

MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND 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
January 26, 2005
Approved February 24, 2005

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:18 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

SUMMARY OF THE DECEMBER 22, 2004 COUNCIL MEETING

Motion: That the Meeting Summary of December 22, 2004 be accepted and placed on file. (Motion by Sen. Davis, second by Rep. Tardy, unanimous).

Speaker Richardson asked if there was objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item #2.**

NEW BUSINESS

Item #2: Consideration of After Deadline Bill Requests

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

The chair then returned to agenda items in the order they appeared on the agenda.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

- **Executive Director's Report**

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

1. The State YMCA of Maine Youth in Government Program for 2005 is scheduled for April 8 – 10, 2005. An earlier agreement had been reached to hold future programs in the Fall to avoid legislative conflicts, but because it was not working out for the participating schools, the State YMCA of Maine has requested that the Youth in Government Program be allowed to remain a spring program with the potential date of May 3-5, 2006 for the 2006 program.

Hearing no objections, Mr. Boulter will proceed with discussions with the State YMCA of Maine to continue spring programs.

2. The American Heart Association's has made a request to have the Capitol dome lit in red as part of its campaign in February to make women aware of the risk of heart disease. While there were no specific objections to the purposes expressed by the American Heart Association, several members questioned whether a precedent would be set by granting this request that could lead to other, perhaps objectionable requests. Members generally felt that the request merited further discussion before granting authorization.

Motion: That the American Heart Associations' request for the dome to be lit in red during the month of February be referred to the State House Facilities Committee for its review and recommendations. (Motion by Rep. Duplessie, seconded by Rep. Bowles, unanimous).

3. In Facility Chair Sen. Gagnon's absence, Mr. Boulter announced that the Legislative Retiring Room, Room 420 in the State House, is nearing completion and the committee will announce the opening in the very near future.

- **Fiscal Report**

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

The following information reflects December 2004 Revenue Forecasting Committee revisions.

- **General Fund**

In its December forecast, the Revenue Forecasting Committee (RFC) increased the General Fund revenue projections for FY05 by \$71.9 million. General Fund revenue performance in December continued to be strong and was even ahead of the revised forecast by \$3.8 million in December and \$5.7 million through the first half of FY05.

Positive variances in Sales and Use Taxes, Individual Income Tax and Estate Tax revenues offset negative variances in Corporate Income Taxes and Lottery revenues.

- **Highway Fund**

Highway Fund revenue, projections for which were revised upward by the RFC by \$3.9 million in FY05, continues to perform very well and was \$1.9 million ahead of revised budget projection in December and \$4.1 million ahead for the first 6 months of FY05.

2. Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission met on January 26th to review its November economic forecast. The commission did not alter that forecast, although it did note some potential future downside risks. Since the economic forecast was not revised, it is unlikely that there will be any significant change in the revenue forecast. The Revenue Forecasting Committee will meet again in mid-February. It has a March 1st reporting deadline.

3. Cash Pool Status

The December 2004 Cash Pool Summary shows that absent the Tax Anticipation Notes totaling \$190 million and reserve fund balances, the General Fund average daily cash balance would have been negative \$196.2 million in December. However, the General Fund & Highway Fund cash pool trends through December 2004 both show an improving trend over the last 12 months.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services presented his report to the Legislative Council. He reported that HP had not accepted the final agreement proposed by the Legislature that would have memorialized the earlier agreement reached between the parties for HP to complete and deliver the bill drafting software.

Based on the Attorney General's recommendation, the Attorney General's Office is now working directly with HP's lawyers to determine if there is the likelihood of reaching an acceptable agreement, before the Attorney General's Office proceeds to file a lawsuit to compel performance under the contract. The Attorney General's Office has been in contact with HP's lawyers and should be receiving a response by January 28, 2005.

Speaker Richardson requested that Mr. Mayotte keep Vice-chair Edmonds and himself up-to-date on the status of the bill drafting system as the situation progresses.

- **Update of 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. Cummings, Chair of the Personnel Committee, reported that the committee met earlier in the day and granted, by unanimous vote, temporary disability income benefits to a Legislative Council employee, as provided for in Section VI (H) of the Personnel Policies and Guidelines for Legislative Council Employees. Other items on the Personnel Committee's agenda were tabled to a future meeting.

No Council action required.

State House Facilities Committee

The State House Facilities Committee did not meet so made no report.

OLD BUSINESS

None

NEW BUSINESS

Item #1: Requests for Extension of Cloture Deadline

Speaker Richardson requested that an extension of the cloture deadline for filing bills be granted for Representatives Walter E. Ash, Jr., Lawrence E. Jacobsen and Donna Loring for reasons stated in the attached letters.

Motion: That the Legislative Council approve extension of the cloture deadline for filling bills for Representatives Ash, Jacobsen and Loring. (Motion by Rep. Bowles, second by President Edmonds, unanimous).

