

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

DAVID E. BOULTER
EXECUTIVE DIRECTOR

122nd LEGISLATIVE COUNCIL
January 26, 2005
1:00 p.m.
Room 334, Legislative Council Chamber
Revised Agenda

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE DECEMBER 22, 2004 COUNCIL MEETING	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES	
4	• Executive Director's Report	
10	• Fiscal Report (Pennoyer)	
11	• Office of Information Services' Report (Mayotte)	
	• Update of Interim Studies (Elliott)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Rep. Cummings, Chair)	
	The Personnel Committee is scheduled to meet January 26, 2005	
	• State House Facilities Committee (Sen. Gagnon, Chair)	
	OLD BUSINESS	
	None	

Page No. **Item**

Action

NEW BUSINESS

13, 14, & 15	Item #1: Requests for Extension of Cloture Deadline (letters from Speaker Richardson)	Decision
16	Item #2: Consideration of After Deadline Bill Requests	Decision
23	Item #3: Legislative Study Standards	Decision
	Item #4: Submission of Study Reports	
41	Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters (report and letter from Sen. Beth Edmonds, Senate Chair and Rep. Robert Duplessie, House Chair).	Acceptance
42	Commission to Study Public Health (report and letter from Sen. John L. Martin, Senate Chair and Rep. Margaret M. Craven, House Chair).	Acceptance

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
December 22, 2004

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 3:20 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:

Sen. Davis, Sen. Gagnon, Sen. Weston
Absent: President Edmonds and Sen. Brennan

Representatives:

Speaker Richardson, Rep. Cummings, Rep. Bowles,
Rep. Duplessie, Rep. Tardy

Legislative Officers:

Michael Cote, Assistant Clerk of the House
David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
David Elliott, Director, Office of Policy and Legal Analysis
Lynn Randall, State Law Librarian

**SUMMARIES OF THE NOVEMBER 9, AND DECEMBER 2, 2004
COUNCIL MEETINGS**

Motion: That the Meeting Summaries of November 9, 2004 and December 2, 2004 be accepted and placed on file. (Motion by .

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF
OFFICES**

There were no reports from the Executive Director or Council Staff Offices.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Representative Cummings, Chair of the Personnel Committee, reported that the committee met earlier in the day to consider two requests for step increases. A decision on the requests were deferred to a future meeting.

No Council action required.

OLD BUSINESS

None

NEW BUSINESS

Item #1: Appointment of the OPEGA Director

Motion: That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purpose of discussion of appointment and employment of a legislative employee. (Motion by Sen. Gagnon, seconded by Rep. Bowles, unanimous).

The Council proceeded into Executive Session at 3:24 p.m.

MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 3:40 p.m. on the motion of Sen. Gagnon, second by Rep. Duplessie, unanimous.

At Chair Richardson's request, Executive Director Boulter introduced Beth L. Ashcroft. Ms. Ashcroft was unanimously recommended by the Legislative Search Committee for the position of Director of the Office of Program Evaluation & Government Accountability.

Motion: That the Legislative Council appoint Beth L. Ashcroft of Litchfield, Maine to a 5-year term as director of the Office of Program Evaluation and Government Accountability, effective January 18, 2005. Ms. Ashcroft's initial salary in the position is assigned to Grade 13, Step 7 of the Legislature's salary plans. (Motion by Sen. Gagnon, second by Rep. Cummings, unanimous).

Members of the Council congratulated and welcomed Ms. Ashcroft to the position of director of the OPEGA office.

Motion: That the Legislative Council urge the OPEGA Oversight Committee to recommend to Director Ashcroft that she seek, a consultant or a consultant organization to assist her in the establishment of the OPEGA office as she deems beneficial. Funds are in the OPEGA budget for consulting services and the director is given the discretion of utilizing the necessary funds to accomplish that purpose. (Motion by Rep. Bowles, second by Sen. Gagnon, unanimous).

It was requested that Mr. Boulter keep Sen. Gagnon, as Chair of the State House Facilities Committee, informed of his progress with the Commissioner of Administrative and Financial Services in securing OPEGA office space in the Cross Building.

Item #2: Submission of Study Report

- **Committee to Study Compliance With Maine's Freedom of Access Laws**

That the Legislative Council accept and place on file the annual report of the Committee to Study Compliance With Maine's Freedom of Access Laws. (Motion by Rep. Bowles, second by Sen. Davis, unanimous).

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:57 p.m. (Motion by Sen. Davis, seconded by Rep. Bowles, unanimous).

Fiscal Briefing for the Legislative Council

Legislative Council Meeting
January 26, 2005

*Prepared by the
Office of Fiscal & Program Review*

1. General Fund and Highway Fund Revenue Variances for December 2004 (Reflects December 2004 Revenue Forecasting Committee Revisions)

- **General Fund**

- General Fund revenue projections for FY05 were increased by \$71.9M by the Revenue Forecasting Committee (RFC) in its December forecast. General Fund revenue performance in December continued to be strong and was ahead of the revised forecast by \$3.8M in December and \$5.7M through the 1st half of FY05.
- Positive variances in Sales and Use Taxes, Individual Income Tax and Estate Tax offset negative variances in Corporate Income Tax and Lottery Revenue.

- **Highway Fund**

- Highway Fund revenue, which also was revised upward by the RFC by \$3.9M in FY05, continues to perform very well and was \$1.9M ahead of revised budget in December and \$4.1M ahead for first 6 months of FY05.

2. Revenue Forecasting Schedule

- Consensus Economic Forecasting Commission is scheduled to meet January 26, 2005 to review its current economic forecast. If this review of the forecast modifies the economic forecast, the RFC's revenue forecast may also be revised. The RFC has a statutory report date of March 1st.

3. Cash Pool Status

- December 2004 Cash Pool Summary (see attached) shows that absent the Tax Anticipation Notes totaling \$190M and reserve fund balances, the General Fund average daily cash balance would have been -\$196.2M in December
- General Fund & Highway Fund cash trends through December 2004 – both still show an improving trend over the last 12 months (see attached)

General Fund and Highway Fund Revenue
Fiscal Year Ending June 30, 2005
Based on All Actions of the 121st Legislature and December 2004 Revenue Forecast

