

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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  
DECEMBER 27, 2005  
APPROVED JANUARY 12, 2006**

**CALL TO ORDER**

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:28 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	Sen. Brennan Absent: President Edmonds, Sen. Davis, Sen. Gagnon, Sen. Weston
Representatives:	Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie, Rep. Tardy
Legislative Officers:	David Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review Patrick Norton, 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 NOVEMBER 28, 2005 COUNCIL MEETING**

**Motion:** That the Meeting Summary of November 28, 2005 be accepted and placed on file. (Motion by Rep. Duplessie, second by Rep. Cummings, 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. State House Facilities Project**

The final component of this year's renovation work, installation of new rooftop flag poles, was completed last week. With the new flagpoles, maintenance personnel will no longer need to climb onto the roof domes to raise, lower or change flags – a significant improvement in safety.

### **2. OPLA Analyst Positions: New Hires**

As a result of Patrick Norton's appointment as OPLA Director and 2 analyst resignations, OPLA has hired several new committee analysts. They will begin work in December. They are:

- Karen Nadeau-Drillon a former Researcher with OPLA, who will staff the Transportation Committee.
- John Mitchell, a former nonpartisan committee analyst with the Florida Legislature, who will staff the Labor Committee.
- Elizabeth Cooper, a former employee of the Bureau of the Budget, who will (co) staff the Health and Human Services Committee.

### **3. Bill Drafting for 2<sup>nd</sup> Regular Session**

The Revisor's Office, in cooperation with OPLA and OFPR analysts, has completely drafted all legislator, agency and Governor bills that had been received except for 1 bill and sent them out for signatures. Most bills have been returned and are ready for printing. Total number of new bills is about 280.

### **• Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented a brief summary of the written materials provided to the Council as follows:

#### **A. Revenue Variance Report for the General Fund and Highway Fund**

General Fund revenue was \$7.7 million under budget for the month of November. This variance is from the lower forecast prior to the December 2005 Revenue Forecasting Committee's increase in its December 2005 report. The continuing poor performance of the Sales Tax revenue was exacerbated in November by some timing issues affecting Individual Income Tax collections, resulting in the overall negative variance for the month. Based on the old forecast, General Fund revenue was running ahead of budget of the fiscal year-to-date by \$53.3 million (+5.7%). The December revenue report will reflect the revised forecast, which increased the FY06 General Fund revenue estimate by \$112.1 million.

Highway Fund revenue was under budget in November by \$1.0 million, reducing the positive variance for the fiscal year-to-date to \$0.8 million (+0.7%). Fuel Tax collections continue to be the major drag on Highway Fund revenue performance. The Highway Fund revenue forecast was increased by \$6.0 million in FY06 by the Revenue Forecasting Committee. Mr. Pennoyer noted that shortly after the forecast, the State Tax Assessor identified a collection problem with an audit assessment that contributed more than \$3 million to this revenue increase. Some of the Fuel Tax upward revision in FY06 may be reversed in the March 2006 Revenue Forecasting Committee report.

Mr. Pennoyer also noted that the final report of the Revenue Forecasting Committee along with additional background materials is available through OFPR's web site.

#### **B. Cash Pool and Cash Pool Trends**

Mr. Pennoyer also presented a summary of the General Fund and Highway Fund cash trends. He noted that there has been no significant change in trend for the General Fund, which still appears to show gradual improvement after accounting for the effect of reduced Tax Anticipation Note borrowing. However, the Highway Fund bears close scrutiny as the Department of Transportation budget situation will likely reduce cash balances in the months ahead.

The Speaker commented that he had heard that the Department of Transportation's budget problems would result in deferrals of certain projects because federal transportation funds had been earmarked for specific projects. Further, the department had assured him that this condition would not affect the budget. The Speaker asked Mr. Pennoyer to review the transportation funding situation.

Mr. Pennoyer indicated that he would be happy to investigate and report back to the Legislative Council at its next meeting. He also indicated that there would not be an additional request for Highway Fund allocations; The department would likely use existing Highway Fund balances to fund current projects. The use of these balances would negatively affect the Highway Fund cash balance.

