

# 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**  
**February 10, 2004**  
**Approved March 9, 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. Davis,  
Sen. Gagnon, Sen. Woodcock

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

Legislative Officers: Millicent MacFarland, Clerk of the House  
David Shiah, Assistant Clerk of the House  
David 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 JANUARY 13, 2004 COUNCIL MEETING**

**Motion:** That the Meeting Summary of January 13, 2004 be accepted and placed on file. (Motion by Sen. Treat, second by Speaker Colwell, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director, reported that the Revisor's Office has hired on a temporary basis, through the end of session, Peggy Lessard as a legal proofreader, filling the position formerly held by Thomas Downey. Ms. Lessard previously worked for the Revisor's Office from 1997 to 2000. Her first day of employment will be February 11, 2004.

Mr. Boulter informed Council members that he is preparing for the 2004 work to the State House and is developing an updated and revised Multi-year Plan for State House Maintenance and Improvements for 2004. Once prepared, the revised plan will be reviewed by the State House Facilities Committee before being presented to the Legislative Council at its next meeting.

Mr. Boulter reported that the reception for artist Robert Indiana that was sponsored by the Governor and the Maine Arts Commission went well. Nearly 200 people attended the event including many who had never been in the State House before. He also noted that the radio station 92 Moose was conducting an informal poll as to whether the Legislature should purchase a piece of artwork by Mr. Indiana.

No Council action required.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review presented his report to the Council.

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

General Fund revenues were over budget in January by \$15.4 million and had a positive variance of \$25.2 million for the fiscal year-to-date. Better than expected revenues in the Individual Income Tax and Sales Tax lines were the primary reason for the positive variance. A portion of the Individual Income Tax positive variance is a result of delays in processing refunds, but it appears the positive variance will remain. Corporate Income Tax revenue was over budget by \$1.5 million in January but remains under budget by approximately \$400,000 for fiscal year-to-date. Estate Tax revenue was under budget in January by \$1.2 million and \$700,000 under budget for fiscal year-to-date. Also under budget was the Cigarette Tax revenue by \$2.4 million in January and under budget for fiscal year-to-date by \$1.7 million.

The total Highway Fund revenue was over budget by \$200,000 in January; increasing the positive variance to \$3.6 million for fiscal year-to-date.

### **Revenue Forecasting Commission**

The Consensus Economic Forestry Commission concluded its February update and made a minor change to its forecast, increasing the calendar year 2003 personal income growth weight from 3.5% to 4.0%. That growth would normally have a sizable impact on the revenue forecast under the tax models but, because the State data was not correlating to the federal data, the Committee chose not to adjust the Individual Income and Sales Tax revenue for Maine at that time.

The Revenue Forecasting Committee was originally scheduled to meet on February 26, 2004 but the meeting was rescheduled to accommodate the Governor's February 20<sup>th</sup> submission for the second supplemental budget. The Committee will be meeting on February 12, 2004 at 10:00 am in Room 228 of the State House.

### **Cash Balances**

Cash balances are posted on the Office of Fiscal and Program Review's website. Mr. Pennoyer reported that the trend has changed regarding the general fund cash position. The effect of depleting the reserves has finally played out regarding the negative trend in the State's cash position and it is heading upward. The cash balances are still negative and will likely have to rely on tax anticipation notes for some time.

No Council required.

- **Office of Information Services' Report**

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

### **Bill Drafting System**

HP installed the latest version of the bill drafting system software on February 9, 2004 and is currently readying the system for testing. Acceptance testing will begin shortly.

### **Internet Audio**

Committee proceedings can now be broadcast over the Internet from all committee rooms. After monitoring the quality of the Internet audio broadcasts, the Office of Information Services is taking steps to improve the quality of the audio in some committee rooms.

### **Wireless Network Access Pilot**

Approximately 35 legislators are using the wireless service in the State House. Virus and SPAM protection have been added which allows users to safely access their outside e-mail using Microsoft Outlook or Outlook Express mail.

### **SPAM Filtering**

SPAM fitting software is being refined this week to provide effective blocking of SPAM.

