

MAINE STATE LEGISLATURE

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122nd Legislature
Legislative Council Meeting
Review of Legislative Study Proposals
June, 2005

Requirements Relevant to Studies in the First Special Session

- Under the terms of the Joint Rules of the 122nd Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.
- For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.
- Also under the Joint Rules, the Legislative Council unanimously adopted standards for the 122nd Legislature on February 24, 2005. Among other things, the standards specify manner of appointment, selection of chair, compensation of members and report date. Copies of the standards are in your notebook.

Suggested Protocol for Authorizing Legislative Studies

- The Legislative Council will review study requests alphabetically by policy area.
- Voting will be by a show of hands, with each Council Member's vote on each bill being recorded. The record of each vote will be made available for public inspection following the meeting.
- Committee chairs and others are welcome to observe the Council's deliberations on the study requests, but discussion of the requests will be confined to Council Members and its staff. However, Legislative Council members may ask questions of other Legislators regarding the proposed study if needed.
- Unless otherwise specified by the Legislative Council, authorized studies are to be drafted consistent with applicable standards approved by the Council. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Assistant Majority Leader, except for studies tabled in the House which will be in the name of the House Assistant Majority Leader.

Policy Issues Needing Decision

- **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of meetings is not to exceed 4 and meetings are to be held in the Augusta area.
- **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
1 LD1406	N	Staff Study of Forest Ownership in Maine	Legislative	ACF	Staff study to update forest ownership report with recent land transfers	0 / 0	Not specified	: Not specified	None	OPLA	Request for staff study by Committee to the Legislative Council
2 LD1677	Y	Commission to Reform the State Budget Process	Legislative	AFA	Study budget related issues, including the establishment of a "zero-based" budget, modifying the current services format used by departments and agencies by including a percent reduction from the previous years appropriation or allocation and proposing adjustments to the current "performance-based" budgeting	12 / 4	No later than 15 days after completion of appointments	January 3, 2006: AFA Committee	Legislative per diem and expenses Fiscal Costs: FY06 \$2,520.00 Source: GF	Bureau of the Budget	COMMITTEE PRIORITY
3 LD1433	N	Criminal Justice and Pulic Safety Committee Review of Sex Offender Laws	Committee	CRJ	Review current laws governing the sentencing, registration, release and supervision of sex offenders	13 / 13	Not specified	: No report	Legislative per diem and expenses Fiscal Costs: FY06 \$4,875.00 Source: GF Projected cost for JSC to meet 3 times during the interim	OPLA	COMMITTEE PRIORITY

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
4 LD1645	Y	Task Force to Study Maine's Homeland Security Needs	Legislative	CRJ	Review needs and preparedness and look for ways to improve communications with the Legislature and the public and look for ways to help Maine's Congressional delegation to explain Maine's needs on the federal level	11 / 6	No later than August 1, 2005	December 7, 2005 - (Interim Report): Second Regular Session of the 122nd Legislature November 1, 2006 (Final Report): First Regular Session of the 123 Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$5,320.00 Source: GF FY07 \$5,320.00 Source: GF	Legislative Council	
5 LD0855	N	Legislative Youth Advisory Council	Legislative	EDU		22 / 4		Annually: Legislature	Legislators - per diem and expenses; members not otherwise compensated get expenses	Muskie School for Public Policy	Staff resources required
		The following legislation amends this study:									
LD1511		Legislative Youth Advisory Council	Funding/Staff Request		Provides that the Legislative Council shall provide staffing and that the Legislative Council may seek outside funds to fund the costs of LYAC	22/4	On-going		Council voted in May that \$12,000 per year to be absorbed by Legislature within unencumbered balance	Legislative Council	

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
6 LD1024	N	Review and Recodify Laws Pertaining to Violence in Our Schools	Legislative	EDU	OPLA and ROS to jointly prepare a bill that recodifies sections of Title 20-A dealing with violence and threatening behavior in schools	0 / 0	Not specified	Legislation due January 2, 2006: EDU Committee	None	OPLA and ROS	Staff resources required
7 LD1318	Y	Commission to Study the Scope and Quality of Personal and Family Financial Management Education	Legislative	EDU	Study the extent to which personal and family financial management is currently included in the visions, missions, values and practices of school administrative units and higher education institutions in Maine	15 / 8	Within 15 days following completion of appointments	December 3, 2005: Second Regular Session of the 122nd Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$5,380.00 Source: GF	OPLA	COMMITTEE RECOMMENDS THAT THE COUNCIL NOT FUND THE STUDY
8 LD0835	N	Blue Ribbon Commission on the Future of MaineCare	Legislative	HHS	Study the MaineCare program and make recommendations on how to improve the quality, adequacy, effectiveness and delivery of services under the program in the most cost-effective manner	13 / 4	No later than August 15, 2005	December 7, 2005 - Interim report: Second Regular Session of the 122nd Legislature November 1, 2006 -Final Report: First Regular Session of the 123rd Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$6,080.00 Source: GF FY07 \$10,410.00 Source: GF	OPLA/OFPR	COMMITTEE PRIORITY

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
9 LD1178	N	Governor's Committee to Study the Feasibility of the Importation of Prescription Drugs	Departmental	HHS	Develop a plan to prepare the State to implement drug reimportation upon approval of the Federal Governemnt through federal legislation or a waiver request	0 / 2	Not specified	January 15, 2006 or 30 days after adjournemnt of Congress: HHS Committee	Legislative per diem and expenses Fiscal Costs: FY06 \$840.00 Source: GF	Governor's Office	
10 LD1208	Y	Working Group to Study the High Rate of Suicide in Maine	Legislative	HHS	Working group on the prevention of adult suicide	3 / 3	Not specified	January 31, 2006: Health and Human Services Committee	No compensation Fiscal Costs: FY06 \$1,260.00 Source: GF	DHS	

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
11 LD1302	Y	Task Force to Study Cervical Cancer Prevention, Detection and Education	Legislative	HHS	Study the issue of cervical cancer in Maine	16 / 3	By October 15, 2005	Initial report due November 15, 2005: Health and Human Services Committee Initial report due November 15, 2005: Governor November 15, 2006 - Final Report: Health and Human Services Committee	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$4,480.00 Source: OSR FY07 \$4,480.00 Source: OSR No meetings authorized if sufficient funds are not received by September 15, 2005.	Legislative Council	
12 LD1642	N	DHS Working Group on Department's Accounting Structure	Departmental	HHS	Create a new budget and financial management system and reporting structure for the Department of Health and Human Services	0 / 0	Not specified	October 1, 2005: Governor October 1, 2005: HHS Committee October 1, 2005: AFA Committee	None	DHS	Proposes to have the Director of OPLA and OFPR participate in the working group

