

MAINE STATE LEGISLATURE

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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
February 24, 2005
2:00 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 JANUARY 26, 2005 COUNCIL MEETING	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES	
6	• Executive Director's Report	
12	• Fiscal Report (Pennoyer)	
13	• Office of Information Services' Report (Mayotte)	
	• Update of Interim Studies (Elliott)	
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Rep. Cummings, Chair)	
	Report of the Personnel Committee meeting on February 24, 2005	
	• State House Facilities Committee (Sen. Gagnon, Chair)	
15	Report of the State House Facilities Committee meeting on February 22, 2005	

<u>Page No.</u>	<u>Item</u>	<u>Action</u>
	<ul style="list-style-type: none"> • Budget Subcommittee 	
	Report and recommendations for adjustments to FY 06/07 legislative budget	
	OLD BUSINESS	
16	Item #1: Legislative Study Standards (tabled at meeting of 1-26-05)	Decision
30	Item #2: Council Actions Taken by Ballot	Information
	NEW BUSINESS	
31	Item #1: Consideration of After Deadline Bill Requests	Decision
	ANNOUNCEMENTS AND REMARKS	
	ADJOURNMENT	



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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DAVID E. BOULTER
EXECUTIVE DIRECTOR

**Meeting Summary
January 26, 2005**

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:18 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Edmonds, Sen. Davis, Sen. Weston (Sen. Brennan joined the meeting in progress) Absent: Sen. Gagnon
Representatives:	Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie, Rep. Tardy
Legislative Officers:	Joy O'Brien, Secretary of the Senate Millicent MacFarland, Clerk of the House 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 Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE DECEMBER 22, 2004 COUNCIL MEETING

Motion: That the Meeting Summary of December 22, 2004 be accepted and placed on file. (Motion by Sen. Davis, second by Rep. Tardy, unanimous).

Speaker Richardson asked if there was objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item #1.**

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

Thirty-four after deadline 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.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

• Executive Director's Report

David Boulter, Executive Director of the Legislative Council, reported on the following items:

1. The State YMCA of Maine Youth in Government Program for 2005 is scheduled for April 8 – 10, 2005. An earlier agreement had been reached to hold future programs in the Fall to avoid legislative conflicts, but because it was not working out for the participating schools, the State YMCA of Maine has requested that the Youth in Government Program be allowed to remain a spring program with the potential date of May 3-5, 2006 for the 2006 program.

Hearing no objections, Mr. Boulter will proceed with discussions with the State YMCA of Maine to continue spring programs.

2. The American Heart Association's has made a request to have the Capitol dome lit in red as part of its campaign in February to make women aware of the risk of heart disease. While there were no specific objections to the purposes expressed by the American Heart Association, several members questioned whether a precedent would be set by granting this request that could lead to other, perhaps objectionable requests. Members generally felt that the request merited further discussion before granting authorization.

Motion: That the American Heart Associations' request for the dome to be lit in red during the month of February be referred to the State House Facilities Committee for its review and recommendations. (Motion by Rep. Duplessie, seconded by Rep. Bowles, unanimous).

3. In Facility Chair Sen. Gagnon's absence, Mr. Boulter announced that the Legislative Retiring Room, Room 420 in the State House, is nearing completion and the committee will announce the opening in the very near future.

• Fiscal Report

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

The following information reflects December 2004 Revenue Forecasting Committee revisions.

- **General Fund**

In its December forecast, the Revenue Forecasting Committee (RFC) increased the General Fund revenue projections for FY05 by \$71.9 million. General Fund revenue performance in December continued to be strong and was even ahead of the revised forecast by \$3.8 million in December and \$5.7 million through the first half of FY05.

Positive variances in Sales and Use Taxes, Individual Income Tax and Estate Tax revenues offset negative variances in Corporate Income Taxes and Lottery revenues.

- **Highway Fund**

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

2. Revenue Forecasting Schedule

The Consensus Economic Forecasting Commission met on January 26th to review its November economic forecast. The commission did not alter that forecast, although it did note some potential future downside risks. Since the economic forecast was not revised, it is unlikely that there will be any significant change in the revenue forecast. The Revenue Forecasting Committee will meet again in mid-February. It has a March 1st reporting deadline.

3. Cash Pool Status

The December 2004 Cash Pool Summary shows that absent the Tax Anticipation Notes totaling \$190 million and reserve fund balances, the General Fund average daily cash balance would have been negative \$196.2 million in December. However, the General Fund & Highway Fund cash pool trends through December 2004 both show an improving trend over the last 12 months.

No Council action required.

- **Office of Information Services' Report**

Paul Mayotte, Director, Legislative Information Services presented his report to the Legislative Council. He reported that HP had not accepted the final agreement proposed by the Legislature that would have memorialized the earlier agreement reached between the parties for HP to complete and deliver the bill drafting software.

