

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**February 10, 2004**  
**2:00 p.m.**  
**Room 334, 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 JANUARY 13, 2004 COUNCIL MEETING</b>	Decision
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	Information
6	• Executive Director's Report	
9	• Fiscal Report (Pennoyer)	
10	• Office of Information Services' Report (Mayotte)	
	• Update on Interim Studies (Elliott)	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> (Rep. Richardson, Chair)	
	No report	
	• <b>State House Facilities Committee</b> (Sen. Gagnon, Chair)	
	No report	
	<b>OLD BUSINESS</b>	
12	<b>Item #1: Council Actions Taken by Ballot</b>	Information

## **NEW BUSINESS**

- |    |   |            |
|----|---|------------|
| 14 | <b>Item #1: Consideration of After Deadline Bill Requests</b>   | Decision   |
|    | <b>Item #2: Submission of Study Reports</b>   |            |
| 21 | Committee to Study Compliance With Maine's Freedom of Access Laws (letter from Sen. Margaret Rotundo, Senate Chair and Rep. Theodore Koffman, House Chair)  | Acceptance |
| 22 | Commission to Improve Community Safety and Sex Offender Accountability (letter from Sen. Pamela Hatch, Senate Chair and Rep. Sean Faircloth, House Chair)   | Acceptance |
| 23 | Commission to Review the Budget Process of the Workers' Compensation Board (letter from Sen. Betheda Edmonds, Senate Chair and Rep. William Smith, House Chair)   | Acceptance |
|    | <b>Item #3: Request for Further Extension of Study Reporting Deadline</b>   |            |
| 24 | Task Force to Study Parity and Portability of Retirement Decision Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters<br><br>- Request for extension of reporting deadline from February 6, 2004 to November 3, 2004 (extension to February 6, 2004 had been approved by the Legislative Council on January 13, 2004) |            |

## **COLLECTIVE BARGAINING (Executive Session)**

## **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**  
**January 13, 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).



# Fiscal Briefing for the Legislative Council

February 10, 2004 Meeting

*Prepared by the Office of Fiscal & Program Review*

## 1. General Fund and Highway Fund Revenue Variances for January 2004

(See attached Summary – Preliminary Data)

### • General Fund

Total General Fund revenue was \$15.4M ahead of budget in January, increasing the positive variance for the 1<sup>st</sup> 7 months of FY04 to \$25.2M.

- Individual Income Tax – Up by \$5.6M in Jan./Up by \$16.7M for FY-T-D  
(Note: \$5.7M is related to refunds not processed due to delays)
- Sales Tax – Up by \$4.4M in Jan./Up by \$8.9M for FY-T-D
- Corporate Income Tax – Up by \$1.5M in Jan./Under by \$0.4M for FY-T-D
- Estate Tax – Under by \$1.2M in Jan./Under by \$0.7M for FY-T-D
- Cigarette Tax – Under by \$2.4M in Jan./Under by \$1.7M for FY-T-D

### • Highway Fund

Total Highway Fund revenue was over budget by \$0.2M in January; increasing the positive variance to \$3.6M for the 1<sup>st</sup> seven months of FY04. Motor Vehicle Registration and Fees and Fuel Taxes account for most of this positive variance.

## 2. Revenue Forecasting

- The Consensus Economic Forecasting Commission (CEFC) concluded its February update of its economic forecast. The CEFC increased the calendar year 2003 Personal Income growth rate from 3.5% to 4.0% growth, the only change to the forecast.
- Normally, this would produce roughly a \$20 million increase per year in the combined forecasts of individual income and sales taxes. However, the Revenue Forecasting Committee (RFC), as part of its last forecast, did not accept a downward revision of the forecast for the individual income tax and sales tax based on the tax model projections. The RFC assumed that the Personal Income estimate would likely be revised upward, because data collected by the State was not consistent with the federal estimates of Personal Income for Maine.
- The RFC was originally scheduled to meet on February 26<sup>th</sup>. However, as a result of a request for a February 20<sup>th</sup> submission of the 2<sup>nd</sup> supplemental budget bill, the RFC moved up its meeting, which is now scheduled for:
  - Thursday, February 12<sup>th</sup> at 10:00AM in Room 228, State House

## 3. Cash Balances

- Attached is an updated look at General Fund cash balances through January. It appears now that even after adjusting for the effect of Tax Anticipation Notes (TAN's) the 12-month moving average has finally bottomed out and begun an upward trend.

