

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**November 18, 2003**  
**10:00 am**  
**Legislative Council Chamber**  
**Revised Agenda**

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE OCTOBER 22, 2003 COUNCIL MEETING</b>	Decision
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	Information
	• Executive Director's Report	
6	• Fiscal Report (Pennoyer)	
	• Office of Information Services' Report (Mayotte)	
8	• Office of Policy and Legal Analysis (Elliott)	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• Personnel Committee (Rep. Richardson, Chair)	
	Item #1: Re-appointment of Office Directors Paul Mayotte and Lynn Randall	
	• State House Facilities Committee (Sen. Gagnon, Chair)	
	No report	
	<b>OLD BUSINESS</b>	

## NEW BUSINESS

### Item #1: Requests For Extension of Study Reporting Deadlines

- |    |  |          |
|----|--|----------|
| 12 | <ul style="list-style-type: none"><li>• Task Force to Study the Parity and Portability of Retirement Benefits for State Law Enforcement Officers (from December 3, 2003 to January 31, 2004)</li></ul>             | Decision |
| 13 | <ul style="list-style-type: none"><li>• Commission to Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health (from December 3, 2003 to December 1, 2004)</li></ul>           | Decision |
| 14 | <ul style="list-style-type: none"><li>• Joint Standing Committee on Agriculture, Conversation and Forestry to Study New Payment Models for the Logging Industry (from December 3, 2003 to April 1, 2004)</li></ul> |          |
| 15 | <ul style="list-style-type: none"><li>• Commission to Study the Scope &amp; Quality of Citizenship Education (from December 3, 2003 to January 16, 2004)</li></ul>   |          |
| 17 | <ul style="list-style-type: none"><li>• Task Force to Study the Needs of Deaf and Hard-of-Hearing Children and Adolescents (from December 3, 2003 to January 23, 2004)</li></ul>                                   |          |

### Item #2: Submission of Work Plans and Proposed Budgets for Approval: Decisions

- |    |  |  |
|----|--|--|
| 19 | <ul style="list-style-type: none"><li>• Commission to Improve Community Safety and Sex Offender Accountability</li></ul>                       |  |
| 20 | <ul style="list-style-type: none"><li>• Committee to Study the Implementation Privatization of the State's Wholesale Liquor Business</li></ul> |  |
| 22 | <ul style="list-style-type: none"><li>• Commission to Study the Scope and Quality of Citizenship Education</li></ul>                           |  |

### Item #3: Request for Extension of Report Date and One Additional Meeting Decision

- |    |   |  |
|----|---|--|
| 26 | <ul style="list-style-type: none"><li>• Commission to Improve Community Safety and Sex Offender Accountability (from December 3, 2003 to December 31, 2003)</li></ul> |  |
|----|---|--|

27	<b>Item #3: Request to Establish an Early Deadline for Submission of Major Substantive Rules (Memo from David Elliott)</b>	Decision
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29	<b>Item #4: Suggested Procedure for Deciding Appeals</b>	Decision
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	<b>Item #5: Consideration of Legislators' Appeals of Council Action on Bill Requests and</b>	Decisions
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## ANNOUNCEMENTS AND REMARKS

## ADJOURNMENT

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**  
**October 22, 2003**

**CALL TO ORDER**

The Chair, President Beverly Daggett, called the Legislative Council meeting to order at 2:50 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	President Daggett, Sen. Treat, Sen. Davis, Sen. Gagnon Absent: Sen. Woodcock
Representatives:	Speaker Colwell, Rep. Richardson, Rep. Bruno, Rep. Duplessie, Rep. Bowles
Legislative Officers:	Millicent MacFarland, Clerk of the House David Shiah, 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

**SUMMARY OF THE SEPTEMBER 29, 2003 COUNCIL MEETING**

**Motion:** That the Meeting Summary of September 29, 2003 be accepted and placed on file.  
(Motion by Speaker Colwell, second by Sen. Treat, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

In the interest of time, David Boulter, Executive Director, did not make a report to the Legislative Council.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, referred Council members to his written fiscal briefing. No oral follow-up report was given at the Council meeting. President Daggett told members that if they had questions about Mr. Pennoyer's fiscal report the Council would be able to address those questions after the consideration of the requests to introduce legislation in the Second Regular Session.

- **Office of Information Services' Report**

In the interest of time, Paul Mayotte, Director, Legislative Information Services, did not make a report to the Legislative Council.

- **Office of Policy and Legal Analysis**

David Elliott, Director, Office of Policy and Legal Analysis included in the Council members' material a Progress Report on Legislative Studies. No oral follow-up was given.

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

## REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Representative Richardson, Chair, Personnel Committee reported that the Committee met earlier in the afternoon. The Committee considered a request by a legislative employee for temporary disability income benefits as provided for under the Legislature's personnel policies and voted unanimously to approve the request.

No further action by the Council is required.

The Personnel Committee also discussed a request that a Jewish holiday be included as state-paid holiday under the Legislature's Personnel Policies and Guidelines. No action on the request was taken and the Committee will continue its discussion at a later meeting.

No Council action required.

- **State House Facilities Committee**

No report

## OLD BUSINESS

### Item #1: Authorization for Acceptance of Funds for a Legislative Study (Reconsideration)

- **Resolve To Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health (letter and Certification Relating to Contribution for Study from John A. LaCasse, President and CEO, Medical Care Development)**

Mr. Boulter reminded members that Medical Care Development had initially submitted a certification and statement about contributions for the study and sought the Legislative Council's acceptance of funds from outside sources. Subsequent to the initial discussion and decision of the Council not to accept the funds, Medical Care Development has submitted detailed information that identified the specific contributions and from whom they were received.

Rep. Bowles asked if more information was available for the contributor listed as Kennebunkport - \$1,000. Mr. Boulter said he had no other information; it was presumed the contribution was from the Town of Kennebunkport.

**Motion:** That the Legislative Council accept the funding as identified by Medical Care Development in support of the committee to Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health. (Motion by Speaker Colwell, second by Sen. Treat, 7-2, Rep. Bruno and Rep. Bowles, opposed).

## NEW BUSINESS

### Item #1: Suggested Procedure for Deciding Legislative Bill Requests

The agenda included a suggested protocol for deciding legislative bill requests. President Daggett summarized the suggested protocol as follows:

- A. The Legislative Council will review bill requests alphabetically by sponsor. An exception to this order of review will be made for bill requests for which an ASL Interpreter is required for persons who are deaf or hard of hearing. Those bills will be taken out of order at a time during the meeting when an interpreter is available.
- B. For procedural consistency, when voting on a bill request, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. (Yea is to let in a bill; nay is to reject the bill for introduction).
- C. In order to review all legislative requests in a timely manner, voting will be by a show of hands, with each Council Member's vote on each bill being recorded. The record of each vote will be made available for public inspection following the meeting.
- D. If a bill request has been identified by the Revisor as requiring a ruling under Joint Rule 217, the Legislative Council may vote to accept that bill for introduction, conditional upon a subsequent ruling by the presiding officers. Absent a vote to accept the bill, the bill is presumed to have been turned down by a unanimous vote of the Legislative Council.