DECEMBER 2004 VARIANCE REPORT

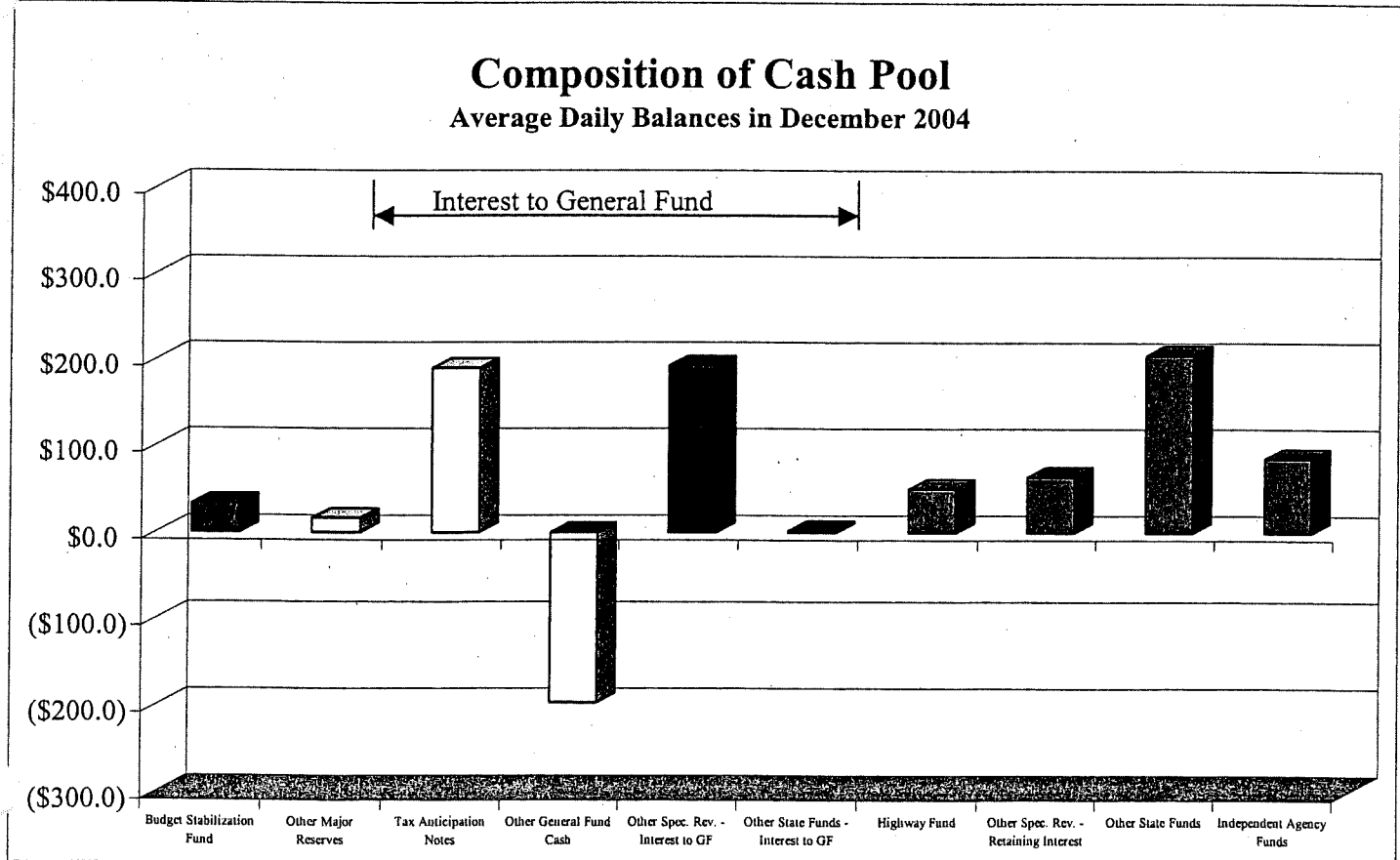
FUND	Revenue Line	Dec. '04 Budget	Dec. '04 Actual	Dec. '04 Var.	FY05 YTD Budget	FY05 YTD Actual	FY05 YTD Variance	FY05 Budgeted Totals
GF	Sales and Use Tax	66,738,037	68,810,861.47	2,072,824.47	403,076,894	405,149,718.96	2,072,824.96	914,710,000
GF	Service Provider Tax	3,672,450	3,717,119.22	44,669.22	18,481,148	18,525,818.29	44,670.29	46,700,000
GF	Individual Income Tax	115,607,018	119,454,517.25	3,847,499.25	540,129,391	543,976,890.57	3,847,499.57	1,196,106,196
GF	Corporate Income Tax	25,575,260	21,142,997.61	(4,432,262.39)	65,157,788	60,725,525.27	(4,432,262.73)	123,351,604
GF	Cigarette and Tobacco Tax	7,915,902	6,964,653.00	(951,249.00)	49,585,578	49,996,215.75	410,637.75	96,019,864
GF	Public Utilities Tax	0	(17,633.34)	(17,633.34)	(150,000)	(167,633.34)	(17,633.34)	26,675,000
GF	Insurance Companies Tax	151,410	909,321.87	757,911.87	14,272,328	15,059,488.32	787,160.32	78,615,872
GF	Estate Tax	2,380,539	8,018,478.45	5,637,939.45	9,998,452	15,636,391.40	5,637,939.40	29,042,767
GF	Property Tax - Unorganized Territory	0	0.00	0.00	9,722,362	9,638,377.00	(83,985.00)	10,580,086
GF	Income from Investments	250,547	363,296.66	112,749.66	1,881,051	1,907,743.24	26,692.24	4,084,735
GF	Transfer to Municipal Revenue Sharing	(10,791,230)	(10,869,400.27)	(78,170.27)	(52,369,109)	(52,397,275.59)	(28,166.59)	(116,324,258)
GF	Transfer from Lottery Commission	4,940,004	3,811,108.30	(1,128,895.70)	26,649,130	24,607,810.77	(2,041,319.23)	52,292,750
GF	Other Revenue	18,670,195	16,654,609.72	(2,015,585.28)	144,922,517	144,393,882.77	(528,634.23)	261,702,191
GF	Totals	235,110,132	238,959,929.94	3,849,797.94	1,231,357,530	1,237,052,953.41	5,695,423.41	2,723,556,807
HF	Fuel Taxes	18,243,485	18,134,384.29	(109,100.71)	97,271,157	98,054,337.80	783,180.80	218,638,488
HF	Motor Vehicle Registration and Fees	5,924,384	6,288,535.21	364,151.21	33,701,798	37,505,170.83	3,803,372.83	78,693,539
HF	Inspection Fees	714,008	712,542.80	(1,465.20)	2,460,823	2,380,476.78	(80,346.22)	3,470,359
HF	Fines	168,244	142,332.74	(25,911.26)	1,041,513	886,896.79	(154,616.21)	2,165,359
HF	Income from Investments	77,228	77,228.41	0.41	380,401	380,400.69	(0.31)	1,026,195
HF	Other Revenue	460,385	2,112,048.16	1,651,663.16	5,339,120	5,059,588.10	(279,531.90)	13,443,932
HF	Totals	25,587,734	27,467,071.61	1,879,337.61	140,194,812	144,266,870.99	4,072,058.99	317,437,872