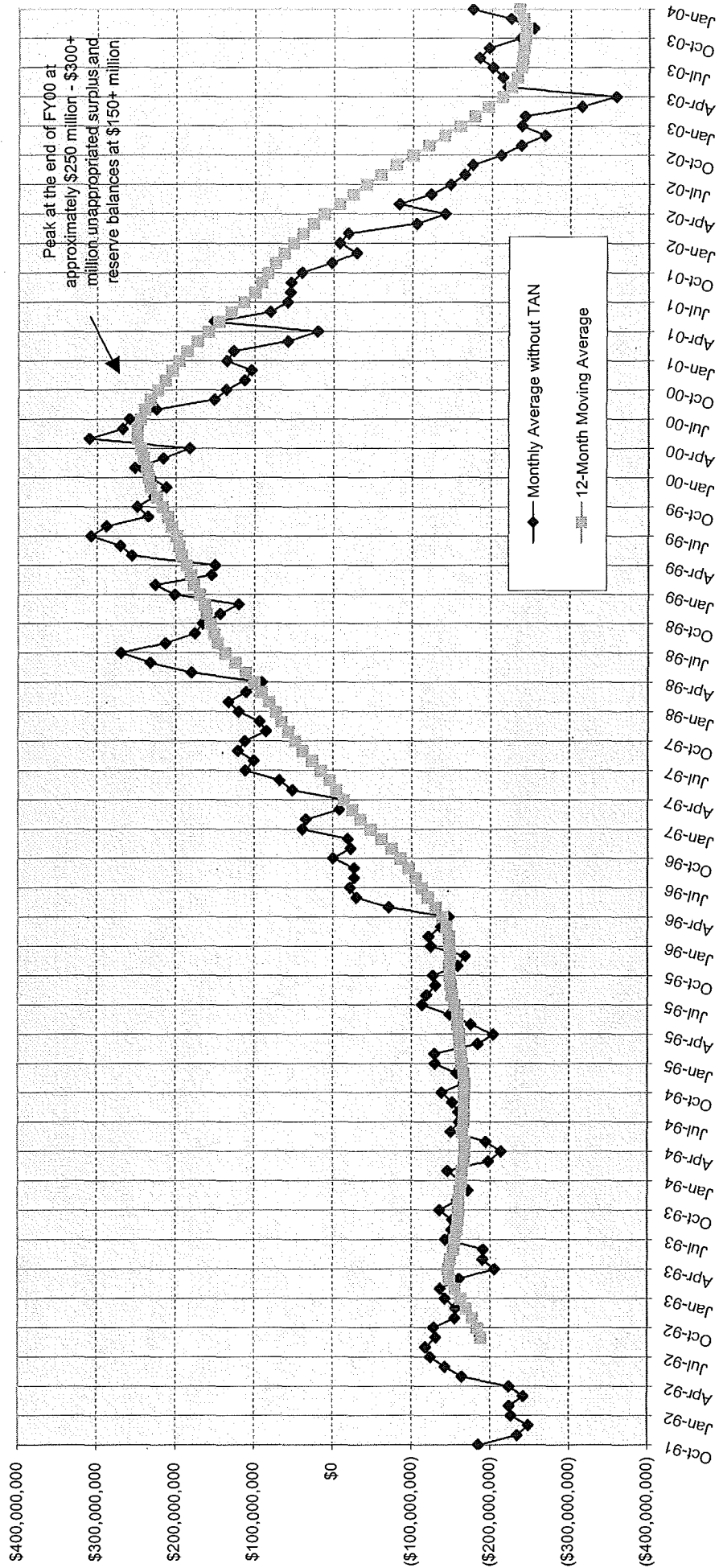
**General Fund and Highway Fund Revenue  
Fiscal Year Ending June 30, 2004**