- E. Legislative sponsors and others are welcome to observe the Council's deliberations on the bill requests, but discussion of the requests will be confined to Council Members. Discussion of a bill request among Council Members will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself.
- F. If the Legislative Council turns down a bill request, a Legislator may appeal that decision, and at a subsequent meeting of the Legislative Council, the Legislator may speak briefly to the bill request under appeal.
- G. A legislative request that has been identified by the Revisor's Office as being closely related to another legislative request that was earlier filed (i.e., having been assigned a lower LR number) or to a carryover bill is presumed to have been turned down by a unanimous vote of the Legislative Council.

**Motion:** That the Legislative Council adopt the suggested protocol, A-G, for deciding legislative bill requests as set forth in the "Review of Legislative Bill Requests" document dated October 22, 2003. (Motion by Speaker Colwell, second by Rep. Richardson, unanimous).

**Item #2: Requests to Introduce Legislation for Consideration in the Second Regular Session**

The Council then proceeded to consider and vote on 348 bill requests in accordance with the adopted protocol, above.

**RECESS**

The Council recessed at 4:12 p.m. on the motion of the Chair.

**RECONVENE**

The Chair reconvened the meeting at 4:25 p.m. and continued with consideration of the remaining bill requests and other items on the agenda.

The Council authorized 109 bill requests for introduction in the 2<sup>nd</sup> regular session of the 121<sup>st</sup> Legislature. The bills authorized by the Council for introduction is included on the attached list.

**Item #3: Proposed Fee Schedule for Document Service for the Second Regular Session of the 121<sup>st</sup> Legislature**

Clerk of the House Millicent MacFarland requested that the Legislative Council approve the proposed document fee schedule for the 2<sup>nd</sup> Regular Session.

**Motion:** That the Legislative Council approve the Fee Schedule for Document Service for the Second Regular Session of the 121<sup>st</sup> Legislature. (Motion by Rep. Bruno, second by Rep. Duplessie, unanimous).

## **ANNOUNCEMENTS AND REMARKS**

None

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 5:05 p.m. (Motion by Sen. Davis, second by Sen. Gagnon, unanimous).

# Fiscal Briefing for the Legislative Council

November 18, 2003 Meeting

*Prepared by the  
Office of Fiscal & Program Review*

## 1. General Fund and Highway Fund Revenue Variances for October 2003 (See attached summary)

- **General Fund**

Total General Fund revenue was under budget by \$2.5M in October, decreasing the positive variance for the Fiscal Year-to-date revenue to \$18.6M. Individual Income Tax was under budget by \$4.7M, but remained over budget for the Fiscal Year-to-date. Sales Tax was again over budget in October, now at \$5.7M over budget through October.

- **Highway Fund**

Total Highway Fund revenue was over budget by \$0.4M in October; increasing the positive variance to \$4.1M through October.

## 2. Revenue Forecasting Committee Recommendations

- Consensus Economic Forecasting Commission (CEFC) met on Friday, October 3<sup>rd</sup> at 12:30PM in the Appropriations Committee Room (Room 228, State House)
- CEFC made only minor adjustments to the economic forecast
- Revenue Forecasting Committee (RFC) met on Friday, November 14<sup>th</sup> (Room 228, State House) and concluded its fall forecast update. Presented below are the total change in the revenue forecasts by fund:

\$ in Millions

	FY 04	FY 05	FY 06	FY 07
General Fund *	+ 6.7	+0.1	-15.6	-20.8
Highway Fund	-2.0	-3.3	-4.1	-5.4
Fund for a Healthy Maine	-0.6	-1.6	-1.8	-1.9

\* General Fund revenue revisions do not include amounts forecasted downward by the tax models for individual income tax and sales tax that totaled \$27.4 million for the 2004-2005 biennium. RFC wanted to wait for results of tax amnesty and holiday sales results.

- These adjustments to revenue for the Highway Fund and the Fund for a Healthy Maine put these funds out of balance for the 2004-2005 biennium. Highway Fund has a shortfall of approximately \$1.1 million. Fund for a Healthy Maine has a shortfall of approximately \$1.3 million.

**General Fund and Highway Fund Revenue**  
**Fiscal Year Ending June 30, 2004**  
**Based on All Actions of the 121st Legislature through 1st Special Session**

**OCTOBER 2003 - VARIANCE REPORT**

FUND	Revenue Line	Oct. '03 Budget	Oct. '03 Actual	Oct. '03 Var.	FY04 YTD Budget	FY04 YTD Actual	FY04 YTD Variance	FY04 Budgeted Totals
GF	Sales and Use Tax	82,485,566	83,820,881.03	1,335,315.03	256,730,636	262,479,453.20	5,748,817.20	899,259,382
GF	Individual Income Tax	96,777,867	92,060,778.75	(4,717,088.25)	304,979,231	313,481,484.93	8,502,253.93	1,132,802,013
GF	Corporate Income Tax	3,218,491	6,521,532.45	3,303,041.45	25,113,459	27,301,436.27	2,187,977.27	95,277,841
GF	Cigarette and Tobacco Tax	11,424,553	7,613,525.20	(3,811,027.80)	36,825,519	34,941,346.14	(1,884,172.86)	104,958,014
GF	Public Utilities Tax	0	0.00	0.00	(150,000)	(293,687.83)	(143,687.83)	29,500,000
GF	Insurance Companies Tax	4,214,441	6,349,632.47	2,135,191.47	7,449,826	8,390,042.35	940,216.35	69,409,975
GF	Estate Tax	2,476,987	3,498,333.19	1,021,346.19	4,443,602	4,502,778.72	59,176.72	29,213,470
GF	Property Tax - Unorganized Territory	8,937,093	8,937,092.00	(1.00)	8,937,093	8,937,092.00	(1.00)	10,202,624
GF	Income from Investments	120,579	169,320.96	48,741.96	283,424	699,674.99	416,250.99	1,652,000
GF	Transfer to Municipal Revenue Sharing	(9,306,578)	(9,302,562.80)	4,015.20	(29,927,990)	(30,766,381.11)	(838,391.11)	(108,494,302)
GF	Transfer from Liquor Commission	2,059,024	2,247,216.99	188,192.99	9,303,266	10,181,349.88	878,083.88	26,356,396
GF	Transfer from Lottery Commission	4,287,235	3,260,660.89	(1,026,574.11)	14,344,382	13,646,556.58	(697,825.42)	42,321,885
GF	Other Revenue	12,594,932	11,588,849.16	(1,006,082.84)	56,315,709	59,770,475.71	3,454,766.71	271,406,160
GF	<b>Totals</b>	<b>219,290,190</b>	<b>216,765,260.29</b>	<b>(2,524,929.71)</b>	<b>694,648,157</b>	<b>713,271,621.83</b>	<b>18,623,464.83</b>	<b>2,603,865,458</b>
HF	Fuel Taxes	19,073,387	18,530,530.56	(542,856.44)	55,267,178	57,323,019.43	2,055,841.43	211,786,463
HF	Motor Vehicle Registration and Fees	5,107,530	5,967,463.39	859,933.39	23,317,128	25,621,199.24	2,304,071.24	76,805,062
HF	Inspection Fees	251,447	362,817.90	111,370.90	1,389,977	1,658,464.25	268,487.25	3,461,771
HF	Fines	262,549	155,112.64	(107,436.36)	1,070,709	651,710.13	(418,998.87)	3,118,323
HF	Income from Investments	98,000	51,866.93	(46,133.07)	300,000	163,087.16	(136,912.84)	1,128,000
HF	Other Revenue	606,226	700,088.44	93,862.44	2,324,756	2,395,961.02	71,205.02	9,091,970
HF	<b>Totals</b>	<b>25,399,139</b>	<b>25,767,879.86</b>	<b>368,740.86</b>	<b>83,669,748</b>	<b>87,813,441.23</b>	<b>4,143,693.23</b>	<b>305,391,589</b>