Updated: January 20, 2005

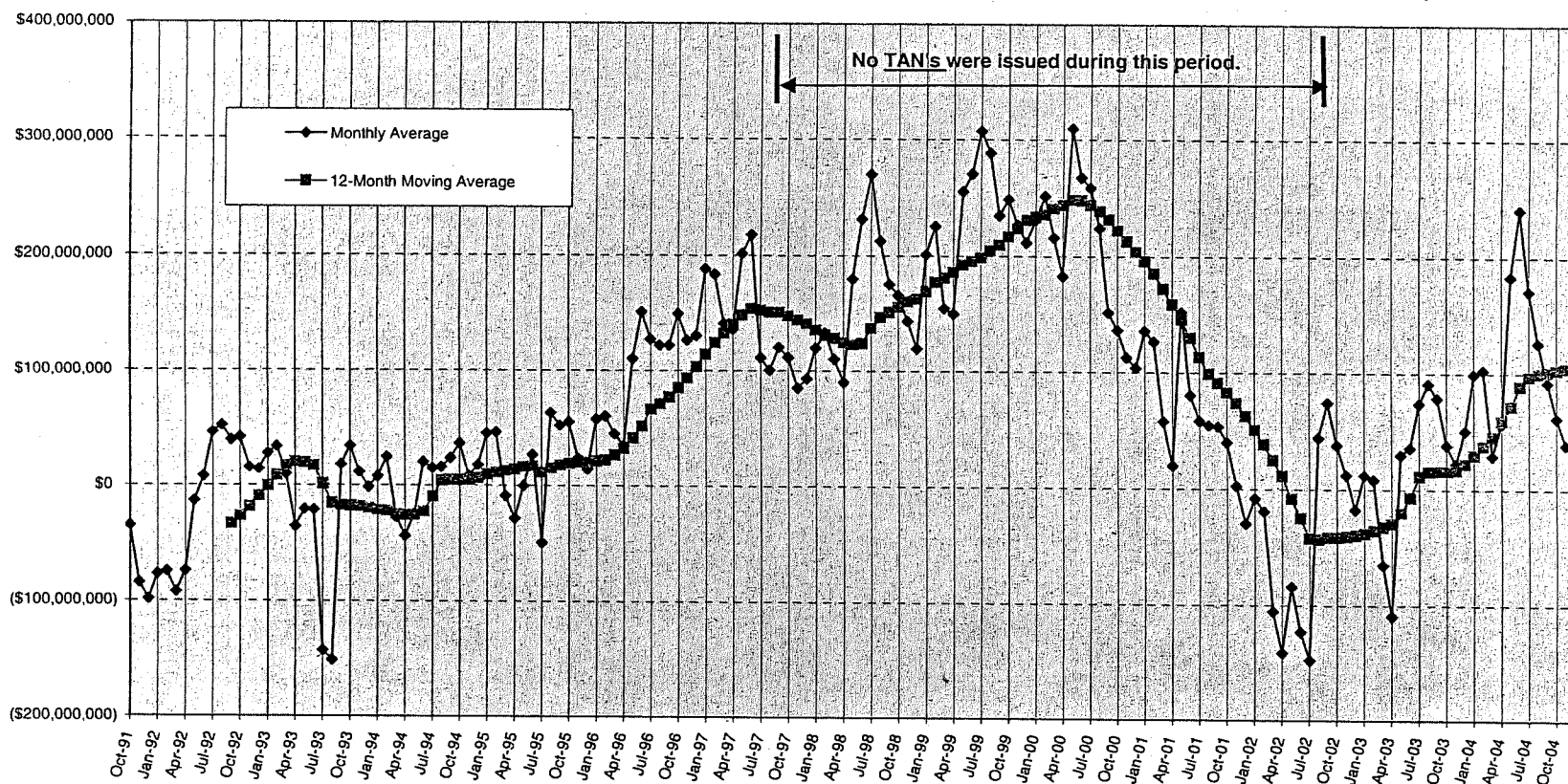
Composition of State's Cash Pool

December 2004 Average Daily Balances

	December 2004
General Fund - Total	\$43,643,119
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$33,351,189
Reserve for General Fund Operating Capital	\$16,532,953
Tax Anticipation Notes	\$190,000,000
General Fund - Other	(\$196,241,023)
Highway Fund	\$50,465,317
Other Special Revenue - Contributing to General Fund	\$193,085,420
Other Special Revenue - Retaining Interest Earned	\$64,406,117
Other State Funds - Contributing Interest to General Fund	\$2,126,168
Other State Funds	\$205,274,208
Independent Agency Funds	\$86,030,342
Total Cash Pool	\$645,030,690