**Based on All Actions of the 121st Legislature through 1st Special Session and January 2004 Revenue Forecast**

**JANUARY 2004 - VARIANCE REPORT**

<b>FUND Revenue Line</b>	<b>Jan. '04 Budget</b>	<b>Jan. '04 Actual</b>	<b>Jan. '04 Var.</b>	<b>FY04 YTD Budget</b>	<b>FY04 YTD Actual</b>	<b>FY04 YTD Variance</b>	<b>FY04 Budgeted Totals</b>
GF Sales and Use Tax	85,236,157	89,659,263.40	4,423,106.40	488,982,219	497,849,160.48	8,866,941.48	899,259,382
GF Individual Income Tax	142,020,896	147,651,742.56	5,630,846.56	655,831,768	672,490,319.37	16,658,551.37	1,132,802,013
GF Corporate Income Tax	1,291,438	2,774,356.82	1,482,918.82	49,744,522	49,374,235.20	(370,286.80)	103,697,841
GF Cigarette and Tobacco Tax	8,534,604	6,131,345.62	(2,403,258.38)	58,497,457	56,793,787.94	(1,703,669.06)	97,616,940
GF Public Utilities Tax	0	0.00	0.00	(150,000)	(293,687.83)	(143,687.83)	28,900,000
GF Insurance Companies Tax	187,221	28,357.02	(158,863.98)	14,279,930	12,883,674.25	(1,396,255.75)	69,415,308
GF Estate Tax	2,760,085	1,565,375.06	(1,194,709.94)	12,783,033	12,096,985.78	(686,047.22)	32,103,631
GF Property Tax - Unorganized Territory	0	0.00	0.00	8,937,093	8,937,092.00	(1.00)	10,202,624
GF Income from Investments	60,240	128,432.81	68,192.81	1,018,061	1,143,187.88	125,126.88	1,287,885
GF Transfer to Municipal Revenue Sharing	(11,655,974)	(12,244,353.50)	(588,379.50)	(60,922,485)	(62,205,399.48)	(1,282,914.48)	(108,923,722)
GF Transfer from Liquor Commission	2,132,831	1,914,554.33	(218,276.67)	16,288,143	16,751,853.49	463,710.49	26,356,396
GF Transfer from Lottery Commission	3,232,100	3,672,264.09	440,164.09	24,736,073	24,622,765.73	(113,307.27)	42,321,885
GF Other Revenue	13,032,802	20,901,213.25	7,868,411.25	106,708,472	111,466,592.64	4,758,120.64	275,488,367
<b>GF Totals</b>	<b>246,832,400</b>	<b>262,182,551.46</b>	<b>15,350,151.46</b>	<b>1,376,734,286</b>	<b>1,401,910,567.45</b>	<b>25,176,281.45</b>	<b>2,610,528,550</b>
HF Fuel Taxes	17,597,994	17,493,949.81	(104,044.19)	109,526,369	110,380,787.79	854,418.79	210,496,449
HF Motor Vehicle Registration and Fees	6,216,210	5,622,572.73	(593,637.27)	40,278,631	42,398,300.02	2,119,669.02	78,405,062
HF Inspection Fees	197,213	748,318.50	551,105.50	2,271,321	2,892,806.18	621,485.18	3,461,771
HF Fines	167,640	148,286.84	(19,353.16)	1,219,014	1,087,593.52	(131,420.48)	2,122,901
HF Income from Investments	31,372	48,055.25	16,683.25	282,883	304,365.58	21,482.58	425,217
HF Other Revenue	620,337	577,162.76	(43,174.24)	5,742,436	5,852,885.70	110,449.70	8,632,917
<b>HF Totals</b>	<b>24,830,766</b>	<b>24,638,345.89</b>	<b>(192,420.11)</b>	<b>159,320,654</b>	<b>162,916,738.79</b>	<b>3,596,084.79</b>	<b>303,544,317</b>

**GENERAL FUND  
DAILY STARTING CASH BALANCES - EXCLUDING TAX ANTICIPATION NOTES**



**MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL  
TECHNOLOGY REPORT**

**February 10, 2004**

**Bill Drafting System:**

- **HP installed the Bill Drafting System software on 2/9/04**
- **Acceptance testing will follow installation (HP is aware of session constraints on staff)**

**Committee Internet Audio:**

- **Committee broadcast over the Internet have been available for one month with few issues**
- **After monitoring the quality of the Internet audio broadcasts, steps are being taken to improve the quality of the audio from a small group of Committee Rooms**

**Wireless Network Access Pilot:**

- **Approximately 35 Legislators are taking advantage of the wireless service**
- **A level of virus and Spam protection have been added**
- **“Ports” on the wireless network have been enabled allowing users to access their “outside” e-mail using Outlook® or Outlook Express®**

**SPAM Filtering:**

- **The “rules” are being tuned this week for blocking “Nigerian Spam”**
- **Will continue to review all items identified as Spam**

**Progress Report on Legislative Studies**  
 (Studies authorized or undertaken following the 121st Legislature/1st Regular Session)  
 Status as of 02/09/04 3:48:36 PM

