

# MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON  
CHAIR

SEN. BETH EDMONDS  
VICE-CHAIR



122<sup>ND</sup> 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**  
**March 24, 2005**  
**Approved With Correction**  
**April 28, 2005**

## CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 4:26 p.m. in the Legislative Council Chamber.

## ROLL CALL

Senators:	President Edmonds, Sen. Brennan, Sen. Davis, Sen. Gagnon, Sen. Weston
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 FEBRUARY 24, 2005 COUNCIL MEETING

**Motion:** That the Meeting Summary of February 24, 2005 be accepted and placed on file.  
(Motion by President Edmonds, second by Sen. Davis, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reminded members that State of Maine YMCA Youth in Government Program will be held in the State House from April 8-10, 2005.

Executive Director Boulter advised the Council of a staffing issue for the Legislative Youth Advisory Council. By legislative resolve, the Muskie School is required to provide staffing to the council, but the person who staffed it for the Muskie School, has resigned. The Muskie School has notified the Executive Director that it lacks sufficient funds to continue to staff the Youth Advisory Council. Mr. Boulter said funding remains an issue but the Muskie School is working with the Department of Education to secure temporary staffing and funding. Mr. Boulter believes it may require legislative action to be resolved for the long-term.

Mr. Boulter reported that the Daily Show with Jon Stewart (Comedy Central) featured a segment on the Maine Legislature.

Speaker Richardson requested that Clerk MacFarland send out a notice reminding legislators and staff that the use of the House Chamber is only by leave of the presiding officer.

Several bills affecting the Legislative Council have been introduced this session. These bills were referred to the State and Local Government Joint Standing Committee and are technology/facility related:

LD 802 relating to providing lap computers for Legislators, LD 1315 regarding recording legislative proceedings and making them available through the law library, and LD 1452 relating to consumption of Maine farm products at the State House complex.

**Motion:** That the Legislative Council refer LD 802, 1315 and 1452 to the State House Facilities Committee for its review. (Motion by Sen. Gagnon, second by Rep. Cummings, 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-one 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.

The Chair and Vice-Chair noted that the Legislative Council has been agreeable to the introduction of most after deadline bill requests, but requested that Executive Director Boulter prepare a memo to all legislators from the Chair and Vice-Chair of the Legislative Council notifying them that future after deadline bills requests will be held to a stricter standard for introduction.

## REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES (con't)

- **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 February 2005  
(Reflects March 2005 Revenue Forecasting Committee Revisions)**

- **General Fund**

General Fund revenue was under budget in February by \$0.8 million, decreasing the variance for the year through February 2005 to a positive \$5.9 million.

The positive variances for the fiscal year through February include:

- Estate Tax was ahead of budgeted revenue by \$4.2 million, but is expected to decline over the year.
- Individual Income Tax was ahead of budgeted revenue by \$6.5 million.
- Corporate Income Tax was ahead of budgeted revenue by \$3.3 million.

The major negative variances for the fiscal year through February include:

- Sales and Service Provider Taxes was under budget \$7.7 million
- Cigarette Tax was under budget \$0.6 million.
- Lottery Transfer was under budget \$1.6 million due to the Powerball lottery sales under performing due to lower than anticipated jackpots.

- **Highway Fund**

Highway Fund revenue was under budget in February by \$1.4 million (-5.6%) with February Fuel Tax revenue being the major reason for this negative variance. For the fiscal year through February, the Highway Fund remains positive by \$3.5 million (+1.8%).

2. **Cash Pool Status**

- Absent reserve accounts balances and tax anticipation notes, the General Fund average cash balance would have been negative by \$171.2 million.
- Through February 2005, the funds still show an improving trend over the last 12 months, although the General Fund trend improvement has flattened out recently.

**Motion:** That the Legislative Council accept Director Pennoyer's fiscal report. (Motion by Sen. Davis, second by Rep. Tardy, unanimous).

- **Office of Information Services' Report**

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

- **Bill Drafting System:**

The Executive Director's office has entered into a binding agreement with HP that will result in completion and installation of the Bill Drafting System. The agreement provides for:

- Delivery of the system with most components in May, 2005
- Twelve months of warranty coverage to June 2005 to June 2006.
- The delivery by HP will include all agreed to software functions and hardware by early October, 2005.