Item #3: Legislative Study Standards

Director Elliott presented the proposed standards for legislative studies to the Legislative Council for its review and adoption pursuant to Joint Rule. Under Joint Rule 353, the Legislative Council is authorized to adopt standards for the drafting of study orders and legislation at the beginning of each legislative biennium. Joint Rules 353 provides that study orders and legislation introduced during the biennium must be consistent with the standards adopted by the Legislative Council. The proposed standards closely track relevant provisions of the recently adopted Joint Rules of the 122nd Legislature and those of past study guidelines.

Several members requested additional time to study the proposed standards.

Motion: That the Legislative Council table action on the proposed legislative study standards until a future meeting. (Motion by President Edmonds, second by Rep. Bowles, unanimous).

Item #4: Submission of Study Reports

- **Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters**
- **Commission to Study Public Health**

Motion: That the Legislative Council accept and place on file the study reports of the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters and the Commission to Study Public Health. (Motion by President Edmonds, second by Rep. Bowles, unanimous).

ANNOUNCEMENTS AND REMARKS

Rep. Bowles asked for an update on establishing an office for OPEGA staff. Mr. Boulter reported that Beth Ashcroft, OPEGA Director, has begun work. Because of earlier (now resolved) delays in securing office space in the Cross Building from the Department of Administrative and Financial Services, the OPEGA office is not ready for occupancy. Room 107 will be the OPEGA office and Ms. Ashcroft is actively working on plans to reconfigure and furnish the room to suit OPEGA needs. Mr. Boulter has arranged for a temporary office for Ms. Ashcroft in the Executive Director's Office until such time as the OPEGA office is completed. Speaker Richardson reported that arrangements regarding establishing an office for the chairs of the OPEGA Oversight Committee are well underway and hopefully the office will be readied for occupancy shortly.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:15 p.m. (Motion by Rep. Bowles, second by Rep. Tardy, unanimous).

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 26, 2005

	Action
SPONSOR: Rep. Adams, Herbert	FAILED
LR 2129 An Act Regarding Elimination of the Use of Dioxins in Maine	
SPONSOR: Rep. Adams, Herbert	ACCEPTED
LR 2131 An Act To Protect the Integrity of Maine State Housing Authority Funds	
SPONSOR: Rep. Ash, Jr., Walter E.	ACCEPTED
LR 2209 An Act To Amend the Laws Governing the Just Value of Real Estate	
SPONSOR: Rep. Ash, Jr., Walter E.	ACCEPTED
LR 2210 An Act Regarding Motor Vehicle Accidents	
SPONSOR: Rep. Blanchette, Patricia A.	ACCEPTED
LR 2199 An Act To Ban the Sale, Purchase and Possession of Taser Guns Except by Law Enforcement Officers	
SPONSOR: Rep. Blanchette, Patricia A.	ACCEPTED
LR 2200 An Act To Require the Owner of a Service Dog To Show a Certificate of a Basic Obedience Class from a Certified Trainer in Order for that Dog To Be Admitted to a Retail Establishment or Restaurant	
SPONSOR: Sen. Cowger, Scott W.	ACCEPTED
LR 2203 Resolve, To Allow SAD 16 To Sell a School in Anticipation of Closure	
SPONSOR: Rep. Crosby, III, Charles Earl	ACCEPTED
LR 2205 An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption	
SPONSOR: Rep. Cummings, Glenn	ACCEPTED
LR 2169 An Act To Support the Efficient Implementation of the Maine Learning Results	
SPONSOR: Rep. Dudley, Benjamin F.	FAILED
LR 2132 An Act To Add Homelessness as a Protected Class Under the Maine Human Rights Act	

SPONSOR: Sen. Edmonds, Beth G.	ACCEPTED
LR 2206 An Act To Enhance Maine's Homeland Security	
SPONSOR: Rep. Hutton, Deborah J.	ACCEPTED
LR 2145 An Act To Amend the Law Banning Smoking in Buildings where Bingo is Held	
SPONSOR: Rep. Jackson, Troy D.	ACCEPTED
LR 2155 An Act To Allow Certain School Employees To Collect Unemployment	
SPONSOR: Rep. Jackson, Troy D.	ACCEPTED
LR 2207 Resolve, Directing the Department of Conservation To Restore the Henry Taylor Camp	
SPONSOR: Rep. Kaelin, Jeffrey H.	ACCEPTED
LR 2182 An Act To Amend the Procedure for Auditing Municipalities	
SPONSOR: Rep. Mazurek, Edward J.	ACCEPTED
LR 2144 An Act To Establish the Arsonist Registration Act	
SPONSOR: Rep. Mills, Janet T.	ACCEPTED
LR 2185 An Act To Amend Adjustments to Transportation Costs Under the School Funding Formula	
SPONSOR: Rep. Perry, Anne C.	ACCEPTED
LR 2168 An Act To Create a Criminal Fraud Bureau	
SPONSOR: Rep. Pingree, Hannah	ACCEPTED
LR 2183 An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands	
SPONSOR: Rep. Richardson, John G.	ACCEPTED
LR 2171 An Act To Ensure Passenger and Freight Rail Service of the Union Branch Line	
SPONSOR: Sen. Rosen, Richard W.	ACCEPTED
LR 2140 An Act To Fully Implement Performance Based Budgeting	
SPONSOR: Sen. Weston, Carol	ACCEPTED
LR 2143 An Act To Protect Use of Municipal Shields	

