

# MAINE STATE LEGISLATURE

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SEN. BEVERLY C. DAGGETT  
CHAIR

REP. PATRICK COLWELL  
VICE-CHAIR



121<sup>st</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. SHARON ANGLIN TREAT  
SEN. PAUL T. DAVIS, SR.  
SEN. KENNETH T. GAGNON  
SEN. CHANDLER E. WOODCOCK  
REP. JOHN RICHARDSON  
REP. JOSEPH BRUNO  
REP. ROBERT W. DUPLESSIE  
REP. DAVID E. BOWLES

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

**MEETING SUMMARY  
JANUARY 28, 2003  
APPROVED FEBRUARY 19, 2003**

**CALL TO ORDER**

The Chair, President Daggett, called the Legislative Council meeting to order at 2:23 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Daggett, Sen. Treat, Sen. Davis, Sen. Gagnon  
Sen. Woodcock

Representatives: Speaker Colwell, Rep. Richardson, Rep. Bruno,  
Rep. Duplessie, Rep. Bowles

Legislative Officers: Joy O'Brien, Secretary of the Senate  
Millicent MacFarland, 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 16, 2002 COUNCIL MEETING**

**Motion:** That the Meeting Summary of December 16, 2002 be accepted and placed on file.  
(Motion by Rep. Bruno, second by Sen. Treat, unanimous).

President Daggett 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

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

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

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

1. **Renovations to the State House**

Work on the East steps to the State House is substantially completed, with pavers and new refurbished lamps, making the grand entrance much more attractive and safer. Punch list work continues on the steps, underground connector and in the north wing. After 4 years the interior work on the State House is being brought to a close.

2. **State House Snack Bar**

Mr. Boulter also reported that the new vendor in the State House, Burnsies Under the Dome, has now begun operating the food service facilities in the State House. Initial response has been very positive, and the food excellent. Patronage by legislators and staff will be important to the success of the State House café.

3. **Staff Positions**

Legislative Council offices have concluded their staff recruitment to fill vacant positions. Mr. Boulter introduced the following newly appointed staff:

**Office of Policy and Legal Analysis**

**James Adolf**, Legislative Analyst. He is co-staffing the Business, Research and Economic Development and Criminal Justice and Public Safety committees this session.

**Lucia Nixon**, Legislative Analyst. She is co-staffing the Health and Human Services and Legal and Veterans' Affairs committees this session.

**Nicole Dube**, Legislative Analyst, will be joining the office on February 10, 2003.

**Office of the Revisor of Statutes**

**Ann Frank**, Legal Proofreader.

**Gillian Ashley**, Legal Proofreader.

The Chair, President Daggett, on behalf of the Legislative Council, welcomed the new employees to the Legislature.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, presented the following fiscal report:

- 1. General Fund and Highway Fund Revenue Variances for December 2002**

The General Fund revenues were ahead of projected revenues by \$4.5 million in December and for the fiscal year-to-date by \$3.2 million. The Individual Income Tax and Estate Tax's positive variances kept the aggregate revenue variance positive.

Sales Tax and Corporate Income Tax revenues were under budget for the month of December by \$2.1 million and \$4.9 million, respectively and under budget for the fiscal year-to-date by \$4.5 million and \$6.9 million respectively.

The Highway Fund revenues were ahead of revenue projections by \$4.2 million in December and over for fiscal year-to-date by \$3.7 million.

- 2. Revenue Forecasting Schedule**

The Consensus Economic Forecasting Commission is waiting for Maine specific data that will be available in mid-February.

The Revenue Forecasting Committee has a March 1, 2003 reporting deadline.

- 3. Cash Pool Status**

The General Fund was \$8.32 million positive which reflects the TAN that was issued in August. If the \$250 million TAN balance and the other reserve fund balances had not been included, the General Fund would have been \$286.2 million negative. The General Fund trend is still downward.

No Council action required.

- **Office of Information Services' Report**

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

- 1. Remote Access to the Legislative Network**

The Office of Legislative Information Services is seeking to provide secure remote access to the legislative network over the Internet for legislators and authorized legislative staff, which would include the ability to check e-mail directly. Specifically the Legislative Information Services Office is:

- assessing the Legislative firewall and external connections to insure adequacy of security measures;
- developing, installing and testing the remote access technology;
- assessing the software needed by the user, including making the software installation easy.

Testing will begin in early February.