- **Legislature's Internet web site:**

Mr. Mayotte reported that his office has been working with legislative offices to develop a new Internet home page that has a dramatically improved appearance, and to have it in place by early April.

**Motion:** That the Legislative Council accept Director Mayotte's technology report. (Motion by Sen. Gagnon, second by Rep. Duplessie, unanimous).

- **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.

**Motion:** That the Legislative Council accept Director Elliott's interim study report. (Motion by Sen. Brennan, second by Sen. Davis, unanimous).

## **REPORTS FROM COUNCIL COMMITTEES**

- **Personnel Committee**

The Personnel Committee did not meet so made no report.

- **State House Facilities Committee**

Sen. Gagnon, Chair of the State House Facilities Committee reported that although the committee had not met, they previously discussed the creation of a Facility Security Subcommittee. The members of the subcommittee include:

Senator Gagnon  
 Senator Davis  
 Representative Duplessie  
 Representative Bowles

Secretary of the Senate (nonvoting)  
 Clerk of the House (nonvoting)  
 Executive Director of the Legislative Council (nonvoting)

Also invited to participate are:

Public Safety Commissioner or his designee  
 Augusta Police Chief or his designee

Sen. Gagnon also reported that the subcommittee will be meeting during the interim to address the security issues at the State House in a comprehensive fashion.

No Council action required.

- **Budget Subcommittee**

The Budget Subcommittee did not meet so made no report.

## **OLD BUSINESS**

### **Item #1: Council Actions Taken by Ballot**

Executive Director Boulter noted that the Council packet includes a list of actions taken by ballot by the Legislative Council since its February 24, 2005 meeting.

No Council action required.

## **NEW BUSINESS**

### **Item #2: Request by Council of State Governments to Fund the Northeast States Association for Agricultural Stewardship (NSAAS)**

Executive Director Boulter explained the request by the Council of State Governments and noted the memo from Marge Kilkelly, Director of the Northeast States Association for Agricultural Stewardship (NSAAS). CSG stated that Maine's share would be \$10,000 for 1 year.

**Motion:** That the Legislative Council pay the dues to the Northeast State Association for Agricultural Stewardship in the amount of \$10,000. (Motion by Sen. Edmonds, second by Sen. Brennan).

Maine had not paid dues to NSAAS over the last two years. Sen. Weston explained that although the Legislative Council has never paid dues to CSG for NSAAS, the Department of Agriculture did for several years. She requested more information before the Legislative Council decides on the request.

**Motion:** That CSG's request for payment of dues to NSAAS be tabled. (Motion by Sen. Weston, second by Sen. Davis, unanimous).

### **Item #3: Project to Image Newspaper Clipping Files**

Lynn Randall, State Law Librarian, presented to the Council the Library's proposal to create, store and make accessible digital images of the newspaper articles with the purchase of an HP ScanJet 8290, Dell Precision 360 workstation and Alchemy Gold software. The system would be in place shortly after the end of the session, if authorized.

**Motion:** That the Legislative Council authorize the Law and Legislative Reference Library to purchase the HP ScanJet 8290, Dell Precision 360 workstation and Alchemy Gold software at the estimated cost of \$20,000, using funds previously reserved by the Legislative Council Budget Subcommittee for this purpose. (Motion by Rep. Duplessie, second by President Edmonds, 6-4, Sen. Davis, Sen. Weston, Rep. Bowles and Rep. Tardy opposed).

**Item #4: NCSL Study of Legislative Operations Proposal**

Executive Director Boulter reported that Ron Snell from NCSL had visited the State House recently and had met with offices. He is working with NCSL staff on a proposal for the Legislative Council's review to study legislative operations. This proposal arrives from a recommendation of the Budget Subcommittee.

Speaker Richardson reported he had received NCSL's proposal and he will distribute it to other members of the Council. The matter will be on the agenda for the Legislative Council's consideration at the Council meeting on April 28<sup>th</sup>.

**Item #5: Submission of Study Report****Maine Drug Return Implementation Group**

**Motion:** That the Legislative Council accept and place on file the annual report of the Maine Drug Return Implementation Group. (Motion by Brennan, second by Rep. Duplessie, unanimous).

