

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

Meeting Summary
February 24, 2005
Approved March 24, 2005

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 2:23 p.m. in the Legislative Council Chamber.

ROLL CALL

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

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

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 JANUARY 26, 2005 COUNCIL MEETING

Motion: That the Meeting Summary of January 26, 2005 be accepted and placed on file. (Motion by Rep. Tardy, second by Rep. Duplessie, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reminded members of the Legislative Policy Forum on economic development and health policy issues scheduled for March 10-11, 2005. The Speaker requested that a reminder of the policy forum be emailed to legislators.

No Council action required.

- **Fiscal Report**

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

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 \$0.9 million, increasing the positive variance for the year through January 2005 to \$6.6 million.

The positive variance in the Estate Tax of \$5.1 million is a timing issue and 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 in January increased the positive variance by \$0.8 million to \$4.9 million for FY05 through January. Motor Vehicle Registration and Fees accounts for most of this positive variance.

2. **Revenue Forecasting Schedule**

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

3. Cash Pool Status

- Absent reserve accounts balances and tax anticipation notes, the General Fund average cash balance would have been negative by \$149.6 million.
- Through January, 2005 the General Fund and Highway Fund historical trends still show an improving trend over the last 12 months.

- **Office of Information Services' Report**

1. Bill Drafting System

There has been no change in the status bill drafting system since the January 26, 2005 Council meeting. The Attorney General's Office is waiting for a response from HP as to the latest proposal for resolving the outstanding issues.

Speaker Richardson requested that Executive Director Boulter schedule a meeting with a representative of the Attorney General's office, President Edmonds, Paul Mayotte and himself to discuss the HP contract.

2. Office Suite 2003 Software

The Information Systems Office is completing the replacement of the outdated Office Suite 2000 with Office Suite 2003, and with its completion the office will have achieved a long-term goal of providing a uniform computing environment on all Legislative PCs by having both the current Office Suite software and current operating system software (XP).

3. Local Area Network

Upgrades to the switches that manage the local area network are complete and have resulted in an increase in network speed and capacity from 10Mb/sec to 100Mb/sec.

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

Twenty-seven 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 (con't)

- **Update of Interim Studies**

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

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Executive Director Boulter reported to the Legislative Council that the Personnel Committee met earlier in the day and voted to explore adopting a policy on domestic violence in the workplace and directed Executive Director office staff to develop a draft policy for its consideration.

No Council action required at this time. Speaker Richardson asked that a progress report be given to the Council at its next meeting.

- **State House Facilities Committee**

Sen. Gagnon, Chair of the State House Facilities Committee reported that the committee met on February 22, 2005 and reported the following:

1. An evacuation plan for the State House was approved, and will be disseminated to legislative offices..
2. The committee will be discussing issues related to the use of the Hall of Flags and developing a policy setting parameters for appropriate use.
3. The committee considered a request from the American Heart Association to light the State House dome in red. Although the request was for a worthy cause, 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. The State House Facilities Committee voted unanimously to recommend that the Legislative Council adopt a policy that such requests not be granted.

Legislative Council Motion: That as a matter of general policy, the Legislative Council not grant requests to light the State House dome or display legislative lights in various colors in support of, opposition to, or in recognition of various groups or causes. In exceptional circumstances, the presiding officers may waive the policy to grant approval. (Motion by Sen. Gagnon, second by Rep. Duplessie unanimous).

4. The committee agreed to develop a policy on staff access to and use of legislative retiring rooms, in keeping with the intent that retiring rooms are for the private use of legislators.
5. 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, the committee will make a recommendation to the Legislative Council for its consideration.

6. The committee reviewed a proposed security plan for the State House. The plan describes in detail procedures for deployment of security measures in the building, and appropriate response actions, which 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.

- **Budget Subcommittee**

Speaker Richardson reported on the subcommittee's work. He referred members to the budget information and recommendations in their packets that were adopted by the Budget Subcommittee at its meeting on February 23, 2005.

The Budget Subcommittee will look at further items and potential savings as more information becomes available to the subcommittee.

Motion: That the Legislative Council accept and carry out the recommendations of the Budget Subcommittee as presented in its report of February 23, 2005. (Motion by Rep. Bowles, second by President Edmonds, unanimous).

The Subcommittee requested that Mr. Boulter contact NCSL to invite a proposal from NCSL to conduct a study of the legislative process and identify ways to improve operations and make them more efficient. Speaker Richardson mentioned that NCSL could help the Legislative Council find \$260,000 in savings to offset FY 06/07 budget increases. He asked that a proposal be brought back to the Legislative Council for a decision as to the scope and extent of the review and the cost.