- **Status of Interim Studies**

Patrick Norton, Director, Office of Policy and Legal Analysis, referred members to the Progress Report on Legislative Studies in their packet.

A copy of the Progress Report on Legislative Studies is attached.

- **Office of Information Services' Report**

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

#### **MELD Bill Drafting System**

The statute printing problem reported earlier has been resolved by HP.

The Attorney General's Office, at the request of the legislative staff, is working to resolve a contract dispute between HP and staff regarding correction of 3 formatting issues related to Constitutional Resolutions.

HP is working on the remaining warranty issues.

#### **Internet Video**

Mr. Mayotte reported that Legislative Information Services is assisting the Clerk's Office on the House Internet project to install a video broadcast camera in the House Chamber. Installation will begin shortly and broadcasting should begin by January 24, 2006.

### **Preparations for the Start of the Second Session**

PC and printer replacements for 2005 have been completed. Annual printer preventative maintenance has also been completed. The wireless network is active with adjustments made to improve coverage and service availability. The network disk storage space has been cleaned up and additional network disk drives will be brought on line to provide adequate data storage capacity for session and post session activity. Desktop anti-virus software is being upgraded to include spyware/adware protection.

## **REPORTS FROM COUNCIL COMMITTEES**

### **• Personnel Committee**

Rep. Cummings, Chair, Personnel Committee reported that the committee met on December 12, 2005 to consider 3 matters:

1. The annual performance review of Executive Director Boulter. The committee asked that Director Boulter meet with both the President and Speaker as part of his performance review.
2. Re-appointment of Margaret Matheson as Revisor of Statutes to a 3-year term. The Committee recommended unanimously that Ms. Matheson be re-appointed to a new term of office.
3. Step increases for constitutional officers. The committee voted unanimously to authorize a step increase for the State Treasurer, Secretary of State and the State Auditor. The Attorney General has declined an increase. No further Council action is required.

**Motion:** That upon the unanimous recommendation of the Personnel Committee, Margaret Matheson be reappointed to a 3-year term as Revisor of Statutes, the date of reappointment being retroactive to November 8, 2005. (Motion by Rep. Tardy, second by Rep. Duplessie, unanimous).

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

Rep. Duplessie reported that a sub-committee of the State House Facilities Committee will meet on Thursday, December 29, 2005 to discuss Capitol Security.

## **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 November 28, 2005 meeting is attached.

## **NEW BUSINESS**

### **Item #1: Request for Extension of Study Reporting Deadline and to Hold 1 Additional Meeting**

- Study Commission Regarding Liveable Wages (from January 15, 2006 to February 1, 2006 second request for extension request. First request for an extension was from December 7, 2005 to January 15, 2006 was approved at November 28, 2005 Council meeting).

**Motion:** That the request from the Study Commission Regarding Liveable Wages to hold 1 additional meeting be approved. (without a motion failed 4-2, Rep. Bowles and Rep. Tardy opposed).

**Motion:** That the request from the Study Commission Regarding Liveable Wages for an extension of the reporting deadline be approved. (without a motion failed 4-2, Rep. Bowles and Rep. Tardy opposed).

**Item #2: Request to Meet After Reporting Deadline**

- **Freedom of Access Advisory Committee**

Because of late appointments to the committee, the committee was unable to meet prior to its reporting deadline. It requested that it be authorized to meet after the deadline.

**Motion:** That the request by the Freedom of Access Advisory Committee to hold its authorized 3 meetings, notwithstanding the reporting deadline, be approved. (Motion by Rep. Tardy, second by Rep. Duplessie, unanimous).

**Item #3: 2005 Report of the Land and Water Resources Council on the Land Use Mediation Program**

No Council action required.