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
13 LD1913	N	Review of the Establishment of the Department of Health and Human Services	Legislative	HHS	Legislative Council staff to develop legislation to consolidate existing laws into Title 22-A, to update Title 22-A and correct any errors and inconsistencies	0 / 0	Continuing	None Required		OPLA/ROS	Staff resources required
14 LD0855	N	Health Care System and Health Security Board	Legislative	IFS	Develop recommendations to provide health care to all citizens of Maine	20 / 4	Continuation	January 4, 2006: IFS Committee January 4, 2006: Legislative Council	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$5,405.00 Source: OSR Unexpended cash balance currently available to fund these costs.	OPLA, May also contract with health policy organization	
The following legislation amends this study:											
LD0032		Health Care System and Health Security Board	Legislative		Reestablishes the Board through 2006	20 / 4		November 1, 2006	FY 06 -\$5,405 OSR	OPLA	

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
15 HP1136 JO	N	Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife	Legislative	IFW	Review sources for long-term funding of the Department of Inland Fisheries and Wildlife, and other issues including nonconsumptive recreational use and landwoner relations	6 / 4	No later than August 1, 2005	December 7, 2006: ACF Committee December 6, 2006: IFW Committee December 7, 2006: Legislative Council	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$1,680.00 Source: OSR FY07 \$2,430.00 Source: OSR No meetings authorized if sufficient funds are not received by July 15, 2005.	Legislative Council	COMMITTEE PRIORITY

Sort Fields: Policy Area LDStudy Type

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Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
17 LD0415	Y	Committee to Study State Compliance with the Federal Indian Child Welfare Act of 1978	Legislative	JUD	Study state compliance with the federal Indian Child Welfare Act of 1978	12 / 5	No later than July 1, 2005	December 1, 2005: Legislative Council December 1, 2005: Judiciary Committee	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$6,580.00 Source: GF	Legislative Council	
18 LD1067	Y	Task Force to Study and Design a Child Protection Mediation System	Legislative	JUD	Design a child protective mediation system; recommend qualifications for mediators; identify a funding source for the child protective mediation system; and identify and discuss other issues relevant to designing the system	6 / 2	No later than August 1, 2005	December 1, 2005: Second Regular Session of the 122nd Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$3,840.00 Source: GF	OPLA	
19 LD1518	N	Business and Consumer Specialized Civil Docket Advisory Committee	Departmental	JUD	Work to develop proposals to implement the Business and Consumer Specialized Civil Docket pilot project	18 / 2	Within 30 days following completion of appointments	March 1, 2007: JUD Committee	Legislative per diem and expenses Fiscal Costs: FY06 \$840.00 Source: GF FY07 \$840.00 Source: GF	Judicial System	

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
20 LD0748	Y	Commission to Study Retirement Eligibility and Benefits for Certain Law Enforcement Officers and Mental Health Workers	Legislative	LAB	Study problems and issues related to inconsistency in retirement benefits and the need for early retirement for correction officers, mental health workers and law enforcement officers in the Attorney General's Office and Secretary of State	17 / 9	No later than August 15, 2005	December 15, 2005: Labor Committee	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$4,980.00 Source: GF	Legislative Council	
21 LD0916	Y	Commission on Maximum Hospital Charges for Workers' Compensation	Legislative	LAB	Study information provided by the Maine Health Data Organization concerning actual paymnets made by private 3rd-party payors for hospital services	13 / 7	No later than August 1, 2005	December 7, 2005: Labor Committee December 7, 2005: Legislative Council December 7, 2005: Workers' Compensation Board	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$4,740.00 Source: GF	Legislative Council	
22 LD1236	N	Study Commission Regarding Liveable Wages	Legislative	LAB	Study issues surrounding liveable wages	12 / 5	No later than October 1, 2005	January 25, 2006: Second Regular Session of the 122nd Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$3,700.00 Source: GF	Legislative Council	COMMITTEE PRIORITY

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
23 LD1361	N	Task Force on Substance Abuse Testing and Treatment	Departmental	LAB	Review issues related to substance abuse testing and treatment in the workplace	6 / 1	Not specified	January 1, 2006: Labor Committee	Legislative per diem and expenses Fiscal Costs: FY06 \$420.00 Source: GF Esstimated cost for one legislator to participate on the working group	Department of Labor	
24 LD0829	N	Commission to Arrange for a Monument Honoring Women Veterans of Maine	Legislative	LVA	Develop recommendations for a design and a location and other matters relating to installation of a monument honoring women veterans of Maine	8 / 2	No later than August 1, 2005	January 2, 2006: Capitol Planning Commission March 1, 2006 - Final Report: Capitol Planning Commission	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$3,940.00 Source: OSR No meetings authorized if sufficient funds are not received by September 15, 2005.	Legislative Council	COMMITTEE PRIORITY
25 LD1600	Y	Commission to Evaluate Criteria for Siting Agency Liquor Stores	Legislative	LVA	Evaluate the criteria for siting agency liquor stores	10 / 8	No later than August 1, 2005	November 4, 2005: Legal and Veterans' Affairs Committee November 4, 2005: Legislative Council	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$6,210.00 Source: GF	Legislative Council	

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
26 LD1608	Y	Study Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access	Legislative	LVA	Examine proposals to improve ballot access, including instant run-offs and fusion voting and the duty to inform the public about fiscal implications of proposed citizen initiated legislation	13 / 8	No later than AUGust 1, 2005	December 7, 2005: Second Regular Session of the 122nd Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$4,780.00 Source: GF	Legislative Council	
27 SP0633 JO	N	Task Force to Study Sea Urchin Fishery Management	Legislative	MAR	Study current management struture and strategies of the sea urchin fishery	9 / 2	No later than September 15, 2005	February 1 , 2006: Legislative Council February 1, 2006: Marine Resources Committee	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$4,730.00 Source: OSR Funds to be transferred from the Sea Urchin Research Fund with the Dept. of Marine Resources	Legislative Council	
28 LD1643	N	Study of State Regulation of Groundwater Withdrawal	Departmental	NAT	Identify any changes in state law needed to ensure a consistent, integrated and scientifically sound state policy that ensures the withdrawal of groundwater does not have an adverse effect on waters of the State	0 / 3	No later than October 1, 2005	January 15, 2007: NAT Committee	Not specified Fiscal Costs: FY06 \$1,260.00 Source: GF	Maine Geological Survey	COMMITTEE PRIORITY