**Item #6: W. Tom Sawyer, Jr., et al v. Legislative Council et. al (CV-04-97)**

**Motion:** That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing the pending lawsuit by W. Tom Sawyer, Jr., et al v. Legislative Council et al. (Motion by Rep. Bowles, second by Rep. Duplessie, unanimous).

The Council proceeded into Executive Session at 5:24 p.m.

**MEETING RECONVENED**

The Council ended its Executive Session and reconvened in open session at 6:05 p.m. on the motion of Rep. Tardy, second by Sen. Brennan, unanimous).

**ANNOUNCEMENTS AND REMARKS**

None

**ADJOURNMENT**

The Legislative Council meeting was adjourned at 6:06 p.m. (Motion by Rep. Tardy, second by Rep. Duplessie, unanimous).

**LEGISLATIVE COUNCIL  
ACTION ON REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION  
March 24, 2005**

		<b>Action</b>
<b>SPONSOR:</b>	<b>Rep. Canavan, Marilyn E.</b>	<b>ACCEPTED</b>
LR 2281	An Act To Increase the Tax on Sales and Rentals of Violent Video and Computer Games and Compact Disks to Increase Court Security	
<b>SPONSOR:</b>	<b>Rep. Clark, Herbert</b>	<b>ACCEPTED</b>
LR 2269	An Act Regarding Buildings on Leased Lots	
<b>SPONSOR:</b>	<b>Sen. Cowger, Scott W.</b>	<b>ACCEPTED</b>
LR 2265	An Act To Fully Fund the Homestead Exemption	
<b>SPONSOR:</b>	<b>Rep. Cressey, Jr., Philip</b>	<b>FAILED</b>
LR 2293	An Act To Permit Municipalities the Option To Allow Citizens To Vote on Warrant Articles at Town Meetings by Absentee Ballot	
<b>SPONSOR:</b>	<b>Rep. Cummings, Glenn</b>	<b>ACCEPTED</b>
LR 2262	An Act To Reduce Tobacco Use and Improve Health	
<b>SPONSOR:</b>	<b>Rep. Daigle, Robert A.</b>	<b>ACCEPTED</b>
LR 2302	An Act To Restrict the Disposal of Propane Tanks in the Household Waste Stream	
<b>SPONSOR:</b>	<b>Rep. Dudley, Benjamin F.</b>	<b>ACCEPTED</b>
LR 2132	An Act to Add Homelessness as a Protected Class Under the Maine Human Rights Act	
<b>SPONSOR:</b>	<b>Rep. Fletcher, Kenneth C.</b>	<b>ACCEPTED</b>
LR 2310	Resolve, To Ensure the Effective Implementation of Alewife Restoration on Sebecooc River Watershed	
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>ACCEPTED</b>
LR 2289	An Act To Prevent Campaigning at Polling Places	

		<b>Action</b>
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>ACCEPTED</b>
LR 2299	Resolve, To Establish a Commission to Evaluate Criteria for Siting Agency Liquor Stores	
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>ACCEPTED</b>
LR 2307	An Act Regarding the Commission on Governmental Ethics and Election Practices	
<b>SPONSOR:</b>	<b>Sen. Gagnon, Kenneth T.</b>	<b>ACCEPTED</b>
LR 2304	An Act To Compensate the Gambling Control Board	
<b>SPONSOR:</b>	<b>Rep. Joy, Henry</b>	<b>WITHDRAWN</b>
LR 2275	An Act To Require a Nonprofit Organization that Files a Lawsuit Regarding the Application of Pesticides To Pay All Court Costs and Lost Wages and Profits of a Defendant	
<b>SPONSOR:</b>	<b>Rep. Koffman, Theodore</b>	<b>ACCEPTED</b>
LR 2232	An Act To Amend the Real Estate Transfer Fee	
<b>SPONSOR:</b>	<b>Sen. Mitchell, Elizabeth H.</b>	<b>ACCEPTED</b>
LR 2303	An Act Regarding Voter Registration Cards	
<b>SPONSOR:</b>	<b>Rep. Pingree, Hannah</b>	<b>ACCEPTED</b>
LR 2261	An Act To Amend the Charter of the Stonington Sanitary District	
<b>SPONSOR:</b>	<b>Rep. Pingree, Hannah</b>	<b>ACCEPTED</b>
LR 2311	An Act To Retain Maine's Theater Teachers	
<b>SPONSOR:</b>	<b>Rep. Rines, Peter L.</b>	<b>ACCEPTED</b>
LR 2292	An Act To Provide an Exemption to Wiscasset for Taxes Based on Evaluation of Maine Yankee That is Currently Being Challenged	
<b>SPONSOR:</b>	<b>Rep. Saviello, Thomas</b>	<b>ACCEPTED</b>
LR 2260	Resolve, To Direct Department of Education to Continue Funding the Reading Recovery Program	