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken following the 121st Legislature/1st Regular Session)**  
**Status as of 11/13/03 11:08:45 AM**

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Date</u>	<u>Comments/Status Of Study Commission</u>
Community Safety and Sex Offender Accountability, Resolve to Improve (LD 372 – Resolve 2003, c. 75)	9/12/03	Mon., December 1 <sup>st</sup> 9:30 a.m. – 3:00 p.m. Room 126, SH	12/03/03	3 meetings held; Dec. completion anticipated.
Equity in Mortgage Volume Fees, An Act to Ensure (LD 969 – P.L. 2003, c. 462)		Thurs., November 20 <sup>th</sup> 10:00 a.m. Room 208, CSOB	12/03/03	
Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	Continuation		11/06/03	Commission has not met; plan to leave the financing issue for consideration by the LTC Oversight Committee created this year.
Health Care System and Health Security Board, An Act to Extend the Authority of the (LD 20 – P.L. 2003, c. 492)	Continuation		11/01/04	Will not meet this interim; report due next year. Applying for Health Access Foundation grant.
Logging Industry, Study New Payment Models for the (JSO, HP 724)	9/12/03		12/03/03	2 meetings held. Presiding Officers have authorized ACF Committee to report 1/20/04.
Maine's Freedom of Access Laws, Resolve to Study Compliance with (LD 1079 – Resolve 2003, c. 83)		Wed., November 19 <sup>th</sup> 1:30 p.m. Room 438, SH	12/03/03	
Needs of Deaf and Hard-of – hearing Children and Adolescents, Resolve to Study (LD 553 – Resolve 2003, c. 84)		Thurs., November 20 <sup>th</sup> 9 a.m. – 3 p.m. Room 127, SH	12/03/03	
Obesity and Methods to Decrease the Cost of Health Care, Resolve to Study (LD 471 – Resolve 2003, c. 95)			12/05/03	Outside funding not accepted by Council; extension requested.
Prepare Maine's Students for Active Citizenship, Resolve to (LD 425 – Resolve, 2003, c. 85)	11/5/03	Wed., Dec. 3rd 9 a.m. – 1 p.m.. Room 438, SH	12/03/03	Outside funding accepted by Council; 1 <sup>st</sup> meeting held; extension request likely.
Recodification of Title 12 (substantive and technical pieces) (LD 1600 – P.L. 2003, c. 414)	Continuation		12/15/03	Basic recod enacted last year. This year's bill addressing technical and substantive changes is in initial draft stage.
Recodification of Title 7, Joint Order Directing (JSO, SP 586)			01/15/05	Recod due next year; initial outline being developed.

**Progress Report on Legislative Studies**  
 (Studies authorized or undertaken following the 121st Legislature/1st Regular Session)  
 Status as of 11/13/03 11:08:45 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Date</u>	<u>Comments/Status Of Study Commission</u>
Salmonid Sport Fish in Maine, Resolve to Reestablish the Commission to Study the Needs and Opportunities Associated with the Production of (LD 1358 – Resolve 2003, c. 89)	Continuation		None Required	1st meeting held; final meeting will be in the spring.
Retirement Benefits for State, Municipal, and County Law Enforcement Officers and Firefighters, Resolve to Study Parity and Portability of (LD 1343 – Resolve 2003, c. 76)	11/10/03	Mon., December 15 9:00 a.m. Room 220, CSOB	12/03/03	1 <sup>st</sup> meeting held; extension requested.
State's Wholesale Liquor Business, Joint Order to Study Implementation of Privatization of the (JSO, SP 552)	9/25/03	Thurs., November 20 <sup>th</sup> 1:00 p.m. Room 436, SH	12/03/03	2 meetings held; recommendations to be finalized at 11/20 meeting.
Veterans of World War II and Korean War in the State House Hall of Flags, Resolve to Extend the Commission to Recognize (LD 40 – Resolve 2003, c. 77)	Continuation	Thurs., December 4 1:00 p.m. Room 126, SH	11/03/03	1 <sup>st</sup> meeting held; plan developed to solicit design or funding.
Worker's Compensation Board, Review the Budget Process of the (LD 35 – P.L. 2003, c. 425)	8/20/03	Mon., November 17 <sup>th</sup> 1:00 – 4:00 p.m. Room 220, CSOB	12/03/03	2 meetings held.
Youth in Maine, Presiding Officers Task Force on Creating a Future for (P.O. Order)	9/5/03	Fri., November 14 <sup>th</sup> 10:00 am.- 2:00 p.m. Room 202, CSOB	12/08/03	1st meeting held and 2 public hearings held; recommendations to be finalized at 11/14 meeting.



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

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**Memorandum**

**TO:** The Honorable Beverly C. Daggett, Chair  
The Honorable Patrick Colwell, Vice-Chair  
Legislative Council  
And Honorable Members of the Legislative Council

**FROM:** David C. Elliott, Director

**DATE:** November 17, 2003

**RE:** Interim study work plans, budgets and other requests – approval required

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This memo presents several matters relating to interim studies to the Legislative Council for action.