GENERAL FUND DAILY STARTING CASH BALANCES

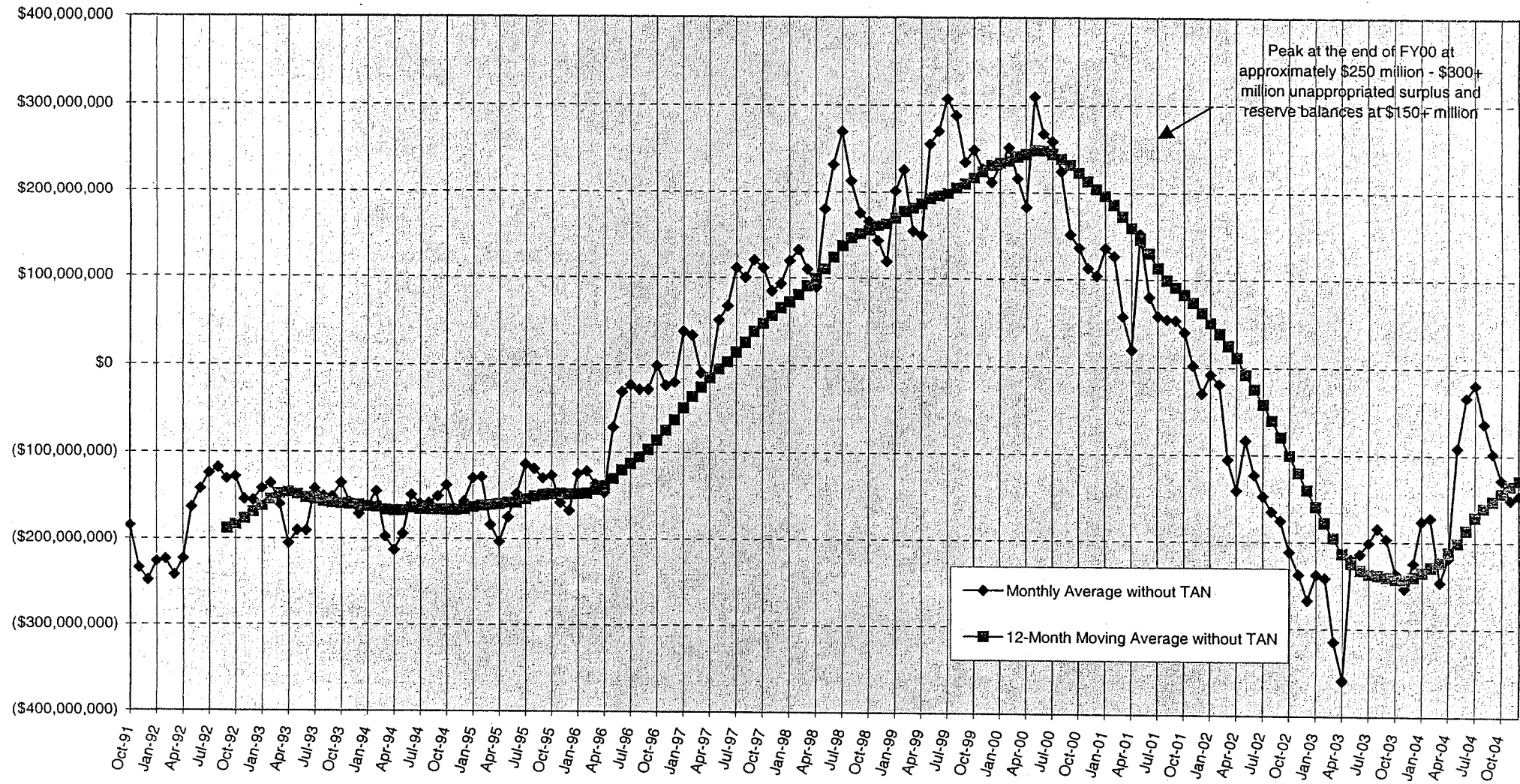


TAX ANTICIPATION NOTES (TAN's) - History from FY 1990-91 ⁽¹⁾

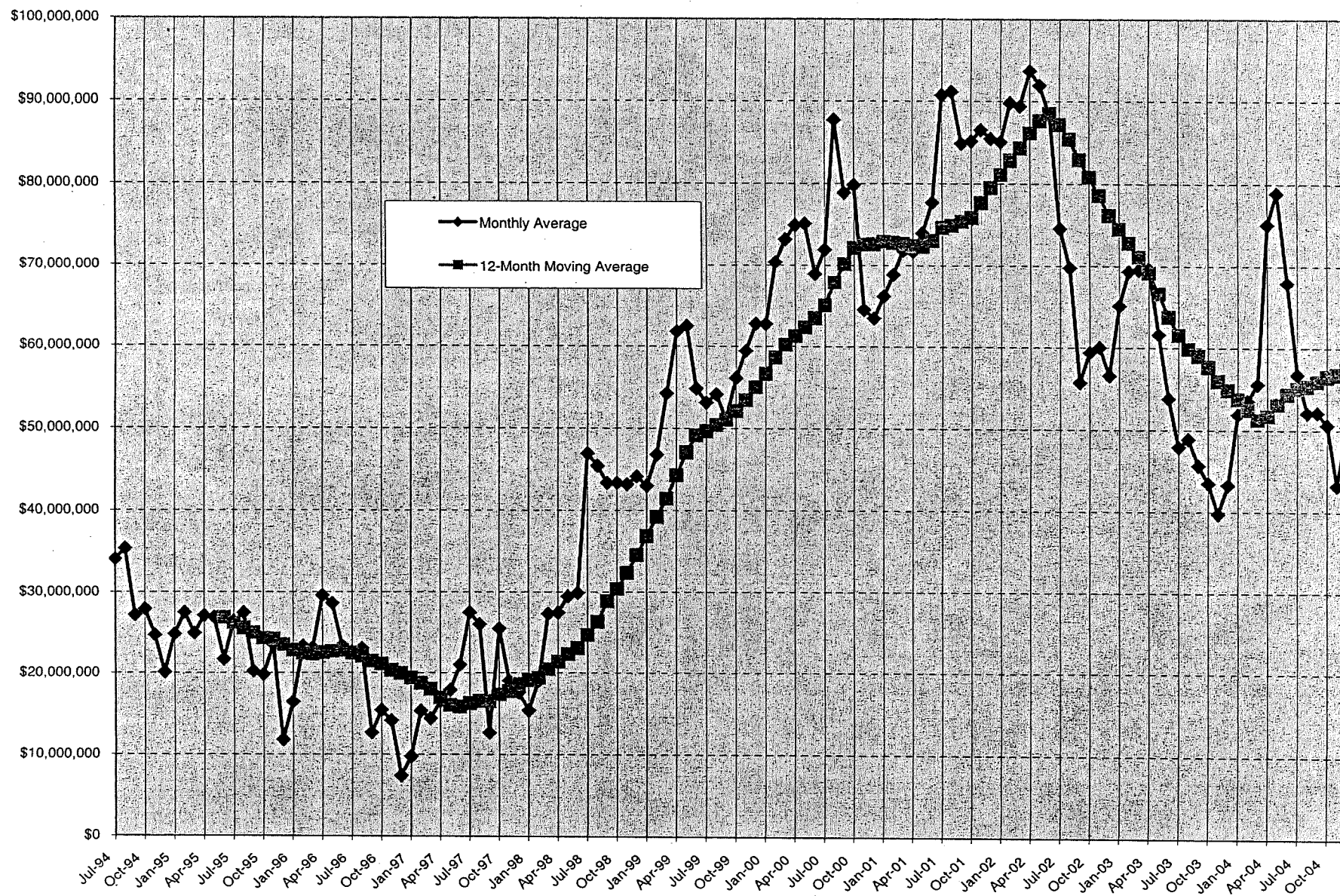
Fiscal Year	Amount Authorized	Amount Issued	Reference
2004-05 ⁽¹⁾	\$301,688,831 ⁽¹⁾	\$190,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2003-04 ⁽¹⁾	\$284,492,042 ⁽¹⁾	\$275,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2002-03 ⁽¹⁾	\$282,869,203 ⁽¹⁾	\$250,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2001-02	\$100,000,000	\$0	5 MRSA, §150 (as amended by PL 2001, c. 467)
1997-98	\$100,000,000	\$0	PL 1997, c. 24, §F-1 (Repealed by PL 1997, c. 643, §E-5)
1996-97	\$190,000,000	\$150,000,000	PL 1995, c. 665 §P-1
1995-96	\$182,000,000	\$182,000,000	PL 1995, c. 368, §V-1
1994-95	\$175,000,000	\$175,000,000	PL 1993, c. 707, §P-2
1993-94	\$170,000,000	\$170,000,000	PL 1993, c. 382, §1
1992-93	\$170,000,000	\$170,000,000	PL 1991, c. 780, §BB-1
1991-92	\$150,000,000	\$150,000,000	PL 1991, c. 589, §1
1990-91	\$125,000,000	\$115,000,000	PL 1991, c. 5, §1

Notes: ⁽¹⁾ 5 MRSA, §150 provides the statutory authorization for Tax Anticipation Notes. As amended by PL 2001, c. 705, the limit is the same as that imposed by the Constitution of Maine, Article IX, Sec. 14, 10% of total General Fund appropriations and Highway Fund allocations or 1% of the State Valuation, whichever is less. The amounts authorized for fiscal years 2002-03 and 2003-04 reflect General Fund appropriations and Highway Fund allocations through the 121st Legislature, 1st Regular Session. Amounts for fiscal year 2004-05 reflect budgeted amounts at the end of the 121st Legislature, 2nd Special Session. Special exceptions to the general authorization levels are detailed in this table.

GENERAL FUND
DAILY STARTING CASH BALANCES - EXCLUDING TAX ANTICIPATION NOTES



HIGHWAY FUND DAILY STARTING CASH BALANCES



**122nd MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
Technology Report**

January 21, 2005

- **HP has not accepted the final agreement language proposed by the Legislature defining the agreement reached between the parties to complete HP's work on the bill drafting software.**
- **Based on the Attorney General's recommendation, the AG's Office is now working directly with HP's lawyers to determine if there is the possibility of reaching an acceptable agreement, before the AG's Office proceeds.**
- **The AG's Office has been in contact with HP's lawyers and at this time, 1/21/05, is awaiting HP's response.**

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 121st Legislature)

Status as of 1/25/2005 3:52:25PM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Dates/ Reports To</u>	<u>Comments/Status of Study</u>
Recodification of Title 7 SP0586 -			January 15, 2005: ACF Committee	OPLA/ROS developing draft ; substantive change bill introduced--LD 216
Commission to Study Public Health LD0471 - Resolve 2003, Chapter 95	12/5/03		November 3, 2004: 1st Regular Session, 122nd Legislature	Final report has been submitted; legislation introduced--LD110 and 134; 2 bills in process
Health Care System and Health Security Board LD0855 - Public Law 2001, Chapter 439, Part ZZZ	10/12/01		Nov. 1, 2004: 1st Reg. Session of 122nd Legislature	Report distributed; legislation introduced--LD 32
Commission to Study Compliance with Maine's Freedom of Access Laws LD1079 - Resolve 2003, Chapter 83	11/19/03		November 3, 2004: Joint Standing Committee on Judiciary	Study report distributed; 1 bill introduced--LD 301; 2 bills in process
Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters LD1343 - Resolve 2003, Chapter 76	8/11/03		December 1, 2004: 1st Reg. Session of 122nd Legislature	Study Report distributed; 1 bill in process
Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners LD1614 - Public Law 2003, Chapter 451	9/4/03	1/26/05 9:30 am Room 600, CSOB	2/5/2004: Criminal Justice and Public Safety Committee 1/1/2005: Criminal Justice and Public Safety Committee	5 meetings held; next meeting scheduled 1/26/05

Progress Report on Legislative Studies
(Studies authorized or undertaken following the 121st Legislature)

Status as of 1/25/2005 3:52:25PM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time & Location of Next Meeting</u>	<u>Report Dates/ Reports To</u>	<u>Comments/Status of Study</u>
Citizen Trade Policy Commission LD1815 - Public Law 2003, Chapter 699	10/6/04		Annual: Governor, Legislature AG and municipalities Annually: Congressional delegation, Maine International Trad : Maine International Trade Center : Maine Municipal Association : United States Trade Representative's Office : NCSL and NAAG	5 meetings held; plan to meet monthly during session; 1st annual report in July
Maine Drug Return Implementation Group LD1826 - Public Law 2003, Chapter 679	10/15/04	1/28/05 1:00 pm Room 202, CSOB	January 31, 2005: Health and Human Services Committee	3rd meeting held; last meeting scheduled--1/26/05; report being drafted; legislation anticipated
Health and Human Services Committee Review of the Establishment of the Department of Health and Human Services LD1913 - Public Law 2003, Chapter 689	7/27/04		None Required	Work completed; no report; no legislation
Intergovernmental Advisory Group LD1930 - Public Law 2003, Chapter 696	12/15/04		Annually in January: State and Local Government Committee	Appointments complete; 1st meeting held

Selection criteria:
Session ID = 121
Study Type = Legislative



JOHN RICHARDSON
SPEAKER OF THE HOUSE

STATE OF MAINE

HOUSE OF REPRESENTATIVES

SPEAKER'S OFFICE

AUGUSTA, MAINE 04333-0002

(207) 287-1300

January 6, 2005

Honorable Walter E. Ash Jr.
36 Searsport Ave.
Belfast, ME 04915

Dear Walter:

Congratulations on becoming a member of the 122nd Legislature. I am delighted that you will be joining us.

Please be advised that I am requesting that the Legislative Council extend the cloture date till January 14th for you to submit your legislation for the upcoming session.

Please do not hesitate to call me at 287-1300 if you have any questions.

Sincerely,

John Richardson
Speaker of the House

JR/jf

cc: Hon. Glenn Cummings, House Majority Leader
Hon. David Bowles, House Republican Leader
Hon. Robert Duplessie, House Majority Whip
Hon. Josh Tardy, House Assistant Republican Leader
Hon. Millie MacFarland, Clerk of the House
David Boulter, Executive Director Legislative Council
Meg Matheson, Revisor of Statutes
Joanne D'Arcangelo, Chief of Staff, Speaker's Office

JAN 12 2005



JOHN RICHARDSON
SPEAKER OF THE HOUSE

STATE OF MAINE

HOUSE OF REPRESENTATIVES

SPEAKER'S OFFICE

AUGUSTA, MAINE 04333-0002

(207) 287-1300

January 6, 2005

Honorable Lawrence E. Jacobsen
201 Sokokis Trail
East Waterboro, ME 04030

Dear Lawrence:

Congratulations on becoming a member of the 122nd Legislature. I am delighted that you will be joining us.

