

# MAINE STATE LEGISLATURE

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SEN. BEVERLY C. DAGGETT  
CHAIR

REP. PATRICK COLWELL  
VICE-CHAIR



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

LEGISLATIVE COUNCIL

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

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

**MEETING SUMMARY**  
**January 13, 2004**  
**Approved February 10, 2004**

**CALL TO ORDER**

The Chair, President Daggett, called the Legislative Council Meeting to order at 2:24 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	President Daggett, Sen. Treat, Sen. Gagnon (Sen. Davis and Sen. Woodcock joined the meeting in progress)
Representatives:	Speaker Colwell, Rep. Richardson, Rep. Bruno, Rep. Bowles Absent: Rep. Duplessie,
Legislative Officers:	Joy O'Brien, Secretary of the Senate Millicent MacFarland, Clerk of the House David Shiah, Assistant Clerk of the House David E. Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Elliott, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

**SUMMARY OF THE DECEMBER 8, 2003 COUNCIL MEETING**

**Motion:** That the Meeting Summary of December 8, 2003 be accepted and placed on file. (Motion by Rep. Bruno, second by Sen. Gagnon, unanimous).

## **REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS**

- **Executive Director's Report**

David Boulter, Executive Director, reported that the January 12, 2004 fire alarm was a result of maintenance work in the connector. A contractor attempted to replace a water valve without first turning the water off and water entered into the smoke detector system which set off the alarm.

Mr. Boulter acknowledged a memo that President Daggett, Speaker Colwell and Sen. Gagnon had sent out regarding the availability of Legislative Wireless access to the Internet. Persons with a laptop computer can access to the Internet and email throughout the State House and on the 2<sup>nd</sup> floor of the Cross Building. Mr. Boulter thanked Mr. Mayotte and his staff for their work to make the wireless network available.

Executive Director Boulter referred members to the portrait of William Pitt Fessenden of Portland that now hangs in the Council Chamber. Mr. Fessenden graduated from Bowdoin in 1823, and was admitted to the Maine Bar in 1827. He served in the U.S. Senate but resigned from the Senate to become Secretary of the U.S. Treasury in 1864. He later returned to the Senate.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported the following to Council members:

### **General Fund and Highway Fund Revenue Variances**

The Revenues for both the General Fund and Highway Fund had very strong performances recently. General Fund revenues were over budget by \$16.3 million in December, resulting in a positive variance for the first half of Fiscal Year 04 of \$11.9 million. Individual Income Tax and Sales Tax lines had major positive variances that contributed to the strong performance. The Revenue Forecasting Committee will be meeting in February, 2004 and will be reviewing all revenues.

Mr. Pennoyer also reported that the Highway Fund had a strong performance recently, increasing the positive variance to \$3.8 million through the first half of FY 04.

### **Revenue Forecasting**

The Revenue Forecasting Committee and the Consensus Economic Forecasting Commission met in a joint meeting on January 12, 2004 to discuss proposed changes to the process by which the Committee forecasts the economy and revenues. Being unable to achieve any consensus, they made no recommendations for changes at that time. The Revenue Forecasting Committee did make a one-time adjustment to the General Fund Revenue in Fiscal Year 2004 related to two unusual and unanticipated events, which increased revenue by \$2,066,000.

The Consensus Economic Forecasting Commission will meet on January 27, 2004 to review and potentially revise the current economic forecast. The Commission's statutory reporting date is February 1<sup>st</sup>.

The Revenue Forecasting Committee is scheduled to meet in mid-February to review and update the revenue forecasts for the General Fund, Highway Fund and Fund for a Healthy Maine. The Committee has a statutory reporting date of March 1<sup>st</sup>.

No Council action required.

- **Office of Information Services' Report**

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

HP is scheduled to install its latest version of the bill drafting software on Friday, January 23, 2004. Acceptance testing will follow the installation.

Audio broadcasting from all committee rooms is now available over the Internet. Sound quality and impact on bandwidth will be monitored throughout the session to assure satisfactory broadcasting.

The wireless network is now active and the Legislative Information Services' Office is working with legislators to ensure a good connection with their laptop computers.

The Information Services' Office continues to monitor the SPAM that comes into the State House through the Internet. The rules in place are working effectively and very few valid emails are being flagged as SPAM.

A brief discussion followed regarding whether the Legislature has a system in place to broadcast audio transmissions of committee proceedings when they are held at off-site locations. Mr. Mayotte responded by saying that the Legislature does not have the equipment to provide audio coverage for outside hearings at this time.

No Council action required.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, reported that most studies are in the final report drafting stage. A copy of the Progress Report on Legislative Studies is attached for the Legislative Council's reference.

No Council action required.

## **REPORTS FROM COUNCIL COMMITTEES**

- **Personnel Committee**

The Personnel Committee did not meet this past month.

- **State House Facilities Committee**

The State House Facilities Committee did not meet this past month.

## OLD BUSINESS

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

Executive Director Boulter provided Council members with a list of actions taken by ballot by the Legislative Council since its December 8, 2003 meeting.

No Council action required.