**1. Approval of study budgets and work plans**

Pursuant to authorizing legislation, the following interim study task forces or commissions present their study budget and work plan to the Legislative Council for approval. The budgets and work plans have been developed by study members working with their designated staff and are designed to complete the duties assigned to the study within budget resources.

- ☐ Commission to Improve Community Safety and Sex Offender Accountability
- ☐ Committee to Study the Implementation of the State's Wholesale Liquor Business
- ☐ Commission to Study the Scope and Quality of Citizenship Education

**2. Extension of reporting date and other requests**

The following interim studies request an extension of their reporting deadlines:

- ☐ Commission to Study Public Health (Obesity Study) from December 1, 2003 to December 31, 2003
- ☐ Task Force to Study Parity and Portability of Retirement Benefits for Law Enforcement Officers and Firefighters from December 3, 2003 to January 31, 2004
- ☐ Commission to Study the Scope and Quality of Citizenship Education from December 3, 2003 to January 16, 2004.

- Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents from December 3, 2003 to January 23, 2004.
- Commission to Improve Community Safety and Sex Offender Accountability from December 3, 2003 to December 31, 2003 and also request authorization for an additional meeting to finalize their report. The additional meeting would be funded within the funds allotted to the study.
- New Payment Methods for the Logging Industry (ACF Committee) from December 3, 2003 to April 1, 2004. Note that the joint order establishing this study does not authorize the Council to grant an extension.

Please let me know if you have any questions.

c: David E. Boulter, Executive Director Legislative Council



**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333

To: The Honorable Beverly C. Daggett, Chair, Legislative Council

From: Senator Betheda G. Edmonds, Chair  
Representative Robert W. Duplessie, Chair  
Task Force to Study the Parity and Portability of Retirement Benefits for  
State Law Enforcement Officers, Municipal and County Law Enforcement  
Officers and Firefighters

Date: November 10, 2003

Re: EXTENSION FOR RETIREMENT STUDY

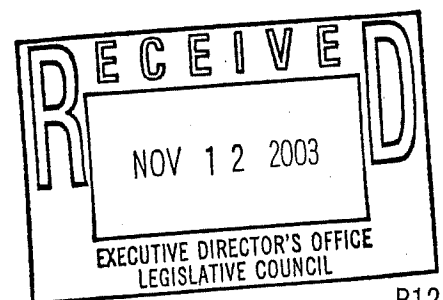
Thank you for our recent appointment as chairs of the Task Force to Study the Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters. The Task Force met for the first time today, and found that there is great interest in understanding and evaluating these retirement benefits, and considering possible solutions to problems of parity and portability among them, but that further information and discussion is needed. Upon reviewing the enabling legislation for the study, we have come to the conclusion that this will not be possible within the constraints of the December 3, 2003 deadline contained within the legislation.

We therefore respectfully request an extension of the deadline to January 31, 2004. We believe that is a more realistic deadline to allow the important work of the Task Force to be completed.

Thank you for your consideration.

- c. The Honorable Patrick Colwell, Vice Chair, Legislative Council  
Members of the Legislative Council  
David Boulter, Executive Director, Legislative Council

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MAINE STATE LEGISLATURE  
Augusta, Maine 04333

To: The Honorable Beverly C. Daggett, Chair, Legislative Council

From: Senator John L. Martin, Chair  
Representative Margaret M. Craven, Chair  
Commission to Study Public Health

Date: November 6, 2003

Re: EXTENSION FOR OBESITY STUDY

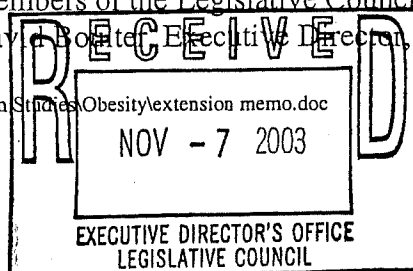
Thank you for our recent appointment as chairs of the Commission to Study Public Health. Upon reviewing the enabling legislation for the study, we have come to the conclusion that a thorough and thoughtful analysis of the problem of obesity and its impact on public health and health care costs will not be possible within the constraints of the December 3, 2003 deadline contained within the legislation. We believe that the importance of the subject matter warrants enough time for careful consideration.

To this end, we respectfully request an extension of the deadline to December 31, 2003. Before that date, we propose to accomplish two tasks: to convene an organizational meeting of the Commission to Study Public Health on December 5, 2003, at which the Commission would create a plan for collecting, analyzing and addressing the 9 detailed areas of information that comprise the Commission's duties; and to submit legislation to the Second Regular Session of the 121<sup>st</sup> Legislature enabling the Commission to continue its work in the interim after the Second Regular Session and submit a report, including recommended legislation, no later than December 1, 2004.

Thank you for your consideration of this proposal.

- c. The Honorable Patrick Colwell, Vice Chair, Legislative Council  
Members of the Legislative Council  
David Bonafant, Executive Director, Legislative Council

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SENATE

BRUCE BRYANT, DISTRICT 24, CHAIR  
RICHARD KNEELAND, DISTRICT 2  
EDWARD M. YOUNGBLOOD, DISTRICT 6

JILL IPPOLITI, LEGISLATIVE ANALYST  
BRENT L. GORDON, COMMITTEE CLERK



STATE OF MAINE

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RODERICK W. CARR, LINCOLN  
KEN HONEY, BOOTHBAY  
KENNETH C. FLETCHER, WINSLOW  
EUGENE L. CHURCHILL, ORLAND  
JOHN EDER, PORTLAND

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

TO: The Honorable Beverly C. Daggett, Chair, Legislative Council  
The Honorable Patrick C. Colwell, Vice-Chair, Legislative Council  
121st Maine State Legislature

FROM: Senator Bruce S. Bryant, Senate Chair *BB (g.g.)*  
Representative Linda Rogers McKee, House Chair *LRM (g.g.)*  
Joint Standing Committee on Agriculture, Conservation and Forestry

Re: Request for Extension – Logger Payment Study

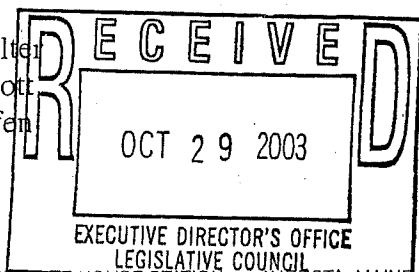
Date: October 27, 2003

The Joint Standing Committee on Agriculture, Conservation and Forestry has met twice during the interim to hear testimony and discuss issues relating to the payment of loggers. Joint Study Order H.P. 724, as amended by S-263, directed the committee to conduct the study during authorized interim committee meetings. We had planned to meet twice instead of 4 times to stay within the budget for interim meetings yet allow us to meet in Ft. Kent. With permission of the Presiding Officers, we met in Ft. Kent on September 12<sup>th</sup>. The focus of the meeting was receiving testimony from truckers and loggers in the St. John Valley.