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
29 HP0385 JO	N	State and Local Government Committee Study of a Paperless System for the Legislature	Committee	SLG	Study the movement of the Legislature to a largely paperless system through the installation of networked computer terminals at the desks of each Legislator in both chambers and in the committee rooms	13 / 13	Not specified	December 15, 2005: Legislative Council	Legislative per diem and expenses Fiscal Costs: FY06 \$6,500.00 Source: GF Estimated cost for JSC to meet 4 times	OPLA	
30 HP0494 JO	N	Study of the State Archives	Committee	SLG	Study issues related to the State Archives with a goal of establishing a long-term plan for the State Archives	13 / 13	Not specified	: No report	Legislative per diem and expenses Fiscal Costs: FY06 \$6,500.00 Source: GF Estimated cost for JSC to meet 4 times	OPLA	
31 HP1114	N	State and Local Government Committee Bill on the Task Force to Study Equal Economic Opportunities for All Regions of the State	Committee	SLG	Report out a bill to reestablish the Task Force to Study Equal Economic Opportunities for All Regions of the State	13 / 13	Not specified	: No report	Legislative per diem and expenses Fiscal Costs: FY06 \$0.00 Source: Costs can not be determined until additional information is provided	OPLA	COMMITTEE PRIORITY

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
32 LD1498	N	Committee to Establish a Memorial for Emergency Medical Services Personnel and to Set Aside Space for That Memorial	Legislative	SLG	Study issues and make recommendations regarding the establishment of a memorial to honor emergency medical services personnel who have fallen in the line of duty	9 / 3	Within 15 days of completion of all appointments	January 15, 2006 - initial report: SLG Committee March 15, 2006 - final report: SLG Committee January 15, 2006 - initial report: Capitol Planning Commission March 1, 2006 - final report: Capitol Planning Commission	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$1,260.00 Source: OSR No meetings authorized if sufficient funds are not received by November 15, 2005. DAFS to transfer \$1,260 to Legislature.	DAFS	
33 LD1557	N	Commission to Study LD 1660, An Act to Reduce Income Taxes and Encourage Economic Growth in Maine	Legislative	TAX	Study the personal property tax on business equipment and the BETR program	15 / 8	No later than August 15, 2005	January 2, 2006: Legislative Council January 2, 2006: Taxation Committee	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$15,730.00 Source: GF	Legislative Council	

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
34 LD1636	Y	Commission to Study the Cost of Providing Certain Services in the Unorganized Territories	Legislative	TAX	Study the provision of fire preparedness and protection services, land use planning services, education services, and other types of services in the unorganized territories; study the cost and reimbursement for services provided in the unorganized territories and recommend if changes the funding method for these services needs to be changed	17 / 6	No later than August 1, 2005	December 7, 2005: Second Regular Session of the 122nd Legislature	Legislative per diem and expenses; public members may receive per diem and expenses Fiscal Costs: FY06 \$4,520.00 Source: GF	Legislative Council	

Totals: 2006

\$0.00

GF \$103,115.00

OSR \$21,495.00

2007

GF \$22,810.00

OSR \$6,910.00

\$154,330.00

Maine State Legislature - Proposed Study Bills

Sort Fields: Policy Area LDStudy Type

LD/Paper	Emer?	Study Name	Study Type	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
1 LD1815	N	Citizen Trade Policy Commission	Funding/Staff Request	LAB	Assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and to make policy recommendations.	22 / 6	Not specified	Annual: Governor, Legislature AG and municipalities Annually: Congressional delegation, Maine International Trade : Maine International Trade Center : Maine Municipal Association : United States Trade Representative's Office : NCSL and NAAG	Legislative per diem and expenses; other members may receive expenses	OPLA	Staff resources required

Totals:


DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

TO: The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
Legislative Council
And Honorable Members of the Legislative Council

FROM:  David E. Boulter, Executive Director

DATE: June 10, 2005

RE: Consideration of Proposed Legislative Studies

Attached are background materials in preparation for the Legislative Council's consideration of proposed legislative studies. The materials consist of (1) a spreadsheet listing the proposed studies and related activities sorted by committee and (2) a notebook containing copies of the bills in which the studies are proposed. The notebook consists of several parts: engrossed orders, resolves or bills proposing studies that require Council approval; copies of committees' study priority letters; a copy of Joint Rule 353 (8) regarding the study table; and a copy of the drafting standards for legislative studies. The notebook also contains a list of suggested protocols for deciding the proposed studies.

Thirty-four studies are proposed this year. There is \$30,000 budgeted for studies for FY 06 in the Legislative account. Whenever possible, the cost of a proposed study has been estimated and is included on the spreadsheet.

The Council will meet soon to decide the studies. You will be notified as soon as possible prior to the meeting once the chair has established the meeting date. PLEASE BRING YOUR NOTEBOOK WITH YOU TO THE COUNCIL MEETING.

Thank you.

Cc: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Chiefs of Staff
David C. Elliott, Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Rose Breton, Legislative Finance Director

G:\COUNCIL\122nd\studies\cover memo for council meeting -6-10-05.doc

ACF

LD 1406

Staff Study of Forest Ownership in Maine

SENATE

JOHN M. NUTTING, DISTRICT 17, CHAIR
BRUCE S. BRYANT, DISTRICT 14
KEVIN L. RAYE, DISTRICT 29

JILL IPPOLITI, LEGISLATIVE ANALYST
DARLENE SIMONEAU, COMMITTEE CLERK



STATE OF MAINE

HOUSE

JOHN F. PIOTTI, UNITY, CHAIR
JACQUELINE A. LUNDEEN, MARS HILL
RAYMOND G. PINEAU, JAY
RODNEY C. JENNINGS, LEEDS
RICHARD D. BLANCHARD, OLD TOWN
RODERICK W. CARR, LINCOLN
ARLAN R. JODREY, BETHEL
ROGER L. SHERMAN, HODGDON
PATRICK S. A. FLOOD, WINTHROP
DONALD G. MAREAN, HOLLIS