No Council action required.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, presented the status of legislative studies, noting that most studies are now completed. He brought to the Council's attention several studies that have not yet been completed. He noted that the Commission to Study Public Health and 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 have received extensions. The Commission to Arrange for a Plaque or

Plaques study received an extension to March 1, 2004 and is in the process of finalizing the decision-making process on the plaques and drafting the report. The Public Health study had been granted an extension to November 3, 2004. This study committee will recess during the session and resume its work during the interim.

A copy of the Progress Report on Legislative Studies is attached for 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 January 13, 2004 meeting.

No Council action required.

## NEW BUSINESS

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

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

### **Item #2: Submission of Study Reports**

The Legislative Council received the following study reports:

- **Committee to Study Compliance With Maine's Freedom of Access Laws**
- **Commission to Improve Community Safety and Sex Offender Accountability**
- **Commission to Review the Budget Process of the Workers' Compensation Board**

**Motion:** That the Legislative Council accept the reports and that they be placed on file. (Motion by Sen. Treat, second by Rep. Bowles, unanimous).

**Item #3: Request for Further Extension of Study Reporting Deadline**

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

- The Task Force requested an extension of its 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).

**Motion:** That the request for a further extension of the study reporting deadline be approved from February 6, 2004 to November 3, 2004. (Motion by Rep. Richardson, second by Sen. Treat, unanimous).

**COLLECTIVE BARGAINING (Executive Session)**

**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. (Motion by Speaker Colwell, second by Sen. Treat, unanimous).

The Legislative Council went into Executive Session at 3:10 p.m.

**MEETING RECONVENED**

The Council ended its Executive Session and reconvened in open session at 3:13 p.m. on the motion of Sen. Treat, second by Sen. Davis, unanimous.

**ANNOUNCEMENTS AND REMARKS**

None.

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 3:13 p.m. (Motion by Sen. Treat, second by Sen. Davis, unanimous).

**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</b> , Resolve to Improve (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</b> , An Act to Ensure (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</b> , Resolve Establishing a Blue Ribbon Commission to Address (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</b> , An Act to Extend the Authority of the (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</b> , Study New Payment Models for the (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</b> , Resolve to Study Compliance with (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</b> , Resolve to Study (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</b> , Resolve to Study (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</b> , Resolve to (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</b> , Joint Order Directing (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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**LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
SECOND SPECIAL SESSION  
February 10, 2004**

		<b>Action</b>
<b>SPONSOR:</b>	<b>Sen. Brennan, Michael</b>	<b>ACCEPTED</b>
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	
<b>SPONSOR:</b>	<b>Sen. Cathcart, Mary</b>	<b>ACCEPTED</b>
LR 2765	Resolve, To Reduce the State Valuation for the Town of Lincoln	
<b>SPONSOR:</b>	<b>Sen. Cathcart, Mary</b>	<b>ACCEPTED</b>
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	
<b>SPONSOR:</b>	<b>Sen. Damon, Dennis</b>	<b>ACCEPTED</b>
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	
<b>SPONSOR:</b>	<b>Sen. Damon, Dennis</b>	<b>WITHDRAWN</b>
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	
<b>SPONSOR:</b>	<b>Rep. Dudley, Benjamin F.</b>	<b>TITLE CHANGE</b>
LR 2682	An Act to Include Homelessness as a Protective Class Under the Civil Rights Act <b>(Changed to a Resolve on 2/10/04, see attached Addendum of February 10, 2004)</b>	

<b>SPONSOR:</b>	<b>Rep. Dunlap, Matthew</b>	<b>ACCEPTED BY</b>
LR 2739	An Act to Amend the Apportionment of House Legislative Districts 76 and 77	<b>BALLOT 2/9/04</b>
<b>SPONSOR:</b>	<b>Rep. Fischer, Jeremy</b>	<b>ACCEPTED BY</b>
LR 2722	An Act To Recruit and Retain College Graduates Through Loan Repayment	<b>BALLOT 2/6/04</b>
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>WITHDRAWN</b>
LR 2353	An Act To Delay the Implementation of the Commingling Provisions of the Laws Governing Returnable Beverage Containers	
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>WITHDRAWN</b>
LR 2684	An Act To Clarify the Nursing Facility Certificates of Need Law	
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>ACCEPTED</b>
LR 2706	An Act To Permit the Use of Regular Mail To Give Notice of Dishonored Checks	
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>ACCEPTED</b>
LR 2707	An Act To Modify Taxation of State Employee Retirement Benefits	
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>WITHDRAWN</b>
LR 2708	An Act To Comprehensively Restructure Maine's Tax System	
<b>SPONSOR:</b>	<b>Sen. Hall, Christopher</b>	<b>ACCEPTED BY</b>
LR 2721	Resolve, Directing the Maine Public Utilities Commission To Implement Universal Rural Broadband Access Statewide	<b>BALLOT 2/6/04</b>