We held our second meeting last Friday, October 24<sup>th</sup>, in Augusta. Although the Maine Department of Labor did provide information at this meeting, not all of the committees' questions were answered. Specifically, MDOL could not tell us the number of Canadian bonded workers actually employed in the logging and trucking of forest products in Maine. We are also seeking more detailed information on logging costs.

We are requesting that the December 3, 2003 report deadline established in the Joint Study Order be extended to April 1, 2004. The committee proposes to meet in early January to receive additional information pertinent to the study and allow testimony from landowners who have asked to address the committee. The committee anticipates devoting time on regularly assigned committee days during the 2<sup>nd</sup> Session to complete the study. We respectfully request that the deadline for the report and any legislation necessary to implement recommendations be extended to April 1, 2004.

CC: Dave Boulter  
David Elliott  
Teen Griffen



# Commission to Study the Scope & Quality of Citizenship Education



## *Members*

Sen. Neria R. Douglass, Co-Chair  
Rep. Glenn A. Cummings, Co-Chair  
Sen. Betty Lou Mitchell  
Rep. Gerald M. Davis  
Joseph Burnham  
Gale Caddoo  
Amanda Coffin  
Chris Hall  
Judith Harvey  
Kurt Hoffman  
Richard Marchi  
Elizabeth McCabe Park  
Denise O'Toole  
Patrick Phillips  
Fran Rudoff

## *Staff*

Phillip D. McCarthy, Ed.D.  
Legislative Analyst  
Nicole Dube  
Legislative Analyst  
Maine State Legislature  
Office of Policy & Legal Analysis  
13 State House Station  
Augusta, ME 04333  
Phone: (207) 287-1670  
Maine Relay Services: 1-800-437-1220  
Fax: (207) 287-1275  
E-mail: [phillip.mccarthy@legislature.maine.gov](mailto:phillip.mccarthy@legislature.maine.gov)  
E-mail: [nicole.dube@legislature.maine.gov](mailto:nicole.dube@legislature.maine.gov)  
Webpage: <http://www.state.me.us/legis/opla/citized.htm>

November 17, 2003

TO: The Honorable Beverly C. Daggett, Chair, Legislative Council  
The Honorable Patrick Colwell, Vice-Chair, Legislative Council

FROM: Senator Neria R. Douglass, Co-Chair *ND*  
Representative Glenn A. Cummings, Co-Chair *GC*

SUBJ: Extension Request -- Commission on Citizenship Education

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Pursuant to Resolve 2003, Chapter 85, Section 9, we respectfully request an extension beyond the December 3, 2003 reporting deadline to permit the Commission sufficient time to complete its review of the scope and quality of citizenship education. Commission members voted unanimously to seek an extension of the reporting deadline for this study to January 16, 2004. Our request is based on the following:

⊕ The Commission was not convened until November 5<sup>th</sup>, has scheduled its next meeting for December 3<sup>rd</sup> and requires additional time to schedule the two remaining authorized meetings;

⊕ The Commission is preparing to launch a web-based survey of citizenship education initiatives in schools across the State and needs sufficient time to distribute the survey, allow school officials to respond and to analyze the information provided by respondents;

Memorandum to Legislative Council (November 17, 2003)  
Re: Extension Request for Commission on Citizenship Education  
Page Two

⊕ The Commission work plan calls for the review and analysis of citizenship education initiatives in our postsecondary education institutions, educator preparation programs in Maine and promising citizenship education models in other states; and

⊕ Commission members and staff require sufficient time to consider these sources of information and the opportunity to deliberate as we prepare our findings, conclusions and recommended legislation as required by law.

We trust that the Legislative Council will consider this request favorably at the November 18<sup>th</sup> Legislative Council meeting. Please contact either one of us or our Commission Staff, Phil McCarthy or Nicole Dube at the Office of Policy and Legal Analysis, should you have any questions regarding these materials. On behalf of the Commission, we thank you for your time and consideration of this request.

cc: Members of the Legislative Council  
David Boulter, Executive Director, Legislative Council  
David C. Elliott, Director, Office of Policy and Legal Analysis

# Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents



*Senator Betheda G. Edmonds, Co-Chair*

*Representative Elaine Makas, Co-Chair*

November 17, 2003

TO: The Honorable Beverly C. Daggett, Chair, Legislative Council  
The Honorable Patrick Colwell, Vice-Chair, Legislative Council

FROM: Senator Betheda G. Edmonds, Co-Chair *B Edmonds*  
Representative Elaine Makas, Co-Chair *E Makas*

SUBJ: **Extension Request -- Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents**

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Pursuant to Resolve 2003, Chapter 84, Section 9, we respectfully request an extension beyond the December 3, 2003 reporting deadline to permit the Task Force sufficient time to complete its examination of the behavioral, developmental, social, emotional and educational needs of deaf and hard-of-hearing children and adolescents who are not receiving adequate services. We request an extension of the reporting deadline for this Commission to January 23, 2004.

Our extension request is based on the fact that the Task Force will not be convened until November 20<sup>th</sup> and in recognition of the reality that the Task Force requires a reasonable amount of time to consider the complex policy issues involved in this study. Due to the "bilingual" nature of our communications with Task Force members, interested parties and the public, we are required to provide American Sign Language ("ASL") Interpreter services for Task Force meetings. This dynamic challenges the ability of the Task Force to conduct its business in a timely manner since it takes more time to ensure that all involved in the Task Force meeting have access to these proceedings. In addition, Maine does not have an abundance of qualified ASL Interpreters and the availability of ASL Interpreter services is a significant issue as we schedule our meetings.

Simply put, these factors will confront Task Force members as we attempt to schedule the three remaining authorized meetings and complete our deliberations. The Task Force requires sufficient time to consider these issues and a reasonable opportunity to deliberate as we prepare our findings, conclusions and recommended legislation as required by law.

