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LEGISLATIVE COUNCIL
December 8, 2003
2:00 p.m.
Legislative Council Chamber
Revised Agenda

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE NOVEMBER 18, 2003 COUNCIL MEETING	Decision
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	Information
	• Executive Director's Report	
8	• Fiscal Report (Pennoyer)	
10	• Office of Information Services' Report (Mayotte)	
11	• Office of Policy and Legal Analysis (Elliott)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Rep. Richardson, Chair)	
	Report of the December 8, 2003 Personnel Committee meeting	
	• State House Facilities Committee (Sen. Gagnon, Chair)	
	No report	

OLD BUSINESS

NEW BUSINESS

Item #1: Submission of Study Report

- | | | |
|----|---|------------|
| 13 | Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-Hearing Individuals (letter from Arthur W. Cleaves, Director, Maine Emergency Management Agency) | Acceptance |
|----|---|------------|

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

- | | | |
|----|--|----------|
| 16 | • Committee to Study Compliance with Maine's Freedom Access Laws | Decision |
| 18 | • Task Force to Study the Needs of Deaf and Hard-of-Hearing Children and Adolescents | Decision |

Item #3: Requests For Extension of Study Reporting Deadlines

- | | | |
|----|---|----------|
| 20 | • Commission to Study Compliance With Maine's Freedom of Access Laws (from December 3, 2003 to January 15, 2004) | Decision |
| 21 | • Commission to Review the Workers' Compensation Board Budget Process (from December 3, 2003 to December 31, 2003) | Decision |
| 22 | • Committee to Study the Revenue Sources of the Office of Consumer Regulation (from December 3, 2003 to January 16, 2004) | Decision |
| 23 | • Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War (from November 1, 2003 to March 1, 2004) | Decision |

Item #4: Request For Further Extension of Study Reporting Deadlines

- | | | |
|----|---|----------|
| 25 | • Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents (from January 9, 2004 to January 23, 2004) | Decision |
| 27 | • Commission to Study the Scope & Quality of Citizenship Education (from January 9, 2003 to January 23, 2004) | Decision |

Page No. Item

Action

COLLECTIVE BARGAINING (Executive Session)

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. BEVERLY C. DAGGETT
CHAIR

REP. PATRICK COLWELL
VICE-CHAIR



121st 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
November 18, 2003

CALL TO ORDER

The Chair, President Daggett, called the Legislative Council meeting to order at 10:45 a.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 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 Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE OCTOBER 22, 2003 COUNCIL MEETING

Motion: That the Meeting Summary of October 22, 2003 be accepted and placed on file. (Motion by Sen. Treat, second by Rep. Richardson, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director, reported that the Press Corps have formed a State House Newsperson Association. The Association is comprised of journalists who occupy the 8 offices in the Cross Building. They believe that if they had matters to bring to the Council's attention, it would be more efficient to bring them jointly. The Association expressed its appreciation for the effort and expense that the Legislature has incurred to provide satisfactorily working facilities in the Cross Building. The Association is requesting consideration of designated parking for the press. This item will be put on the State House Facilities Committee's agenda for its next meeting.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review referred Council members to information in their packet. Mr. Pennoyer reported on the following:

1. **General Fund and Highway Fund Revenue Variances for October 2003**

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

Highway Fund: Total Highway Fund revenue was over budget by \$.4 million in October, increasing the positive variance to \$4.1 million through October.

2. **Revenue Forecasting Committee**

The Revenue Forecasting Committee met November 14, 2003 and concluded its fall forecast. The Committee made a slight positive upward forecast in FY 04 and FY 05 biennium for the General Fund by approximately \$6.8 million. However, for the Highway and Fund for a Healthy Maine, it made downward projections. Those funds are presently out of balance and adjustments will need to be made during the Second Regular Session.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services, reported that on October 27, 2003 the Attorney General's Office sent a letter to Hewett-Packard informing the company that the installed version of HP's bill drafting software remained unacceptable to the Legislature and directed HP to provide to the Legislature their plan for meeting the Legislature's requirements. Mr. Mayotte received HP's reply on November 17, 2003 and has forwarded that correspondence to the Attorney General's Office. HP has agreed to address several of the issues, but the

Legislature remains unsatisfied with HP's response to the issue of performance speed of the application. Mr. Mayotte will be meeting with the Attorney General's Office and Executive Director Boulter to review the appropriate response to HP's letter.

No Council action required.

- **Office of Policy and Legal Analysis**

David Elliott, Director, Office of Policy and Legal Analysis, reported that the legislative studies are underway. 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 on October 29, 2003 to review the performance of office directors Grant Pennoyer, David Elliott, Lynn Randall and Paul Mayotte.

The Personnel Committee approved a step increase for Director Grant Pennoyer, as his work anniversary date was prior to the legislative freeze on step increases.

