

MAINE STATE LEGISLATURE

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SEN. BEVERLY C. DAGGETT
CHAIR

REP. PATRICK COLWELL
VICE-CHAIR



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

121st MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY

March 9, 2004

Approved April 13, 2004

CALL TO ORDER

In the absence of the chair, the vice-chair, Speaker Colwell, called the Legislative Council meeting to order at 2:22 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: Sen. Treat, Sen. Davis, Sen. Gagnon
(Sen. Woodcock joined the meeting in progress)
Absent: President Daggett (excused for personal reasons)

Representatives: Speaker Colwell, Rep. Bruno, Rep. Duplessie, Rep. Bowles
(Rep. Richardson joined the meeting in progress)

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

Speaker Colwell asked if there was objection to taking items out of order following the Executive Director's Report. Hearing none, the Chair then moved to **Reports From Executive Director And Staff Office Directors**.

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- Executive Director's Report

David Boulter, Executive Director, acknowledged the artwork and information on display for Women's History Month by Artist Robert Shetterly of Brooksville. He also wanted members to be aware of artwork on display on the second floor of the Cross Building as part of the Maine

Youth Excellence in Arts Project that was initiated by First Lady Baldacci with support from President Daggett, Speaker Colwell and the Maine Arts Commission. It is a multi-year project so there will be a rotation of artwork by Maine's youth.

No Council action required.

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

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

The chair then returned to agenda items in the order they appeared on the agenda.

SUMMARY OF THE FEBRUARY 10, 2004 COUNCIL MEETING

Motion: That the Meeting Summary of February 10, 2004 be accepted and placed on file. (Motion by Sen. Treat, second by Rep. Bruno, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS (con't)

- **Fiscal Report**

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

General Fund and Highway Revenue Variance

The revenue report reflects the March, 2004 revenue revisions. With the change in the forecast, the monthly distribution was also changed so no sizeable variances were expected. Total General Fund revenue was over budget in February by \$1.9 million and is slightly ahead of budget for year-to-date through February. The Highway Fund was over budget by \$1.2 million in February, increasing the positive variance to \$3.7 million for year-to-date through February.

Revenue Forecasting

The Revenue Forecasting Committee's adjustments to the General Fund and Highway Fund were small. No changes were made to the Fund for a Healthy Maine.

No Council action required.

- **Office of Information Services' Report**

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

Bill Drafting System

Hewlett-Packard, (HP) completed the final acceptance testing on the bill drafting system on February 19, 2004. HP has improved the application, especially in the performance speed; however several issues remain with the application that are not acceptable. Work continues with HP to assess the nature and seriousness of the problems. A meeting has been scheduled with HP, Margaret Matheson, David Boulter and Mr. Mayotte on February 10, 2004 to discuss how to bring this matter to a satisfactory conclusion.

Audio Broadcasting of Committee Proceedings

The Office of Information Services has completed changes to the sound system that have resulted in improvement in the quality of audio broadcasts of committee proceeding via the Internet.

Wireless Network Access

Interest by Legislators in using the wireless network service continues to grow.

SPAM Filtering

The SPAM rules have been adjusted several times in the last month in order to reduce the volume of unwanted emails to legislators and staff.

Virus Protection of Legislative Computer Systems

The Legislature is experiencing record levels of virus activity. Because the anti-virus software is very effective, computer viruses have been blocked and there have been only minor impacts to the email system as a result.

Discussion

Sen. Treat asked for examples of items that are not working properly with the HP bill drafting system. Mr. Mayotte said performance times had been set for three key processes: checkin, checkout and document printing. HP has met the target for the checkout process; was very close to meeting the target for the print process; but has not met the time requirements for the checkin process. Mr. Mayotte said checkin is the process whereby a technician in the Revisor's office returns (saves) a bill draft to the network server from the desktop, i.e. "checking it in" to the server. The length of time for that process to execute has not met the Legislature's target of 30 seconds. The process is taking 1 ½ to 2 minutes.

Sen. Treat asked whether the Legislature had the speed requirements in its technical requirements. Mr. Mayotte replied the Legislature set those requirements for HP last year. Mr. Mayotte said that the language in the earlier requirements document was "reasonable and expected."

No Council action required.

- **Update on Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, presented the status of legislative studies. Mr. Elliott brought to the Council's attention the Study of New Payment Models for Logging Industry, which was established by a joint order directing the Committee on Agriculture, Conservation and Forestry to conduct a study. The study committee has not met its December 3, 2003 deadline for completion.

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

- **State House Facilities Committee**

Sen. Gagnon, Chair of the State House Facilities Committee, asked Executive Director Boulter to summarize the committee's meeting of March 4, 2004.