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

To: Beth Edmonds, President of the Senate
John Richardson, Speaker of the House

From: Senator John M. Nutting, Senate Chair J.M.N.
Representative John F. Piotti, House Chair J.F.P.
Joint Standing Committee on Agriculture, Conservation and Forestry

Date: April 26, 2005

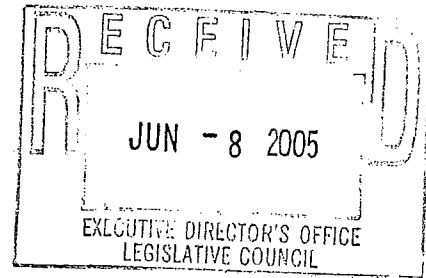
Re: Carryover Request

The Joint Standing Committee on Agriculture, Conservation and Forestry held a public hearing on **LD 1406, An Act to Preserve Public Access and Job Opportunities in the North Woods** on April 4, 2005. On April 6, the committee unanimously voted to carry this bill over until the Second Session for final action. For the past several years, this committee has received bills that attempt to address concerns surrounding the change in ownership of vast tracts of forestland in Maine. LD 1406 presents a thoughtful approach to address perceived threats to public access for outdoor recreation and wood supply for forest industry.

➔ In March of 2000, a report entitled *Forest Ownership in Maine: Recent Trends and Issues* was printed under the auspices of the Office of Policy and Legal Analysis. This report was the product of a legislative intern working for this committee. We are asking that the Office of Policy and Legal Analysis update this study to provide information on land transfers since that report and particularly to provide information on the management of and subsequent sale or offerings for sale of land acquired by Timber Management Investment Organizations (TIMO's). We are asking to carry over LD 1406 pending the described staff study. This study will provide a better picture of recent land transactions and a basis for assessing the perceived threat to Maine's working forests.

At this time, LD 1406 is the only bill that we are requesting to carry over. We anticipate voting all of the bills referred to date by May 6th. There is a chance that in working the bills remaining in committee we may be requesting to carry over additional bills. We will advise you immediately upon voting for any additional carry over requests.

cc. David Boulter
David Elliott
Teen Griffen



MAINE STATE LEGISLATURE
Joint Standing Committee on Appropriations & Financial Affairs
Augusta, Maine 04333

June 8, 2005

TO: David Boulter, Executive Director

FROM: Margaret Rotundo, Senate Chair
Joseph C. Brannigan, House Chair
Joint Standing Committee on Appropriations & Financial Affairs

SUBJECT: Committee Priorities for Proposed Legislative Studies

The Joint Standing Committee on Appropriations and Financial Affairs strongly recommends AFA member participation on the *Commission to Reform the State Budget Process*.

Please contact either of us if you have questions regarding this matter.

cc: Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
Members, Joint Standing Committee on Appropriations and Financial Affairs
Jim Dionne, Principal Analyst

LD 1677

Commission to Reform the State Budget Process

PART O

Sec. O-1. Commission established. The Commission to Reform the State Budget Process, referred to in this section as "the commission," is established.

1. Commission membership. The commission consists of 12 members appointed as follows:

A. The Commissioner of Administrative and Financial Services or a designee;

B. The State Budget Officer;

C. The State Controller;

D. The Director of the State Planning Office or a designee;

E. Two members of the Senate, appointed by the President of the Senate;

F. Two members of the House of Representatives, appointed by the Speaker of the House;

G. The Director of the Office of Fiscal and Program Review; and

H. Three members of the public, appointed by the Governor.

2. Appointments; chairs; meetings. All appointments must be made no later than 30 days following the effective date of this Part. The Governor shall appoint a chair from among the membership of the commission, who shall call and convene the first meeting of the commission no later than 15 days after appointments of all members. The commission may hold a total of 6 meetings, one of which may be a public hearing.

3. Duties. The commission shall conduct its research and prepare recommendations on a number of budget-related matters, including but not limited to:

A. The establishment of a "zero-based" budget in which the initial funding amount for each program in State Government is assumed to be zero and all proposed expenditures for the program are justified in the budget;

B. Modifying the "current services" format used by departments and agencies by including a percent reduction from the previous year's appropriation or allocation and

2 requiring additional expenditures for the program be
justified in the budget; and

4 C. . Proposing adjustments to the current "performance-based"
budgeting in which funding is tied to measures that indicate
6 how well a program is meeting the goals established.

8 **4. Staff assistance.** The Bureau of the Budget shall provide
staffing assistance.

10
12 **5. Report.** The commission shall submit a report that
includes its findings and recommendations, including any proposed
14 legislation, to the Joint Standing Committee on Appropriations
and Financial Affairs during the Second Regular Session of the
122nd Legislature no later than January 3, 2006. The commission
16 is authorized to introduce legislation related to its report to
the Second Regular Session of the 122nd Legislature at the time
18 of submission of its report.

20 PART P

22
24 **Sec. P-1. Department of Administrative and Financial Services;**
lease-purchase authorization. Pursuant to the Maine Revised
Statutes, Title 5, section 1587, the Department of Administrative
26 and Financial Services, Office of Information Technology may
enter into financing arrangements on or after July 1, 2005 for
28 the acquisition of hardware, software and systems to support the
operations of the Statewide Radio and Network System Reserve
Fund, established in Title 5, section 1520. The financial
30 agreements may not exceed 7 years in duration and \$10,000,000 in
principal costs. The interest rate may not exceed 6% and interest
32 costs may not exceed \$2,500,000.

34
36 The Department of Administrative and Financial Services,
Office of Information Technology may enter into financing
arrangements on or after July 1, 2006 for the acquisition of
38 hardware, software and systems to support the operations of the
Statewide Radio and Network System Reserve Fund, established in
40 Title 5, section 1520. The financial agreements may not exceed 7
years in duration and \$10,000,000 in principal costs. The
42 interest rate may not exceed 6% and interest costs may not exceed
\$2,500,000. Annual principal and interest costs must be paid from
44 the appropriate line category allocations in the Office of
Information Technology, Statewide Radio and Network System
46 Reserve Fund.