Please be advised that I am requesting that the Legislative Council extend the cloture date till January 14th for you to submit your legislation for the upcoming session.

Please do not hesitate to call me at 287-1300 if you have any questions.

Sincerely,

John Richardson
Speaker of the House

JR/jf

cc: Hon. Glenn Cummings, House Majority Leader
Hon. David Bowles, House Republican Leader
Hon. Robert Duplessie, House Majority Whip
Hon. Josh Tardy, House Assistant Republican Leader
Hon. Millie MacFarland, Clerk of the House
David Boulter, Executive Director Legislative Council
Meg Matheson, Revisor of Statutes
Joanne D'Arcangelo, Chief of Staff, Speaker's Office

JAN 12 2005



JOHN RICHARDSON
SPEAKER OF THE HOUSE

STATE OF MAINE

HOUSE OF REPRESENTATIVES

SPEAKER'S OFFICE

AUGUSTA, MAINE 04333-0002

(207) 287-1300

January 21, 2005

Honorable Donna Loring
174 River Rd.
Richmond, ME 04357

Dear Rep. Loring:

Congratulations on becoming a member of the 122nd Legislature. I am delighted that you will be joining us.

Please be advised that I am requesting that the Legislative Council extend the cloture date till February 4th for you to submit your legislation for the upcoming session.

Please do not hesitate to call me at 287-1300 if you have any questions.

Sincerely,

John Richardson
Speaker of the House

JR/jf

cc: Hon. Glenn Cummings, House Majority Leader
Hon. David Bowles, House Republican Leader
Hon. Robert Duplessie, House Majority Whip
Hon. Josh Tardy, House Assistant Republican Leader
Hon. Millie MacFarland, Clerk of the House
David Boulter, Executive Director Legislative Council
Meg Matheson, Revisor of Statutes
Joanne D'Arcangelo, Chief of Staff, Speaker's Office

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
as of
January 21, 2005

Action

SPONSOR: Rep. Adams, Herbert

LR 2129 An Act Regarding Elimination of the Use of Dioxins
in Maine

SPONSOR: Rep. Adams, Herbert

LR 2131 An Act To Protect the Integrity of Maine State Housing
Authority Funds

SPONSOR: Rep. Blanchette, Patricia A.

LR 2199 An Act To Ban the Sale, Purchase and Possession of Taser
Guns Except by Law Enforcement Officers

SPONSOR: Rep. Blanchette, Patricia A.

LR 2200 An Act To Require the Owner of a Service Dog To Show a
Certificate of a Basic Obedience Class from a Certified
Trainer in Order for that Dog To Be Admitted to a Retail
Establishment or Restaurant

SPONSOR: Sen. Cowger, Scott W.

LR 2203 Resolve, To Allow SAD 16 To Sell a School in Anticipation
of Closure

SPONSOR: Rep. Cummings, Glenn

LR 2169 An Act To Support the Efficient Implementation of the Maine
Learning Results

SPONSOR: Rep. Dudley, Benjamin F.

LR 2132 An Act To Add Homelessness as a Protected Class Under the
Maine Human Rights Act

SPONSOR: Rep. Fischer, Jeremy

LR 2128 An Act To Amend the Law Regarding Teacher Certification

SPONSOR: Rep. Hutton, Deborah J.

LR 2145 An Act To Amend the Law Banning Smoking in Buildings where
Bingo is Held

SPONSOR: Rep. Jackson, Troy D.

LR 2155 An Act To Allow Certain School Employees To Collect
Unemployment

SPONSOR: Rep. Kaelin, Jeffrey H.

LR 2182 An Act To Amend the Procedure for Auditing Municipalities

SPONSOR: Rep. Mazurek, Edward J.

LR 2144 An Act To Establish the Arsonist Registration Act

SPONSOR: Rep. Mills, Janet T.

LR 2185 An Act To Amend Adjustments to Transportation Costs Under
the School Funding Formula

SPONSOR: Rep. Perry, Anne C.

LR 2168 An Act To Create a Criminal Fraud Bureau

SPONSOR: Rep. Pingree, Hannah

LR 2183 An Act To Facilitate Energy Self-sufficiency for Maine's
Offshore Islands

SPONSOR: Rep. Richardson, John G.

LR 2171 An Act To Ensure Passenger and Freight Rail Service of the
Union Branch Line

SPONSOR: Sen. Rosen, Richard W.

LR 2140 An Act To Fully Implement Performance Based Budgeting

SPONSOR: Sen. Strimling, Ethan

LR 2141 An Act To Change the Procedure by Which a Vacancy in the
United States Senate is Filled

SPONSOR: Rep. Valentino, Linda M.

LR 2202 An Act To Restore the Hearing Authority at the Liquor and
Lottery Commission

SPONSOR: Sen. Weston, Carol

LR 2143 An Act To Protect Use of Municipal Shields

JOINT RESOLUTIONS

SPONSOR: Rep. Bliss, Lawrence

LR 0672 JOINT RESOLUTION MEMORIALIZING CONGRESS TO FULFILL
PROMISE TO PAY 40% OF THE COST OF SPECIAL EDUCATION

SPONSOR: Rep. Cressey, Jr., Philip

LR 1667 JOINT RESOLUTION IMPLORING THE EXECUTIVE BRANCH OF THE
UNITED STATES AND THE UNITED STATES CONGRESS TO PROVIDE
ADDITIONAL EMERGENCY HOME HEATING FUNDS TO MAINE CITIZENS

SPONSOR: Rep. Crosby, III, Charles Earl

LR 2166 JOINT RESOLUTION MEMORIALIZING CONGRESS TO NOT CLOSE THE
BRUNSWICK NAVAL AIR STATION

SPONSOR: Rep. Joy, Henry

LR 0271 JOINT RESOLUTION REQUESTING MAINE'S CONGRESSIONAL
DELEGATION TO SUBMIT LEGISLATION TO SECURE THE CONSENT
OF CONGRESS REGARDING GREENHOUSE GAS PRODUCTIONS

SPONSOR: Rep. Lindell, R. Kenneth

LR 2030 JOINT RESOLUTION, MEMORIALIZING CONGRESS TO REFORM SOCIAL
SECURITY

SPONSOR: Sen. Martin, John L.

LR 0072 JOINT RESOLUTION, URGING THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY TO CONTROL MERCURY AS A HAZARDOUS AIR
POLLUTANT

SPONSOR: Sen. Snowe-Mello, Lois A.

WITHDRAWN
01/25/05

LR 0748 JOINT RESOLUTION URGING THE FEDERAL DEPARTMENT OF
TRANSPORTATION TO ADOPT UNIFORM TRAFFIC CONTROL SIGNS

SPONSOR: Rep. Twomey, Joanne T.

LR 0245 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
STATES TO INCREASE FUNDING FOR THE LOW-INCOME HEATING
ASSISTANCE PROGRAM

SPONSOR: Rep. Wheeler, Sr., Walter A.

LR 0904 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED
STATES TO CONTINUE ITS SUPPORT AND ADVOCACY FOR THE NAVAL
SHIPYARD IN KITTERY

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
January 26, 2005

Action

SPONSOR: Rep. Crosby, III, Charles Earl

LR 2205 An Act To Make Owners of Cooperative Housing Eligible for
the Homestead Exemption

SPONSOR: Sen. Edmonds, Beth G.

LR 2206 An Act To Enhance Maine's Homeland Security

SPONSOR: Rep. Jackson, Troy D.

LR 2207 Resolve, Directing the Department of Conservation To
Restore the Henry Taylor Camp

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

January 21, 2005

TO:

FROM:  Dave Boulter, Executive Director

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

The Legislative Council has scheduled its next meeting for:

**Wednesday, January 26, 2005
1:00 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, Speaker John Richardson, 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



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

Memorandum

To: The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice Chair
122nd Legislative Council

From: David C. Elliott, Director

A handwritten signature in dark ink, appearing to read "David", written over the printed name "David C. Elliott, Director".

