

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
April 28, 2005
Approved May 26, 2005

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 2:12 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Davis, Sen. Gagnon,
Sen. Brennan and Sen. Weston joined the meeting in progress

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

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

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

SUMMARIES OF THE MARCH 24 AND APRIL 5, 2005 COUNCIL MEETINGS

Motion: That the Meeting Summary of March 24 be accepted with minor correction and that the Meeting Summary of April 5, 2005 be accepted. (Motion by Sen. Edmonds, second Rep. Duplessie, unanimous).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council, reported that the State of Maine YMCA Youth in Government Program Director Lonney Steeves, extends his thanks to the Council for the use of the State House from April 8-10, 2005.

Executive Director Boulter announced the retirement of Valerie Parlin, Senior Secretary in the Office of Policy and Legal Analysis. Ms. Parlin has worked in OPLA for 20 years.

Mr. Boulter reported that an act of vandalism occurred in the Vietnam Veterans' Memorial in Capitol Park. The Memorial, walkways and concrete benches had been spray painted. The up-lights were smashed and will need to be replaced. He has contacted and will meet with the artist who designed and oversaw the construction of the memorial. He hopes to have it restored by Memorial Day.

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 March 2005

General Fund revenue was under budget in March by \$12.7 million, resulting in a negative variance through three quarters of FY 05 of \$14.5 million, (-0.8% of budgeted amounts).

Major positive variances for fiscal year through March include:

- Estate Tax was ahead of projections by \$4.2 million. The variance is expected to decline over the year;
- Individual Income Tax was \$1.3 million above projections; and
- Corporate Income Tax was \$0.8 million above projections.

Major negative variances for fiscal year through March include:

- Sales and Service Provider Taxes (under budget \$10.3 million);
- Insurance Companies Tax (under budget \$5.5 million);
- Lottery Transfer (under budget \$2.2 million); and
- Other Revenue was under budget by \$3.3 million (the Department of Health and Human Services alone represents a negative variance of \$4.2 million).

Highway Fund revenue was under budget in March by \$0.9 million. Motor vehicle registration and fees accounted for \$1.3 million of that variance, but remains positive for the fiscal year. For the first 3 quarters of FY05, the Highway Fund still has a positive variance of \$1.6 million.

2. April Income Tax Collections

Based on preliminary data, income tax collections look very strong for tax year 2004 with final payments and refunds creating a positive variance of approximately \$40 million to \$50 million for FY05. This positive variance should be sufficient to offset other anticipated negative variances through FY05.

3. April Tobacco Settlement Payments

Although Maine received less than anticipated as a result of withholding of some disputed payments, revenue for the Fund for a Healthy Maine will be slightly above budget for FY05.

4. March, 2005 Cash Pool Status

Absent reserve accounts balances and tax anticipation notes the General Fund average cash balance would have been negative by \$228.0 million. However, the trends for General Fund and Highway Fund average balances are still positive.

No Council action required.

• Office of Information Services' Report

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

• Bill Drafting System:

- HP reports that as of April 22, 2005, they are on schedule to meet the May 23 hardware and software installation requirement. The Legislative Systems staff has made significant improvements to the automated process of converting the Wang statutes database to the new database format.

• SPAM Blocking:

Since the last Council meeting the filters used to block incoming SPAM have been adjusted twice with the following results:

- For the week ending March 28, 2005, 53.8% of the emails identified as SPAM were blocked.
- For the week ending April 21, 2005, 87.9% of the emails identified as SPAM were blocked.
- To date, no false positives have been identified.

• Business / Disaster Recovery:

- Hardware to increase the capacity of the Legislature's automated data backup system has been installed. Further steps are in process to provide for offsite data backup and recovery capability.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Cummings reported that the Personnel Committee met on April 27, 2005 and considered three items.

1. The Personnel Committee voted to grant a step increase to two legislative employees.
2. The Committee voted to change the salary grade for one legislative employee commensurate with other corresponding individuals in legislative offices.
3. The Committee reviewed a draft violence in the workplace policy prepared by the Human Resources Director. The Committee will review a revised draft at its next meeting based on comments received and suggestions by members of the Personnel Committee. The policy will be presented for full Legislative Council review at a future meeting.

No Council action required.