Director Boulter reported that the committee discussed the following items:

1. Use of volunteer interns to staff citizens' lobby center
2. Dedication of the Klir Beck dioramas
3. Implementation of State House security measures
4. Parking request by State House Press Corps
5. 2004 Plan for maintenance and improvements to State House
6. Legislative "look"

He noted that a detailed discussion of each item was included in the meeting summary that had been distributed to Legislative Council members.

Discussion: Sen. Gagnon commented further on several of the items. The committee plans to have a general discussion of whether volunteer interns are the appropriate way for staffing the citizens' lobby center. Interns do not provide consistent service and, therefore, the committee will be considering other options. With respect to the dioramas, Sen. Gagnon learned that there are no living relatives of Klir Beck; his legacy is the State House dioramas. The Committee discussed having more of a presence of Capitol Security, keeping it low-keyed but obvious that there is security at the State House. The committee postponed action on the request for special parking by the press corps and will seek a better understanding of the State House Press Corps' concerns. Sen. Gagnon indicated the committee supported the proposed work on the State House for 2004. He mentioned 2 projects that were discussed in detail: installation of operable windows in the north and south mezzanine areas and the relocation of the press corps cable connection box. The matter of installing operable windows will be discussed at the next committee meeting. The State House Facilities Committee endorsed moving the connection box from the side of the building, which is a security concern, to a point approximately 150 feet to the west, adjacent to the Cross Building parking lot. The last item discussed at the meeting was creating a distinct legislative look to help differentiate legislative aspects from others, including legislative license plates.

A member asked if the work plan includes insulation for windows in the State House since some are drafty in the winter. Mr. Boulter said those problem windows were brought to his attention. Special retrofits can be done.

No further discussion.

Sen. Gagnon then made two motions, as follows:

Motion: That the Legislative Council authorize maintenance and improvements projects to the State House and Grounds for 2004 as modified by the 2004 Revision of the Multi-Year Plan for Maintenance and Improvements; and direct the Executive Director to take necessary measures to implement the plan in accordance with the schedules contained in the plan. (Motion by Sen. Gagnon, second by Sen. Woodcock, unanimous 6-0). (Absent from the vote were President Daggett, Sen. Davis, Rep. Richardson and Rep. Bruno.)

[Note: the matter of installing operable windows in the mezzanine areas was deferred pending a recommendation by the State House Facilities Committee.]

Motion: That the State House Facilities Committee study the feasibility of creating a visually distinctive symbol or look that can be used when identifying the Legislative Branch and communicating legislative actions, and to report back to the Legislative Council on recommended features and designs and appropriate uses for such a symbol or look. (Motion by Sen. Gagnon, second by Rep. Duplessie, unanimous 6-0). (Absent from the vote were President Daggett, Sen. Davis, Rep. Richardson and Rep. Bruno.)

- **Personnel Committee**

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

No further action by the Council is required.

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 February 10, 2004 meeting.

No Council action required.

NEW BUSINESS

Item #2: Submission of Study Reports

The Legislative Council received the following study reports.

- **Task Force to Study the Needs of Deaf and Hard of Hearing Children and Adolescents**
- **Commission to Study the Revenue Sources of the Office of Consumer Credit Regulation**

Motion: That the Legislative Council accept the reports and that they be placed on file. (Motion by Sen. Treat, second by Sen. Woodcock, unanimous 6-0). (Absent from the vote were President Daggett, Sen. Davis, Rep. Richardson and Rep. Bruno.)

COLLECTIVE BARGAINING (Executive Session)

None

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:17 p.m. (Motion by Sen. Treat, second by Rep. Duplessie, unanimous).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND SPECIAL SESSION
March 9, 2004**

		Action
SPONSOR:	Rep. Bunker Jr., George H.	ACCEPTED
LR 2673	An Act to Decrease Insurance Fraud in this State	BY BALLOT 03/09/04
SPONSOR:	Sen. Cathcart, Mary R.	WITHDRAWN
LR 2806	Resolve, Concerning the Landfill in the City of Old Town	03/05/04
SPONSOR:	Sen. Damon, Dennis	WITHDRAWN
LR 2568	JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE PRESIDENT TO PRESERVE THE FISHERIES AND FISHING COMMUNITIES IN THE GULF OF MAINE	
SPONSOR:	Sen. Davis, Paul	ACCEPTED
LR 2757	An Act To Make Mother's Day a Free Day for Fishing	
SPONSOR:	Rep. Gagne-Friel, Rosita	WITHDRAWN
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:	Rep. Gagne-Friel, Rosita	ACCEPTED
LR 2826	An Act To Improve Enforcement of Laws Governing Operating Under the Influence by Amending the Laws Governing Blood Tests for Persons Suspected of Operating Under the Influence	
SPONSOR:	Sen. Lemont, Kenneth F.	WITHDRAWN
LR 2672	An Act Regarding the Use of Lights and Sirens on Emergency Vehicles	
SPONSOR:	Sen. Martin, John L.	ACCEPTED
LR 2829	An Act To Appropriate Funds to the Department of Agriculture for the Maine Potato Board to Purchase Potatoes in Need of Disposal Due to Weather Conditions During the Harvest in 2003	