<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>
<b>Community Safety and Sex Offender Accountability, Resolve to Improve</b> (LD 372 – Resolve 2003, c. 75)	9/12/03	No more meetings	12/03/03	Final report and legislation submitted
<b>Equity in Mortgage Volume Fees, An Act to Ensure</b> (LD 969 – P.L. 2003, c. 462)	11/20/03	No more meetings	12/03/03	Draft final report out for review.
<b>Financing of Long-term Care, Resolve Establishing a Blue Ribbon Commission to Address</b> (Resolve 2001, c. 114)	Continuation	No meetings	11/06/03	Do not plan to meet; plan to leave the financing issue for consideration by the LTC Oversight Committee created this year.
<b>Health Care System and Health Security Board, An Act to Extend the Authority of the</b> (LD 20 – P.L. 2003, c. 492)	Continuation	No meetings	11/01/04	Will not meet this interim; report due next year. Applying for Health Access Foundation grant.
<b>Logging Industry, Study New Payment Models for the</b> (JSO, HP 724)	9/12/03		12/03/03	Jt. Order passed extending reporting deadline to 1/20/04; committee has not finalized recommendation.
<b>Maine's Freedom of Access Laws, Resolve to Study Compliance with</b> (LD 1079 – Resolve 2003, c. 83)	11/20/03	No more meetings	12/03/03	Final report and legislation submitted
<b>Needs of Deaf and Hard-of-hearing Children and Adolescents, Resolve to Study</b> (LD 553 – Resolve 2003, c. 84)	11/20/03	No more meetings	12/03/03	Draft final report out for review.
<b>Obesity and Methods to Decrease the Cost of Health Care, Resolve to Study</b> (LD 471 – Resolve 2003, c. 95)			12/05/03	Extension granted to 11/03/04; subcommittees formed.
<b>Prepare Maine's Students for Active Citizenship, Resolve to</b> (LD 425 – Resolve, 2003, c. 85)	11/5/03	No more meetings	12/03/03	Final report and legislation being drafted.
<b>Recodification of Title 12 (substantive and technical pieces)</b> (LD 1600 – P.L. 2003, c. 414)	Continuation	No meetings	12/15/03	Recod enacted last year. This year's bill addressing technical and substantive changes is in production.
<b>Recodification of Title 7, Joint Order Directing</b> (JSO, SP 586)		No meetings	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 02/09/04 3:48:36 PM**

<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>
<b>Salmonid Sport Fish in Maine</b> , 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.
<b>Retirement Benefits for State, Municipal, and County Law Enforcement Officers and Firefighters</b> , Resolve to Study Parity and Portability of (LD 1343 – Resolve 2003, c. 76)	11/10/03		01/09/04	Extension granted to 2/05/04.
<b>State's Wholesale Liquor Business</b> , Joint Order to Study Implementation of Privatization of the (JSO, SP 552)	9/25/03	No more meetings	12/03/03	Final report and legislation being drafted.
<b>Veterans of World War II and Korean War in the State House Hall of Flags</b> , Resolve to Extend the Commission to Recognize (LD 40 – Resolve 2003, c. 77)	Continuation	Thurs., February 12 <sup>th</sup> 1:00 p.m. Room 216, CSOB	11/03/03	Extension to 3/1/04 granted; final report is being drafted; design of placques being developed.
<b>Worker's Compensation Board</b> , Review the Budget Process of the (LD 35 – P.L. 2003, c. 425)	8/20/03	No more meetings	12/03/03	Final report submitted; no legislation.
<b>Youth in Maine</b> , Presiding Officers Task Force on Creating a Future for (P.O. Order)	9/5/03	No more meetings	12/08/03	Final report and legislation completed.

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**Actions Taken by Ballot by  
the Legislative Council Since  
the January 13, 2004 Council Meeting**

**1. Request for Introduction of Legislative**

A. LR 2742:        Resolve, Concerning Payments to Legislators During Special Session

Submitted by: President Beverly Daggett  
Accepted:        January 30, 2004, 6 – 3 – 0 – 1

B LR 2743         Resolve, to Provide for Legislative Review of Certain Agency Rules  
and Submission of Certain Authorized Reports and Legislation

Submitted by: President Beverly Daggett  
Accepted:        January 30, 2003, 6 – 3 – 0 – 1

C. LR 2729:        Resolve, To Provide for the Recodification of the Student Loan Repayment  
and Forgiveness Programs to Better Meet the Needs of Maine Employers  
and the Maine Economy