Paul Mayotte and Lynn Randall have completed 3-year terms and are subject to reappointment. The Personnel Committee recommended approval of a new 3-year term for each of those individuals.

Motion: That upon the unanimous recommendation of the Personnel Committee, Paul Mayotte be reappointed to a 3-year term as Director of the Office of Legislative Information Services, the date of reappointment being retroactive to March 16, 2003. (Motion by Rep. Richardson, second by Sen. Davis, unanimous).

Motion: That upon the unanimous recommendation of the Personnel Committee, Lynn Randall be reappointed to a 3-year term as Law Librarian, the date of reappointment being retroactive to June 16, 2003. (Motion by Rep. Richardson, second by Sen. Davis, unanimous).

- **State House Facilities Committee**

The State House Facilities Committee did not meet.

OLD BUSINESS

None.

NEW BUSINESS

President Daggett asked if there was objection to taking two items out of order. Hearing none, the Chair then move to **New Business, Items 5 and 6.**

Item #5: Suggested Procedure for Deciding Appeals

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

- 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 2 minutes will be observed for Legislators making an appeal. Only legislators may address the Legislative Council on an appeal.
- 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. [Note: The Chair made a revision to the suggested protocol.]

Motion: That the Legislative Council adopt the suggested protocol, A-E, for deciding legislative appeals as set forth in the "Deciding Appeals of Legislative Bill Requests Turned Down by the Council" document dated November 18, 2003. (Motion by Sen. Gagnon, second by Rep. Bowles, unanimous).

Item #6: Consideration of Legislators' Appeals of Council Action on Bill Requests and

The Council then proceeded to consider and vote on the 66 bills that had been appealed.

The Council authorized 21 appeals for introduction in the 2nd regular session of the 121st Legislature on November 18, 2003. The bills authorized by the Council for introduction in the 2nd regular session at the October 22, and November 18, 2003 Council meetings are included on the attached list.

RECESS

The Council recessed at 12:20 p.m. on the motion of the Chair.

RECONVENE

The Chair reconvened the meeting at 1:13 p.m. and continued with the remaining items on the agenda.

Item #1: Requests For Extension of Study Reporting Deadlines

President Daggett questioned whether committees would likely meet session deadlines for reporting out study-related legislation if the pending requests for extensions of the reporting deadlines were granted. Other members of the Council voiced the same concern, but were concerned that some studies might not be able to complete their work by the deadline due to late convening of the studies. There was general agreement that if extensions are granted, they be only until January 9, 2004.

The Council took the following action on the extension requests:

- **Task Force to Study the Parity and Portability of Retirement Benefits for State Law Enforcement Officers** (from December 3, 2003 to January 31, 2004)

Motion: That the request for an extension of the study reporting deadline be approved from December 3, 2003 to January 9, 2004. (Motion by Speaker Colwell, second by Sen. Gagnon, approved 7-3).

- **Commission to Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health** (from December 3, 2003 to December 31, 2003)

Motion: That the request for an extension of the study reporting deadline be approved from December 3, 2003 to December 31, 2003. (Motion by Sen. Treat, second by Speaker Colwell, approved 6-3).

- **Joint Standing Committee on Agriculture, Conservation and Forestry to Study New Payment Models for the Logging Industry** (from December 3, 2003 to April 1, 2004) (Note: The Legislation made no provision for the Legislative Council to grant an extension).

Motion: That the Legislative Council send a letter to the Joint Standing Committee on Agriculture, Conservation and Forestry suggesting if they wish to extend the deadline for completion of the study, they should seek to introduce a joint order to that effect upon the convening of the 2nd regular session. (Motion by Sen. Treat, second by Speaker Colwell, unanimous 9-0).

- **Commission to Study the Scope & Quality of Citizenship Education** (from December 3, 2003 to January 16, 2004)

Motion: That the request for an extension of the study reporting deadline be approved from December 3, 2003 to January 9, 2004. (Motion by Speaker Colwell, second by Sen. Treat, failed 5-4).

- **Task Force to Study the Needs of Deaf and Hard-of-Hearing Children and Adolescents** (from December 3, 2003 to January 23, 2004)

Motion: That the request for an extension of the study reporting deadline be approved from December 3, 2003 to January 9, 2004. (Motion by Sen. Treat, second by Speaker Colwell, approved 7-2).

Rep. Duplessie then moved for reconsideration of the Commission to Study the Scope and Quality of Citizenship Education's request for an extension of the reporting deadline. (Motion by Rep. Duplessie, second by Rep. Richardson, unanimous).

Motion: That the request for an extension of the study reporting deadline be approved from December 3, 2003 to January 9, 2004. (Motion by Rep. Duplessie, second by Speaker Colwell, approved 6-3).

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

David Elliott explained to the Legislative Council that most legislation authorizing studies contains a provision that directs the study entity to submit a work plan and a budget to the Legislative Council for approval.