SPONSOR:	Rep. Rosen, Richard W.	WITHDRAWN
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. Shorey, Kevin L.	ACCEPTED
LR 2830	An Act to Create the Starboard Water District	
SPONSOR:	Rep. Snowe-Mello, Lois A.	FAILED
LR 2784	An Act To Impose Residency Requirements for Purposes of Receiving State Aid	
SPONSOR:	Sen. Stanley, Stephen	WITHDRAWN
LR 2792	An Act to Define Critical Care Access Hospital in Compliance with Federal Law	
SPONSOR:	Sen. Stanley, Stephen	ACCEPTED
LR 2837	An Act To Authorize the Town of Millinocket to Annex a Certain Parcel of Land	
SPONSOR:	Sen. Treat, Sharon Anglin	WITHDRAWN
LR 2580	An Act To Provide Consumer Representation in Health Insurance Coverage Matters	
SPONSOR:	Sen. Treat, Sharon Anglin	WITHDRAWN
LR 2581	An Act To Clarify Health Care Cost-sharing Limits	
SPONSOR:	Rep. Twomey, Joanne T.	ACCEPTED
LR 2797	Resolve, to Require a Public Hearing Be Held for Residents of Surrounding Communities and Others Concerned About the Old Town Dump	

TABLED

SPONSOR:	Sen. Bromley, Lynn	TABLED
		01/13/04
LR 2651	An Act to Clarify the Authority of the Community Preservation Advisory Committee	
SPONSOR:	Rep. Dudley, Benjamin F.	TABLED
		02/10/04
LR 2682	Resolve, Directing the Attorney General to Study Whether the Homeless Should be a Protected Class under the Human Rights Act	
SPONSOR:	Rep. Dudley, Benjamin F.	TABLED
		03/09/04
LR 2828	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT, THE CONGRESS OF THE UNITED STATES AND THE SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING MEDICAID ASSISTANCE	
SPONSOR:	Sen. Gagnon, Kenneth T.	TABLED
		03/09/04
LR 2836	An Act To Implement the Recommendations of the MMA/MEA Working Group	
SPONSOR:	Rep. Moore, Gary W.	TABLED
		03/09/04
LR 2821	An Act To Require Certain Public Water Districts To Install Sand Filtration Systems To Ensure the Safety of Public Water Supplies	
SPONSOR:	Rep. Perry, Joseph C.	TABLED
		02/10/04
LR 2723	An Act to Ban Smoking in Private Clubs	
SPONSOR:	Rep. Sampson, Sonya G.	TABLED
		02/10/04
LR 2755	An Act To Facilitate Public Best Interest Conduct by State Employees	

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 121st Legislature/1st Regular Session)
Status as of 03/04/04 10:24:17 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	No more meetings	12/03/03	Final report and legislation submitted.
Equity in Mortgage Volume Fees , An Act to Ensure (LD 969 – P.L. 2003, c. 462)	11/20/03	No more meetings	12/03/03	Final report and legislation submitted.
Financing of Long-term Care , Resolve Establishing a Blue Ribbon Commission to Address (Resolve 2001, c. 114)	Continuation	No meetings	11/06/03	Do not plan to meet; will leave the financing issue for consideration by the LTC Oversight Committee created in 2003.
Health Care System and Health Security Board , 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 in fall '04
Logging Industry , 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.
Maine's Freedom of Access Laws , 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
Needs of Deaf and Hard-of-hearing Children and Adolescents , Resolve to Study (LD 553 – Resolve 2003, c. 84)	11/20/03	No more meetings	12/03/03	Final report submitted; no legislation
Obesity and Methods to Decrease the Cost of Health Care , Resolve to Study (LD 471 – Resolve 2003, c. 95)		Weds., February 25 th Subcommittee meeting 1:30 p.m. Anthem Office, Portland	12/05/03	Extension granted to 11/03/04; subcommittees formed.
Prepare Maine's Students for Active Citizenship , Resolve to (LD 425 – Resolve, 2003, c. 85)	11/5/03	No more meetings	12/03/03	Final report and legislation sent to printer..
Recodification of Title 12 (substantive and technical pieces) (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.
Recodification of Title 7 , 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 03/04/04 10:24:17 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	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	Extension granted to 11/03/04.
State's Wholesale Liquor Business , 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.
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., February 26 th 1:00 p.m. Room 211, CSOB	11/03/03	Extension to 3/1/04 granted; final report drafted; design of plaques being finalized.
Worker's Compensation Board , 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.
Youth in Maine , 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 submitted.

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