Based on the Attorney General's recommendation, the Attorney General's Office is now working directly with HP's lawyers to determine if there is the likelihood of reaching an acceptable agreement, before the Attorney General's Office proceeds to file a lawsuit to compel performance under the contract. The Attorney General's Office has been in contact with HP's lawyers and should be receiving a response by January 28, 2005.

Speaker Richardson requested that Mr. Mayotte keep Vice-chair Edmonds and himself up-to-date on the status of the bill drafting system as the situation progresses.

- **Update of Interim Studies**

David Elliott, Director, Office of Policy and Legal Analysis, reported on the interim studies. A copy of the Progress Report on the Legislative Studies is attached.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Rep. Cummings, Chair of the Personnel Committee, reported that the committee met earlier in the day and granted, by unanimous vote, temporary disability income benefits to a Legislative Council employee, as provided for in Section VI (H) of the Personnel Policies and Guidelines for Legislative Council Employees. Other items on the Personnel Committee's agenda were tabled to a future meeting.

No Council action required.

State House Facilities Committee

The State House Facilities Committee did not meet so made no report.

OLD BUSINESS

None

NEW BUSINESS

Item #1: Requests for Extension of Cloture Deadline

Speaker Richardson requested that an extension of the cloture deadline for filing bills be granted for Representatives Walter E. Ash, Jr., Lawrence E. Jacobsen and Donna Loring for reasons stated in the attached letters.

Motion: That the Legislative Council approve extension of the cloture deadline for filling bills for Representatives Ash, Jacobsen and Loring. (Motion by Rep. Bowles, second by President Edmonds, unanimous).

Item #3: Legislative Study Standards

Director Elliott presented the proposed standards for legislative studies to the Legislative Council for its review and adoption pursuant to Joint Rule. Under Joint Rule 353, the Legislative Council is authorized to 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 and those of past study guidelines.

Several members requested additional time to study the proposed standards.

Motion: That the Legislative Council table action on the proposed legislative study standards until a future meeting. (Motion by President Edmonds, second by Rep. Bowles, unanimous).

Item #4: Submission of Study Reports

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

Motion: That the Legislative Council accept and place on file the study reports of the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters and the Commission to Study Public Health. (Motion by President Edmonds, second by Rep. Bowles, unanimous).

ANNOUNCEMENTS AND REMARKS

Rep. Bowles asked for an update on establishing an office for OPEGA staff. Mr. Boulter reported that Beth Ashcroft, OPEGA Director, has begun work. Because of earlier (now resolved) delays in securing office space in the Cross Building from the Department of Administrative and Financial Services, the OPEGA office is not ready for occupancy. Room 107 will be the OPEGA office and Ms. Ashcroft is actively working on plans to reconfigure and furnish the room to suit OPEGA needs. Mr. Boulter has arranged for a temporary office for Ms. Ashcroft in the Executive Director's Office until such time as the OPEGA office is completed. Speaker Richardson reported that arrangements regarding establishing an office for the chairs of the OPEGA Oversight Committee are well underway and hopefully the office will be readied for occupancy shortly.

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:15 p.m. (Motion by Rep. Bowles, second by Rep. Tardy, unanimous).

Fiscal Briefing for the Legislative Council

Legislative Council Meeting

February 24, 2005

*Prepared by the
Office of Fiscal & Program Review*

1. General Fund and Highway Fund Revenue Variances for January 2005 (Reflects December 2004 Revenue Forecasting Committee Revisions)

- **General Fund** - General Fund revenue was ahead of budgeted revenue in January by \$0.9M, increasing the positive variance for the year through January 2005 to \$6.6M (+0.4%).
 - The positive variance in the Estate Tax (\$5.1M - a timing issue) is the major contributor to the overall positive variance. Smaller positive and negative variances in the other lines essentially balance each other out.
- **Highway Fund** - Highway Fund revenue continued is strong performance in January increasing the positive variance by \$0.8M to \$4.9M (+3.0%) for FY05 through January. Motor Vehicle Registration and Fees accounts for almost all of this positive variance.

2. Revenue Forecasting Schedule

- Revenue Forecasting Committee met on Friday, February 18th for its March 1st update. Since economic forecast was unchanged from the December 2004 forecast, these revenue revisions in this forecast were technical corrections or updates based on better data (forecast is still preliminary and subject to change). General Fund Revenue was revised by:
 - FY05: +\$ 2.0M (Includes \$1.5M from EFY05 Budget Bill)
 - FY06: +\$ 4.5M
 - FY07: +\$13.6M
- Highway Fund Revenue was revised upward in FY05 by +\$2.0M and downward by less than -\$1.0M for the 2006-2007 biennium.
- Fund for a Healthy Maine was not revised in this forecast.