48 PART Q

BILL DIAMOND, DISTRICT 12, CHAIR
JOHN M. NUTTING, DISTRICT 17
DEAN F. CLUKEY, DISTRICT 34



STATE OF MAINE

PATRICIA A. BLANCHETTE, BANGOR, CHAIR
STAN GERZOFKY, BRUNSWICK
CAROL A. GROSE, WOOLWICH
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STEPHEN P. HANLEY, GARDINER
RICHARD M. SYKES, HARRISON
JOHN W. CHURCHILL, WASHBURN
CHRISTIAN D. GREELEY, LEVANT
KIMBERLY J. DAVIS, AUGUSTA
GARY E. PLUMMER, WINDHAM

MARION HYLAN BARR, LEGISLATIVE ANALYST
LISA COTE, COMMITTEE CLERK

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

To: Honorable John Richardson, Chair of the Legislative Council
Honorable Beth Edmonds, Vice-chair of the Legislative Council

From: *BD* Sen. Bill Diamond, Senate Chair
PD mhb Rep. Patricia Blanchette, House Chair

Re: Proposed Legislative Studies: Committee review of sex offender laws under LD 1433,
An Act to Amend the Sex Offender Registration and Notification Act of 1999

Date: June 9, 2005

LD 1433, An Act to Amend the Sex Offender Registration and Notification Act of 1999, is currently before you on the legislative study table. This year the Joint Standing Committee on Criminal Justice and Public Safety heard and worked more than a dozen bills regarding the criminal and civil treatment of sex offenders. Instead of reporting all of these bills out, the committee reported out LD 1433, which in its amended form does a number of very important things, including: making registration and notification provisions applicable retroactively to persons convicted and sentenced for a sex offense or sexually violent offense on or after January 1, 1982 (current law looks back to only 1992); making a number of technical changes to the registration provisions to better allow the State Bureau of Identification to apply and enforce the registration laws, especially in regard to offenders coming to Maine from out of state; and creating the authority for the committee to study how to improve the laws regarding management and supervision of sex offenders.

Although LD 1433 addresses many issues, many more deserve careful scrutiny. The committee killed its other bills with the purpose of looking more closely at the proposals that did not pass. The committee anticipates that committee staff will coordinate both recent case law and statutes from other states and will seek additional information and data from public and private entities in order to allow us to comprehensively examine the issues and make recommended changes to the current laws governing the sentencing, registration, release and supervision of sex offenders.

We ask for your support in funding this important request of the committee to study the criminal sentencing laws for sex offenses and the public safety issues related to sex offender registration and notification. Thank you for your attention to this matter. We look forward to answering any questions that you may have.

Cc: David Boulter, Executive Director
David Elliott, OPLA Director
Members, Joint Standing Committee on Criminal Justice and Public Safety

G:\COMMITTEES\CRJ\CORRESP\MEMOS\CRJ SO study to Council.doc (6/9/2005 12:28:00 PM)

LD 1433

**Criminal Justice and Public Safety Committee Review of Sex
Offender Laws**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 997 - L.D. 1433

An Act To Amend the Sex Offender Registration and
Notification Act of 1999

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §11202, as repealed and replaced by PL 2003, c. 711, Pt. C, §5 and affected by Pt. D, §2, is repealed and the following enacted in its place:

§11202. Application

This chapter applies to:

1. Maine. A person sentenced in this State on or after January 1, 1982 for a sex offense or a sexually violent offense as an adult or as a juvenile sentenced as an adult; and

2. Other jurisdictions. A person sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult:

A. At any time of an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; or

B. On or after January 1, 1982, of an offense that contains the essential elements of a sex offense or sexually violent offense.

comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class D crime.

2. Failure to comply; 2nd offense. A person who has one prior conviction under this section and who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class C crime.

3. Failure to comply; 3rd offense. A person who has 2 or more prior convictions under this section and who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class B crime.

4. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

5. Prior convictions. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

6. Affirmative defense. It is an affirmative defense that the failure to comply with a duty imposed under this chapter or a rule adopted pursuant to this chapter resulted from just cause, except that a person to whom section 11222, subsection 2-A, 2-B or 2-C applies may not raise a defense under just cause that the person was not aware of the registration requirement.

Sec. 25. Interim meetings authorized. The Joint Standing Committee on Criminal Justice and Public Safety is authorized to meet as needed, but at least 3 times, during the 2005 legislative interim to review the criminal sentencing laws for sex offenses and the public safety issues related to the Sex Offender Registration and Notification Act of 1999. At these meetings the committee shall seek information and data from public and private entities as necessary to examine and recommend changes to the current laws governing the sentencing, registration, release and supervision of sex offenders. The committee may submit legislation to the Second Regular Session of the 122nd Legislature based on these meetings.

LD 1645

Task Force to Study Maine's Homeland Security Needs

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

S.P. 610 - L.D. 1645

**Resolve, To Establish the Task Force To Study Maine's
Homeland Security Needs**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is appropriate and timely to create a task force to receive the Report of the Governor's Homeland Security Task Force and to involve and educate the Legislature and the public regarding the issues of preparedness and emergency response; and

Whereas, it is also important to identify the State's needs and resource gaps regarding homeland security and communicate these to our congressional delegation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force to Study Maine's Homeland Security Needs, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 11 members appointed as follows:

1. Two Senators, who may not be members of the same political party, appointed by the President of the Senate;

2. Four members of the House of Representatives, who may not all be members of the same political party, appointed by the Speaker of the House; and

3. Five members representing the public interest who are not directly involved in emergency preparedness or homeland security, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives and 3 members appointed by the Governor; and be it further

Sec. 3. Chair. Resolved: That the first-named Senate member is the Senate chair of the task force and the first-named House of Representatives member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which may be no later than August 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the task force shall do the following:

1. Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security;

2. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness;

3. As part of its review of needs and preparedness, receive a report from the Governor's Homeland Security Task Force on the vision and plans identified by that task force and the status of those plans as of May 2005;

4. Hold at least 2 of its meetings outside of Augusta and provide an opportunity for public comment at those meetings;

5. Review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness; and

6. Determine whether and how State Government can better assist the members of the congressional delegation in advocating for Maine's homeland security needs with the Federal Government; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. All other members not otherwise compensated by their employers or other entities that 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 attendance at authorized meetings of the task force; and be it further

Sec. 8. Report. Resolved: That, no later than December 7, 2005, the task force shall submit an interim report that includes findings and recommendations, including suggested legislation, to the Second Regular Session of the 122nd Legislature. The task force is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report. No later than November 1, 2006, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, to the First Regular Session of the 123rd Legislature. The task force is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the task force requires a limited extension of time to complete its interim or final study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