Memorandum to Legislative Council (November 17, 2003)

Extension Request -- Task Force to Study the Needs of Deaf & Hard-of-hearing Children & Adolescents  
Page Two

On behalf of the Task Force, we respectfully request that the Legislative Council consider this request at the November 18<sup>th</sup> Legislative Council meeting so that we can report your decision to the Task Force members at the November 20<sup>th</sup> meeting. Please contact either one of us or our Task Force Staff, Nicole Dube or Phil McCarthy at the Office of Policy and Legal Analysis, should you have any questions regarding this request. We thank you for your time and consideration of our request.

cc: Members of the Legislative Council  
David Boulter, Executive Director, Legislative Council  
David C. Elliott, Director, Office of Policy and Legal Analysis

# WORK PLAN 121st Legislature (Interim 2003)

1. **PROJECT:** Commission to Improve Community Safety and Sex Offender Accountability (pursuant to Resolve 2003, c. 75)
2. **OBJECTIVE:** The commission is charged with inviting the participation of experts and interested parties, gathering information and requesting necessary data from public and private entities to examine and recommend necessary changes to current laws governing the sentencing, registration, release and placement of sex offenders. In conducting its study, the commission shall:
  - a) Define and establish minimum standards for notification and guidelines concerning notification of sex offenders to the public;
  - b) Examine matters concerning the management of offenders, including the risk assessment that is currently used to assess offenders upon release, the necessity of prerelease discharge plans and the benefits of treatment while in corrections facilities; and
  - c) Examine issues regarding registration, including the current time period allowed offenders before they must register with local law enforcement agencies.
3. **PROJECT TEAM:** Sen. Pamela Henderson Hatch (co-chair), Rep. Sean Faircloth (co-chair), Marion Hylan Barr (staff), Darlene Shores Lynch (researcher), Kathy Norris (secretarial support)
4. **FINAL WORK PRODUCTS:** Report, including any necessary implementing legislation, to be submitted to the 2nd Regular Session of the 121st Legislature
5. **INTENDED AUDIENCE:** Legislature, Departments of Public Safety and Corrections, law enforcement community, victims, victim advocates, counselors, the public
6. **ANTICIPATED START & COMPLETION DATES:** Start: 09/03                      Complete: 12/03

## 7. PROJECT TASKS:

<u>Key Elements</u>	<u>Related Tasks</u>	<u>Person Responsible</u>	<u>Meeting Dates</u>
<b>Prior to Convening:</b> consult chairs; conduct research; collect background materials; coordinate presentations; send informational mailing prior to 1st meeting	<ul style="list-style-type: none"> <li>Plan 1st meeting agenda and logistics</li> <li>Synthesize/organize research and background materials</li> </ul>	Chairs Staff	
<b>1st Meeting:</b> review background and existing data and research; hear presentations made by experts and staff; review duties and identify commission priorities and goals; discuss plans for next meeting	<ul style="list-style-type: none"> <li>Prepare 1st meeting summary</li> <li>Finalize 1st meeting agenda and handle meeting logistics</li> </ul>	Chairs Staff	09/22/03
<b>2nd Meeting:</b> review meeting #1 summary; conduct public hearing; hear presentations made by experts and staff; discuss and further focus scope of duties; identify information needed for next meeting and discuss plans for next meeting	<ul style="list-style-type: none"> <li>Follow-up on information requests from 1st meeting</li> <li>Develop 2nd meeting agenda and handle meeting logistics</li> <li>Prepare 2nd meeting summary</li> </ul>	Chairs Staff	10/27/03
<b>3rd Meeting:</b> review meeting #2 summary; hear from further presenters (?); formulate recommendations; identify information needed for next meeting and discuss plans for next meeting	<ul style="list-style-type: none"> <li>Follow-up on information requests from 2nd meeting</li> <li>Develop 3rd meeting agenda and handle meeting logistics</li> <li>Prepare 3rd meeting summary</li> </ul>	Chairs Staff	11/10/03
<b>4th Meeting:</b> review meeting #3 summary; finalize recommendations; review and seek feedback regarding parts of report and proposed legislation already drafted	<ul style="list-style-type: none"> <li>Follow-up on information requests from 3rd meeting</li> <li>Develop 4th meeting agenda and logistics</li> <li>Prepare 4th meeting summary</li> <li>Complete draft report and legislation</li> <li>Solicit final comments on report from commission members</li> </ul>	Commission members Staff	12/01/03

Accepted: \_\_\_\_\_

**WORK PLAN**  
**Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business**  
**121st Legislature (2003)**

1. **PROJECT:** Committee to Study the Implementation of the Privatization of the Wholesale Liquor Business
2. **OBJECTIVE:** The Committee is charged with studying the following issues:
  - a) The progress of the privatization (sale, transfer or lease) of the State's wholesale spirits distribution business
  - b) The impact on the enforcement and administration of the liquor laws with regard to privatization in light of the elimination of the Bureau of Liquor Enforcement
3. **PROJECT TEAM:** Sen Gagnon and Rep. Clark – co-chairs; Danielle Fox (Staff), D. Shores Lynch (researcher), K. Norris (Secretarial support)
4. **FINAL WORK PRODUCT(S):** Report, including any necessary implementing legislation, to be submitted to the 2nd Regular Session of the 121<sup>st</sup> Legislature
5. **INTENDED AUDIENCE:** Legislator and members of the public.
6. **ANTICIPATED START & COMPLETION DATES:**      **Start:**    Septebmer 25, 2003      **Complete:** December 3, 2003
7. **COMMITTEE MEETING PLAN:**

<u>Key Elements</u>	<u>Person Responsible</u>	<u>Other Staff Resources Needed and Type</u>	<u>Meeting Dates</u>	<u>Consultation Needed With</u>
Meeting 1: Briefing from DAFS and DPS on the privatization and enforcement issues	Chairs, Staff	Policy Analyst, Researcher	9/25/03	DAFS and DPS
Meeting 2: Public Hearing on Privatization and enforcement issues	Chairs, Staff	Policy Analyst, Researcher	10/16/03	
Meeting 3: Final meeting – development of final report	Chairs, Staff	Policy Analyst, Researcher	11/6/03	Committee members

Committee to Study the Privatization of the State's Wholesale Liquor Business

BUDGET

9 Legislative Members – 3 meetings @ \$105 per meeting	\$2835
Public Hearing Advertisement	\$800
Report printing and distribution	\$500
<hr/>	
<b>Total Study Budget</b>	<b>\$4135</b>

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**WORK PLAN**  
**Commission to Study the Scope and Quality of Citizenship Education**  
**121st Legislature, 1st Regular Session -- Interim 2003**

1. **PROJECT:** Commission to Study the Scope and Quality of Citizenship Education (pursuant to Resolve 2003, c. 85)
2. **OBJECTIVE:** Commission may hold up to 4 meetings and shall examine the following:
  - (a) The extent to which citizenship education, including service learning, is currently included in the visions, missions, values and practices of Maine school administrative districts and institutions of higher education;
  - (b) The extent to which existing preservice and in-service professional development programs for educators address citizenship education;
  - (c) National models for educational continua that cover preschool through college with the potential for preparing Maine students to be active and engaged citizens; and
  - (d) Models for involving students and giving them a voice in the governance of our institutions and providing opportunities for student engagement and leadership.
3. **PROJECT TEAM:** Sen. Douglas and Rep. Cummings, co-chairs; 15 members; P. McCarthy and N. Dube (Staff), D. Shores Lynch (Researcher), K. Norris (Secretary)
4. **FINAL WORK PRODUCT(S):** Report, including any necessary implementing legislation, to be submitted to 2nd Reg. Session of 121st Legislature by 12/3/03.
5. **INTENDED AUDIENCE:** Legislators (particularly EDU & SLG), Executive and Judicial branch agencies, schools and colleges, students and parents.
6. **ANTICIPATED START & COMPLETION DATES:** Start: 9/30/03 Complete: 12/3/03 (Note: Commission budget based on 4 mtgs; Resolve 2003, c. 85 requires submission of proposed budget and work plan to Legislative Council and also allows Commission to request an extension from Legislative Council).
7. **COMMISSION MEETING PLAN:**