Date: January 25, 2005

Re: Proposed Standards for Legislative Studies—122nd Legislature

Please find attached proposed standards for legislative studies that I present to the Legislative Council for its review and adoption pursuant to Joint Rule. Under Joint Rule 353, the Legislative Council must adopt standards for the drafting of study orders and legislation at the beginning of each legislative biennium. Joint Rules 353 provides that **study orders and legislation introduced during the biennium must be consistent with the standards adopted by the Legislative Council.**

The proposed standards closely track relevant provisions of the recently adopted Joint Rules of the 122nd Legislature. They also reflect the mandatory language of the Joint Rules which means that sponsors and committees will not have broad discretion to vary from the standards on their own. I would be happy to describe the provisions of the standards in detail. The key provisions of the study standards are summarized on the on the 2-page attachment.

If you have any questions, I will try to answer them at the Council meeting.

cc: David Boulter, Executive Director
Margaret Matheson, Revisor of Statutes

Standards for Legislative Studies

Key provisions. The standards for legislative studies incorporate the following principles.

Procedural Requirements

1. While a joint study order, resolve or law may be used to establish a legislative study, it is the Legislative Council's policy that joint study orders be the legislative instrument for all legislative studies except: (a) for a blue ribbon commission or other group created by the Legislature that must include substantial participation by members of other branches of government or appointments by the Governor; (b) when a study will be conducted that will extend beyond the current legislative biennium; or (c) when specific authorization to use a law or resolve is granted by the Presiding Officers.
2. Proposed study orders and other legislation establishing studies will be referred to joint standing committees for consideration and reported out in the same manner as legislation. Committees also may initiate and report out study orders on their own initiative consistent with Joint Rule 353, section 1.
3. Sponsor's bills and committee's bills and amendments proposing a legislative study must be drafted according to the standards, except that a sponsor or committee may request in writing and be granted an exception to the drafting standards, but not the Joint Rules, by the Presiding Officers.

Drafting Requirements

4. The presiding officers appoint the members of a study committee, including its chair or co-chairs. At least one chair must be a legislator. Appointments are not to be made jointly whether by the Presiding Officers or by them and the Governor.
5. The size of a study committee must be between 3 and 13 members and consist entirely of legislators or a majority of legislators.
6. Legislative members, and non legislative members (if any) who are not otherwise compensated for their time while serving on the study committee, are entitled to receive a per diem and reimbursement of necessary expenses, as authorized by the presiding officers.
7. Study committees are required to complete their work and submit their report before the start of a legislative session or to curtail their work during the session if it spans two or more sessions.
8. The Legislative Council may grant limited extensions to the report date for a study committee.

Funding/staffing Requirements

9. Legislative studies will ordinarily be funded from a study line in the legislative budget. Studies may seek and accept outside funding in which case special language must be used to protect the impartiality of the study process and to provide oversight of the use of the funds.
10. Provision must be made in the study instrument for staff support. Non-partisan staff of the Legislature, assigned by the Legislative Council, shall provide staffing services for legislative studies. Ordinarily non-partisan staff is not assigned as staff to non-legislative studies or on-going boards and commissions.
11. All study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or in the House and reviewed by the Legislative Council for coordination with legislative priorities and allocation of staffing and budgetary resources to support the study request.

Standards for Legislative Studies

**Presented for
Adoption by the 122nd Legislative Council
Pursuant to Joint Rule 353(8)**

January 26, 2005

**Prepared by the Office of Policy and Legal Analysis
Maine Legislature**

Standards for Legislative Studies

Introduction. Each session the Maine Legislature considers numerous bills that would enact new law or amend or repeal existing laws. While the vast majority of legislation is considered and finally acted upon by the Legislature in the session in which it is introduced, some legislation warrants further study before a final decision is made. When additional time or information is needed to fully evaluate issues, the Legislature may establish a special commission or committee to study the matter by gathering information, evaluating options and making recommendations to the Legislature for its consideration. Conducting legislative studies is an important way that legislators may better inform themselves about complex issues affecting public policy. Conducting legislative studies also is an important way for the Legislature to seek information from interested persons and members of the general public and to help educate the public on matters affecting state policy.

Consistent with the historic legislative purpose of conducting studies to develop information to assist legislators in making policy decisions, Joint Rule 353 and these standards enhance the ability of the Legislature to efficiently establish and independently direct the scope and course of legislative studies in ways that best meet its needs.

Authority. Section 8 of Joint Rule 353 that was adopted by the 121st Legislature on December 4, 2002 directs the Legislative Council to adopt standards for drafting legislation that establish studies.

Scope. These standards apply to legislative studies. Legislative studies are studies established by action of the Legislature that are conducted by a joint standing or select committee of the Legislature, a subcommittee of a joint standing committee or by a special legislative study commission or committee and which reports its findings, conclusions and recommendations to the Legislature or some component of the Legislature. It is the Legislative Council's policy that membership on a legislative study committee or commission consists wholly or primarily of legislators, and non-partisan staff of the Legislature provide staffing assistance to the study commission or committee.

Legislative studies are distinguished from non-legislative studies which include studies that direct an executive department or agency, the Executive or the Judiciary to study the matter and make a report. Study committees or commissions established by Executive Order of the Governor are also non-legislative studies even if they invite appointment of legislators or make a report to the Legislature.

In addition to legislative studies, these standards should be applied to the drafting of legislation for non-legislative studies as well, using standardized elements and language as appropriate.

Purpose and use of the guidelines. These standards implement provisions of Joint Rule 353 as they relate to the preparation of study orders and legislation. These standards also incorporate many of the recommendations of the Special Committee on Legislative Rules contained in its final report issued in November 1998 and the Special Commission to Review the Study Commission Process contained in its final report issued on January 16, 1998. The standards identify the major elements that should be included in each proposed joint order, resolve or law

that establishes a study committee, offer suggested language for each element and comment on or generally explain the purpose for the language.

These standards provide assistance to non-partisan staff who draft orders, resolves or bills proposing legislative studies. The standards will insure use of standardized language for core elements of study orders and legislation, promote efficient drafting and encourage drafting consistency among committees and drafters. Consistently drafted study proposals will assist the Legislative Council in reviewing, prioritizing, approving and funding proposed legislative studies at the end of each session.

The standards are sufficiently flexible to address unique aspects of proposed legislative studies.

Guiding Principles. The standards for legislative studies incorporate the following principles.

Procedural Requirements

1. While a joint study order, resolve or law may be used to establish a legislative study, it is the Legislative Council's policy that study orders be the legislative instrument for all legislative studies except: (a) for a blue ribbon commission or other group created by the Legislature that needs to include substantial membership by non-legislators; (b) when a study will extend beyond the current legislative biennium; or (c) when specific authorization to use a law or resolve is granted by the Presiding Officers.
2. Proposed study orders and other legislation establishing studies will be referred to joint standing committees for consideration and reported out in the same manner as legislation. Committees also may initiate and report out study orders on their own initiative consistent with Joint Rule 353, section 1.
3. Sponsor's bills and committee's bills and amendments proposing a legislative study must be drafted according to the guidelines, except that a sponsor or committee may request in writing and be granted an exception to the drafting standards, but not the Joint Rules, by the Presiding Officers.

Drafting Requirements

4. The presiding officers appoint the members of a study committee, including its chair or co-chairs. At least one chair must be a legislator. Appointments are not to be made jointly whether by the Presiding Officers or by them and the Governor.
5. The size of a study committee must be between 3 and 13 members and consist entirely of legislators or a majority of legislators.
6. Legislative members, and non legislative members (if any) who are not otherwise compensated for their time serving on the study committee, are entitled to receive a per diem and reimbursement of necessary expenses, as authorized by the presiding officers

7. Study committees are required to complete their work before the start of a legislative session or to curtail their work during the session if it spans two or more sessions.
8. The Legislative Council may grant limited extensions to the report date for a study committee.