**SPONSOR: Rep. Jodrey, Arlan R. ACCEPTED**

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

**SPONSOR: Rep. Koffman, Theodore ACCEPTED**

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

**SPONSOR: Sen. Lemont, Kenneth F. ACCEPTED**

LR 2660 An Act to Establish Reciprocity in Laws Governing the  
Allowable Mode of Transporting Lobsters

**SPONSOR: Sen. Lemont, Kenneth F. ACCEPTED**

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

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

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. Martin, John L. ACCEPTED**

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

**SPONSOR: Rep. Mills, Janet T. ACCEPTED**

LR 2711 An Act to Amend the Protection from Harassment Laws

**SPONSOR: Sen. Mitchell, Betty Lou ACCEPTED**

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

(Reconsideration Request by Rep. Bowles)

**SPONSOR: Sen. Mitchell, Betty Lou**

**ACCEPTED**

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

(Reconsideration Request by Rep. Richardson)

**SPONSOR: Rep. Rines, Peter**

**ACCEPTED**

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

**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: Sen. Stanley, Stephen**

**ACCEPTED**

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

**SPONSOR: Rep. Twomey, Joanne T.**

**ACCEPTED**

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

### **JOINT RESOLUTIONS**

**SPONSOR: Rep. Hutton, Deborah J.**

**ACCEPTED**

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

**Sponsor: Sen. Cathcart, Mary**

**ACCEPTED**

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

**SPONSOR: Rep. Duplessie, Robert**

**ACCEPTED**

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

**TABLED BY THE LEGISLATIVE COUNCIL**

<b>SPONSOR:</b>	<b>Sen. Bromley, Lynn</b>	<b>TABLED</b>
		<b>01/13/04</b>
LR 2651	An Act to Clarify the Authority of the Community Preservation Advisory Committee	
<b>SPONSOR:</b>	<b>Rep. Bunker Jr., George H.</b>	<b>TABLED</b>
		<b>01/13/04</b>
LR 2673	An Act to Decrease Insurance Fraud in this State	
<b>SPONSOR:</b>	<b>Rep. Davis, Gerald M.</b>	<b>TABLED</b>
		<b>02/10/04</b>
LR 2757	An Act To Make Mother's Day a Free Day for Fishing	
<b>SPONSOR:</b>	<b>Rep. Dudley, Benjamin</b>	<b>TABLED</b>
		<b>02/10/04</b>
LR 2682	Resolve, Directing the Attorney General to Study Whether the Homeless Should be a Protected Class Under the Human Rights Act	
<b>SPONSOR:</b>	<b>Rep. Gagne-Friel, Rosita</b>	<b>TABLED</b>
		<b>01/13/04</b>
LR 2667	An Act To Allow Speakers in Vehicles To Enable a Person in the Vehicle To Communicate with a Person Outside the Vehicle	
<b>SPONSOR:</b>	<b>Sen. Lemont, Kenneth F.</b>	<b>TABLED</b>
		<b>01/13/04</b>
LR 2672	An Act Regarding the Use of Lights and Sirens on Emergency Vehicles	
<b>SPONSOR:</b>	<b>Rep. Perry, Joseph C.</b>	<b>TABLED</b>
		<b>02/10/04</b>
LR 2723	An Act to Ban Smoking in Private Clubs	
<b>SPONSOR:</b>	<b>Rep. Sampson, Sonya G.</b>	<b>TABLED</b>
		<b>02/10/04</b>
LR 2755	An Act To Facilitate Public Best Interest Conduct by State Employees	

**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. 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