.

## NEW BUSINESS

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

The Legislative Council members discussed the lateness of the current session and whether late-filed bills authorized for introduction would be heard this session or whether bill sponsors have had or should have discussions with committee chairs about carrying the bills over until the 2<sup>nd</sup> Regular Session. After Council discussion the following motion was made:

**Motion:** That the Executive Director's Office hold the following bill requests in abeyance until the Legislative Council considers bill requests for the 2<sup>nd</sup> Regular Session and at that time re-present them for the Legislative Council's consideration. (Motion by Sen. Gagnon, second by Rep. Tardy, unanimous).

LR 2410; An Act To Allow The Buckfield Village Corporation To Be Dissolved And Combined With The Town Of Buckfield (Rep. Bruce Hanley)

LR 2407; An Act To Protect The Water Quality of Colcord Pond and Bickford Pond in Porter (Rep. Muse)

LR 2375; An Act Authorizing the Deorganizatoin of Drew Plantation (Sen. Raye)

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

**Item #2: Request for Funding of the Legislative Youth Advisory Council (Sen. Weston)**

**Motion:** That the Legislative Council allocate up to \$12,000 from unexpended balances in the Legislative account to support the Legislative Youth Advisory Council for each year of the FY 06/07 biennium. (Motion by Sen. Weston, second by Rep. Duplessie, unanimous).

**Item #3: Legislative Council Policy on Violence in the Workplace**

The Legislative Council adopted the policy earlier in the meeting. No further action was taken.

**Item #4: Policy Discussion on Use of Hall of Flags (Rep. Bowles)**

Rep. Bowles expressed concerns about inappropriate and offensive use of the Hall of Flags, noting specifically a group that used the Hall of Flags on Wednesday, May 18<sup>th</sup>. He explained that the material and other items being distributed by the group were inappropriate, especially with groups of school children touring the State House. He believes that there needs to be more sensitivity to and legislative control over what will be distributed by the groups who are authorized to use the Hall of Flags and they should be made aware of restrictions.

Speaker Richardson said a report will be brought to the June Council meeting suggesting a protocol.

**ANNOUNCEMENTS AND REMARKS**

A member of the Legislative Council commented that legislators have raised some questions regarding acceptance of the special session pay for the 121<sup>st</sup> Legislature and the income tax implications of accepting or refusing the pay.

The Legislative Council members generally agreed that the Legislative Council should not attempt to decide issues of potential tax liability. Legislators should be advised to speak with their own tax consultant or accountant about their specific circumstances.

After further discussion, Rep. Cummings made the following motion.

**Motion:** That if at any time in the future legislators find that they may be liable for income tax payments for the special session payment that they did not accept, affected legislators will be allowed to receive the payment at that time. Further, that the Executive Director's Office must reserve sufficient funds to cover such payments in the future. (Motion by Rep. Cummings, second by Sen. Edmonds, motion failed 4-4-0-2, Sen. Davis, Sen. Weston, Rep. Bowles and Rep. Tardy opposed, Sen. Brennan and Sen. Gagnon absent for the vote.)

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:24 p.m. (Motion by Sen. Edmonds, second by Rep. Bowles, unanimous).

**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  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
FIRST SPECIAL SESSION  
May 26, 2005

	Action
SPONSOR: Rep. Bishop, Jr., George	WITHDRAWN
LR 2368 An Act To Amend the Law Governing the Core Assessed Liabilities That Municipalities May Include In Computing Budget Limitations	
SPONSOR: Rep. Gerzofsky, Stanley J.	ACCEPTED
LR 2403 An Act To Amend the Laws Governing Political Caucuses and Conventions	
SPONSOR: Rep. Hanley, Bruce Q.	WITHDRAWN*
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.	WITHDRAWN*
LR 2407 An Act To Protect the Water Quality of Colcord Pond and Bickford Pond in Porter	
SPONSOR: Sen. Perry, Joseph C.	FAILED
LR 2213 An Act To Allow a Prorated Refund of a Registration Fee upon the Sale of a Motor Vehicle	
SPONSOR: Sen. Plowman, Debra D.	FAILED
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.	FAILED
LR 2404 An Act To Establish the Right to Work Act	
SPONSOR: Sen. Raye, Kevin L.	WITHDRAWN*
LR 2375 An Act Authorizing the Deorganization of Drew Plantation	

SPONSOR: Sen. Strimling, Ethan FAILED

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

SPONSOR: Rep. Tardy, Joshua A. FAILED

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

SPONSOR: Rep. Twomey, Joanne T. FAILED

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

#### JOINT RESOLUTIONS

SPONSOR: Sen. Edmonds, Beth G. ACCEPTED

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

SPONSOR: Rep. Canavan, Marilyn E. TABLED  
05/26/05

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

\*Withdrawn, with agreement that the request will be re-presented for Legislative Council action during the 122<sup>nd</sup> 2<sup>nd</sup> Regular Session.