Submitted by: Rep. Jeremy Fischer  
Accepted:        January 26, 2004, 10 - 0 – 0 – 0

D. LR 2734:        Resolve, To Allow the Town of Harpswell to Use Multiple Voting Places  
for a Special Election

Submitted by: Rep. Leila Percy  
Accepted:        January 28, 2004, 10 – 0 – 0 – 0

E. LR 2650         An Act to Ensure Disclosure of Prescription Drug Prices

Submitted by: Sen. Sharon Treat  
Accepted:        January 27, 2004, 6 – 4 – 0 – 0

F. Motion: To Extend the Reporting Deadline for the Commission to Study Public Health to November 3, 2004 and authorize the Commission to introduce a bill related to its reports to the First Regular Session of the 122<sup>nd</sup> Legislature

Motion by: Speaker Patrick Colwell  
January 21, 2004, 6 - 4 - 0 - 0



DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

February 5, 2004

TO:

FROM:  Dave Boulter, Executive Director

SUBJECT: **Your After Deadline Bill Request(s)**

The Legislative Council has scheduled its next meeting for:

**Tuesday, February 10, 2004  
2:00 p.m.  
Room 334, Legislative Council Chamber**

In accordance with the Joint Rules, the Council will consider After Deadline Bill Requests at that time, including the request(s) you have filed with the Revisor's Office. In addition, the Council is required by Joint Rule 35 to decide all requests for Memorials (Joint Resolutions that memorialize another governmental agency or official) for introduction.

**You should plan to attend this Council meeting or present your request(s) to a member of the Legislative Council prior to the meeting.** The Council may, but is not obligated to, table a request until the following meeting if the sponsor is not present, so it will have the benefit of information from the sponsor when it votes.

The Council's review of After Deadline Requests is pursuant to Joint Rule. Please be advised that the Council asks that all sponsors first research whether there is an existing bill or LR available to a committee that could accommodate their request. The review procedure then will be as follows:

1. The Council Chair, President Beverly Daggett, will read the name of the sponsor and the title of the request.
2. Once recognized to speak by the Chair, the sponsor may proceed to the microphone. The sponsor should be prepared to concisely answer the following:
  - Why the bill request is "late" (filed after the cloture date);
  - Why the bill request constitutes an emergency such that the Legislature needs to consider the bill this session; and
  - Whether the likely committee of jurisdiction has a bill already referred to it that could be amended to include the proposal.

Council members may also ask questions related to the content or the intent of the bill to clarify the request, although sponsors generally are not asked to speak to the merits of the bill.

3. Following the questions Council members will vote on bill requests individually; a roll call vote is required pursuant to Joint Rule.

A complete list of the Council's action on After Deadline Requests is distributed to Council members and all sponsors as soon after adjournment of the Council meeting as possible. The list and the roll call votes are available in the Executive Director's office if you should have any questions.

I hope this information is useful. Please drop by or call me if you have any questions.

Attachment

cc: Members, Legislative Council

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND SPECIAL SESSION  
February 5, 2004

Action

SPONSOR: Sen. Brennan, Michael

LR 2714 An Act To Require School Administrative Units to Report their Costs for Legal, Consulting, and Other Professional Services to the Department of Education

SPONSOR: Rep. Dunlap, Matthew

LR 2739 An Act to Amend the Apportionment of House Legislative Districts 76 and 77

ACCEPTED BY  
BALLOT 2/9/04

SPONSOR: Rep. Fischer, Jeremy

LR 2722 An Act To Recruit and Retain College Graduates Through Loan Repayment

ACCEPTED BY  
BALLOT 2/6/04

SPONSOR: Sen. Hall, Christopher

LR 2721 Resolve, Directing the Maine Public Utilities Commission To Implement Universal Rural Broadband Access Statewide

ACCEPTED BY  
BALLOT 2/6/04

SPONSOR: Rep. Jodrey, Arlan R.

LR 2719 Resolve, Authorizing the Town of Eustis to Exchange a Certain Parcel of Land

SPONSOR: Sen. Martin, John L.

LR 2715 An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth

SPONSOR: Sen. Mitchell, Betty Lou

LR 2690 An Act to Amend the Requirements for Publication of Legal Notices

(Reconsideration Request by Rep. Bowles)

SPONSOR: Sen. Mitchell, Betty Lou

LR 2691 An Act to Extend the Deadline for Reconsideration by  
Boards of Appeals

(Reconsideration Request by Rep. Richardson)

SPONSOR: Rep. Perry, Joseph C.