3. Cash Pool Status

- January 2005 Cash Pool Summary (see attached) – Absent reserve accounts balances and tax anticipation notes, General Fund average cash balance would have been negative by \$149.6M
- General Fund & Highway Fund Historical Trends (see attached) - Through January 2005, both funds still show an improving trend over the last 12 months

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

JANUARY 2005 VARIANCE REPORT

FUND	Revenue Line	Jan. '05 Budget	Jan. '05 Actual	Jan. '05 Var.	FY05 YTD Budget	FY05 YTD Actual	FY05 YTD Variance	FY05 Budgeted Totals
GF	Sales and Use Tax	90,744,340	89,776,071.35	(968,268.65)	493,821,234	494,925,790.31	1,104,556.31	914,710,000
GF	Service Provider Tax	3,691,106	2,784,864.42	(906,241.58)	22,172,254	21,310,682.71	(861,571.29)	46,700,000
GF	Individual Income Tax	152,167,477	148,098,576.40	(4,068,900.60)	692,296,868	692,075,466.97	(221,401.03)	1,196,106,196
GF	Corporate Income Tax	1,221,042	7,037,069.61	5,816,027.61	66,378,830	67,762,594.88	1,383,764.88	123,351,604
GF	Cigarette and Tobacco Tax	7,793,526	8,001,015.02	207,489.02	57,379,104	57,997,230.77	618,126.77	96,019,864
GF	Public Utilities Tax	0	17,633.34	17,633.34	(150,000)	(150,000.00)	0.00	26,675,000
GF	Insurance Companies Tax	246,498	(118,895.97)	(365,393.97)	14,518,826	14,940,592.35	421,766.35	78,615,872
GF	Estate Tax	2,380,539	1,823,208.26	(557,330.74)	12,378,991	17,459,599.66	5,080,608.66	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	249,867	402,617.66	152,750.66	2,130,918	2,310,360.90	179,442.90	4,084,735
GF	Transfer to Municipal Revenue Sharing	(12,639,019)	(12,632,525.67)	6,493.33	(65,008,128)	(65,029,801.26)	(21,673.26)	(116,324,258)
GF	Transfer from Lottery Commission	3,643,671	5,024,262.16	1,380,591.16	30,292,801	29,632,072.93	(660,728.07)	52,292,750
GF	Other Revenue	16,795,832	17,022,497.56	226,665.56	161,718,349	161,416,380.33	(301,968.67)	261,702,191
GF	Totals	266,294,879	267,236,394.14	941,515.14	1,497,652,409	1,504,289,347.55	6,636,938.55	2,723,556,807
HF	Fuel Taxes	17,893,967	17,956,263.08	62,296.08	115,165,124	116,010,600.88	845,476.88	220,838,729
HF	Motor Vehicle Registration and Fees	5,565,809	6,513,595.03	947,786.03	39,267,607	44,018,765.86	4,751,158.86	78,853,234
HF	Inspection Fees	450,798	172,868.13	(277,929.87)	2,911,621	2,553,344.91	(358,276.09)	4,381,459
HF	Fines	173,586	146,226.10	(27,359.90)	1,215,099	1,033,122.89	(181,976.11)	2,165,359
HF	Income from Investments	82,800	98,870.46	16,070.46	463,201	479,271.15	16,070.15	946,385
HF	Other Revenue	576,273	692,121.77	115,848.77	5,915,393	5,751,709.87	(163,683.13)	14,200,077
HF	Totals	24,743,233	25,579,944.57	836,711.57	164,938,045	169,846,815.56	4,908,770.56	321,385,243