The work plans and proposed budgets submitted for approval are:

- **Commission to Improve Community Safety and Sex Offender Accountability**

Motion: That the Legislative Council approve the work plan and proposed budget. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

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

Motion: That the Legislative Council approve the work plan and proposed budget. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

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

Motion: That the Legislative Council approve the work plan and proposed authorized budget not to exceed \$3,585. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

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

- **Commission to Improve Community Safety and Sex Offender Accountability** (from December 3, 2003 to December 31, 2003).

The costs for the requested additional meeting would be within the existing budgeted resources of the Commission.

Motion: That the Legislative Council approve the requests for one additional meeting and for an extension of the reporting deadline from December 3, 2003 to December 31, 2003. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

Item #4: Request to Establish an Early Deadline for Submission of Major Substantive Rules

David Elliott reported to the Council that certain agencies are required to submit proposed major substantive rules to the legislature during the session for review and authorization. The relevant statute establishes a deadline for submission of proposed rules that is 45 days prior to the statutory adjournment date. The law authorizes the Council to change the deadline if an earlier legislative adjournment date is anticipated.

Motion: That the Legislative Council authorize February 20, 2004 as the deadline for submission of major substantive rules. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

ANNOUNCEMENTS AND REMARKS

President Daggett thanked Margaret Matheson, Revisor of Statutes, and the entire Revisor's office staff for their diligent work on the bill requests so they could be acted upon by the Legislative Council in a timely fashion.

ADJOURNMENT

The Legislative Council meeting was adjourned at 1:46 p.m. (Motion by Sen. Gagnon, second Treat, unanimous).

Fiscal Briefing for the Legislative Council

December 8, 2003 Meeting

*Prepared by the
Office of Fiscal & Program Review*

1. General Fund and Highway Fund Revenue for November 2003 Incomplete and subject to change (does not reflect December forecast)

• General Fund

Total General Fund revenue may be under budget by more than \$18M in November. Major negative variances were Sales Tax (-\$1.9M), Corporate Income Tax (-\$6.6M) and Insurance Company Taxes (-\$9.4M).

- Sales Tax – It remains over budget for the year-to-date by \$3.9M.
- Corporate Income Tax – Negative variance reflects a timing issue due to faster processing of refunds. Positive outlook for this line is still on track.
- Insurance Company Taxes – This line was not revised upward due to legal challenges to the recent change for deferred annuities. This negative variance is also just a timing issue that will be corrected in the next monthly distribution.

Tax amnesty appears to be generating at least what has been budgeted.

• Highway Fund

Total Highway Fund revenue was under budget by \$1.1M in November; decreasing the positive variance to \$3.1M through the first 5 months (this is consistent with December forecast).

2. Eastern States Legislative Fiscal Officers Association Meeting (Regional NALFO) (See attached memo)

- Maine is scheduled to host the 2004 annual meeting in September 2004, Maine deferred its spot in the rotation for hosting the meeting in September 2001
- Vermont hosted this year's annual meeting in Stowe, VT
- Small group of approximately 20-25 participants from ME, NH, VT, RI, CT, PA, DE, MD and NCSL Fiscal Staff (MA, NY, NJ did not attend)
- Format of meetings has been morning meetings, afternoon state tours and evening socializing
- Finances - Vermont Example

Balance Sent From Previous Host State (CT)	7,725
Registration Revenue	2,775
Host State Contribution	<u>2,500</u>
Total Available	13,000
Total Cost Incurred by VT	<u>8,400</u>
Estimated Balance to Next State (ME?)	4,600



MAINE STATE LEGISLATURE
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0005
Telephone: (207) 287-1635
FAX: (207) 287-6469

To: President Daggett, Chair, Legislative Council
Speaker Colwell, Vice-chair, Legislative Council
Members, Legislative Council

From: Grant T. Pennoyer *GLP*

Date: December 8, 2003

Re: 2004 Eastern States Legislative Fiscal Officers Association Meeting

I am asking your approval for Maine to host the 2004 annual meeting of the Eastern State Legislative Fiscal Officers Association (ESLFOA), a regional sub-group of the National Association of Legislative Fiscal Officers (NALFO). The annual meeting is typically held in late September. The various member states host the annual meeting on a rotating basis. Maine was scheduled to host the 2001 annual meeting in September 2001, but deferred due to significant turnover in the Office of Fiscal and Program Review. Maine's spot in the rotation was delayed until 2004.