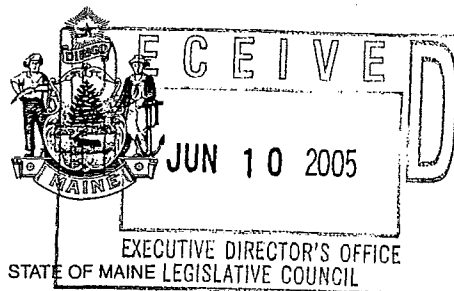
Sec. 10. Task force budget. Resolved: That the chairs of the task force, with assistance from the task force staff, shall

administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

ELIZABETH H. MITCHELL, DISTRICT 24, CHAIR
 ELIZABETH M. SCHNEIDER, DISTRICT 30
 KARL W. TURNER, DISTRICT 11

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
 KATHERINE MORSE, COMMITTEE CLERK



JACQUELINE R. NORTON, BANGOR, CHAIR
 EDWARD D. FINCH, FAIRFIELD
 ELAINE MAKAS, LEWISTON
 EMILY ANN CAIN, ORONO
 CONNIE GOLDMAN, CAPE ELIZABETH
 BARBARA MERRILL, APPLETON
 VAUGHN A. STEDMAN, HARTLAND
 GERALD M. DAVIS, FALMOUTH
 PETER EDGECOMB, CARIBOU
 SCOTT E. LANSLEY, SABATTUS

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

June 9, 2005

MEMO TO: The Honorable John Richardson, Chair of the Legislative Council
 The Honorable Beth Edmonds, Vice Chair of the Legislative Council

FROM: Senator Elizabeth H. Mitchell, Senate Chair *EDM*
 Representative Jacqueline R. Norton, House Chair *JR*
 Joint Standing Committee on Education and Cultural Affairs

SUBJ: Education & Cultural Affairs Committee Report on "Study Table" Bills

We write on behalf of the Education and Cultural Affairs Committee to inform the Legislative Council of the committee recommendation regarding the only study commission bill that is on the "study table." A majority of the Education and Cultural Affairs Committee members voted to recommend that the study commission proposed by LD 1318, Resolve, To Encourage Personal and Family Financial Management Education, should not be funded.

We also want to report to the Legislative Council on three other matters related to your review of legislative studies:

⊕ The Education and Cultural Affairs Committee has not taken a position on whether the Legislative Council should provide staffing assistance to implement the requirements of the following 2 bills: LD 1511, An Act Regarding the Budget Process for the Legislative Youth Advisory Council; and LD 1024, Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools; and

⊕ The Education and Cultural Affairs Committee plans to use one of the two "authorized meeting days" during the legislative interim to conduct a "policy forum" on higher education governance, coordination and financing.

Thank you for the opportunity to participate in the process for determining the priorities for proposed legislative studies. Please contact either one of us if you have any questions regarding this report.

cc: Members, Joint Standing Committee on Education and Cultural Affairs
 David Boulter, Executive Director, Legislative Council
 David Elliott, Director, Office of Policy & Legal Analysis

EDU

LD 1024

Review and Recodify Laws Pertaining to Violence in Our Schools

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

H.P. 709 - L.D. 1024

**Resolve, To Review and Recodify Laws Pertaining to
Violence in Our Schools**

Sec. 1. Review and recodification. Resolved: That the Office of Policy and Legal Analysis shall review the Maine Revised Statutes, Title 20-A and identify provisions pertaining to safety in schools and provisions that establish policies, procedures and penalties to address violence in schools.

The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall jointly prepare a bill for submission to the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 122nd Legislature that recodifies selected sections of Title 20-A, in accordance with the following.

1. Scope of recodification. In preparing the bill, the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall reorganize the laws contained in Title 20-A to consolidate or accurately cross-reference sections pertaining to violence and threatening behavior in schools. In preparing the bill, the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall eliminate confusing language and make technical changes necessary to improve the accessibility of all provisions pertaining to violence and threatening behavior in schools. The recodification is not intended to contain substantive changes to Title 20-A.

2. **Participation of department.** The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall invite the participation of the Department of Education in preparing the proposed recodification.

3. **Report.** The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall submit the proposed bill to the Joint Standing Committee on Education and Cultural Affairs no later than January 2, 2006.

LD 1318

**Commission to Study the Scope and Quality of Personal and Family
Financial Management Education**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

H.P. 916 - L.D. 1318

**Resolve, To Encourage Personal and Family Financial
Management Education**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State has seen a dramatic rise in the amount of unsecured personal debt and the number of personal bankruptcies and recognizes the importance of educating Maine people in the management of personal and family finances; and

Whereas, this resolve establishes the Commission to Study the Scope and Quality of Personal and Family Financial Management Education; and

Whereas, this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the commission; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Study the Scope and Quality of Personal and Family Financial Management Education, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 15 members appointed as follows:

1. Four members of the Senate, appointed by the President of the Senate;

2. Four members of the House of Representatives, appointed by the Speaker of the House; and

3. Seven members appointed by the Governor as follows:

A. One member who teaches personal finances in a Maine high school or community college;

B. One representative of the Finance Authority of Maine;

C. One representative of the Maine Bankers Association or the Maine Credit Union League;

D. One member with experience in curriculum development in the field of personal and family financial management;

E. One member representing a nonprofit credit counseling agency;

F. One member representing a community action program or similar nonprofit organization who has experience with the financial matters of low-income people; and

G. One member who is involved in teacher training for financial education at the university level; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall

call and convene the first meeting of the commission; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine:

1. The extent to which personal and family financial management is currently included in the visions, missions, values and practices of school administrative units and institutions of higher education in the State;

2. National models for educational curricula that cover preschool through college with the potential for preparing students in the State to be financially literate;

3. Models for making comprehensive personal and family financial management education available at the adult education, community college or other postsecondary level; and

4. Strategies for integrating financial management education into social services programs to ensure that the State's low-income residents receive skills training and education in financial management; and be it further

Sec. 6. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 8. Report. Resolved: That, no later than December 3, 2005, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 122nd Legislature. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

EDU

LD 1511

Legislative Youth Advisory Council

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 1056 - L.D. 1511

An Act Regarding the Budget Process for the Legislative
Youth Advisory Council

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §168-A, sub-§10, as amended by PL 2003, c. 20, Pt. F, §3, is further amended to read:

10. ~~Staff.~~ The ~~Edmund-S.-Muskie-School-of-Public-Service~~ Legislative Council shall provide ~~funding-and~~ staff assistance to the council from within its existing budgeted resources or from any grants received by the ~~school~~ Legislative Council for that purpose. The ~~Office-of-Policy-and-Legal-Analysis~~ staff assigned by the Legislative Council shall draft all legislation submitted to the Legislature by the council.