Updated: February 16, 2005

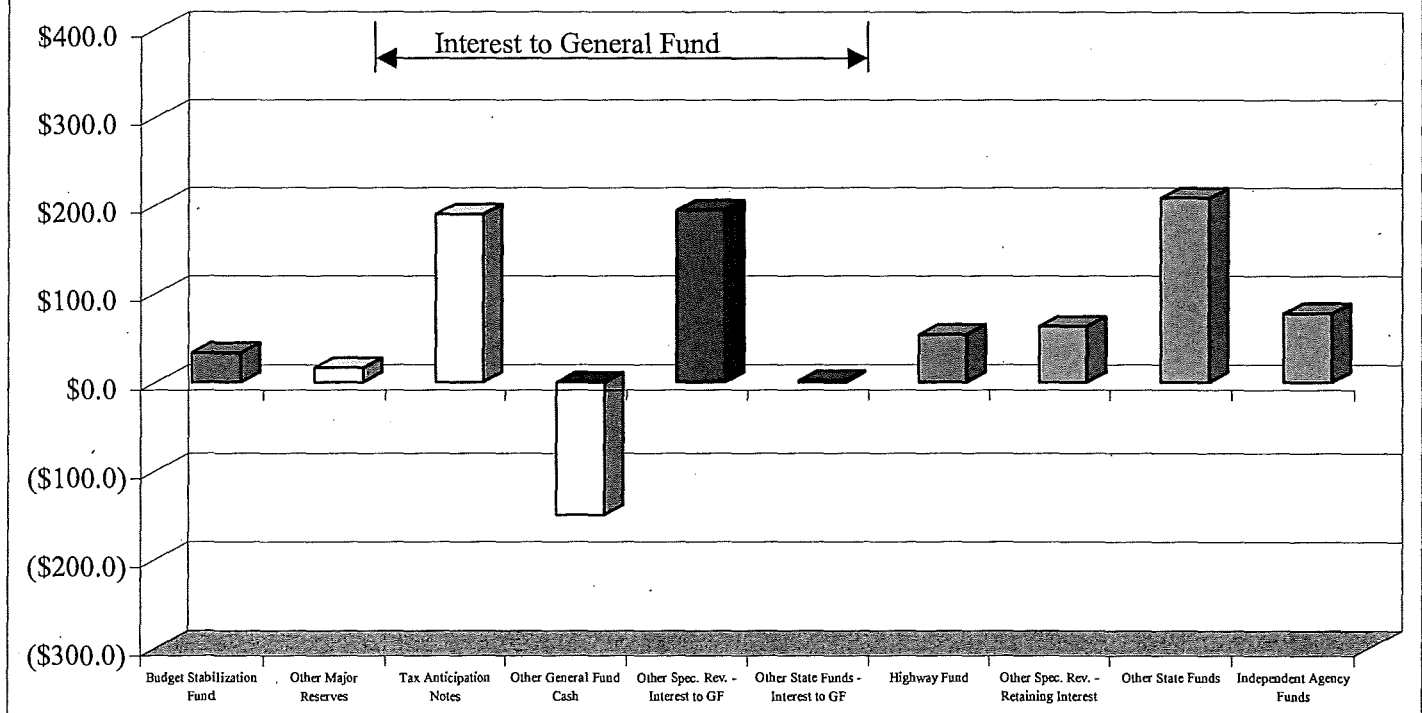
Composition of State's Cash Pool

January 2005 Average Daily Balances

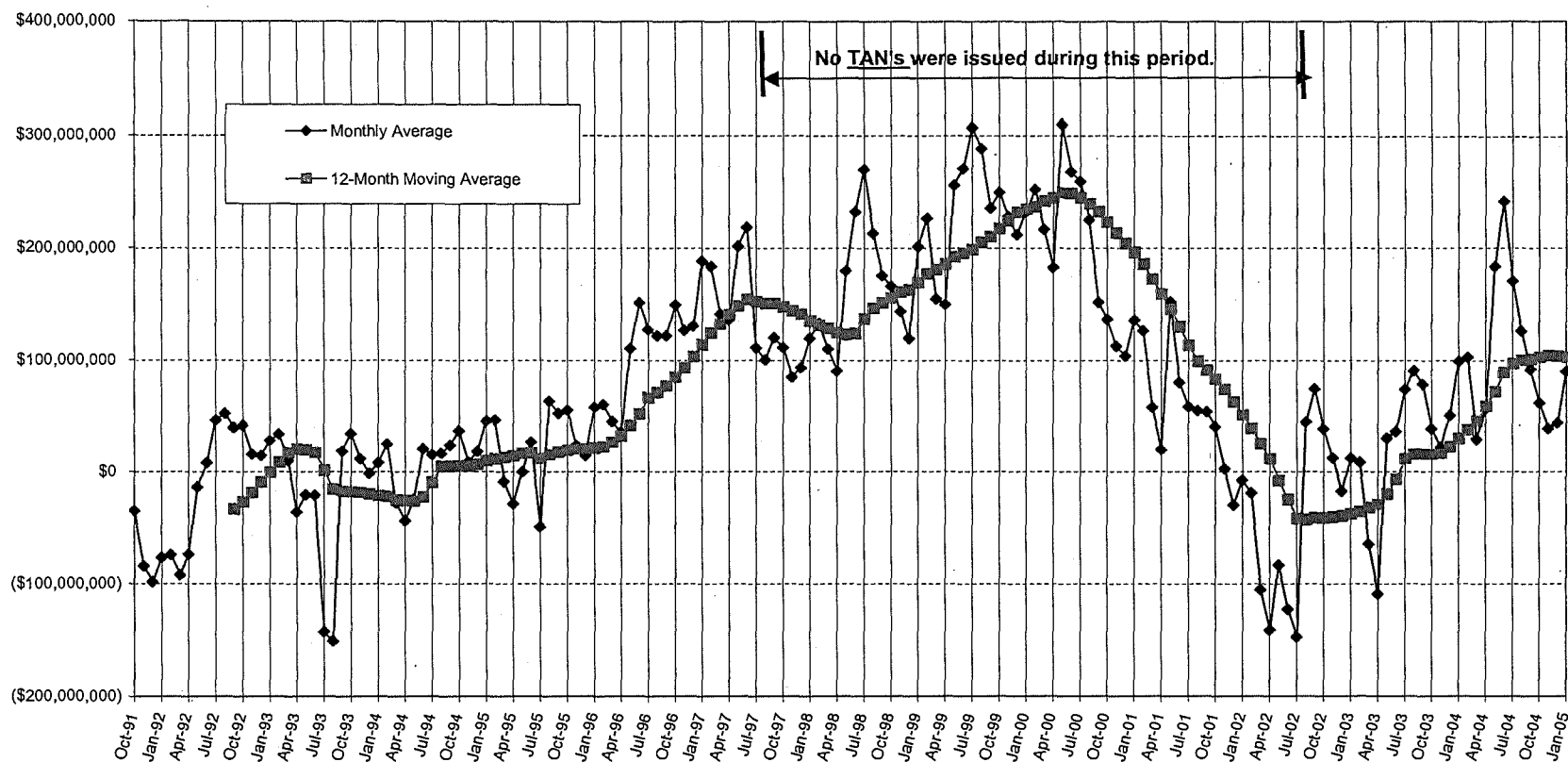
	January 2005
General Fund - Total	\$90,342,629
General Fund - Detail	
Budget Stabilization Fund (Rainy Day Fund)	\$33,412,703
Reserve for General Fund Operating Capital	\$16,532,953
Tax Anticipation Notes	\$190,000,000
General Fund - Other	(\$149,603,027)
Highway Fund	\$54,041,164
Other Special Revenue - Contributing to General Fund	\$194,789,845
Other Special Revenue - Retaining Interest Earned	\$63,207,524
Other State Funds - Contributing Interest to General Fund	\$1,759,236
Other State Funds	\$208,782,250
Independent Agency Funds	\$78,223,827
Total Cash Pool	\$691,146,475