JOINT RESOLUTIONS

SPONSOR: Rep. Bliss, Lawrence **ACCEPTED**

LR 0672 JOINT RESOLUTION MEMORIALIZING CONGRESS TO FULFILL
PROMISE TO PAY 40% OF THE COST OF SPECIAL EDUCATION

SPONSOR: Rep. Cressey, Jr., Philip **FAILED**

LR 1667 JOINT RESOLUTION IMPLORING THE EXECUTIVE BRANCH OF THE
UNITED STATES AND THE UNITED STATES CONGRESS TO PROVIDE
ADDITIONAL EMERGENCY HOME HEATING FUNDS TO MAINE CITIZENS

SPONSOR: Rep. Crosby, III, Charles Earl **ACCEPTED**

LR 2166 JOINT RESOLUTION MEMORIALIZING CONGRESS TO NOT CLOSE THE
BRUNSWICK NAVAL AIR STATION

SPONSOR: Rep. Joy, Henry **ACCEPTED**

LR 0271 JOINT RESOLUTION REQUESTING MAINE'S CONGRESSIONAL
DELEGATION TO SUBMIT LEGISLATION TO SECURE THE CONSENT
OF CONGRESS REGARDING GREENHOUSE GAS PRODUCTIONS

SPONSOR: Sen. Martin, John L. **ACCEPTED**

LR 0072 JOINT RESOLUTION, URGING THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY TO CONTROL MERCURY AS A HAZARDOUS AIR
POLLUTANT

SPONSOR: Sen. Snowe-Mello, Lois A. **WITHDRAWN**
01/25/05

LR 0748 JOINT RESOLUTION URGING THE FEDERAL DEPARTMENT OF
TRANSPORTATION TO ADOPT UNIFORM TRAFFIC CONTROL SIGNS

SPONSOR: Rep. Twomey, Joanne T. **ACCEPTED**

LR 0245 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
STATES TO INCREASE FUNDING FOR THE LOW-INCOME HEATING
ASSISTANCE PROGRAM

SPONSOR: Rep. Wheeler, Sr., Walter A. **ACCEPTED**

LR 0904 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
STATES TO CONTINUE ITS SUPPORT AND ADVOCACY FOR THE NAVAL
SHIPYARD IN KITTERY

TABLED

SPONSOR: Rep. Fischer, Jeremy

**TABLED
01/26/05**

LR 2128 An Act To Amend the Law Regarding Teacher Certification

SPONSOR: Sen. Strimling, Ethan

**TABLED
01/26/05**

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

SPONSOR: Rep. Valentino, Linda M.

**TABLED
01/26/05**

LR 2202 An Act To Restore the Hearing Authority at the Liquor and Lottery Commission

JOINT RESOLUTION

SPONSOR: Rep. Lindell, R. Kenneth

**TABLED
01/26/05**

LR 2030 JOINT RESOLUTION, MEMORIALIZING CONGRESS TO REFORM SOCIAL SECURITY

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

Status as of 1/25/2005 3:52:25PM

<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 ; substantive change bill introduced--LD 216
Commission to Study Public Health LD0471 - Resolve 2003, Chapter 95	12/5/03		November 3, 2004: 1st Regular Session, 122nd Legislature	Final report has been submitted; legislation introduced--LD110 and 134; 2 bills in process
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 distributed; legislation introduced--LD 32
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	Study report distributed; 1 bill introduced--LD 301; 2 bills in process
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		December 1, 2004: 1st Reg. Session of 122nd Legislature	Study Report distributed; 1 bill in process
Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners LD1614 - Public Law 2003, Chapter 451	9/4/03	1/26/05 9:30 am Room 600, CSOB	2/5/2004: Criminal Justice and Public Safety Committee 1/1/2005: Criminal Justice and Public Safety Committee	5 meetings held; next meeting scheduled 1/26/05

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

Status as of 1/25/2005 3:52:25PM

<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		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	5 meetings held; plan to meet monthly during session; 1st annual report in July
Maine Drug Return Implementation Group LD1826 - Public Law 2003, Chapter 679	10/15/04	1/28/05 1:00 pm Room 202, CSOB	January 31, 2005: Health and Human Services Committee	3rd meeting held; last meeting scheduled--1/26/05; report being drafted; legislation anticipated
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		None Required	Work completed; no report; no legislation
Intergovernmental Advisory Group LD1930 - Public Law 2003, Chapter 696	12/15/04		Annually in January: State and Local Government Committee	Appointments complete; 1st meeting held

Selection criteria:
Session ID = 121
Study Type = Legislative