Key Elements	Person(s) Responsible	Other Staff / Resources Needed and Type	Meeting Dates	Consultation Needed With
Appointment/Convening of Commission	Presiding Officers & Chairs	Staff		Sen. Douglas & Rep. Cumming, Co-chairs
Mtg. #1 -- Review background, adopt goals, narrow focus and formulate work plan.	Commission & Staff	Research & Secretarial	11/05/03	Commission, Key Informants and Resources
Mtg. #2 -- Review available research and data on citizenship education programs.	Commission & Staff	Research & Secretarial	12/3/03	Commission, Key Informants and Resources
Mtg. #3 -- Gather any necessary data, review findings with key informants and resources panel, discuss findings and outline report.	Commission & Staff	Research & Secretarial	December date TBA	Commission, Key Informants and Resources
Mtg. #4 -- Discuss findings, conclusions, recommendations & proposed legislation.	Commission & Staff	Research, Legal & Secretarial	January date TBA	Commission

Commission report due December 3, 2003.

Legislative Council & Revisor of Statutes

**Citizenship Education Commission**  
**Scoping Out Key Policy Issues & Developing a Work Plan**

Policy Issue & Discussion Summary	Action to Be Taken & By Whom
<p><b>Review work plan.</b> Review work plan and discussed strategies for data collection and identification of potential information, key informants and resource people.</p>	<ul style="list-style-type: none"> <li>⊕ Contact potential data sources and secure relevant information to respond to duties (see items below);</li> <li>⊕ Pending review by Commission, revise work plan, summarize data and collate information for dissemination to Commission (see items below).</li> </ul>
<p><b>Strategies to address duty #1:</b> The extent to which citizenship education, including service learning, is currently included in the visions, missions, values and practices of Maine schools and institutions of higher education.</p>	<ul style="list-style-type: none"> <li>⊕ Determine schools and colleges involved in existing programs and request data;</li> <li>⊕ Contact "Maine Commission on Community Service" re: school/college data;</li> <li>⊕ Create DOE on-line survey of schools and send "Informational Letter" to Superintendents seeking information;</li> <li>⊕ Determine extent of student involvement on school and college governing boards;</li> <li>⊕ Contact Muskie School of Public Service re: "Maine Marks" data;</li> <li>⊕ Review mission of Maine Community College System campuses re: citizenship education;</li> <li>⊕ If possible, conduct annual Campus Compact survey earlier this year.</li> </ul>
<p><b>Strategies to address duty #2:</b> The extent to which existing preservice and in-service professional development programs for educators address citizenship education.</p>	<ul style="list-style-type: none"> <li>⊕ Contact DOE to determine status of preservice and in-service professional development programs;</li> <li>⊕ Create DOE on-line survey of schools and send "Informational Letter" to Superintendents seeking information;</li> <li>⊕ Contact MSMA and MEA re: extent of in-service professional development programs.</li> </ul>

**Citizenship Education Commission**  
**Scoping Out Key Policy Issues & Developing a Work Plan**

Policy Issue & Discussion Summary	Action to Be Taken & By Whom
<p><b>Strategies to address duty #3:</b> National models for educational continua that cover preschool through college with the potential for preparing Maine students to be active and engaged citizens.</p>	<ul style="list-style-type: none"> <li>⊕ Contact Carnegie Corp. and order copies of "The Civic Mission of Schools" report for Commission members;</li> <li>⊕ Contact DOE, Maine Assoc. of Social Studies and Maine Political Science Assoc. re: promising models;</li> <li>⊕ Review and summarize pre-K through college reports and research on model programs.</li> </ul>
<p><b>Strategies to address duty #4:</b> Models for involving students and giving them a voice in the governance of our institutions and providing opportunities for student engagement and leadership.</p>	<ul style="list-style-type: none"> <li>⊕ Contact Education Commission of the States (ECS) re: citizenship education models in other states (California, Michigan, Minnesota, North Carolina and Utah, etc.);</li> <li>⊕ Contact ECS and National Conference of State Legislatures (NCSL) re: summary of promising state models (e.g., Legislators "Back to School" Week);</li> <li>⊕ Contact Maine state officials (AG, Sec. of State), Legislative Leadership, Chief Justice Saufley and Maine Bar Assoc. to discuss civic education/engagement initiatives;</li> <li>⊕ Develop and disseminate resource list of citizenship education programs and initiatives.</li> </ul>

**Proposed Budget -- Citizenship Education Commission**  
(11/17/03 Revision)

**Appropriations Section**  
(Resolve 2003, Chapter 85, Sec. 12)

**Sec. 12. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Commission to Study the Scope  
and Quality of Citizenship Education**

Initiative: Allocates funds for the postage, printing, legislative per diem and other expenses for 4 meetings of the commission.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$1,320	\$0
All Other	3,600	0
<b>Other Special Revenue Funds Total</b>	<b>\$4,920</b>	<b>\$0</b>

**Breakdown of Proposed Commission Budget**

If authorized, per diem is usually \$55 per meeting per eligible person and expenses are calculated at \$50 per eligible person per meeting. \$500 is usually included for printing the report. If specified, public hearings are calculated at \$1,000 per hearing.

Legislators -- Per Diem (4 x \$55 x 4 mtgs.)	\$ 880
Members -- Expenses (10x \$50 x 4 mtgs.)	\$2,000
Technical Assistance (survey and other expenses)	\$1,420
Report (printing & postage)	\$ 500
<b>TOTAL</b>	<b><u>\$4,800</u></b>

Please note: Section 11 of Resolve 2003, Chapter 85, authorized the Commission to seek outside funds to fully fund all costs of the commission; and required that funding sources be certified by the Legislative Council and that all contributions are subject to approval by the Legislative Council.