Composition of Cash Pool

Average Daily Balances in January 2005



GENERAL FUND DAILY STARTING CASH BALANCES

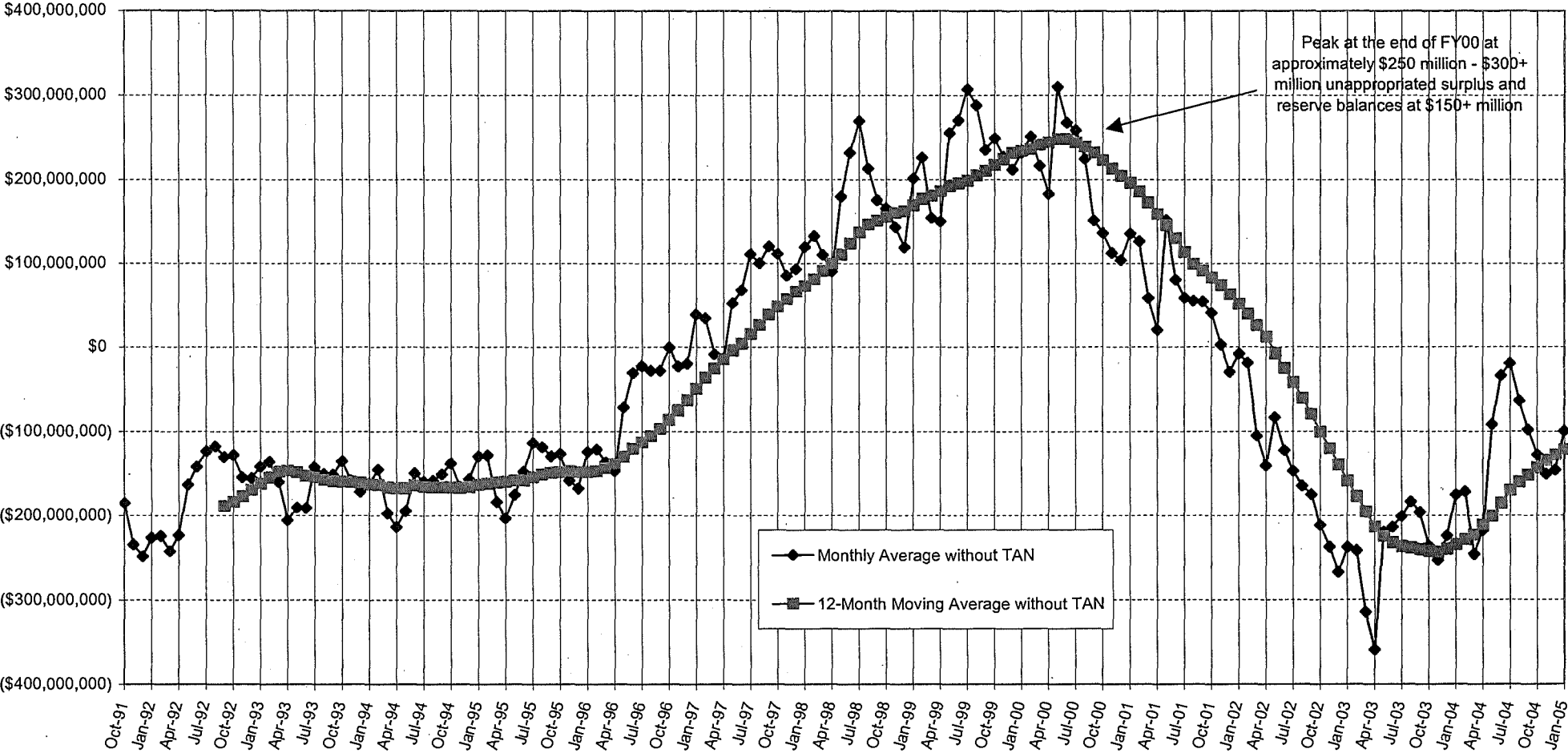


TAX ANTICIPATION NOTES (TAN's) - History from FY 1990-91 ⁽¹⁾

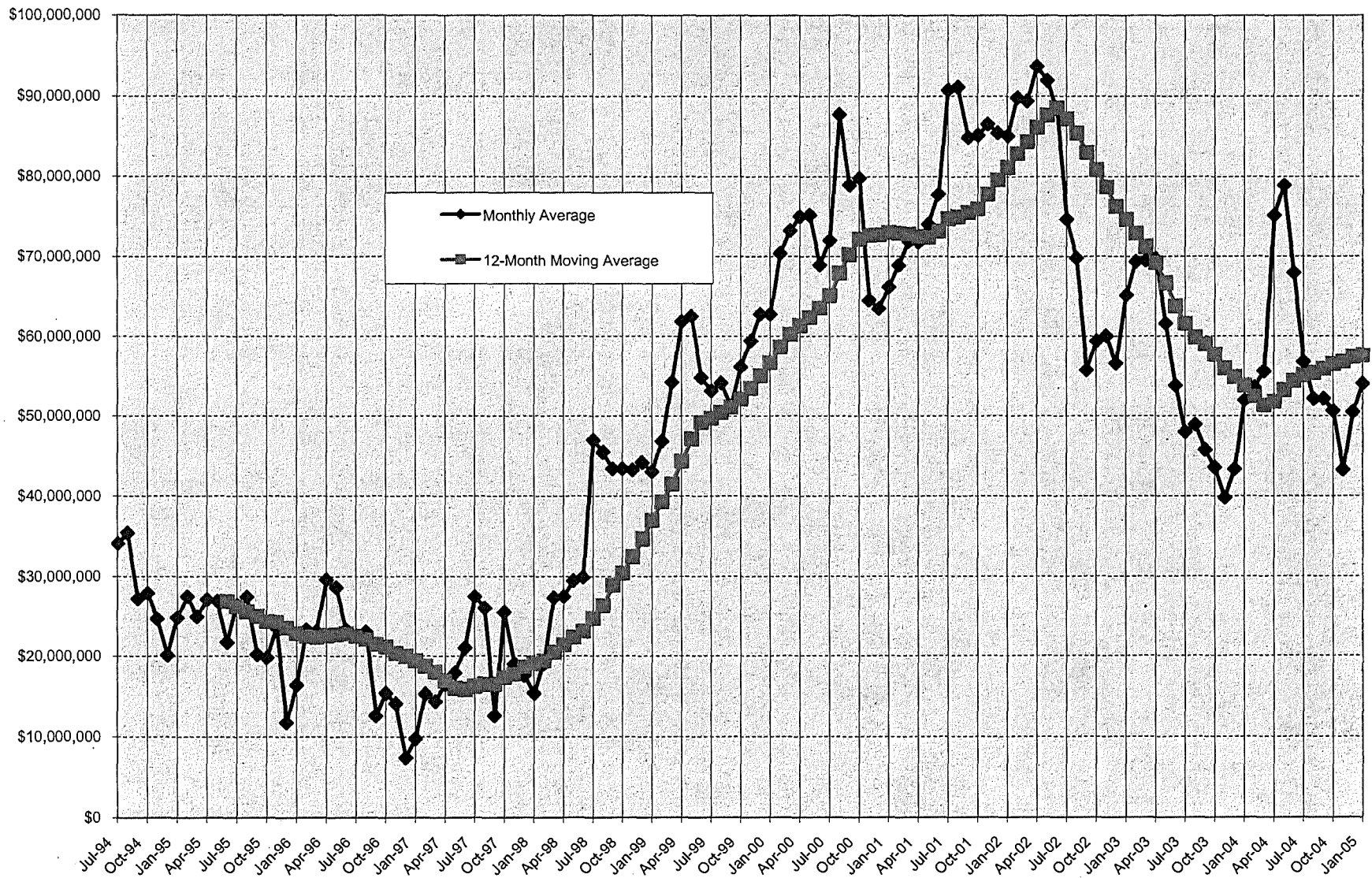
Fiscal Year	Amount Authorized	Amount Issued	Reference
2004-05 ⁽¹⁾	\$301,688,831 ⁽¹⁾	\$190,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2003-04 ⁽¹⁾	\$284,492,042 ⁽¹⁾	\$275,000,000	5 MRSA, §150 (as amended by PL 2001, c. 705)
2002-03 ⁽¹⁾	\$282,869,203 ⁽¹⁾	\$250,000,000	5 MRSA, §150 (as amended 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
February 24, 2005