Vermont hosted this year's annual meeting in Stowe, VT. Vermont had a small group of attendees, approximately 20-25 participants from ME, NH, VT, RI, CT, PA, DE, MD and NCSL Fiscal Staff (NY, NJ were not able to attend, MA does not usually participate). Format of annual meeting has been morning issue meetings and roundtable discussions, afternoon state tours and evening socializing. These meetings are excellent opportunities to share information and discuss issues and get to know one's counterparts in other states. The host state also gets to showcase and promote its assets and benefit from additional tourism spending. Vermont did a great job hosting this year's meeting and did it very frugally. Provided below is a summary of finances of the Vermont meeting:

Balance Sent From Previous Host State (CT)	7,725
Registration Revenue	2,775
Host State Contribution	<u>2,500</u>
Total Available	13,000
Total Cost Incurred by VT	<u>8,400</u>
Estimated Balance to Next State (ME)	4,600

You will note that Vermont had an appropriation of \$2,500 to provide funding for the meeting. If Maine is to host successfully, the Maine Legislature will likely need to contribute a similar amount toward the costs of the 2004 meeting. This small investment should reap a very healthy return on investment with positive showing for Maine and the additional tourism spending.

I would be happy to provide you with any additional information that you may require to make your decision.

cc: David Boulter, Executive Director

**MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
TECHNOLOGY REPORT**

December 8, 2003

Bill Drafting System:

- The Legislature through the Attorney General's Office has communicated to HP the performance levels the bill drafting system must obtain for acceptance.
- HP has told the Legislature it will install the final version software by the end of January 2004.
- HP is proposing an HP paid option for the Legislature to consider for improving performance.
- The Legislature is seeking modifications to the software warranty to provide coverage for a complete Legislative session.

SPAM Filtering:

- The level of incoming SPAM emails identified by the filters in place is trending upward and is now at 4,200 per week.
- With the passage of time, more Spammers will become aware of the "Legislature.Maine.Gov" email address and volumes will continue to increase.

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 121st Legislature/1st Regular Session)
Status as of 12/04/03 11:28:51 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & 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 15th 9:30 a.m. – 3:00 p.m. Room 126, SH	12/03/03	4 meetings held; extension to be Dec. 31 and 1 additional meeting authorized; report being drafted.
Equity in Mortgage Volume Fees, An Act to Ensure (LD 969 – P.L. 2003, c. 462)	11/20/03	Fri., December 12 th 9:00 a.m. Room 208, CSOB	12/03/03	1 meeting held; extension requested.
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	Weds., January 7 th 1:30 p.m. Room 206, CSOB	12/03/03	2 meetings held; Jt. Order extending reporting date will be introduced in 2 nd Regular Session.
Maine's Freedom of Access Laws, Resolve to Study Compliance with (LD 1079 – Resolve 2003, c. 83)	11/20/03	Weds., December 10 th Weds., December 17 th 1:30 p.m. Room 438, SH	12/03/03	1 meeting held; extension requested.
Needs of Deaf and Hard-of – hearing Children and Adolescents, Resolve to Study (LD 553 – Resolve 2003, c. 84)	11/20/03	Weds., December 17 th 8 a.m. – 1 p.m. Room 127, SH	12/03/03	1 meeting held; extension requested.
Obesity and Methods to Decrease the Cost of Health Care, Resolve to Study (LD 471 – Resolve 2003, c. 95)		Fri., December 5 th 9:00 a.m. Room 228, SH	12/05/03	Outside funding accepted by Council; extension granted to 1/9/04.
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 st meeting held; extension granted to 1/9/04.
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 12/04/03 11:28:51 AM

<u>Study Commission</u>	<u>Date First Convened</u>	<u>Date, Time & 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 st meeting held; extension granted to 1/9/04.
State's Wholesale Liquor Business, Joint Order to Study Implementation of Privatization of the (JSO, SP 552)	9/25/03		12/03/03	Meetings completed; recommendations finalized; report being drafted.
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 st meeting held; plan developed to solicit design or funding; legislation to extend completion date likely for 2 nd Regular Session.
Worker's Compensation Board, Review the Budget Process of the (LD 35 – P.L. 2003, c. 425)	8/20/03		12/03/03	4 meetings held; extension requested.
Youth in Maine, Presiding Officers Task Force on Creating a Future for (P.O. Order)	9/5/03		12/08/03	2 meetings and 2 public hearings held; recommendations being finalized.

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Joseph E. Tinkham, II
Major General
Commissioner
207-626-4205



Arthur W. Cleaves
Director
Maine Emergency
Management Agency
207-626-4503

**Department of Defense, Veterans and Emergency Management
Maine Emergency Management Agency
State House Station 72
CAMP KEYES, AUGUSTA, MAINE 04333-0072**

November 20, 2003

Honorable Beverly C. Daggett
President of the Senate
The Maine Senate
3 State House Station
Augusta, ME 04333-0003

Honorable Patrick Colwell
Speaker of the House
Maine House of Representatives
2 State House Station
Augusta, ME 04333-0002

Dear Madam President and Mr. Speaker:

Enclosed is the Report of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

It was a very active group. We believe the report reflects their dedication to identify the needs and find solutions that will not only improve the current situation, but also lay the groundwork for future growth as technological advances are made.