LR 2723 An Act to Ban Smoking in Private Clubs

SPONSOR: Sen. Stanley, Stephen

ACCEPTED BY  
BALLOT 2/6/04

LR 2720 An Act To Expand Access to Higher Education and Employment  
for Youth

SPONSOR: Rep. Twomey, Joanne T.

2751 An Act To Prohibit Financial Institutions From Requiring  
a Fingerprint or Thumbprint to Complete a Transaction

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Bromley, Lynn Tabled  
01/13/04

LR 2651 An Act to Clarify the Authority of the Community  
Preservation Advisory Committee

SPONSOR: Rep. Bunker Jr., George H. Tabled  
01/13/04

LR 2673 An Act to Decrease Insurance Fraud in this State

SPONSOR: Sen. Damon, Dennis Tabled  
01/13/04

LR 2652 An Act To Authorize a General Fund Bond Issue in the Amount  
of \$1,200,000 for the Downeast Institute for Applied Marine  
Research and Education

SPONSOR: Sen. Damon, Dennis Tabled  
01/13/04

LR 2662 Resolve, To Designate the Site of the Resting Place of 2  
Planes and the Remains of the Pilots in Sebago Lake as a  
Protected Area

SPONSOR: Rep. Dudley, Benjamin F. Tabled  
01/13/04

LR 2682 An Act to Include Homelessness as a Protective Class  
Under the Civil Rights Act  
(Changed to a Resolve on 2/10/04, see attached  
Addendum of February 10, 2004)

SPONSOR: Rep. Gagne-Friel, Rosita Tabled  
01/13/04

LR 2667 An Act To Allow Speakers in Vehicles To Enable a  
Person in the Vehicle To Communicate with a Person  
Outside the Vehicle

SPONSOR: Sen. Gagnon, Kenneth T. Tabled  
01/13/04

LR 2353 An Act To Delay the Implementation of the Commingling  
Provisions of the Laws Governing Returnable Beverage  
Containers

SPONSOR: Sen. Gagnon, Kenneth T. Tabled  
01/13/04

LR 2684 An Act To Clarify the Nursing Facility Certificates of Need  
Law

SPONSOR:	Sen. Gagnon, Kenneth T.	TABLED 01/13/04
LR 2706	An Act To Permit the Use of Regular Mail To Give Notice of Dishonored Checks	
SPONSOR:	Sen. Gagnon, Kenneth T.	TABLED 01/13/04
LR 2707	An Act To Modify Taxation of State Employee Retirement Benefits	
SPONSOR:	Sen. Gagnon, Kenneth T.	TABLED 01/13/04
LR 2708	An Act To Comprehensively Restructure Maine's Tax System	
SPONSOR:	Sen. Lemont, Kenneth F.	TABLED 01/13/04
LR 2660	An Act to Establish Reciprocity in Laws Governing the Allowable Mode of Transporting Lobsters	
SPONSOR:	Sen. Lemont, Kenneth F.	TABLED 01/13/04
LR 2672	An Act Regarding the Use of Lights and Sirens on Emergency Vehicles	
SPONSOR:	Rep. Mills, Janet T.	TABLED 01/13/04
LR 2711	An Act to Amend the Protection from Harassment Laws	
SPONSOR:	Sen. Treat, Sharon Anglin	TABLED 01/13/04
LR 2650	An Act to Ensure Disclosure of Prescription Drug Prices	
SPONSOR:	Sen. Treat, Sharon Anglin	TABLED 01/13/04
LR 2580	An Act To Provide Consumer Representation in Health Insurance Coverage Matters	
SPONSOR:	Sen. Treat, Sharon Anglin	TABLED 01/13/04
LR 2581	An Act To Clarify Health Care Cost-sharing Limits	

JOINT RESOLUTIONS

SPONSOR: Sen. Damon, Dennis Tabled  
01/13/04

LR 2568 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE  
PRESIDENT TO PRESERVE THE FISHERIES AND FISHING  
COMMUNITIES IN THE GULF OF MAINE

SPONSOR: Rep. Hutton, Deborah J. Tabled  
01/13/04

LR 2295 JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENSURE THE  
PROTECTION OF CIVIL LIBERTIES AND SECURITY OF THE  
UNITED STATES