**Action**

**SPONSOR: Rep. Saviello, Thomas** **ACCEPTED**

LR 2279 An Act To Delay the Implementation of the Increase to The Homestead Exemption

**SPONSOR: Sen. Strimling, Ethan** **ACCEPTED**

LR 2291 An Act To Restructure the Unfunded Liability of the Maine State Retirement System

**SPONSOR: Rep. Woodbury, Richard G.** **ACCEPTED**

LR 2297 An Act To Sunset Income Tax Checkoffs

**JOINT RESOLUTIONS**

**SPONSOR: Rep. Cummings, Glenn** **ACCEPTED**

LR 2266 JOINT RESOLUTION MEMORIALIZING CONGRESS TO AVOID SOLE-SOURCE SHIPBUILDING

**SPONSOR: Sen. Edmonds, Beth G.** **ACCEPTED**

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

**SPONSOR: Rep. Lindell, R. Kenneth** **ACCEPTED**

LR 2030 JOINT RESOLUTION, MEMORIALIZING CONGRESS TO REFORM SOCIAL SECURITY

**SPONSOR: Sen. Rotundo, Margaret** **ACCEPTED**

LR 2296 JOINT RESOLUTION MEMORIALIZING CONGRESS TO CONTINUE STIPENDS AT CURRENT LEVELS FOR VETERANS IN VETERANS' NURSING HOMES

**TABLED BY THE LEGISLATIVE COUNCIL**

<b>SPONSOR:</b>	<b>Rep. Dudley, Benjamin F.</b>	<b>TABLED</b>
LR 2240	An Act To Ensure the Integrity and Independence of the Unemployment Insurance Commission	<b>02/24/05</b>
<b>SPONSOR:</b>	<b>Rep. Edgecomb, Peter</b>	<b>TABLED</b>
LR 2233	Resolve, To Protect the Social Service Delivery System in Caribou	<b>02/24/05</b>
<b>SPONSOR:</b>	<b>Rep. Greeley, Christian David</b>	<b>TABLED</b>
LR 2254	An Act Regarding the Taxation of Mobile Homes	<b>02/24/05</b>
<b>SPONSOR:</b>	<b>Sen. Perry, Joseph Charles</b>	<b>TABLED</b>
LR 2213	An Act To Allow a Prorated Refund of a Registration Fee Upon the Sale of a Motor Vehicle	<b>02/24/05</b>
<b>SPONSOR:</b>	<b>Sen. Strimling, Ethan</b>	<b>TABLED</b>
LR 2141	An Act To Change the Procedure by Which a Vacancy in the United States Senate is Filled	<b>02/24/05</b>
<b>SPONSOR:</b>	<b>Rep. Twomey, Joanne T.</b>	<b>TABLED</b>
LR 2282	Resolve, Directing that Signs Be Posted at Places Where Lobbyist are Not Allowed	<b>03/24/05</b>

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

Status as of 3/18/2005 11:53:21AM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time &amp; 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 introduced--LD 1021
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 3/18/2005 11:53:23AM

<u>Study Name</u>	<u>First Meeting Date</u>	<u>Date, Time &amp; Location of Next Meeting</u>	<u>Report Dates/ Reports To</u>	<u>Comments/Status of Study</u>
<b>Citizen Trade Policy Commission</b> 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
<b>Maine Drug Return Implementation Group</b> LD1826 - Public Law 2003, Chapter 679	10/15/04		January 31, 2005: Health and Human Services Committee	Study complete; report and legislation being drafted
<b>Health and Human Services Committee Review of the Establishment of the Department of Health and Human Services</b> 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