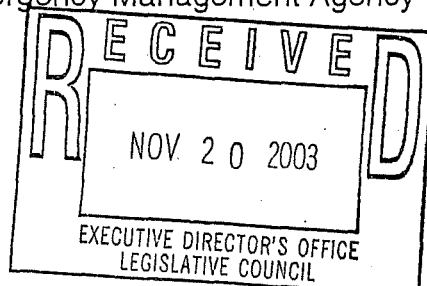
We appreciated the opportunity to work together on this project, and hope you will act favorably on our recommendations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur W. Cleaves".

Arthur W. Cleaves
Director, Maine Emergency Management Agency

Enclosure





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
Legislative Council
And Honorable Members of the Legislative Council

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

DATE: December 8, 2003

RE: Interim study work plans, budgets and extension requests—approval required

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 budgeted resources.

- ☐ Committee to Study Compliance with Maine's Freedom of Access Laws
- ☐ Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents

2. Request for extension of reporting date

The following interim study task forces or commissions request an extension of their reporting deadlines:

- ☐ Commission to Study Maine's Freedom of Access Laws from December 3, 2003 to January 15, 2004
- ☐ Commission to Review the Workers' Compensation Board Budget Process from December 3, 2003 to December 31, 2003
- ☐ Committee to Study the Revenue Sources of the Office of Consumer Regulation From December 3, 2003 to January 16, 2004
- ☐ Commission to Arrange for a Plaque and Flag to be Displayed in the Hall of Flags to Honor Maine Veterans of WWII and the Korean War from November 1, 2003 to March 1, 2004

3. Request to extend previously approved reporting date extension

- ☐ Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents from the previously Council-approved date of January 9, 2004 to January 23, 2004.
- ☐ Committee to Study the Scope and Quality of Citizenship Education from the previously Council-approved date of January 9, 2004 to January 23, 2004.

Please let me know if you have any questions.

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WORK PLAN
Committee to Study Compliance with Maine's Freedom of Access Laws
121st Legislature (2003)

1. **PROJECT:** Committee to Study Compliance with Maine's Freedom of Access Laws (pursuant to Resolve 2003, c. 83)
2. **OBJECTIVE:** The Committee is charged with studying the following issues:
 - a) Review and analyze the Report on Public Records Audit, prepared by the Maine Freedom of information Coalition in November 2002, and the recommendations made in the report;
 - b) Study what measures, if any, state and local governmental entities in Maine and in other states have taken to ensure their employees are knowledgeable about and comply with Maine's freedom of access laws or other comparable state laws;
 - c) Investigate and recommend ways in which governmental compliance with Maine's freedom of access laws may be meaningfully improved and calculate what, if any costs, may be associated with making such improvements;
 - d) Undertake a comprehensive inventory and review of the various exceptions to public access to records and proceedings found within the freedom of access laws and identify possible changes to these exceptions in order to streamline Maine law and thereby make it more easily understood and complied with;
 - e) Reconsider whether the need for any of the statutory exceptions, as currently worded, is outweighed by the State's general interest in ensuring citizen's access to public records and proceedings; and
 - f) Study whether and to what extent the freedom of access laws may be used as a harassment tool against local government al entities and what remedies may be available and appropriate to deter any such harassment
3. **PROJECT TEAM:** Sen. Rotundo and Rep. Koffman, co-chairs; M. Reinsch, L. Baldwin (Staff), D. Shores Lynch (researcher), V. Parlin (Secretarial support)
4. **FINAL WORK PRODUCT(S):** Report, including any necessary implementing legislation, to be submitted to the 2nd Regular Session of the 121st Legislature
5. **INTENDED AUDIENCE:** Legislators; members of the press, including print media and radio, Representatives from municipal, county school and police organizations, executive branch agencies, and members of the public.
6. **ANTICIPATED START & COMPLETION DATES:** Start: 11/19/2003 Complete: 1/15/2004
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>
Mtg. #1 – Review freedom of access laws and exceptions. Formulate work plan.	Chairs, Staff	Research, Legal & Secretarial	11/19/03	Attorney Generals Office
Mtg. #2 – Presentations regarding training and education programs (MMA, MSMA, MCOPA)	Chairs, Staff	Research, Legal & Secretarial	12/10/03	MMA, MSMA, & MCOPA
Mtg. #3 – Make recommendations on FOA law exceptions; address issues related to open meetings	Chairs, Staff	Research, Legal & Secretarial	12/17/03	FOA subcommittee (formed to review all FOA exceptions)
Mtg. #4 – Discuss final recommendations and conclusions, report/legislation drafting.	Chairs, Staff	Research, Legal & Secretarial	early Jan. '04	General public to provide input on recommendations
<i>Committee report due January 15, 2004 (if extension is approved)</i>				

Proposed Study Budget **Committee to Study Compliance with Maine's Freedom of Access Laws**

Date: 11/24/03

Study authorized by Resolve 83

Total members:

Members that are legislators:
 Members that are not legislators:

16
 2
 14

Number of authorized meetings (if specified):

4

Proposed budget:

4 meetings X \$55 per diem X 4 eligible members = \$880 (Personal Services)

4 meetings X \$50 expenses X 14 eligible members = \$2800 (All Other)

Copying, mailing and printing costs \$750 (All Other)

Additional costs \$0 (All Other)
 for (e.g., consultant, expert services, additional travel costs, public hearing, etc.)