Sec. 2. 3 MRSA §168-A, sub-§11 is enacted to read:

11. Funding. The Legislative Council may seek outside funds to fund costs of the council. Contributions to support the work of the youth council may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied or who would in any way compromise the work of the council. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council or its designee in the manner prescribed by the Legislative Council that the person has no pecuniary or other vested interest in the outcome of the work of the council. All contributions are subject to approval by the Legislative Council or its designee. The Executive Director of the Legislative Council administers any funds received by the youth council. The executive director shall notify the chairs of the

youth council of the status of the funding on or before December 1st annually and what funding is available for the immediately following calendar year.

Sec. 3. Budget. The Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, shall work with the Executive Director of the Legislative Council to develop a budget for the youth council. The budget must be submitted to the Executive Director of the Legislative Council within 60 days of the effective date of this Act. The Legislative Council shall pay reasonable expenses of members who are Legislators to attend authorized meetings of the youth council. All other expenses must be paid for from the youth council's budget. The youth council may not incur any expense that would cause the youth council to exceed its budgeted resources.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides funds to pay for staffing and other expenses incurred through involvement with the Legislative Youth Advisory Council.

GENERAL FUND	2005-06	2006-07
All Other	\$12,000	\$12,000
GENERAL FUND TOTAL	<hr/> \$12,000	<hr/> \$12,000
OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$500	<hr/> \$500
LEGISLATURE		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$12,000	\$12,000
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$12,500	<hr/> \$12,500



STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND
LEGISLATURE

HEALTH AND HUMAN SERVICES COMMITTEE

MEMORANDUM

TO: The Honorable John Richardson, Chair of the Legislative Council
The Honorable Betheda G. Edmonds, Vice-chair of the Legislative Council

FROM: Arthur F. Mayo, III, Senate Chair *afm*
Hannah Pingree, House Chair *HP*

DATE: June 10, 2005

SUBJECT: Study Table Priorities

The Joint Standing Committee on Health and Human Services is pleased to submit to you its priorities for the study table. Thank you for your consideration. Please let us know if you have any questions.

1. LD 835, Blue Ribbon Commission on the Future of MaineCare
2. LD 1178, Governor's Committee to Study the Feasibility of the Importation of Prescription Drugs
3. LD 1208, Working Group to Study the High Rate of Suicide in Maine
4. LD 1302, Task Force to Study Cervical Cancer Prevention, Detection and Education

cc. David Boulter, Office of the Executive Director
David Elliot, Office of Policy and Legal Analysis

LD 835

Blue Ribbon Commission on the Future of MaineCare

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

H.P. 594 - L.D. 835

**Resolve, To Establish the Blue Ribbon Commission on the
Future of MaineCare**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the cost of health care in the State is an issue requiring the immediate attention of the Legislature; and

Whereas, Medicaid is the largest source of funding for medical and health-related services for people with limited income; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Blue Ribbon Commission on the Future of MaineCare, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 13 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate and 2 members of the House of Representatives appointed by the Speaker of the House. At least one legislative member appointed must be a member of the Joint Standing Committee on Health and Human Services and at least one legislative member appointed must be a member of the Joint Standing Committee on

Appropriations and Financial Affairs. Legislative appointments under this subsection must be representative of the bipartisan interests of the Legislature;

2. Three members appointed by the President of the Senate, one with experience and expertise in the area of public health care policy, one with expertise in the area of public health financing and one with expertise regarding privately funded health care;

3. Three members appointed by the Speaker of the House of Representatives, one with expertise in the area of state fiscal policy, one with expertise in health data collection and interpretation and one with expertise in economic policy; and

4. Three members appointed by the Governor, one representing MaineCare and 2 members of the MaineCare Advisory Committee, one of whom represents health care providers and one of whom represents health care consumers; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission; and be it further

Sec. 4. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 15th; and be it further

Sec. 5. Duties. Resolved: That the commission shall study the MaineCare program and make recommendations on how to improve the quality, adequacy, effectiveness and delivery of services under the program in the most cost-effective manner possible in an effort to ensure its sustainability over time, including various options for providing coverage for persons in need of health care services. In conducting this study, the commission shall:

1. Review and make recommendations about the extent to which MaineCare is meeting its current and future responsibilities and include a review of the effectiveness of various models in financing and providing health care coverage to low-income and vulnerable populations, including, but not limited to, low-income families and children, the physically disabled, the elderly, the chronically ill and the uninsured;

2. Study and report eligibility levels, service benefits, expenditures and other factors affecting future costs under the MaineCare program;

3. Estimate future program costs, taking into account relevant factors, including, but not limited to, demographics; health care cost drivers; cost-savings and cost-control initiatives in place at the time of the study; other economic variables, including changes in individual and family income rates, changes in uninsured rates and changes in employer-based coverage rates; cost drivers and cost shifting related to coverage provided under the program; and other related economic factors;

4. Review and summarize the economic effect of MaineCare and its role in maintaining Maine's health care provider network, including primary, specialty and acute care;

5. Provide an analysis of changes in federal funding and health care policy, including changes in the federal match rate formula, and how such changes will affect MaineCare; and

6. Review and make recommendations related to actions taken by the federal Bipartisan Commission on Medicaid and the Medically Underserved. Recommendations based on the federal commission's study must be included in the commission's interim and final reports; and be it further

Sec. 6. Meetings. Resolved: That the commission is authorized to meet 4 times in 2005 and 8 times in 2006 and may hold meetings at various locations throughout the State. Meetings must be open to the public. The commission may hold public hearings and shall consult stakeholders and health care and medical organizations for information and assistance in gathering information related to the duties described in section 5; and be it further

Sec. 7. Staff assistance. Resolved: That, upon approval of the Legislative Council, the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide staffing assistance to the commission. The Department of Health and Human Services, the Governor's Office of Health Policy and Finance, the Maine Health Data Organization and the Maine Health Data Processing Center shall provide information and assistance as requested by the commission; and be it further

Sec. 8. Compensation. Resolved: That legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of

the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

Sec. 9. Budget. Resolved: That, within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission exceeding its approved budget. Upon request from the commission, the executive director shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds; and be it further

Sec. 10. Receipt of outside funds authorized. Resolved: That the commission may seek outside funds to fund costs of the commission other than authorized per diem and expenses of the members authorized by section 8. Contributions to support the work of the commission may not be accepted from any party having a 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. The 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 the funds, the date the funds were received, from whom the funds were received and the purpose of or any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission; and be it further

Sec. 11. Reports. Resolved: That the commission shall submit an interim report with preliminary findings and recommendations to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs by December 7, 2005. The commission shall submit a final report with accompanying recommendations for legislation to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs by November 1, 2006; and be it further

Sec. 12. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides a base allocation of Other Special Revenue Funds in the event outside funding is collected to support the activities of the Blue Ribbon Commission on the Future of MaineCare.