SPONSOR: Rep. Rosen, Richard W. Tabled  
01/13/04

LR 2410 JOINT RESOLUTION MEMORIALIZING THE ENVIRONMENTAL  
PROTECTION AGENCY, THE DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND MALLINCKRODT, INC. TO REACH A SWIFT AND  
EQUITABLE AGREEMENT

SPONSOR: Sen. Strimling, Ethan Tabled  
01/13/04

LR 2427 JOINT RESOLUTION MEMORIALIZING CONGRESS TO REPEAL  
PORTIONS OF THE UNITED STATES PATRIOT ACT DETRIMENTAL  
TO THE FUNDAMENTAL RIGHTS AND LIBERTIES OF UNITED  
STATES CITIZENS

ADDENDUM

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND SPECIAL SESSION  
February 10, 2004

Action

SPONSOR: Sen. Carthcart, Mary

LR 2765 Resolve, To Reduce the State Valuation for the  
Town of Lincoln

SPONSOR: Sen. Carthcart, Mary

LR 2766 Resolve, Directing the Maine Municipal Bond Bank  
and the Finance Authority of Maine to Work  
Cooperatively With the Lincoln Water District  
Regarding Financing of the District

SPONSOR: Rep. Davis, Gerald M.

LR 2757 An Act To Make Mother's Day a Free Day for Fishing

SPONSOR: Rep. Dudley, Benjamin

LR 2682 Resolve, Directing the Attorney General to Study  
Whether the Homeless Should be a Protected Class  
Under the Human Rights Act

SPONSOR: Rep. Koffman, Theodore

LR 2756 An Act To Amend the Charter of the Mt. Desert Water  
District

SPONSOR: Sen. Lemont, Kenneth F.

LR 2759 An Act To Amend the Charter of the South Berwick  
Water District

SPONSOR: Sen. Martin, John L.

LR 2758 An Act to Amend the Laws Governing the Loring Development  
Authority of Maine



SPONSOR: Rep. Rines, Peter

LR 2762 An Act To Prohibit the Sale of Gasoline Containing MTBE

SPONSOR: Rep. Sampson, Sonya G.

LR 2755 An Act To Facilitate Public Best Interest Conduct  
by State Employees

SPONSOR: Sen. Stanley, Stephen

LR 2764 Resolve, To Reduce the State Valuation for the  
Town of East Millinocket

#### JOINT RESOLUTION

SPONSOR: Rep. Duplessie, Robert

LR 2763 JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE  
UNITED STATES POSTAL SERVICE TO MAINTAIN CURRENT  
SERVICE



MAINE STATE LEGISLATURE  
Augusta, Maine 04333

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

January 21, 2004

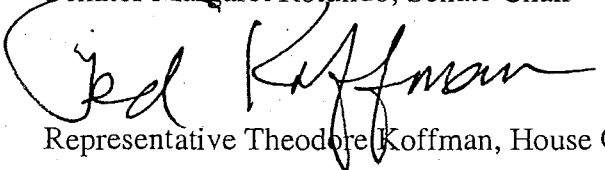
The Honorable Beverly C. Daggett, Chair  
The Honorable Patrick Colwell, Vice-Chair  
Legislative Council  
121<sup>st</sup> Maine Legislature  
115 State House Station  
Augusta, Maine 04333

Dear Senator Daggett and Representative Colwell:

Pursuant to Resolve 2003, chapter 83, the Committee to Study Compliance with Maine's Freedom of Access Laws is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

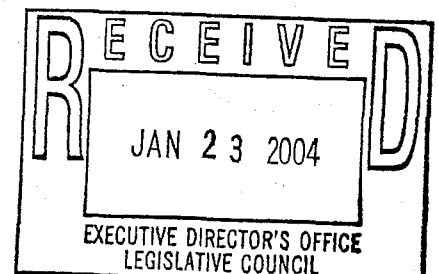
Sincerely,

  
Senator Margaret Rotundo, Senate Chair

  
Representative Theodore Koffman, House Chair

cc: Members of the Legislative Council (w/enc.)

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MAINE STATE LEGISLATURE  
Augusta, Maine 04333

COMMISSION TO IMPROVE COMMUNITY SAFETY  
AND SEX OFFENDER ACCOUNTABILITY

February 5, 2004

The Honorable Beverly C. Daggett, Chair  
The Honorable Patrick Colwell, Vice-Chair  
Legislative Council  
121<sup>st</sup> Maine Legislature  
115 State House Station  
Augusta, Maine 04333

Dear Senator Daggett and Representative Colwell:

This letter is to inform you that the Commission to Improve Community Safety and Sex Offender Accountability has completed its work and submitted its report, pursuant to Resolve 2003, chapter 75.