## **2. Migration – Bill Drafting System Performance**

- a. H-P provided to Legislative Information Services its proposed plan to correct the performance problem of the bill drafting.
- b. The work will be performed at no cost to the Legislature.
- c. Work began on January 27, 2003 and will require 3 to 4 months to complete and test.
- d. The 12-month warranty period will start only upon final acceptance of the system, as provided in Contract Amendment 4.

No Council action is required.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, provided an update on the status of legislative studies. Attached to the Meeting summary is the Progress Report on the Legislative Studies as of January 23, 2003.

## **REPORTS FROM COUNCIL COMMITTEES**

- **Personnel Committee**

The Personnel Committee was scheduled to meet immediately following the Legislative Council meeting.

[**Note:** The meeting was subsequently postponed due to member scheduling conflicts.]

- **State House Facilities Committee**

David Boulter summarized the State House Facilities Committee meeting that was held on December 31, 2002. The Committee considered several matters on its agenda, including the following matters:

- 1. Vendor for the State House Café**
- 2. Status of the Diorama Installation**
- 3. Use of Satellite Media Space**
- 4. Emergency Evacuation Plan Review**
- 5. Caucus Staff Office for Green Party**

A summary of the meeting is attached for the Legislative Council's reference.

By general agreement, the Space Committee will in the future be referred to as the **State House Facilities Committee**.

## OLD BUSINESS

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

Executive Director Boulter provided Council members with a list of actions taken by ballot by the Legislative Council since its December 16, 2002 meeting.

No Council action required.

## NEW BUSINESS

### Item #2: Public Meeting Requirement for Discounted Internet Connection to Law and Legislative Reference Library

Lynn Randall, State Law Librarian, requested that the Legislative Council authorize a public meeting to discuss the computer use policies in relation to use of the Internet through library computers for persons who are minors. The Library must comply with the requirements of the federal Neighborhood Children's Internet Protection Act (PL 106-554) in order to take advantage of a discounted Internet connection through the Maine library network. Under the Act existing use policies must conform to the Internet Safety Policy requirements, which relate to access to inappropriate materials on the Internet by minors.

**Motion:** That the Legislative Council authorize the Law and Legislative Reference Library to hold a public meeting to discuss the policies in relation to young people's use of the Internet and to report back the results of the public meeting to the Legislative Council. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

### Item #3: Establishing an Early Deadline for Submission of Major Substantive Rules

David Elliott, Director, Office of Policy and Legal Analysis, discussed establishing an early deadline for submission of major substantive rules. Major substantive rules proposed by state agencies must be submitted to the Legislature for review and authorization prior to being finally adopted and implemented by an agency. If rules are timely filed or late-filed but accepted for review, the Legislature must act on the rules this session or they go into effect without legislative authorization.

The Council is authorized by statute to set an earlier deadline for submission of the rules if it decides an earlier submission date is necessary to assure that the Legislature will have sufficient time to hear, work, draft and debate rules before it adjourns, 5 MRSA § 8072(7).

Mr. Elliott recommended to the Legislative Council an April 14, 2003 deadline date for submission of major substantive rules in light of the Legislature's desire to adjourn the legislative session early, by May 30.

**Motion:** That the Legislative Council set a deadline of April 14, 2003 for submission of major substantive rules for the First Regular Session and that the Office of Policy and Legal Analysis notify affected state agencies. (Motion by Sen. Treat, second by Rep. Colwell, unanimous).

**Item #4: Proposed Drafting Guidelines for Legislative Studies**

Mr. Elliott presented to the Legislative Council for its review and adoption, guidelines developed pursuant to Joint Rule 353 for the drafting of study orders and legislation at the beginning of each legislative biennium. Study orders and legislation introduced during the biennium must be consistent with the guidelines as adopted by the Legislative Council.

The proposed guidelines closely track relevant provisions of the Joint Rules of the 121<sup>st</sup> Legislature and the guidelines that were adopted by the 120<sup>th</sup> Legislative Council.

**Motion:** That the Legislative Council adopt the proposed Drafting Guidelines for Legislative Studies for the 121<sup>st</sup> Legislature. (Motion by Sen. Gagnon, second by Rep. Colwell, unanimous).

**Item #5: Submission of Study Report**

OPLA Director David Elliott reported that the study commissions listed below have completed their work and issued final reports.

- Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers
- Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave

**Motion:** That the Legislative Council accept and place on file the reports for the above listed interim studies. (Motion by Rep. Colwell, second by Sen. Treat, unanimous).

**COLLECTIVE BARGAINING (Executive Session)**

**Motion:** That, pursuant to 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing with its counsel and negotiators labor contracts and proposals regarding MSEA and its represented groups of legislative employees. (Motion by Sen. Davis, second by Sen. Treat, unanimous).