- **State House Facilities Committee**

Sen. Gagnon, Chair of the State House Facilities Committee reported that the committee met on April 12, 2005 and considered a wide array of issues, all of which are summarized in the report enclosed with the agenda.

One item of note, the 2005 facilities work plan, is on the Council agenda under **New Business, Item 3**, and Chair Gagnon indicated he will present the Facilities Committee's recommendation on that plan.

Attached is a copy of the State House Facilities Committee April 12, 2005 Meeting Summary.

- **Budget Subcommittee**

Speaker Richardson, Chair of the Budget Subcommittee, reported that the subcommittee had been scheduled to meet on April 28, 2005, prior to the Council meeting but due to time constraints that meeting was cancelled. The Speaker noted that although the subcommittee did not meet, each member received information on NCSL's proposed study of legislative operations. At the request of the presiding officers, NCSL prepared a proposal to study legislative operations. The proposal is for NCSL to review all legislative operations and identify ways to reduce costs and increase effectiveness of operations. The total projected costs for the NCSL study is \$81,700, \$48,300 of which would be paid by the Legislature. NCSL would absorb the other costs.

President Edmonds emphasized that the study is for the purpose of identifying efficiencies, and is not because of complaints about the work of legislative offices. President Edmonds suggested one change in Item 4 in the Study Overview of the proposal namely,

"4. To review the role and structure of the ~~State House Facilities Committee~~ Legislative Council committees and the general legislative procedure for resolving ~~facilities committee~~ committee issues."

She suggested that rather than singling out one committee, the study should include all Legislative Council committees.

The Council briefly discussed the need for and cost of coordinating the study.

Motion: That the Legislative Council accept NCSL's Proposal for the Study of Legislative Operations and Processes as amended by President Edmonds' recommended change. (Motion by President Edmonds, second by Rep. Bowles, accepted 6-2, opposed Sen. Davis and Sen. Weston).

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

A copy of a list of actions taken by ballot by the Legislative Council since its March 24, 2005 meeting is attached.

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

Marge Kilkelly, Director, Northeast State Association for Agriculture Stewardship, presented her request for 1 year funding of NSAAS. She told the Council that the organization has grown to be an affiliate of the Eastern Regional Conference for the purposes of strengthening regional influence in Congress on agricultural issues. Ten New England and Middle Atlantic states are part of the organization and have committed to pay dues to support NSAAS. She mentioned that Congress will consider a Farm Bill in 2007 and unless the Northeast can speak with one voice on priorities, the Northeastern states will not have much influence. Ms. Kilkelly requested that the Council approve Maine's share of \$10,000.

Legislative Council members discussed whether Maine has paid dues to NSAAS in the past. Ms. Kilkelly said the Maine Department of Agriculture, Dairy Land Fund paid for the first 2 years. The Legislature has never paid dues to NSAAS.

Motion: That the Legislative Council approve the appropriation of \$10,000 to pay dues to the NSAAS for FY 06. (Motion by President Edmonds, second by Rep. Duplessie, 6-3, Sen. Weston, Rep. Bowles and Rep. Tardy opposed).

Item #3: W. Tom Sawyer, Jr., et al v. Legislative Council et. al (CV-04-97)

Speaker Richardson reminded the Legislative Council that it had voted to recommend to the Attorney General that he not appeal the Superior Court's decision in the matter of W. Tom Sawyer, Jr., et al. v. Legislative Council, et al. The Attorney General did not file an appeal and the 4 plaintiffs are scheduled to be paid what is owed. The remaining policy issue is for the Legislative Council to decide whether the Legislative Council should voluntarily offer Legislators of the 121st Legislature who were not parties to the lawsuit special session payment consistent with the Court's decision.

Attorney General Rowe confirmed that no appeal was filed and the 4 plaintiffs will be paid, plus approximately \$600 in court costs.

The Legislative Council discussed policy, legal and financial implications of offering or not offering special session payments to other legislators. The cost would be approximately \$800,000 if all Legislators accepted payment. Attorney General Rowe discussed potential tax ramifications of accepting or refusing payment, and urged that legislators be advised to consult with their own tax advisors on tax liability issues.

RECESS

The Legislative Council recessed at 3:16 pm. on the motion of the Chair.