- **Bill Drafting System:**
 - No change since the last report
 - The AG's Office is waiting for a response from HP as to the latest potential for resolving the outstanding issues
- **Office Suite 2003 Software:**
 - The Systems Office is completing the replacement of the obsolete Office Suite 2000 with Office Suite 2003
 - On completion the Systems Office will have achieved its long-term goal of providing a uniform computing environment by having both the current Office Suite software and current operating system software (XP) on all Legislative PCs
- **Local Area Network:**
 - The Systems Office has upgraded the switches that manage the local area network
 - The upgrade has resulted in an increase in network speed and capacity (from 10Mb/sec to 100Mb/sec)

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

Status as of 2/24/2005 8:24:46AM

<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	Substantive change bill introduced and heard--LD 216
Commission to Study Public Health LD0471 - Resolve 2003, Chapter 95	12/5/03		November 3, 2004: 1st Regular Session, 122nd Legislature	Study complete; 4 bills introduced--LD110, 134, 439 and 796
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	Study complete; 1 bill 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 complete; 3 bills introduced--LD 301, 466 and 467
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 complete; 1 bill in process
Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners LD1614 - Public Law 2003, Chapter 451	9/4/03		2/5/2004: Criminal Justice and Public Safety Committee 1/1/2005: Criminal Justice and Public Safety Committee	7 meetings held; legislation being drafted

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

Status as of 2/24/2005 8:24:48AM

<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		January 31, 2005: Health and Human Services Committee	Study complete; report and legislation being drafted
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	Study complete; no report; no legislation

Selection criteria:
Session ID = 121
Study Type = Legislative

**Legislative Council
State House Facilities Committee**

**Report on Meeting of
February 22, 2005**

The State House Facilities Committee met on Monday.

1. The committee received various reports and updates on facility matters.
2. It reviewed and unanimously ratified a recommended evacuation plan for the State House, a plan that provides for the safe and orderly egress of persons from the building in the event of an emergency. The plan will be distributed to legislative employees.
3. The committee reviewed a proposed security plan for the State House, a plan that describes in detail procedures for deployment of security measures in the building, and appropriate response actions. The measures are designed to protect the safety of visitors, employees and Legislators through entry screening or monitoring. The committee agreed to establish a subcommittee to consider the policy issues relating to deployment of security measures and related staffing issues for Capitol Security.
4. The committee discussed issues relating to extensive use of the Hall of Flags by outside groups and serving of free meals on a regular basis. It agreed that a more comprehensive policy setting parameters for activities in the Hall of Flags was appropriate, and will discuss the matter further at a future meeting.
5. The committee considered a request by the American Heart Association to light the State House dome in red. While members generally agreed that the American Heart Association's goal is a worthy one, it was concerned that granting the request would set a precedent for lighting the dome in support of various causes, some of which inevitably could politicize or offend. Therefore, the committee voted unanimously to recommend that the Legislative Council adopt a policy that such requests not be granted. [Motion to be offered]
6. The committee agreed to develop a policy on staff access to and use of legislative retiring room, in keeping with the intent that retiring rooms are for the private use of legislators.
7. The committee agreed to explore ideas to honor important historical figure Joshua Chamberlain and his significant contributions to Maine and the Nation, perhaps through appropriate artwork funded by the Legislature's Percent for Art program. The State Historian will be consulted as part of the committee's consideration, and if pursued will make a recommendation to the Legislative Council for its consideration..

This concludes the committee's report.

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> <p>♦ Five types of document may be used, but use of Joint Study Orders is preferred</p> <p style="padding-left: 40px;">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 LegislationSample LanguageCommentsB. 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)."	
◆ Establish deadline for appointments	(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 terms and provide for filling vacancies	"All appointments must be made no later than 30 days following the (effective date of this resolve or Act/passage of this order)."	
◆ Specify notification of appointments to administering authority	"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
	"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	<p>"The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair."</p> <p><u>(Alternatives to preferred approach:)</u></p> <p>"The (Governor, the President of the Senate, Speaker of the House of Representatives or other authority) shall appoint the chair of the (study group)."</p>	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.
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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 LegislationSample LanguageComments

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).”

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

or

- ◆ Direct another state agency to provide primary staff

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

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.

- specify who is to provide assistance in drafting study legislation

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

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

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
	(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.

**Actions Taken by Ballot by
the Legislative Council Since
the January 26, 2005 Council Meeting**

1. Request for Introduction of Legislative

- A. LR 2252: An Act Authorizing a General Fund Bond Issue for Wastewater
 Discharge
 Submitted by: Senator Bruce Bryant
 Accepted: February 22, 2005, 8 – 0 – 0 – 2
- B. LR 2235: Resolve, To Allow the Somerset County Jail to be Built Within One Mile
 of the County Seat

 Submitted by: Senator Peter Mills
 Accepted: February 18, 2005, 6 – 0 – 0 – 4

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
February 18, 2005

Action

SPONSOR: Sen. Damon, Dennis

LR 2229 An Act To Establish Harbor Master Standards and Course Requirements

SPONSOR: Rep. Dudley, Benjamin F.