Funding/staffing Requirements

9. Legislative studies will ordinarily be funded from a study line in the legislative budget. Studies may seek and accept outside funding in which case special language is available to protect the integrity of the study process and to provide oversight of the use of the funds.
10. Provision must be made in the study instrument for staff support. Non-partisan staff of the Legislature, assigned by the Legislative Council, shall provide staffing services for legislative studies. Ordinarily non-partisan staff is not assigned as staff to non-legislative studies or on-going boards and commissions.
11. All study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or in the House and reviewed by the Legislative Council for coordination with legislative priorities and allocation of staffing and budgetary resources to support the study request.

STANDARDS FOR LEGISLATIVE STUDIES

Revised January 2005

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
<p>1. Selection of Legislative Vehicle</p> <ul style="list-style-type: none"> ♦ Five types of document may be used, but use of Joint Study Orders is preferred <p>A. <u>Joint Study Order</u></p> <p>(This is the principal method of establishing a legislative study and is adaptable for most legislative studies. Particularly appropriate for a limited term study of a specific issue by a committee consisting wholly or mostly of legislators that reports back to the Legislature within the legislative biennium. A joint order study may include a minority of non-legislators as members who participate at the request of the Legislature.)</p>	<p>“Ordered, the (Senate or House) concurring, that the Joint Select Committee on Substance Abuse is established as follows.”</p> <p>or “...that the Joint Standing Committee on Fisheries and Wildlife (or a subcommittee) is directed to study the issue of the recodification of the state hunting and fishing laws as follows.”</p> <p>or...”that the Legislative Study Committee on the Integration of Social Security and Maine State Retirement System Benefits is established as follows.”</p>	<ul style="list-style-type: none"> ♦ Must pass in each chamber only once (unless amended on the floor) ♦ Governor’s approval not needed ♦ Effective immediately, unless otherwise specified ♦ Appropriation/fiscal note not needed at time of passage ♦ Chair and all or most members are legislators ♦ Public and agency members may be invited but not compelled to serve ♦ Orders are printed in the Calendar and ordinarily are referred to committee. ♦ Introduction of legislation into another biennium requires legislative sponsor ♦ May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either “presented” or “reported” by a legislator ♦ Cannot authorize a committee in the next biennium to report out legislation ♦ Authority terminates with the end of the biennium; Legislative Council cannot extend beyond the end of the biennium.

Element of Study Order or Legislation

Sample Language

Comments

B. Resolve

(Appropriate for limited-term studies for which the participation of a large proportion of non-legislators is necessary, when outside members may need to be compelled to participate or when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members. Also appropriate for non-legislative studies to be conducted by agencies with a report back to the Legislature.)

“Resolve, to Establish the Commission to Study Rate Setting and the Financing of Long-term Care Facilities”

NOTE: Unless otherwise noted in these guidelines, the term “study group” means, study committee, study commission, task force, work group, blue ribbon commission or other study group.

- Governor’s approval or veto override needed
- Unless passed as an emergency, takes effect 90 days after adjournment
- May compel participation, assistance or other action by non-legislators
- May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either “presented” or “reported” by a legislator
- Appropriation/ Fiscal Note required

C. Public Law

(Appropriate for ongoing, periodic studies established in statute [e.g., judicial compensation], for studies that are an integral part of a bill creating a new program [e.g., learning results, electric utility deregulation] and when the issue to be studied demands the creation of a task force or blue ribbon commission of high profile members [e.g. workers’ comp reform].)

“An Act to Establish the State Compensation Commission”

- Governor’s approval or veto override needed
- Unless passed as an emergency, takes effect 90 days after adjournment
- May compel participation, assistance or other action by non-legislators
- May authorize introduction of legislation directly by study group or by legislative committee without legislative sponsor; however, legislation is either “presented” or “reported” by a legislator
- Appropriation/ Fiscal Note required

D. Letter request to Legislative Council

(Appropriate for use by joint standing committees or their subcommittees only. Use for limited duration studies.)

See Appendix I for the procedure to request approval from the Legislative Council for study.

Element of Study Order or Legislation

Sample Language

Comments

E. Special Committees established pursuant to the presiding officer(s) order

See sample order.

Note: Joint standing committees may also study an issue during interim committee authorized by Joint Rule 315.

(Appropriate for use by the presiding officers to establish special committees to meet the study needs of the House and Senate, individually or jointly. Neither the Presiding Officers nor Legislative Council may establish Joint Select or Joint Standing Committees; That authority is reserved to the full Legislature.)

2. Establishment of Study Group

A. Order or Resolve

"The (study group), referred to in this (order/resolve) as the (committee/commission/task force/blue ribbon commission/etc.), is established."

Not necessary when the study is to be assigned to an existing joint standing committee or a sub-committee of a joint standing committee. (See Appendix I).

B. Public Law

"The (study group) referred to in this section as the (committee/commission/ task force/blue ribbon commission/etc.), is established."

Usually in unallocated law.

3. Appointment of Study Group Members

- ◆ Specify total number of members, usually ranging from 3-13 members

"The (study group) consists of (#) members appointed as follows."

Ordinarily study membership must consist of all legislators. At a minimum, a majority of members must be legislators. See Joint Rule 353 (2).

- ◆ Describe the method of appointment or selection of members

A. Joint study order

"The President of the Senate shall appoint (#) members and the Speaker of the House of Representatives shall appoint (#) members to the (study group)."

Unless specific circumstances warrant, the Presiding Officers must be the appointing authority for all members, but must not make appointments jointly.

Element of Study Order or Legislation

Sample Language

Comments

B. Resolve or bill

◆ Specify qualifications or affiliations of members	“The (President of the Senate and Speaker of the House of Representatives, the Governor or other appointing authority) shall appoint (#) members to the (study group).” (Describe broad qualifications or other eligibility criteria, if any, e.g. membership on a joint standing committee, professional affiliation, or residency.)	Avoid appointment procedures that include narrow restriction to very specific membership slots or appointment by outside organizations
◆ Establish deadline for appointments	“All appointments must be made no later than 30 days following the (effective date of this resolve or Act/passage of this order).”	
◆ Establish terms and provide for filling vacancies	“All members must be appointed for (# of years or to coincide with the legislative biennium). A vacancy must be filled (specify manner).”	Ordinarily applies only to on-going study group established in statute
◆ Specify notification of appointments to administering authority	“The (appointing authorities) shall notify the (Executive Director of the Legislative Council or other administering authority) upon making their appointments.”	

4. Selection of Chair

◆ Designate the selection process or appointing authority	“The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair.” <u>(Alternatives to preferred approach:)</u> “The (Governor, the President of the Senate, Speaker of the House of Representatives or other authority) shall appoint the chair of the (study group).”	Unless there is some compelling reason to do otherwise, appointment of study chair or co-chairs is by the presiding officers and is made at the same time the member appointments are made. If the study group consists of 5 or fewer members, one chair should be appointed by the presiding officer of the body in which the study order or legislation originates; otherwise the Senate President should appoint the Senate Chair and the Speaker the House Chair. See Joint Rule 353 (3). Avoid joint appointment of a chair.
---	--	---

or

Element of Study Order or Legislation

Sample Language

Comments

“At its first meeting, the (study group) shall select a chair from among its members. Notice of selection of the chair must be given to the Executive Director of the Legislative Council.”

Use this method of chair appointment only for blue ribbon commissions or similar groups where there is a compelling reason for the group members to select the chair.

5. Convening of Study Group

◆ Specify who is to call first meeting

“When appointment of all members of the (study group) is completed, the (chair of the study group or chair of the Legislative Council) shall call and convene the (study group) for the first meeting...”

Ordinarily, the chair will do this. However, if the chair is to be selected by the members of the study group, the chair of the Legislative Council shall call and preside at the first meeting.

◆ Establish deadline for first meeting

“...which must be no later than (date).”

All study groups should, ordinarily, be convened by August 1 in the first session and by June 1 in the second session. However, studies should not be convened prior to legislative adjournment in order to avoid scheduling conflicts for legislators and staff.

6. Study Subject & Tasks

◆ State subject of study

“The (study group) shall study (subject of study)”

Unlike other legislation, study orders, resolves and legislation should include greater narrative description as to the purpose and scope of the matter to be studied. The purposes and charge of the study group should be specific enough for members to readily understand the nature and scope of the study and expected work products.