RECONVENED

The Chair reconvened the meeting at 3:45 p.m. and continued with the remaining items on the agenda.

Item #3: W. Tom Sawyer, Jr., et al v. Legislative Council et. al (CV-04-97) con't

Speaker Richardson said the Council should decide on payment to legislators of the 121st Legislature who were not parties to the lawsuit and under what conditions payment would be made. The Chair's recommendation is that the Legislative Council pay members of the 121st Legislature and do so by sending letters asking if they wish to receive payment. The letter should include information about tax consequences, advising that they should consult with their tax preparer. Rep. Bowles asked whether implicit in the Motion was a requirement that the letter would include a date certain by which legislators must respond. The answer was yes. The Executive Director would be authorized to make payments to anyone who has responded and not refused the payment.

Motion: That the Legislative Council has determined that members of the 121st Legislature who were in attendance during the 2nd Special Session are entitled to certain legislative payments, consistent with the recent Superior Court decision regarding legislative pay. The Legislative Council directs the Executive Director to take all appropriate steps to notify Legislators, calculate payments due and to process final payments to eligible Legislators before the end of this fiscal year by notifying eligible members in writing, and making appropriate payment unless they refuse payment or fail to respond. (Motion by Sen. Gagnon, second by President Edmonds, unanimous).

New Item

Sen. Weston requested permission to address the Council regarding an item not on the agenda, but from a previous Council meeting. She indicated that she is interested in having the Legislative Council fund the Youth Advisory Council in the amount of \$12,000. The Chair indicated that he would be favorably disposed to such a request and asked Executive Director Boulter to place the matter on the May 26, 2005 Legislative Council agenda.

Item #4: NCSL Study of Legislative Operations Proposal

Motion: That the Legislative Council enter into a contract with National Council of State Legislatures with a change to #4 under the Study Overview of the NCSL proposal section and authorize the Executive Director to negotiate and administer the contract. (Motion by Rep. Duplessie, second by President Edmonds).

A member questioned who would have control over the study. After discussion, the members generally agreed that the Executive Director would sign and administer the contract but that substantive matters and policy issues would come back to the full Legislative Council through the Executive Director for its consideration and guidance.

Amended Motion: That the Executive Director is authorized to enter into a contract with NCSL and to administer the contract, but that substantive matters would be presented to the full Legislative Council through the Executive Director for further consideration and decision. (Motion by Rep. Duplessie, second by President Edmonds, 7-3, Senators Gagnon, Davis and Weston opposed).

NEW BUSINESS

Item #2: Legislative Council Policy on Use of Legislative Retiring Rooms

Motion: That the Legislative Council accept the Policy on Use of Legislative Retiring Rooms as presented in the Legislative Council's packet. (Motion by Rep. Duplessie, second by Sen. Gagnon, unanimous).

A copy of the Policy is attached.

Item #3: Work Plan for 2005 State House Improvements

Motion: That the Legislative Council authorize maintenance and improve projects for the State House and Grounds, as described in the Multi-Year plan, 2005 Revision, and direct the Executive Director to take all necessary measures to implement the plan as revised. (Motion by Sen. Gagnon, second by President Edmonds, unanimous).

Item #4: Proposed Repeal of Certain Legislative Commission

Executive Director Boulter reported that a bill that has been referred to the Joint Standing Committee on State and Local Government proposes to repeal certain boards and commissions, including:

- State Compensation Commission
- Commission on Performance Budgeting
- New England and Eastern Canada Legislative Commission
- Maine-Canadian Legislative Advisory Commission

The committee is seeking input from the Legislative Council. Absent recommendations from the Legislative Council or individual Council members, the State and Local Government Committee plans to recommend that the commissions be abolished.

No Council action taken.

Item #5: CSG Eastern Leadership Academy

Executive Director reported that the CSG/ERC has established a new leadership academy, the CSG/ERC Eastern Leadership Academy. CSG requested that Executive Director Boulter bring to the Council's attention the new academy and invite members of Leadership and other Legislators to apply to attend. The Executive Director's office has informational brochures on the academy.