OLD BUSINESS

Item #1: Legislative Study Standards (tabled at meeting of 1-26-05)

David Elliott reminded members that the Joint Rules direct the Council each biennium to adopt guidelines for drafting studies for the current biennium.

Motion: That the Legislative Council remove the item from the table and further that the Legislative Council adopt the legislative study standards as presented at an earlier Legislative Council meeting. (Motion by President Edmonds, second by Sen. Gagnon, unanimous).

Item #2: Council Actions Taken by Ballot

Executive Director Boulter provided Council members with a list of actions taken by ballot by the Legislative Council since its January 26, 2005 meeting.

No Council action required.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:21 p.m. (Motion by Sen. Gagnon, seconded by President Edmonds, unanimous).

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

	Action
SPONSOR: Rep. Blanchette, Patricia A.	ACCEPTED
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: Sen. Damon, Dennis	ACCEPTED
LR 2229 An Act To Establish Harbor Master Standards and Course Requirements	
SPONSOR: Rep. Dudley, Benjamin F.	ACCEPTED
LR 2246 An Act To Award Income Tax Credits for Boiler or Furnace Systems that Reduce or Eliminate Certain Pollutants	
SPONSOR: Rep. Emery, Harold Ian	FAILED
LR 2250 An Act To Amend the Laws Governing the Funding of Fire Protection	
SPONSOR: Rep. Fischer, Jeremy	ACCEPTED
LR 2128 An Act To Amend the Law Regarding Teacher Certification	
SPONSOR: Rep. Jackson, Troy D.	FAILED 02/24/05
LR 2257 An Act To Allow Jeff McBrearity to Sue the State	
SPONSOR: Rep. Lindell, R. Kenneth	ACCEPTED
LR 2219 Resolve, To Name the New Bridge in Verona Island and Prospect the Fort Knox Bridge	
SPONSOR: Sen. Martin, John L.	ACCEPTED
LR 2251 Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed	
SPONSOR: Rep. Mazurek, Edward J.	ACCEPTED
LR 2212 Resolve, Directing the Department of Transportation To Strengthen Guard Rails on Old County Road in Rockland and Thomaston	

SPONSOR: Rep. McKenney, Terrence P. **ACCEPTED**

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

SPONSOR: Sen. Perry, Joseph Charles **ACCEPTED**

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. **ACCEPTED**

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

SPONSOR: Sen. Plowman, Debra D. **ACCEPTED**

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

SPONSOR: Rep. Stedman, Vaughn A. **ACCEPTED**

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 **ACCEPTED**

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

SPONSOR: Rep. Valentino, Linda M. **FAILED**

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

JOINT RESOLUTIONS

SPONSOR: Rep. Pineau, Raymond **ACCEPTED**

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

SPONSOR: Sen. Raye, Kevin L. **FAILED**

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

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Dudley, Benjamin F.	TABLED
LR 2240	An Act To Ensure the Integrity and Independence of the Unemployment Insurance Commission	02/24/05
SPONSOR:	Rep. Edgecomb, Peter	TABLED
LR 2233	Resolve, To Protect the Social Service Delivery System in Caribou	02/24/05
SPONSOR:	Rep. Greeley, Christian David	TABLED
LR 2254	An Act Regarding the Taxation of Mobile Homes	02/24/05
SPONSOR:	Rep. Koffman, Theodore	TABLED
LR 2232	An Act To Amend the Real Estate Transfer Fee	02/24/05
SPONSOR:	Sen. Perry, Joseph Charles	TABLED
LR 2213	An Act To Allow a Prorated Refund of a Registration Fee Upon the Sale of a Motor Vehicle	02/24/05
SPONSOR:	Rep. Saviello, Thomas	TABLED
LR 2260	Resolve, To Direct Department of Education to Continue Funding the Reading Recovery Program	02/24/05
SPONSOR:	Sen. Strimling, Ethan	TABLED
LR 2141	An Act To Change the Procedure by Which a Vacancy in the United States Senate is Filled	01/27/05

JOINT RESOLUTIONS

SPONSOR:	Sen. Edmonds, Beth G.	TABLED
LR 2245	JOINT RESOLUTION MEMORIALIZING CONGRESS TO REJECT PLANS TO PRIVATIZE SOCIAL SECURITY	02/24/05
SPONSOR:	Rep. Lindell, R. Kenneth	TABLED
LR 2030	JOINT RESOLUTION, MEMORIALIZING CONGRESS TO REFORM SOCIAL SECURITY	01/27/05

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