## COMMISSION TO IMPROVE COMMUNITY SAFETY & SEX OFFENDER ACCOUNTABILITY

**TO:** The Honorable Beverly C. Daggett, Chair  
Legislative Council

**FROM:** Sen. Pamela Henderson Hatch, Chair *PHA mhb*  
Rep. Sean Faircloth, Chair *SF mhb*  
Commission to Improve Community Safety and Sex Offender Accountability

**RE:** Request for extension of report date and one additional meeting

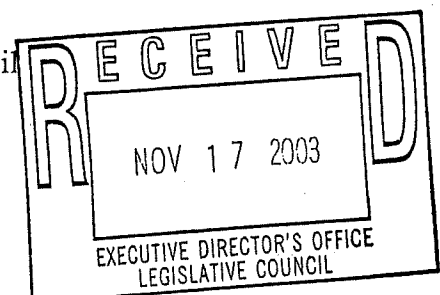
**DATE:** November 12, 2003

We are writing to request an extension of the deadline for filing our report with the Legislature (December 3rd) and for one additional meeting. The commission has held 3 meetings and is scheduled to hold its 4th meeting on December 1st. In the first 3 meetings, we have heard from a number of experts, held a public hearing and have made a number of preliminary recommendations. We have made very good progress and want to both continue our momentum and finish our job in a responsible and complete manner.

We anticipate that we will be able to finish making our preliminary recommendations on December 1st, but we will not have enough time to draft and review the entire report in the 2 days following that meeting. Therefore, we ask for an extension of our report date to December 31, 2003 and for permission to hold one more meeting to allow us the opportunity to review the report, including proposed legislation, before the report is submitted to the Legislature. Since so few people have asked for reimbursement for expenses, and our public hearing was held here in Augusta, our current budget should more than allow for the expenses of an additional meeting.

Thank you for your consideration of this request for one additional meeting and an extension of the report date to December 31, 2003. Please feel free to contact either of us if you have questions. We look forward to hearing from you.

**cc:** The Honorable Patrick Colwell, Co-chair, Legislative Council  
David Boulter, Executive Director, Legislative Council  
David Elliott, Director, OPLA



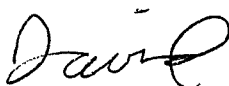


**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**Memorandum**

**To:** The Honorable Beverly C. Daggett, Chair  
The Honorable Patrick Colwell, Vice-Chair  
And Honorable Members of the Legislative Council

**From:** David C. Elliott, Director 

**Date:** November 13, 2003

**Re:** Establishing an early deadline for submission of major substantive rules

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**The Issue:**

If the Legislative Council anticipates an adjournment of the Second Regular Session that is earlier than the statutory adjournment date of April 21, 2004, does the Council want to establish an early deadline for the filing of major substantive rules by state agencies that require legislative review in order to provide enough time to complete review of those rules before adjournment?

**Background:**

Major substantive rules are a type of administrative rule and when proposed by state agencies must be submitted to the Legislature for authorization prior to being finally adopted. Agencies will be filing new major substantive rules with the Legislature over the next few months. **If rules are timely filed or late-filed rules are accepted for review, the Legislature must act on the rules next session or they go into effect without legislative authorization.**

Under the Administrative Procedure Act, agencies generally may submit provisional rules for legislative review anytime up to 45 days before the statutory adjournment date. In the Second Regular Session of the 121<sup>st</sup> Legislature, the statutory adjournment date is April 21, 2004 so absent any change by the Legislative Council, the deadline for filing rules for legislative review is Friday, March 5, 2004.

The Council is authorized by statute to set an earlier deadline for submission of major substantive 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 review legislation before it adjourns. Under the law, the Legislative Council may set a new filing deadline of up to 75 days before statutory adjournment if an early adjournment is anticipated.

Memo to Legislative Council  
Re: Deadline for major substantive rules  
November 13, 2003

It is my understanding that an adjournment date about 2 weeks earlier than the statutory date of adjournment is anticipated for the Second Regular Session.

Shortening the time for review by 2 weeks would have a noticeable effect given the lead-time necessary for advertising and holding public hearings on the rules. Committee work on rules review typically consists of publication of notice, public hearing and at least one work session before making a committee report. Historically, the Legislature has required some change to up to 2/3 of the rules filed for review.

**The Options:**

If adjournment is to be early -- on or about April 7<sup>th</sup>, 2004 -- the Council has the following options:

- A. Leave the current deadline of March 5<sup>th</sup> in place, in which case the available time for legislative review and action on the rules would be shortened by about 2 weeks (from 45 to 31 calendar days); or
- B. Establish an earlier deadline that is anytime between 75 days (February 6<sup>th</sup>) and the normal 45 days (March 5<sup>th</sup>) before statutory adjournment that would restore some or all of the time normally available for review of the rules.

**Suggested New Deadline:**

The Legislative Council may want to consider establishing a filing deadline of **Friday, February 20, 2004** (2 weeks early) which would allow the committees adequate time to complete their rule reviews by the time work on most other bills will have been completed. If the Council authorizes an alternative filing date, this office will notify affected agencies of the changed schedule for filing provisionally adopted rules.

I would be happy to discuss this matter further or answer any questions you may have.

c: David Boulter, Executive Director

**Legislative Council Meeting**  
**November 18, 2003**

**Deciding Appeals of Legislative Bill Requests Turned Down By the Council**

**Requirements relevant to bills in the Second Regular Session**

1. Under the terms of the Maine Constitution, Section 1 of Article IV, Part Third, Legislative Power, the business of the second regular session must be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees to study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors (direct citizen initiative).
2. Under the 121<sup>st</sup> Legislative Council's Rules of Procedure, any action of the Council requires the affirmative vote of at least 6 members.
3. Under Rule 203 of the Joint Rules of the 121<sup>st</sup> Legislature, any vote of the Legislative Council to accept or reject a bill or resolve for introduction under the procedures established under the Joint Rules must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.
4. Under Rule 217 of the Joint Rules, a bill that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent session of the same Legislature except by a vote of 2/3 of both chambers. Therefore, determinations as to the relevancy of Rule 217 are within the purview of the presiding officers, not the Legislative Council.

**Suggested Protocol for deciding appeals**

- A. The Legislative Council will review appeals alphabetically by sponsor.
- B. For procedural consistency, when voting on an appeal of a bill request that was denied, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. (Yea is to let in a bill; nay is to reject the bill for introduction).
- C. In order to review all legislative appeals in a timely manner, voting will be by a show of hands, with each Council Member's vote on each bill being recorded. The record of each vote will be made available for public inspection following the meeting.
- D. Legislators who appeal a decision of the Legislative Council will be given a brief opportunity to make their case to the Council. A time limit of 3 minutes will be observed for Legislators making an appeal. Only by leave of the Chair of the Legislative Council may a person who is not a Legislator address the Council.
- E. Discussion of a bill request will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself. If a bill was turned down because it is closely related to another legislative request or to a carryover bill, the burden is on the Sponsor to convincingly distinguish his or her bill request from the closely related one.