The Council proceeded to go into Executive Session at 3:25 p.m.

**MEETING RECONVENED**

The Council ended its Executive Session and reconvened in open session at 4:10 p.m. on the motion of the Chair.

**ANNOUNCEMENTS AND REMARKS**

The Personnel Committee meeting scheduled to meet immediately following the Legislative Council meeting was postponed and will be rescheduled at a later date.

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 4:12 p.m. (Motion by Rep. Bowles, second by Sen. Davis, unanimous).

**LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION  
January 28, 2003**

		<b>Action</b>
<b>SPONSOR:</b>	<b>Rep. Bliss, Lawrence</b>	<b>ACCEPTED</b>
LR 1798	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FULFILL THE INTENT TO FUND 40% OF THE COSTS OF SPECIAL EDUCATION	
<b>SPONSOR:</b>	<b>Sen. Bryant, Bruce</b>	<b>ACCEPTED</b>
LR 1826	An Act To Reestablish the Commission to Study the Needs and Opportunities Associated With the Production of Salmonid Sport Fish in Maine	
<b>SPONSOR:</b>	<b>Rep. Canavan, Marilyn E.</b>	<b>ACCEPTED</b>
LR 1804	An Act to Require School Buses to Keep Their Headlights On While in Operation	
<b>SPONSOR:</b>	<b>Rep. Clark, Joseph E.</b>	<b>ACCEPTED</b>
LR 1812	Resolve, Directing the Bureau of Economic Development To Combine State Funds and Resources for the Katahdin Region	
<b>SPONSOR:</b>	<b>Rep. Crosthwaite, Robert H.</b>	<b>FAILED</b>
LR 1803	An Act to Allow School Buses to Display Alternating Flashing Headlights	
<b>SPONSOR:</b>	<b>Rep. Duplessie, Robert W.</b>	<b>ACCEPTED</b>
LR 1807	An Act to Clearly Mark Barriers Across Town Ways	



**SPONSOR: Rep. Jackson, Troy D. ACCEPTED**

LR 1776 An Act To Give Moose Permits to Members of The  
Wesget-Sipu Tribe

**SPONSOR: Rep. Loring, Donna M. ACCEPTED**

LR 1772 An Act To Clarify the Freedom Information Act As It Pertains  
to Tribal Government

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

LR 1773 An Act To Rename the Patty Hill Road in Milford the  
"Clyde Hichborn Road"

**SPONSOR: Rep. McKee, Linda Rogers ACCEPTED**

LR 1835 An Act to Amend the Laws Governing Public Easements

**SPONSOR: Rep. Rogers, Jr., William T. ACCEPTED**

LR 1785 An Act To Allow Municipalities To Establish Areas Within  
Which Engine Brakes are Prohibited

**SPONSOR: Rep. Snowe-Mello, Lois A. WITHDRAWN  
1/27/03**

LR 1768 An Act to Allow Maine Emergency Responders to Display  
2 Red Lights on Their Vehicles

**SPONSOR: Rep. Snowe-Mello, Lois A. WITHDRWAN**

LR 1778 An Act to Give Rescue Chiefs and Assistant Chiefs the  
Same Privileges as Fire Chiefs Regarding the Use of  
Personal Vehicles

**SPONSOR: Rep. Snowe-Mello, Lois A. ACCEPTED**

LR 1830 An Act to Require Car Dealerships to Stamp the Dealership  
Providing the Plate