**Item #4: Submission of Study Reports**

- Citizen Trade Policy Commission
- Task Force to Study Maine's Homeland Security Needs

**Motion:** That the study reports of the Citizen Trade Policy Commission and the Task Force to Study Maine's Homeland Security Needs be accepted and placed on file. (Motion by Speaker Richardson, second by Rep. Cummings, unanimous).

**Item #5: Loring Development Authority of Maine 2005 Annual Report**

The annual report of the Loring Development Authority of Maine 2005 is on file in the Office of the Executive Director.

No Council action required.

**Item #6: Presentation by State Board of Education, Select Panel On Revising Education in Maine**

Three members of the Select Panel on Revisioning Education in Maine made a presentation to the Legislative Council. They were: Weston Bonney, State Board of Education member, and retired bank CEO; Jean Guilliver, member and former chair of the State Board of Education; and Colleen Quint, CEO of the Mitchell Institute. The Select Panel members told Council members the report was in draft format. The panel is in the process of gathering public comment on the draft report. Mr. Bonney, Ms. Guilliver and Ms. Quint gave an overview of the report. Once the public input had been completed, the panel will meet again and make any changes they feel are appropriate, and present a final report to the State Board of Education. The Board will make its recommendations to the Legislature by March, 2006.

Chair Richardson and the members of the Legislative Council thanked the Select Panel members for their hard work and the three members for their presentation of the draft report to the Council.

No Council action required.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:41 p.m. (Motion by Rep. Bowles, second by Rep. Duplessie, unanimous).

## 2005 Interim Study Status Report

(as of December 12, 2005)

#	Study Name	Policy Area	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
1	<b>Study of Forest Ownership in Maine</b> (staff study in conjunction with C/O of LD 1406)	ACF	N/A	ACF	None		OPLA staff study	On-going
2	<b>Commission to Reform the State Budget Process</b> (PL 2005, c. 386, Part O)	AFA	12/14/05; 12/22/05	To AFA Committee by 1/3/06	12	12	Bureau of the Budget	On-going
3	<b>CRJ Committee review of Sex Offender Laws</b> (PL 2005, c. 423)	CRJ	8/9/05; 9/8/05; 9/28/05	No report	CRJ Committee		OPLA staffing	CRJ met on 8/9/05 and 9/8/05. Third mtg on 9/28/05
4	<b>Task Force to Study Maine's Homeland Security Needs</b> (Resolve 2005, c. 126)	CRJ	10/17/2005; 11/17/2005; 11/21/2005	12/7/05 Interim Report; 11/1/06 Final Report (both to Legislature)	11	11	OPLA and MEMA	On-going; Interim report drafted
5	<b>Legislative Youth Advisory Council</b> (PL 2001 c.439, as amended by PL 2005, c. 414)	EDU	12/15/2005	Annually; Legislature	22	16	OPLA staffing	Awaiting completion of appointments; first meeting scheduled
6	<b>Review and Recodify Laws Pertaining to Violence in Our Schools</b> (Resolve 2005, c. 120)	EDU	N/A	Legislation due 12/7/05 to EDU	None		OPLA and ROS	On-going
7	<b>Blue Ribbon Commission on the Future of MaineCare</b> (Resolve 2005, c. 117)	HHS	10/11/2005; 11/1/2005; 11/15/2005; 12/6/2005; 12/14/05	12/7/05 to HHS and AFA	10	10	OPLA and OFPR staffing	On-going
8	<b>Governor's Committee to Study the Feasibility of the Importation of Prescription Drugs</b> ( P&S 2005, c. 26)	HHS	TBD	1/15/06 to HHS	2	2	Governor's Office	On-going
9	<b>Task Force to Study Cervical Cancer Prevention, Detection and Education</b> (Resolve 2005, c. 121)	HHS	11/16/2005; 12/16/2005	12/7/05 to HHS and Gov; Final Report 11/1/06 to HHS and Gov (Extension to 12/23/05 authorized by Council)	16	16	OPLA staffing	On-going
10	<b>DHHS Working Group on Department's Accounting Structure</b> (PL 2005, c. 412)	HHS	TBD	10/1/05 to HHS; AFA and Gov	None		OPLA/OFPR will participate in working group	Interim report received.
11	<b>Review the Establishment of the DHHS</b> (PL 2003, c. 689)	HHS	N/A	No report	None		DHHS is lead agency (with drafting assistance from OPLA and ROS)	DHHS briefing to HHS Committee on Dept structure to be scheduled
12	<b>Health Care System and Health Security Board</b> (PL 2001, Part ZZZ)	IFS	10/11/2005; 11/14/2005; 12/2/2005	12/7/05 to IFS	20	20	OPLA staffing	On-going
13	<b>Freedom of Access Advisory Committee</b> (Resolve 2005, c. 123)	JUD	12/20/2005	12/7/05 to LC, JUD and Governor	13	13	OPLA staffing	First meeting scheduled
14	<b>Study State Compliance with Federal Indian Child Welfare Act of 1978</b> (Resolve 2005, c. 118)	JUD	12/15/2005	12/7/05 to LC & JUD (extension to 1/9/06 authorized by Council)	12	12	OPLA staffing	First meeting scheduled