## NEW BUSINESS

### Item #1: Consideration of After Deadline Bill Requests

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

### Item #2: Requests to Meet and Request for Further Extension of Study Reporting Deadlines

- **Commission to Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health**

- Requested permission to meet on January 23, 2004 (extension to December 31, 2003 had been approved by the Legislative Council on November 18, 2003)

Director Elliott said the Commission to Study Obesity and Methods to Decrease the Cost of Health Care and Increase the Public Health requested to meet on January 23, 2004 because the Council, at its meeting on November 18, 2003, had approved an extended reporting deadline to December 31, 2003. The Commission's work plan indicates that the Commission's reporting deadline will be next year. A bill has been submitted that would extend the reporting deadline to the fall.

**Motion:** No motion was offered.

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

- Requested permission to meet on January 26, 2004

**Motion:** That the Legislative Council approve the request for the Task Force to meet on January 26, 2004. (Motion by Rep. Richardson, second by Sen. Treat, approved 7-1, Rep. Bruno opposed).

- Requested permission to extend Task Force deadline to an unspecified date in the future

**Motion:** That the Legislative Council approve the request to extend the Task Force's deadline by 10 days to February 6, 2004. (Motion by Rep. Richardson, second by Sen. Davis, approved 7-1, Rep. Bowles opposed).

**Note:** President Daggett commented that analysts for the committees should know and relay to committee members that they should not request extensions on studies without asking for an extension to a date certain.

**Item #3: Presentation by Steering Committee for Blaine House Conference on the Creative Economy**

Alden Wilson, Director, Maine Arts Commission, John Rohman, Chair of the Maine Arts Commission, and Abby Levin from the Maine Arts Commission made a presentation to the Council on the Blaine House Conference on the Creative Economy. The conference will be held May 6-7, 2004 at the Bates Mill in Lewiston, Maine.

For more information on the Conference one can contact Abbe Levin at the Maine Arts Commission, 25 State House Station, Augusta, Maine 04333, telephone 207-287-2710.

President Daggett, on behalf of the entire Legislative Council, thanked Mr. Wilson, Mr. Rohman and Ms. Levin for their informative presentation.

**COLLECTIVE BARGAINING (Executive Session)**

None.

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 3:37 p.m. (Motion by President Daggett, second by Speaker Colwell, unanimous).

**Progress Report on Legislative Studies**  
**(Studies authorized or undertaken following the 121st Legislature/1st Regular Session)**  
**Status as of 01/12/04 4:00:51 PM**

<b><u>Study Commission</u></b>	<b><u>Date First Convened</u></b>	<b><u>Date, Time &amp; Location of Next Meeting</u></b>	<b><u>Report Date</u></b>	<b><u>Comments/Status Of Study Commission</u></b>
Community Safety and Sex Offender Accountability, Resolve to Improve (LD 372 – Resolve 2003, c. 75)	9/12/03		12/03/03	Final report and legislation being drafted.
Equity in Mortgage Volume Fees, An Act to Ensure (LD 969 – P.L. 2003, c. 462)	11/20/03		12/03/03	Final report and legislation being drafted.
Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	Continuation		11/06/03	Do not plan to meet; 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	Mon., January 12 1:00 p.m. Room 206, CSOB	12/03/03	Jt. Order passed extending reporting deadline to 1/20/04.
Maine's Freedom of Access Laws, Resolve to Study Compliance with (LD 1079 – Resolve 2003, c. 83)	11/20/03		12/03/03	Final report being drafted; no legislation.
Needs of Deaf and Hard-of-hearing Children and Adolescents, Resolve to Study (LD 553 – Resolve 2003, c. 84)	11/20/03	Weds., January 14 8:00 a.m. – 12:00 p.m. Room 126, SH	12/03/03	Extension granted to 1/23/04.
Obesity and Methods to Decrease the Cost of Health Care, Resolve to Study (LD 471 – Resolve 2003, c. 95)			12/05/03	Extension granted to 1/9/04; LD 1823 would extend reporting deadline to 11/3/04.
Prepare Maine's Students for Active Citizenship, Resolve to (LD 425 – Resolve, 2003, c. 85)	11/5/03		12/03/03	Final report and legislation being drafted.
Recodification of Title 12 (substantive and technical pieces) (LD 1600 – P.L. 2003, c. 414)	Continuation		12/15/03	Recod enacted last year. This year's bill addressing technical and substantive changes is being drafted.
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 01/12/04 4:00:51 PM**

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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	Final meeting will be in the spring; no report or legislation.
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		01/09/04	3 meetings held; extension granted to 1/9/04; further extension to requested.
State's Wholesale Liquor Business, Joint Order to Study Implementation of Privatization of the (JSO, SP 552)	9/25/03		12/03/03	Final report and legislation 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		11/03/03	Extension to 3/1/04 granted.
Worker's Compensation Board, Review the Budget Process of the (LD 35 – P.L. 2003, c. 425)	8/20/03		12/03/03	Final report and legislation being drafted..
Youth in Maine, Presiding Officers Task Force on Creating a Future for (P.O. Order)	9/5/03		12/08/03	Final report and legislation being drafted..

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