No Council action required.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council meeting was adjourned at 4:13 p.m. (Motion by Sen. Davis, second by Rep. Duplessie, unanimous).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
FIRST SPECIAL SESSION
April 28, 2005**

		Action
SPONSOR:	Rep. Blanchard, Richard D.	ACCEPTED
LR 2364	An Act To Amend the Laws Related To the West Old Town Landfill	
SPONSOR:	Sen. Cowger, Scott W.	ACCEPTED
LR 2352	An Act To Limit Mercury Emissions from Crematoria	
SPONSOR:	Rep. Curley, Darlene J.	WITHDRAWN
LR 2337	An Act To Delay the Increase in the Amount Exempt Under the Maine Resident Homestead Property Tax Exemption Program	
SPONSOR:	Rep. Duchesne, Robert S.	ACCEPTED
LR 2348	An Act To Establish a Fair System for the Protection of Volunteer Firefighter's Regular Employment	
SPONSOR:	Rep. Dudley, Benjamin F.	FAILED
LR 2240	An Act To Ensure the Integrity and Independence of the Unemployment Insurance Commission	
SPONSOR:	Sen. Edmonds, Beth G.	WITHDRAWN
LR 2335	An Act To Require Large Employers To Pay Their Fair Share of Health Care Costs	
SPONSOR:	Rep. Lerman, Arthur L.	WITHDRAWN
LR 2329	Resolve, To Establish a Commission to Study How Best to Support Children Who are Subject to Custody Proceedings	
SPONSOR:	Rep. Pelletier-Simpson, Deborah	ACCEPTED
LR 2362	An Act To Protect Maine Citizens from Identity Theft	
SPONSOR:	Rep. Saviello, Thomas	ACCEPTED
LR 2347	An Act To Amend the Maximum Allowable Tuition for Students	

SPONSOR: Rep. Trahan, A. David **ACCEPTED**
LR 2333 Resolve, Directing the Department of Inland Fisheries and Wildlife to Coordinate and Facilitate Salmon and Brook Trout Habitat Restoration Efforts

JOINT RESOLUTIONS

SPONSOR: Sen. Bartlett II, Philip L. **ACCEPTED**
LR 2358 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE A DOMESTIC NATURAL GAS POLICY

SPONSOR: Sen. Gagnon, Kenneth T. **ACCEPTED**
LR 2334 JOINT RESOLUTION MEMORIALIZING CONGRESS NOT TO REQUIRE A PASSPORT TO CROSS THE CANADIAN BORDER

SPONSOR: Rep. Mazurek, Edward J. **ACCEPTED**
LR 2355 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO ALLOW POLAND'S CITIZENS TO TRAVEL TO THE UNITED STATES WITHOUT VISAS

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Sen. Perry, Joseph C. **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: Sen. Strimling, Ethan **TABLED**
LR 2141 An Act To Change the Procedure by Which a Vacancy in the United States Senate is Filled **01/26/05**

SPONSOR: Rep. Twomey, Joanne T. **TABLED**
LR 2282 Resolve, Directing that Signs Be Posted at Places Where Lobbyists are Not Allowed **03/24/05**

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122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

DAVID E. BOULTER
EXECUTIVE DIRECTOR

**Legislative Council
State House Facilities Committee
Meeting Summary for
April 12, 2005**

Members Present:

Sen. Gagnon, Chair
Rep. Duplessie
Rep. Bowles
Sen. Edmonds (joined meeting in progress)
Sen. Weston (joined meeting in progress)
David Boulter, Executive Director *DB.*

Nonvoting Members Absent:

Joy O'Brien, Secretary of the Senate
Millie MacFarland, Clerk of the House

Sen. Gagnon convened the meeting at approximately 1:30 p.m. The committee then proceeded to consider the following agenda items:

1. Policy on use of legislative retiring rooms.

The members discussed various aspects of the proposed policy and generally agreed that it reflected the committee's intent for use of the retiring rooms. Rep. Bowles recommended clarification on access by elected and appointed officials and by relatives of Members as set forth in paragraph 3 of the proposed policy. Other members agreed that use by such employees is for limited purposes and that relatives of Members should be authorized to access the rooms without obtaining approval from the chair of the Legislative Council.

Rep. Bowles made a motion to recommend that the Legislative Council adopt the proposed policy as amended (see below), seconded by Rep. Duplessie. Motion approved unanimously (Gagnon, Duplessie, Bowles and Weston supporting, Edmonds absent).