## 2005 Interim Study Status Report

(as of December 12, 2005)

#	Study Name	Policy Area	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
15	Study Commission Regarding Livable Wages (Resolve 2005, c. 128)	LAB	10/5/2005; 10/27/05; 11/16/05; 12/15/05	12/7/05 to Legislature Extension to 1/15/06 authorized by Council)	12	12	OPLA staffing	On-going
16	Task Force on Substance Abuse Testing and Treatment (PL 2005, c. 443)	LAB	N/A	12/7/05 to LAB	None		Department of Labor	On-going
17	Citizen Trade Policy Commission (PL 2003, c. 699)	LAB	9/30/05 meeting to review final 2005 report (legislation anticipated; 10/28/05; public hearing 10/21/05 in Houlton	Annually to Legislature, Gov and others	22	22	OPLA staffing	On-going; 2005 report completed
18	Commission to Arrange for a Monument Honoring Women Veterans of Maine (Resolve 2005, c. 116)	LVA	TBD	1/2/06 and 3/1/06 to Capitol Planning Commission	8	8	OPLA staffing	Appointments complete. No outside funding received.
19	Commission to Study Alternative Voting Procedures, and Citizen Initiative Process and Minor Party Ballot Access (Resolve 2005, c. 127)	LVA	10/3/05; 10/24/05; 11/7/05	12/7/05 to Legislature	11	11	OPLA staffing	On-going; final report being drafted
20	Study of State Regulation of Groundwater Withdrawal (PL 2005, c. 452)	NAT	TBD	11/1/07 to NAT	Working group		Maine Geological Survey	3 Legislators budgeted. Appointing authority not specified
21	Committee to Establish a Memorial for Emergency Medical Services Personnel (Resolve 2005, c. 124)	SLG	11/20/2005	1/15/06 to SLG; 3/15/06 to SLG and Capitol Planning Commission	9	9	DAFS	On-going
22	Commission to Study the Cost of Providing Certain Services in the Unorganized Territories (Resolve 2005, c. 125)	TAX	9/29/05; 11/10/05	12/7/05 to Legislature	17	17	OFPR	Ongoing

### Appointment Summary

Number of appointed positions	199
Appointments made to date	191
Percent of appointments complete	96.0%

### Study Activity Summary

Studies awaiting appointments	4
Initial activity/research started	18
	22

**Actions Taken by Ballot by  
the Legislative Council Since  
the November 28, 2005 Council Meeting**

**1. Request for Introduction of Legislation**

A. LR 3047:       **An Act To Preserve Maine's Working Waterfront**

Submitted by: Senator Dennis Damon  
Accepted:       December 1, 2005, 7-0-0-3

B. LR 3058:       **An Act To Allow Dragging in Lower Taunton Bay**

Submitted by: Senator Dennis Damon  
Accepted:       December 1, 2005, 7-0-0-3