Summary:

	FY03-04	FY04-05
Personal Services	\$880	
All other	\$3550	
Total	\$4430	

WORK PLAN
Task Force to Study the Needs of Deaf and Hard-of-Hearing Children and Adolescents
121st Legislature, 1st Regular Session -- Interim 2003

1. **PROJECT:** Task Force to Study the Needs of Deaf and Hard-of-Hearing Children and Adolescents (pursuant to Resolve 2003, c. 84)
2. **OBJECTIVE:** Task Force may hold up to 4 meetings and shall examine the following issues:
 - (a); Services currently available to serve the needs of deaf & hard of hearing children & adolescents and the ability of providers of those services to provide culturally competent, linguistically accessible services. The task force shall review educational services within the context of the behavioral and mental health needs of the children and adolescents;
 - (b); Demographic data of the numbers of deaf and hard of hearing children and adolescents in need of such specialized services and projections regarding the number of deaf and hard-of-hearing younger children who may require such services in the future; and
 - (c); Proposals designed to improve the delivery of services to meet the needs of deaf and hard-of-hearing children and adolescents, including, but not limited to, the development of in-state specialty services, collaborative agreements with bordering states and states with specialized facilities and training initiatives.
3. **PROJECT TEAM:** Sen. Edmonds and Rep. Makas, Chairs; 18-member Task Force; P. McCarthy & N. Dube (Staff); A. Ames (Researcher); V. Parlin (Secretarial support).
4. **FINAL WORK PRODUCT(S):** Report, including any suggested legislation, to be submitted to 2nd Reg. Session of 121st Legislature (Note: Task Force does not have the authority to introduce legislation).
5. **INTENDED AUDIENCE:** Legislators (EDU/HUM/LAB), state agencies (DOE/DBDS/DOL), educators, mental health clinicians/providers, Deaf community and parents.
6. **ANTICIPATED START & COMPLETION DATES:** Start: 9/30/03 Complete: 12/3/03 1/9/04 (Note: Task Force budget based on 4 mtgs; Resolve 2003, c. 84 requires submission of proposed budget and work plan to Legislative Council; and also allows Task Force to request an extension from Legislative Council).
7. **TASK FORCE MEETING PLAN:** (Note: The task force may hold up to 4 meetings).

Key Elements	Person(s) Responsible	Other Staff/Resources Needed	Meeting Dates	Consultation Needed With
Appointing & Convening Task Force	Presiding Officers & Chairs	Staff		Sen. Edmonds & Rep. Makas, Chairs
Mtg. #1 -- Review background, adopt goals, narrow focus and formulate work plan.	Task Force & Staff	Research, Legal & Secretarial	11/20/03	Key Informants and Resource People
Mtg. #2 -- Review available research and data on services for deaf and hard-of-hearing children and adolescents.	Task Force & Staff	Research, Legal & Secretarial	12/03/03	Key Informants and Resource People
Mtg. #3 -- Gather any necessary data, review findings with key informants and resources panel, discuss findings and outline report.	Task Force & Staff	Research, Legal & Secretarial	1/08/03	Key Informants and Resource People
Mtg. #4 -- Discuss findings & conclusions, report/ legislation drafting and review.	Task Force & Staff	Research, Legal & Secretarial	*TBA (pending 2 nd extension request)	Task Force & Staff
Task Force report due December 3, 2003, but extension granted to January 9, 2004.				Legislative Council

**Proposed Budget – Task Force to Study the Needs of Deaf & Hard-of-Hearing
Children and Adolescents**
(11/21/03 Revision)

Appropriations Section
(Resolve 2003, Chapter 84, Sec. 12)

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

LEGISLATURE

Task Force to Study the Needs of Deaf and Hard of Hearing Children and Adolescents

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

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$1,100	\$0
All Other	6,760	0
 Other Special Revenue Funds Total	 \$7,860	 \$0

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/Other -- Per Diem (5 x \$55 x 4 mtgs.)	\$1,100
*Members -- Expenses (13 x \$50 x 4 mtgs.)	\$2,600
*Interpreter Services (\$60 x 6hrs x 4 mtgs x 2 interpreters)	\$2,880
Report (printing & postage)	<u>\$ 750</u>
TOTAL	<u>\$7,330</u>

Please note: Section 11 of Resolve 2003, Chapter 85, requires the Commission Chairs, with the assistance of staff, to administer the task force's budget; and further directs the Commission to present, within 10 days after its first meeting, a work plan and proposed budget to the Legislative Council for its approval.