◆ Specify issues to be studied

“The (study group) shall examine the following issues: (list issues)”

Listing specific issues to be studied provides a clear legislative charge to the study group. It also will facilitate planning and preparation by the chairs and staff before the first meeting.

◆ Specify tasks to be performed when studying the issue

“In examining these issues, the (study group) may:

- Hold (#) public hearings in (places);
- Hold informational sessions for discussions with (list of experts by generic identification);

Listing specific tasks to be performed will facilitate planning and preparation by the chairs and staff before the first meeting. Only those tasks that are essential to the charge of the study group should be mentioned.

Element of Study Order or Legislation

Sample Language

Comments

or representatives of programs undertaken in (list states or other jurisdictions) on (topics); etc.”

- Conduct, a (telephone survey or other interview) of (people or groups) on (information sought);

- Identify and summarize the legislative actions or governmental programs undertaken in (list states or other jurisdictions) on (topics); etc.”

“The (study group) shall (invite the participation of or offer the opportunity for) (entity) to submit comments on proposed recommendations of the study group.”

Use with study orders when outside participation is necessary to direct the study group to invite the participation of entities that may assist the study group in its work.

7. Staffing

- ◆ Utilize non-partisan staff for legislative studies; (for non-legislative studies, executive agency or other personnel should be directed to staff the study group)

“The Legislative Council shall provide necessary staffing services to the (study group).”

or

- ◆ Direct another state agency to provide primary staff

“The (state agency) shall provide staff assistance to the (study group).”

- specify who is to provide assistance in drafting study legislation

“The (state agency) shall prepare any legislation recommended by the (study group).”

Ordinarily, non-partisan staff will be assigned as primary staff to a study group only if the study is a legislative study.

Non-partisan staff resources ordinarily should not be committed to non-legislative studies. If it is necessary, they should be committed only during times when the Legislature is not in session.

Element of Study Order or Legislation

Sample Language

Comments

or
(For non-legislative studies)

“If the (study group) requires assistance with the preparation of any recommended legislation, it may request, and upon approval from the Legislative Council, receive such assistance from (non-partisan staff office or offices) staff.”

- Specify who is to provide clerical assistance

“The (non-partisan staff office) or (state agency) shall provide clerical support to the (study group).”

◆ Permit the employment of consultants or other staff assistance

“The (study group), with the approval of the Legislative Council, may contract with a (consultant or expert) to provide staffing or other professional services.”

Ordinarily, staffing will not be contracted, but will be provided by nonpartisan legislative staff for study activities. (designate as primary staff or cross-reference the pertinent study issues, tasks and products).

8. Compensation of Members

◆ Specify which members are eligible to receive per diem

“Legislative members are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the study group. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of (a study committee).”

This is consistent with Joint Rule 353 (5).

Element of Study Order or Legislation

Sample Language

Comments

9. Report & Study Group Termination

- ◆ Specify work products to be prepared by the study group

“No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the (specify which) Session of the (specify which) Legislature. The (study group) is authorized to submit legislation related to its report for introduction to the (specify session) Session of the (specify legislature) Legislature at the time of submission of its report.” Alternative: “The (study group) is not authorized to introduce legislation.”

or

“No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on (joint standing committee) and the Legislative Council. The (study group) is not authorized to introduce legislation.” “Following receipt and review of the report, the (joint standing committee) may report out a bill to the (specify which) Session of the (specify which) Legislature.”

or

“No later than (date), the (study group) shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on (joint standing committee) and the Legislative Council. The (study group) is authorized to submit legislation related to its report for introduction to the (session) Session of

Reports and legislation are to be submitted by the first Wednesday in November preceding a 1st Regular Session or the first Wednesday in December preceding a 2nd Regular Session. These dates are to assure that the report will be prepared and submitted for review by Legislators before the start of the legislative session and to allow for timely preparation of any accompanying legislation. Due to their committee responsibilities, legislative analysts do not ordinarily staff study commissions during legislative sessions. See Joint Rule 353 (6) and (7).

Ordinarily, the reports should be submitted to the “Legislature.” The language should be specific as to whether the study group has authority to introduce legislation or whether it is prohibited from doing so. The deadline for submission of legislation should be concurrent with submission of the study report.

If, however, the scope of the study is so narrow as to affect only a joint standing committee, then the report may be submitted to the joint standing committee having jurisdiction over the relevant policy area. The language should be specific as to whether the study group has authority to introduce legislation or whether it is prohibited from doing so. Furthermore, the language should be specific as to whether the joint standing committee has authority to report out a bill.

Authority to introduce legislation should not be

Element of Study Order or Legislation

the

Sample Language

Comments

	(specify) Legislature at the time of submission of its report"	granted to both the study group and the joint standing committee. In addition, it should not be granted to joint standing committees jointly.
◆ Specify date for submission of work products to the Legislature and to whom the report or other work product is to be submitted	(If the work product is not a report). "The (study group) shall submit (a questionnaire or survey summary, an informational booklet, legislation only, etc.) no later than (date))."	
◆ Study Group Termination	"Upon submission of its required report(s), the study group terminates."	
◆ Extension of reporting deadline	"If the (study group) requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension."	A report date should not be extended into a legislative session. A study group created by a joint study order cannot extend beyond the biennium because the authority granted by the Legislature for the joint study order lapses with the convening of the new legislature.

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
10. Funding & Management of Study Expenses		
♦ Seek appropriation language and figures from OFPR		This is included only if a study is not by joint study order.
♦ Specify the authority to administer the study group budget	<p>“The chair(s) of the (study group), with assistance from the (study group) staff shall administer the study budget. Within 10 days after its first meeting the (study group) shall present a work plan and proposed budget to the Legislative Council for approval. The (study group) may not incur expenses that would result in the study group exceeding its approved budget.”</p> <p>“Upon request from the (study group), the Executive Director of the Legislative Council or the Executive Director’s designee shall promptly provide the (study group) chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.”</p>	Although the projected number of meetings will be a factor in determining the study budget, avoid specifying in the study instrument the specific number of meetings authorized. Allow the study group flexibility to operate within its budget.

Element of Study Order or Legislation

Sample Language

Comments

- ◆ Indicate alternative ways the study group may or must be funded and whether it is precluded from using General Fund dollars

“The (study group) shall seek outside funds to fully fund all costs of the implementation group. If sufficient outside funding has not been received by September 15, (current year) to fully fund all costs of the implementation group, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the implementation group may not be accepted from any party having pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the implementation group. The executive director shall notify the chair of the implementation group when sufficient funding has been received.”

The general policy is to not allow solicitation or use of funds other than those appropriated or allocated by the Legislature. However, in the event that use of outside funding is appropriate and necessary, this language should be used.

DEC 28 2004



MAINE STATE LEGISLATURE
Augusta, Maine 04333

**TASK FORCE TO STUDY PARITY AND PORTABILITY OF
RETIREMENT BENEFITS FOR STATE LAW ENFORCEMENT
OFFICERS, MUNICIPAL AND COUNTY LAW ENFORCEMENT
OFFICERS AND FIREFIGHTERS**

December 27, 2004

The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
Legislative Council
115 State House Station
Augusta, ME 04333

Dear Chair Richardson and Vice-Chair Edmonds

This letter is to inform you that the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters has completed its work and submitted its report, including recommended legislation, pursuant to Resolve 2003, c. 76.

Sincerely,

Senator Beth Edmonds, Senate Chair

Representative Robert Duplessie, House Chair

Enclosure



MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMISSION TO STUDY PUBLIC HEALTH

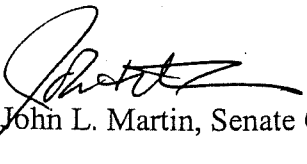
January 12, 2005

The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
Legislative Council
122nd Maine Legislature
115 State House Station
Augusta, Maine 04333


Dear Representative Richardson and Senator Edmonds:

This letter is to inform you that the Commission to Study Public Health has completed its work and submitted its report, including recommended legislation, pursuant to Resolve 2003, chapter 95. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,


Senator John L. Martin, Senate Chair

Representative Margaret M. Craven, House Chair


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

JAN 14 2005