Sincerely,

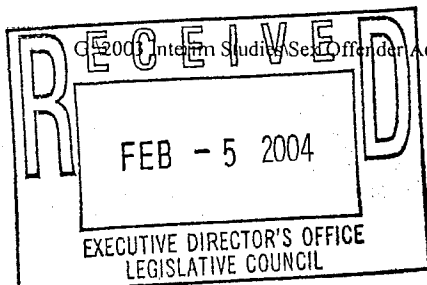
*Pamela Henderson Hatch mhb*

Senator Pamela Henderson Hatch, Senate Chair

*Sean F. Faircloth*

Representative Sean F. Faircloth, House Chair

cc: Members of the Legislative Council



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MAINE STATE LEGISLATURE  
Augusta, Maine 04333

COMMISSION TO REVIEW THE BUDGET PROCESS OF THE WORKERS'  
COMPENSATION BOARD

February 6, 2004

The Honorable Beverly C. Daggett, Chair  
The Honorable Patrick Colwell, Vice-Chair  
Legislative Council  
121<sup>st</sup> Maine Legislature  
115 State House Station  
Augusta, Maine 04333

Dear Senator Daggett and Representative Colwell:

This letter is to inform you that the Commission To Review The Budget Process Of The Workers' Compensation Board has completed its work and submitted its report, pursuant to Public Law 2003, chapter 425.

Sincerely,

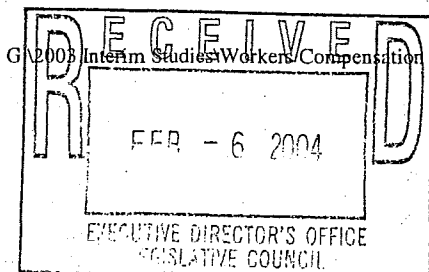
A handwritten signature in cursive script, appearing to read 'Betheda Edmonds'.

Senator Betheda G. Edmonds, Senate Chair

A handwritten signature in cursive script, appearing to read 'William J. Smith'.

Representative William J. Smith, House Chair

cc: Members of the Legislative Council (w/enc.)



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

February 5, 2004

To: Hon. Beverly C. Daggett, Chair  
Hon. Patrick Colwell, Vice Chair  
Legislative Council  
121<sup>st</sup> Maine Legislature

From: Senator Beth Edmonds, Senate Chair  
Representative Robert Duplessie, House Chair  
Task Force to Study Parity and Portability of Retirement Benefits for State Law  
Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters

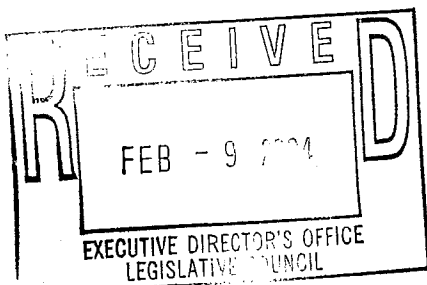
Re: Request for Continuation of Study

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We are writing to request an extension of the reporting deadline for the Task Force named above. The Task Force met January 6<sup>th</sup> for our second meeting and made significant progress in gathering background information and a clearer picture of the problem and possible solutions.

We would like to continue the study during the upcoming interim and request that you grant us an extension to November 3, 2004.

Please let us (or our analyst, Deb Friedman in OPLA) know if you have questions. Thank you for your consideration.



ADDENDUM II

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND SPECIAL SESSION  
February 10, 2004

Action

Sponsor: Sen. Carthcart, Mary

LR: 2767: JOINT RESOLUTION MEMORIALIZING THE CONGRES OF THE  
UNITED STATES TO RAISE THE WEIGHT LIMIT ON  
INTERSTATE 95

**Legislative Council  
Meeting  
February 10, 2004**

**Motion to go into  
Executive Session to Discuss  
Collective Bargaining Matters**

**Motion:**

That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session with its counsel and negotiators for the purposes of discussing labor contracts and proposals involving MSEA and its represented legislative employees.

**Note 1:** The motion requires a recorded vote of 3/5 of the members present and voting; i.e.; 6 votes

**Note 2:** Legal Counsel : Linda McGill, Esq.  
other negotiators: Dave Boulter and Rose Breton