* Pending approval of second extension request to hold 4th meeting at end of January

COMMISSION TO STUDY COMPLIANCE WITH
MAINE'S FREEDOM OF ACCESS LAWS

November 24, 2003

TO: Sen. Beverly C. Daggett, Chair
Rep. Patrick Colwell, Vice Chair
Legislative Council

FROM: Sen. Margaret Rotundo, Senate Chair
Rep. Theodore Koffman, House Chair

Re: Request for extension of reporting deadline

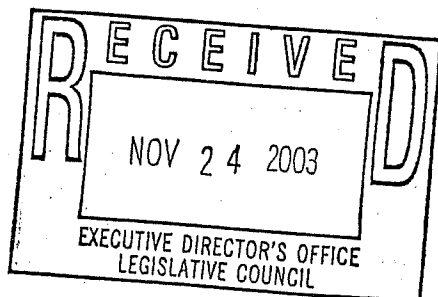
The Committee to Study Compliance with Maine's Freedom of Access Laws, created by Resolve 2003, chapter 83, respectfully requests an extension of the December 3rd reporting deadline to January 15, 2004. The gubernatorial appointments to the committee were completed and reported to the Legislature on November 12th, and we held our first meeting on November 19th. We would like to hold meetings on December 10th and December 17th, with our final meeting to be scheduled in early January.

We believe that this study is very important, and we are pleased that the members are not only excellent representatives of the significant interests, but dedicated and hard working. Our first meeting was very productive, and a subcommittee is scheduled to tackle the public records exemptions on December 3rd.

We believe that the extension will give the study committee the opportunity it needs to make meaningful recommendations.

Thank you for your consideration. We are happy to answer any questions you may have.

Cc: David Boulter, Executive Director
David Elliott, Director, OPLA
Teen Griffin, Legislative Information



COMMISSION TO REVIEW THE WORKERS' COMPENSATION BOARD BUDGET PROCESS

November 26, 2003

TO: Sen. Beverly C. Daggett, Chair ✓
Rep. Patrick Colwell, Vice Chair
Legislative Council

FROM: Sen. Beth Edmonds, Senate Chair
Rep. William Smith, House Chair

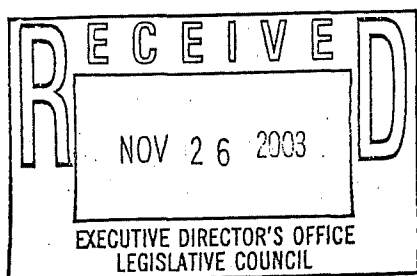
Re: Request for extension of reporting deadline

The Commission to Review the Workers' Compensation Board Budget Process, created by Public Law 2003, chapter 425, respectfully requests an extension of the December 3rd reporting deadline to December 31, 2003. The Commission has held four meetings, on August 20, October 6, November 3, and November 17, and our meetings have been informative and productive. Our Legislative Analyst, Deb Friedman, has had to take some time off for medical reasons, and the staff of the Workers' Compensation Board has filled in for her in her absence. We are hoping that Deb will be returning to the office soon, however, and that she will be able to provide the Commission with some valuable assistance in drafting our final report

We believe that a brief extension will give the study committee the best opportunity to craft a meaningful report.

Thank you for your consideration. We are happy to answer any questions you may have.

Cc: David Boulter, Executive Director
David Elliott, Director, OPLA
Teen Griffin, Legislative Information



*COMMITTEE TO STUDY THE REVENUE SOURCES OF THE OFFICE OF
CONSUMER REGULATION*

MEMORANDUM

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

FROM: Senator Lynn Bromley, Chair *LB*
Representative Guy J. Duprey, Jr., Chair *GD*
Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation

DATE: November 20, 2003

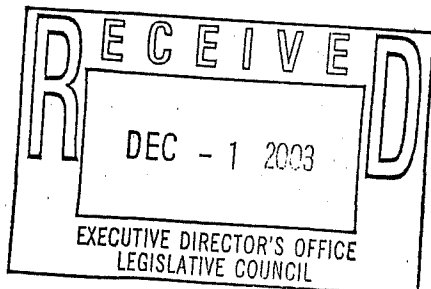
SUBJ: Request for Extension of Report Date

Pursuant to Public Law 2003, Chapter 462, Section 6, we respectfully request an extension beyond the December 3, 2003 reporting deadline to permit the Committee sufficient time to complete its examination of the revenue sources of the Office of Consumer Credit Regulation. We request an extension of the reporting deadline for the Committee to January 16, 2004.

Our extension request is based on the fact that the Committee was not convened until November 20th and in recognition of the reality that the Committee requires a reasonable amount of time to consider the issues involved in this study.