**Progress Report on Legislative Studies**  
 (Studies authorized or undertaken following the 120<sup>th</sup> Legislature/2<sup>nd</sup> Regular Session)  
 Status as of 01/23/03 10:05:28 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
<b>Bottle Redemption Businesses and Other Issues</b> Related to the Handling and Collection of Returnable Containers, Committee to Study Reimbursement Rates for Maine's (PL 2001, c. 661)	8/28/02	No more meetings	04-Dec-02	Report complete
<b>Casino on the Economy, Transportation Infrastructure, State Revenue and Job Market,</b> Resolve to Study the Impact of a Maine-based (Resolve 2001, c. 124)	9/3/02	No more meetings	15-Dec-02	Report sent to printer
<b>Community Preservation Advisory Committee, An Act to Establish the</b> (PL 2001, c 648; sunsets 6/1/08)	10/21/02	Feb 3, 2003	Dec. 01 annually	Staffed by SPO; First annual report being finalized
<b>County Jail Population, Cost and Reimbursement by the State, Joint Order to Study</b> (HP 1731)			06-Nov-02	CRJ interim work.
<b>Family and Medical Leave for Maine Families,</b> Resolve to Continue the Study of Benefits and Costs for Increasing Access to (Resolve 2001, c. 115)	9/9/02	No more meetings	15-Dec-02	Report sent to printer
<b>Fatherhood Issues Study Commission, Resolve to Establish a</b> (Resolve 2001, c. 121)	8/27/02	No more meetings	06-Nov-02	Report sent to printer
<b>Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address</b> (Resolve 2001, c. 114)	9/19/02		06-Nov-03	Interim report complete
<b>Health Care System and Health Security Board</b> (PL 2001, c. 439, Part ZZZ)	October 2001 Continuation	Tuesday - 2/04/03 9:00 a.m. - noon State House Room 427	15-Jan-03	Report sent to printer
<b>MCJUSTIS Board, Resolve to Implement the Recommendations of the</b> (Resolve 1997, c. 105, PL 1999, c. 451, PL 1999, c. 790, Resolve 2001, c. 45)	Continuation		15-Dec-02	Draft of legislation to ROS

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken following the 120<sup>th</sup> Legislature/2<sup>nd</sup> Regular Session)**  
**Status as of 01/23/03 10:05:28 AM**

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Date</u>	<u>Status/Progress Of Study Commission</u>
Proposed Revisions to School Finance Laws and Recommendations to Implement the Essential Programs and Services Funding Model, Department of Education and State Board of Education Study (PL 2001, c. 660)			15-Jan-03	Staffed by DOE; Legislation being drafted
Public Funds are Used to Acquire Conservation Easements, Resolve to Promote the Interests of the People of Maine when (Resolve 2001, c. 116)	Continuation	No more meetings	15-Jan-03	Staffed by SPO; report complete
Rail Transportation, Resolve to Establish and Fund the Task Force on (Resolve 2001, c. 120)	8/9/02	No more meetings	06-Nov-02	Report complete 12/12/02
Recodification of Title 12, chapters 701-721 (HP 613)	(Staff study – continuation)		15-Jan-02	Draft of legislation to ROS
Salmonid Sport Fish in Maine, Commission to Study the Needs and Opportunities Associated with the Production of (PL 2001, c. 462)	Continuation	No more meetings	15-Nov-02	Report complete
Stormwater Management in Developed Watersheds, Resolve to Establish the Task Force to Study the Effectiveness of (LD 2186)	May 31, 2002		06-Nov-02	NAT Interim work
Unfunded Liability of the MSRS and the Equity of Retirement Benefits for State Employees and Teachers, An Act to Address the (PL 2001, c 707)	Nov. 8, 2002	No more meetings	13-Dec-02	Report complete 12/23/02
World War II and the Korean War Veterans in the Hall of Flags, Resolve to Recognize (Resolve 2001, c. 113)	11/30/02		04-Oct-02 Initial Rep. 01-Nov-02 Final Rep. Extension granted	Report being finalized; extension legislation submitted
Youth Advisory Council, Legislative (PL 2001, c. 439, Part PPP)	9/14/02		Feb. 15th annually	First annual report approved

**Actions Taken by Ballot by  
the Legislative Council Since  
the December 16, 2002 Council Meeting  
(as of January 23, 2003)**

**1. Request for Introduction of Legislative**

- A. LR 12802: An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the State of Maine MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta, Maine

Submitted by: Representative Patrick Colwell  
Accepted: January 21, 2003, 10 - 0 - 0

- B. LR 1774: JOINT RESOLUTION DECLARING JANUARY 22<sup>nd</sup> AS MAINE RX DAY AND MEMORIALIZING THE UNITED STATES SUPREME COURT TO APPROVE THE MAINE RX BILL

Submitted by: Senator Beverly C. Daggett  
Accepted: January 9, 2003, 9 - 0 - 1

- C. LR 1775: JOINT RESOLUTION MEMORIALIZING MAINE'S CONGRESSIONAL DELEGATION TO PREVAIL UPON THE SECRETARY OF LABOR TO ABANDON PLANS TO CONSOLIDATE OSHA OFFICES

Submitted by: Representative Robert W. Duplessie  
Accepted: January 13, 2003, 10 - 0 - 0

- D. LR 1805 JOINT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO ALLOW THE WEAPONS INSPECTORS TO COMPLETE THEIR WORK

Submitted by: Senator Ethan Strimling  
Accepted: January 23, 2003, 8 - 2 - 0