LR 2240 An Act To Ensure the Integrity and Independence of the Unemployment Insurance Commission

SPONSOR: Rep. Dudley, Benjamin F.

LR 2246 An Act To Award Income Tax Credits for Boiler or Furnace Systems that Reduce or Eliminate Certain Pollutants

SPONSOR: Rep. Edgecomb, Peter

LR 2233 Resolve, To Protect the Social Service Delivery System in Caribou

SPONSOR: Rep. Koffman, Theodore

LR 2232 An Act To Amend the Real Estate Transfer Fee

SPONSOR: Rep. Lindell, R. Kenneth

LR 2219 Resolve, To Name the New Bridge in Verona Island and Prospect the Fort Knox Bridge

SPONSOR: Rep. Mazurek, Edward J.

LR 2212 Resolve, Directing the Department of Transportation To Strengthen Guard Rails on Old County Road in Rockland and Thomaston

SPONSOR: Sen. Perry, Joseph Charles

LR 2213 An Act To Allow a Prorated Refund of a Registration Fee Upon the Sale of a Motor Vehicle

SPONSOR: Sen. Perry, Joseph Charles

LR 2228 An Act To Require State-owned and State-leased Property to be Cleaned with Products That are not Harmful to the Environment or People

SPONSOR: Rep. Pilon, Donald E.

LR 2139 An Act To Establish Special License Plates to Honor Maine Residents Serving in Iraq and Afghanistan

SPONSOR: Sen. Plowman, Debra D.

LR 2215 An Act To Create a Specialty License Plate for Members of the National Guard

SPONSOR: Rep. Stedman, Vaughn A.

LR 2231 An Act To Provide an Income Tax Exemption to Recent College Graduates who Work in Maine to Help Them Pay College Loans

SPONSOR: Rep. Trahan, A. David

LR 2217 An Act To Create a Voluntary Reporting System for Near-miss Medical Errors

JOINT RESOLUTIONS

SPONSOR: Sen. Edmonds, Beth G.

LR 2245 JOINT RESOLUTION MEMORIALIZING CONGRESS TO REJECT PLANS TO PRIVATIZE SOCIAL SECURITY

SPONSOR: Rep. Pineau, Raymond

LR 2211 JOINT RESOLUTION, MEMORIALIZING CONGRESS NOT TO CUT FUNDS TO THE VETERANS ADMINISTRATION CENTER AT TOGUS

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Fischer, Jeremy

TABLED
01/27/05

LR 2128 An Act To Amend the Law Regarding Teacher Certification

SPONSOR: Sen. Strimling, Ethan

TABLED
01/27/05

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

SPONSOR: Rep. Valentino, Linda M.

TABLED
01/27/05

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

JOINT RESOLUTION

SPONSOR: Rep. Lindell, R. Kenneth

TABLED
01/27/05

LR 2030 JOINT RESOLUTION, MEMORIALIZING CONGRESS TO REFORM SOCIAL SECURITY

ADDENDUM
LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION
February 24, 2005

Action

SPONSOR: Rep. Blanchette, Patricia A.

LR 2259 An Act Requiring Released Aggregate Information from the Department of Education to Measure the Effectiveness of the Law Requiring Fingerprinting and Background Checks of Education Personnel

SPONSOR: Rep. Emery, Harold Ian

LR 2250 An Act To Amend the Laws Governing the Funding of Fire Protection

SPONSOR: Rep. Greeley, Christian David

LR 2254 An Act Regarding the Taxation of Mobile Homes

SPONSOR: Rep. Jackson, Troy D.

LR 2257 An Act To Allow Jeff McBrearity to Sue the State

SPONSOR: Sen. Martin, John L.

LR 2251 Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed

SPONSOR: Rep. McKenney, Terrence P.

LR 2253 An Act Regarding the Taxation of Prescription Drugs for Pets

SPONSOR: Rep. Saviello, Thomas

LR 2260 Resolve, To Direct Department of Education to Continue Funding the Reading Recovery Program

JOINT RESOLUTION

SPONSOR: Sen. Raye, Kevin L.

LR 2258 JOINT RESOLUTION MEMORIALIZING CONGRESS IN SUPPORT OF THE TOGUS VETERANS ADMINISTRATION MEDICAL CENTER

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

February 18, 2005

TO:

FROM: *Dave*
Dave Boulter, Executive Director

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

The Legislative Council has scheduled its next meeting for:

**Thursday, February 24, 2005
2:00 p.m.
Room 334, Legislative Council Chamber**

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

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

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

1. The Council Chair, 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