Please contact either one of us or our Committee Staff, Susan Johannesman 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



Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War

MEMORANDUM

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

FROM: Senator Kenneth Gagnon, Senate Chair
Representative Monica McGlocklin, House Chair
Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War

DATE: December 4, 2003

SUBJ: Deadline Extension Request

The *Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War* is requesting approval to extend the deadline for the commission to submit its final report to March 1, 2004. The commission was initially required to submit its final report to Legislative Council by November 1, 2002. Pursuant to Resolve 2003, chapter 77, an extension was granted until November 1, 2003.

We believe an additional extension is necessary for the following reasons:

1. The appointments for the commission were finalized in late October 2003. The commission understands the need to aggressively schedule meetings in order to submit the final report as soon as possible. The commission has held four meetings to date. During this interim, it met on November 12th and December 4th; we intend to schedule a fifth meeting for mid-January 2004.
2. At the December 4th meeting, the commission selected an artist to submit designs for both the World War I and Korean War plaques. The commission is estimating that this artist will need at least one month to create preliminary designs for the plaques. Therefore, the next meeting will be scheduled in mid-January. We are anticipating that at least one additional meeting will be needed to finalize the plaque designs.

3. The commission has made progress in its fundraising efforts. We have identified several strategies that are worth pursuing and will be finalizing this strategy at the next meeting in mid-January.

Thank you for your consideration of this request. If you have any questions, please feel free to contact one of us or the commission's analyst, Lisa Baldwin (287-1670).

cc: David E. Boulter Executive Director, Legislative Council
David Elliott, Director, OPLA

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

December 5, 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 *BGE*
Representative Elaine Makas, Co-Chair *EM*

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

We wish to thank the Legislative Council for granting the Task Force an extension from December 3, 2003 to January 9, 2003. However, we respectfully request an extension beyond the January 9th 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 therapeutic and educational services. We request an extension of the reporting deadline for this Task Force to January 23, 2004.

The Task Force was convened on November 20th and we have scheduled the next two meeting dates (for December 17th and January 8th) prior to the new reporting deadline. We believe that the Task Force can reach some decisions on our findings, conclusions and recommended legislation. However, we now seek an additional 2 weeks time in order to:

1. Permit the Task Force members and staff the opportunity to prepare and review the "draft" Task Force report; and
2. Schedule our fourth and final "authorized" meeting to permit Task Force members to jointly review, comment on and revise the "draft" report before a final version of the report is authorized.

As we mentioned in our earlier appeal for an extension request, the "bilingual" nature of our communications with Task Force members and the public -- as well as public access laws -- require

Memorandum to Legislative Council (December 5, 2003)

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

that we provide appropriate interpreter services for these public proceedings. This dynamic challenges the ability of the Task Force to conduct its business in a timely manner since it takes more to time to ensure that all involved in the Task Force meeting have access to these proceedings.

On behalf of the Task Force, we respectfully urge your consideration of our request to provide the Task Force with sufficient time to conduct our final deliberation on these issues as we prepare our findings, conclusions and recommended legislation. 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
Members, Task Force to Study the Needs of Deaf and Hard-Of Hearing Children and Adolescents

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
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Maine State Legislature
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Augusta, ME 04333
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Maine Relay Services: 1-800-437-1220
Fax: (207) 287-1275
E-mail: phillip.mccarthy@legislature.maine.gov
E-mail: nicole.dube@legislature.maine.gov
Webpage: <http://www.state.me.us/legis/opla/citized.htm>

December 5, 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 pm*
Representative Glenn A. Cummings, Co-Chair *GAC pm*

SUBJ: Extension Request -- Commission on Citizenship Education

We wish to thank the Legislative Council for granting the Commission an extension from December 3, 2003 to January 9, 2003. However, we respectfully request an extension beyond the January 9th reporting deadline to permit the Commission sufficient time to complete its review of the scope and quality of citizenship education. We request an extension of the reporting deadline for this Commission to January 23, 2004.

Commission members voted unanimously to seek an extension of the reporting deadline for this study to January 23, 2004. Our request is based on the following:

⊕ The Commission was not convened until November 5th, has held its 2nd meeting on December 3rd, has scheduled its next meeting for January 5th and requires additional time to schedule its fourth and final authorized meeting;

Memorandum to Legislative Council (December 5, 2003)
Extension Request -- Commission to Study the Scope and Quality of Citizenship Education
Page Two

- ⊕ The Commission has launched two web-based surveys of citizenship education initiatives in K-12 schools and teacher preparation colleges across the State and needs sufficient time to allow school and college officials to respond to the survey and for Commission members and staff to analyze the information provided by survey respondents; and
- ⊕ Commission members and staff require additional meeting time beyond January 9th 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 December 8th 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 this matter. 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
Members, Commission to Study the Scope and Quality of Citizenship Education