Amended ¶ 3:

"Family members and personal guests of a legislator may use a retiring room while visiting and accompanied by the legislator.

Elected employees and employees appointed to their position by the Legislative Council, are authorized access to the rooms. Furthermore, committee clerks whose committee is located in the State House are authorized access to legislative retiring rooms in the State

House, and committee clerks whose committee room is located in the Cross Building are authorized access to legislative retiring rooms in the Cross Building. Such access is limited to contacting or delivering messages or information to legislator, and to use the bathroom or kitchen facilities.”

Sen. Gagnon asked Executive Director Boulter to distribute a copy of the recommended policy to the facility committee members before the matter is voted on by the Legislative Council.

2. State House Plan for Security.

The members reviewed Chief Suitter’s memo and discussed the matter with Chief Suitter, who was in attendance. Chief Suitter indicated that Capitol Security employs 9 persons full-time including 4 watchpersons, and 1 part-time secretary. It is assigned 5 vehicles. Building Control (DAFS) employs 7 people who staff the building control and dispatch center, whose emphasis is on environmental control monitoring rather than on security, notwithstanding the recent, major investment in security cameras and related computer equipment. Chief Suitter also noted the Executive Protection Union with the State Police employs 5 officers whose sole function is to protect the Governor.

Reinforcements for Capitol Security are provided by the Augusta Police Department if a situation is urgent, or by State Police if the situation is planned (e.g., coverage for public hearings).

Members inquired as to the level of written protocols for Building Control in the event a response or back up help is needed, an important aspect since Building Control does not report to Capitol Security. Chief Suitter indicated some protocols were written, but could not attest to compliance. Chief Suitter recommended 5 additional positions to meet current security needs, including additional security measures for the State House. He also reminded members that prior to the 1990’s, a uniformed officer (S.P.) was stationed in each chamber during all legislative sessions.

Sen. Gagnon reminded members that he established a subcommittee to review the current structure, formation and reporting authority of Capitol Security, assess responsibilities and security gaps, consider alternative funding mechanisms, and to make recommendations for improved security in the State House complex. The subcommittee will meet during the summer. Members include: Sen. Gagnon, Sen. Davis, Rep. Duplessie, Rep. Bowles, Chief Suitter and invited members Chief McCammish, Augusta Police Department and Commissioner Cantara, Department of Public Safety.

The committee took no further action.

3. Recognition of Joshua Chamberlain.

Sen. Gagnon drew members’ attention to photographs in the packet that depicted a bust of Joshua Chamberlain in the Hall of Flags on or about 1890-1909. The bust has since disappeared but a copy is on exhibit at Bowdoin College. Sen. Gagnon indicated that he would like the committee to pursue establishing a permanent memorial (e.g. bust or similar exhibit) to honor Joshua Chamberlain and his contributions to Maine and the Nation. He also indicated that the committee may want to consider honoring Harriet

Beecher Stowe, who made significant contributions toward antislavery sentiment mobilizing during the Civil War period. Sen. Gagnon suggested that State House Percent for Art funds would be an appropriate funding source. The committee agreed to continue its discussions at its next meeting when State Historian Earle Shettleworth can attend. The committee took no further action on this matter.

4. Policy on Use of the Hall of Flags.

The committee postponed discussion on this matter until its next meeting.

5. OPEGA offices.

Executive Director Boulter reported that the OPEGA offices are completed and furnished and OPEGA offices are open for business. He urged members to stop by Room 107, in the Cross Building to tour the office.

6. Proposed legislation.

L.R. 2282 (Resolve, Directing that That Signs Be Posted At Places Where Lobbyists Are Not Allowed).

The committee took no formal action on the request (now tabled by the Legislative Council) but generally agreed that the matter should be decided administratively by the Legislative Council, not through legislative resolve. The Legislative Council (through the Facilities Committee) has jurisdiction over this policy matter.

