

# 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**  
**June 14, 2005**  
**Approved July 7, 2005**

**CALL TO ORDER**

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:27 p.m. in the Legislative Council Chamber.

**ROLL CALL**

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

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

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

**SUMMARY OF THE MAY 26, 2005 COUNCIL MEETING**

**Motion:** That the Meeting Summary of May 26, 2005 be accepted and placed on file. (Motion by Sen. Edmonds, second by Rep. Tardy, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported the following.

The Kennebec County Emergency Management Agency's disaster exercise that was held outside the State House on June 10<sup>th</sup> went well. The agency expressed appreciation for the Legislature's cooperation with the exercise.

NCSL staff was at the State House again during the week of June 6, 2005 and met with a large number of staff and legislators. They plan to return to Augusta the week of July 18-22, 2005.

Members of the 121<sup>st</sup> Legislature who accepted payment will be receiving checks for the Special Pay for 121<sup>st</sup> Legislature on or about June 22<sup>nd</sup>. For administrative reasons payment will be in 2 checks.

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 May 2005

- **General Fund**

General Fund revenues were above budget projections in May by \$9.9 million, increasing the year-to-date positive variance to \$43.4 million (1.9%). This amount does not reflect the recent Revenue Forecasting Committee FY05 revenue revision, which increased the General Fund revenue projections by \$27.7 million for FY05. This positive variance is largely the result of individual income tax collections, which through 11 months was \$73.9 million ahead of projections.

- **Highway Fund**

Highway Fund revenue was over budget in May by \$1.2 million. With 1 month remaining in FY05, the Highway Fund has a positive variance of \$3.0 million or +1.1%.

### 2. Revenue Forecasting Committee – Forecast Schedule

- A joint meeting of the Revenue Forecasting Committee and Consensus Economic Forecasting Commission is scheduled for June 30, 2005 in Room 228 of the State House. The meeting will include discussions of FY05 revenue variances and improvements to forecasting methods and procedures in preparation for the fall revenue forecast.

### 3. Cash Trends

- General Fund average balance trends are still moving upward (excluding the effect of the tax anticipation notes), but the improvement is moderating.
- Highway Fund average balance trend appears to have leveled.

Mr. Pennoyer said the Office of Fiscal and Program Review is tracking the cash trend and will be providing additional analysis after the session.

No Council action required.

- **Office of Information Services' Report**

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

- **Bill Drafting System**

Full MELD system testing was completed on Friday, May 27, 2005. Seven minor issues were discovered during testing which HP has agreed to fix at the time of the next software release. As a result of the successful testing, the Executive Director conditionally accepted the MELD bill drafting system on June 6, 2005. HP has one more deliverable under the contract, the Uniform Code Bill process, which it will install in August and test.

## REPORTS FROM COUNCIL COMMITTEES

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

Rep. Cummings, Chair of the Personnel Committee, reported that the Committee met on May 19, 2005, voted unanimously to recommend that the Legislative Council adopt the proposed Violence in the Workplace Policy. The Legislative Council adopted the policy and the policy has been distributed to all Legislative staff.

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

The State House Facilities Committee did not meet.

## 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 May 26, 2005 meeting is attached.

Speaker Richardson moved to **New Business, Items 2 and 3.**

## NEW BUSINESS

### Item #2: Consideration of After Deadline Bill Requests

One after deadline request was considered by the Legislative Council. The Council's actions on this request is included on the attached list.

**Item #3: Request for a Permanent Display of a MIA/POW Flag in the Hall of Flags**

Representative Stephen Hanley requested that a permanent display of a MIA/POW flag be allowed in the Hall of Flags.

**Motion:** That the Legislative Council acquire and display in an appropriate manner in the Hall of Flags a MIA/POW flag. (Motion by Sen. Weston, second by President Edmonds, unanimous).

**Item #1: Requests for Interim Studies**

The members of the Legislative Council discussed postponing the interim study requests until such time as the members have had sufficient opportunity to review the study requests.

**Motion:** That the Legislative Council table action on Item 1, Requests for Interim Studies until a later time. (Motion by Rep. Duplessie, second by President Edmonds, unanimous).

**COLLECTIVE BARGAINING (Executive Session)**

Article 54: Contract re-opener for purpose of salary schedule adjustment

**Motion:** That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing re-opening collective bargaining agreement between MSEA and the Legislative Council, pursuant to Article 54. (Motion by Rep. Cummings, second by President Edmonds, unanimous).

The Legislative Council went into Executive Session at 1:53 p.m.

**MEETING RECONVENED**

The Council ended its Executive Session and reconvened in open session at 1:59 p.m. on the motion of President Edmonds, second by Rep. Duplessie, unanimous.

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:00 p.m. (Motion by President Edmonds, second by Rep. Duplessie, unanimous).

LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
FIRST SPECIAL SESSION  
June 14, 2005

Action

SPONSOR: Rep. Canavan, Marilyn E.

FAILED

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