The committee briefly discussed LD 802, An Act to Improve the Efficiency of the Legislature, LD 1315, An Act to Permit Recording Proceedings of the Legislature, and LD 1452, Resolve, Promoting the Consumption of Maine Farm Products at the State House Complex. The committee noted that LD 802 will be placed on the Appropriations Table due to the costs involved. The committee asked that Executive Director Boulter send a letter to the State and Local Government Committee indicating that legislation affecting the Legislative Council should not be overly prescriptive, that Leadership sitting as the Legislative Council, is structured to resolve internal legislative matters and that it has jurisdiction pursuant to law to resolve those internal matters. It was also recommended that if 1315 (if supported by the State and Local Government Committee) should be amended to direct the Legislative Council to develop procedures for appropriate archiving of audio and video records and availability to the public, but not necessarily requires the Law and Legislative Reference Library to maintain the records.

7. Work Plan for State House Improvements-2005

The committee reviewed and discussed the proposed work plan for State House Improvements for 2005. The committee supported the plan Mr. Boulter highlighted several key projects, including the proposed handicapped access to the 3rd floor porch. He indicated that a final design for the punch alterations will be submitted to the committee for its review because of the historic and aesthetic considerations relating to the porch.

Rep. Duplessie made a motion that the committee recommend to the Legislative Council that it approve the 2005 plan, as presented, seconded by Rep. Bowles. The motion was unanimously approved.

With all matters having been dealt with, the meeting was adjourned at approximately 2:45 p.m.

**Action Taken by Ballot by
the Legislative Council Since
the March 24, 2005 Council Meeting**

1. Request for Introduction of Legislative

- A. LR 2342: An Act to Minimize the Risk to Maine's Marine Water and Organisms
 Posed by the Application of Pesticides
Submitted by: Representative Leila Percy
Accepted: March 23, 2005, 10 – 0 – 0 – 0

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DAVID E. BOULTER
EXECUTIVE DIRECTOR

Legislative Council Policy on Use of Legislative Retiring Rooms

Background

The Legislature has established “retiring” rooms for legislators as places where legislators may rest, study, work or meet informally when the Senate or the House is not in session or committees are not meeting. Most members do not have offices and their only formally assigned work area is their desk in the chamber. The retiring rooms are intended to provide additional space for legislators to work and relax uninterrupted by agency staff, lobbyists, legislative staff or others. The Legislative Council adopts this policy to provide appropriate guidance for the use of legislative retiring rooms, in keeping with the purpose of the rooms, and pursuant to its authority under 3 M.R.S.A. §162.

Retiring Room Locations

State House:	Room 337 Room 420
Cross Building:	Room 205 Room 213

Policy

The Legislative Council establishes retiring rooms for the beneficial use of the legislators. The retiring rooms are for the nonexclusive use of legislators, regardless of party affiliation or legislative chamber, for work, study, relaxing and conversations with their peers. The Legislative Council is responsible for compliance with this policy. Use of retiring rooms is subject to the following conditions:

1. Rooms may not be used exclusively by a legislator or group of legislators, and a legislator may not formally or informally establish a desk or office within retiring rooms.
2. Legislators may not reserve a retiring room for a private function or other exclusive use, and legislators may not prohibit other members from entering or using a retiring room.

3. Family members and personal guests of a legislator may use a retiring room while visiting and accompanied by the legislator.
4. Elected officers of the Legislature and legislative employees appointed to their position by the Legislative Council are authorized access to the rooms. Furthermore, committee clerks whose committee rooms are located in the State House are authorized access to legislative retiring rooms in the State House, and committee clerks whose committee room is located in the Cross Building are authorized access to legislative retiring rooms in the Cross Building. Such access is for the limited purposes of contacting or delivering messages or information to legislators, and for using the bathroom or kitchen facilities.

For all other authorized legislative employees, access is for the limited purposed of contacting legislators or delivering messages or information to legislators.

5. Legislators and authorized legislative employees are responsible for keeping the retiring rooms in a clean and orderly condition. Personal items such as jackets, coats, shoes and briefcases must be removed from the room when the legislator leaves for the day. Damaged or missing equipment must be reported promptly to the Executive Director's Office.

Care must be taken to turn off ovens, microwaves, coffee pots and other electrical devices when not in use in order to prevent the potential for fire or mishap.

6. The Legislative Council is responsible for the furnishing of the rooms including artwork, and modifications may be made only with the prior approval of the Legislative Council or its designee.

The Legislative Council hereby adopts this policy at its meeting on the 28th day of April, 2005.

Effective date: April 28, 2005

By: _____

David E. Boulter, Executive Director, Legislative Council