OTHER SPECIAL REVENUE FUNDS

All Other

2005-06

\$500

2006-07

\$500

OTHER SPECIAL REVENUE FUNDS TOTAL

\$500

\$500

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

LD 1178

**Governor's Committee to Study the Feasibility of the Importation of
Prescription Drugs**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

S.P. 406 - L.D. 1178

**An Act Regarding Access to Prescription Drugs and
Reimportation**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Governor's Committee To Study the Feasibility of Importation of Prescription Drugs. The Governor's Office of Health Policy and Finance shall reconvene the Governor's Committee To Study the Feasibility of Importation of Prescription Drugs, referred to in this section as "the committee," and shall change the membership and the duties of the committee as follows.

1. The membership must be changed to ensure that the committee includes representatives of the following entities and interest groups: community pharmacies; the Maine Pharmacy Association; the Office of the Attorney General; consumers; organizations representing elderly persons; pharmacy benefit managers; insurance carriers; Legislators from the Senate and House of Representatives and representatives of the National Legislative Association on Prescription Drug Pricing; the Maine Medical Association; the Department of Health and Human Services, Bureau of Medical Services and Bureau of Elder and Adult Services; and the Department of Professional and Financial Regulation.

2. The duties must be changed to include developing a plan to prepare the State to implement drug reimportation upon approval of the Federal Government through federal legislation or approval of a waiver request. The plan must include the following:

A. Assessment of other state reimportation legislation and programs, including implementation, utilization, costs of administration and savings from utilization;

B. Analysis of the necessary steps to develop an Internet connection, link or website for pharmacies and wholesale providers of prescription drugs to uninsured or underinsured residents and a process for certifying those pharmacies and wholesale providers;

C. Development of procedures for ensuring the health and safety of participants in the reimportation program;

D. Review of relevant state laws and rules, including pharmacy licensing laws, and determination of necessary legislation; and

E. Assessment of other access, quality, safety and economic issues related to the design and operation of a reimportation program.

3. The Governor's Office of Health Policy and Finance must provide necessary staffing services to the committee.

4. The committee shall report to the Joint Standing Committee on Health and Human Services by January 15, 2006 or 30 days after the adjournment of the United States Congress, whichever occurs later. If the United States Congress has passed a law allowing drug reimportation or if the federal Centers for Medicare and Medicaid Services has granted a waiver application, the State may move forward with the development of a plan for a reimportation program based on the findings and recommendations of the committee and review by the Joint Standing Committee on Health and Human Services.

LD 1208

Working Group to Study the High Rate of Suicide in Maine

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

S.P. 422 - L.D. 1208

Resolve, Regarding the Prevention of Suicide

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes a program for the prevention of adult suicide; and

Whereas, the program and its study must be initiated promptly in order to save lives in this State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Initiative for prevention of suicide. Resolved: That the Commissioner of Health and Human Services shall establish a program for the prevention of adult suicide. The development of the program must include a working group consisting of personnel from the Department of Health and Human Services, Bureau of Elder and Adult Services and Bureau of Health and the department's office of adult mental health services. The working group must include 3 Legislators, 2 of whom are appointed by the Speaker of the House from nominations submitted by the Joint Standing Committee on Health and Human Services and one of whom is appointed by the President of the Senate from nominations submitted by the Joint Standing Committee on Health and Human Services. The President of the Senate shall appoint other

interested persons, including, but not limited to, representatives of advocacy groups for persons who are elderly and persons with mental illness and family members of adults who have completed suicide. The Speaker of the House shall appoint a person representing the Joint Advisory Committee on Select Services for Older Persons and representatives of employers, providers of primary health care services and consumers of mental health services and such other persons as may be needed to develop an effective program. Members of the working group, including Legislators, serve without pay or reimbursement for expenses. The program must be created within existing resources developed through applications for grant funding, donations and other means; and be it further

Sec. 2. Strategic plan. Resolved: That the adult suicide prevention program must include a statewide strategic plan to address the incidence of adult suicide. The plan may include, as necessary to reasonably reduce the expected rate of adult suicide, a statewide preventative mentoring and buddy program, a statewide education program for providers of services and consumers and a communication plan for the education program, a media plan and an annual conference; and be it further

Sec. 3. Report. Resolved: That the Commissioner of Health and Human Services shall report by January 31, 2006 to the Joint Standing Committee on Health and Human Services regarding the status of the adult suicide prevention program under section 1 and may present any recommendations.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

LD 1302

**Task Force to Study Cervical Cancer Prevention, Detection and
Education**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

H.P. 899 - L.D. 1302

**Resolve, Establishing The Task Force To Study Cervical
Cancer Prevention, Detection and Education**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes the Task Force to Study Cervical Cancer Prevention, Detection and Education; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force to Study Cervical Cancer Prevention, Detection and Education, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of the following 16 voting members:

1. Four members appointed by the President of the Senate as follows:

- A. One member of the Senate;
 - B. One representative of a women's health organization;
 - C. One communications consultant; and
 - D. One representative of the American Academy of Pediatrics;
2. Five members appointed by the Speaker of the House of Representatives as follows:
- A. Two members of the House of Representatives;
 - B. One representative of the American Cancer Society who is an oncologist;
 - C. One representative of the health insurance industry; and
 - D. One representative of the American College of Obstetricians and Gynecologists;
3. Five members appointed by the Governor as follows:
- A. One representative of the American Academy of Family Physicians;
 - B. One licensed registered nurse;
 - C. One representative of the Maine Medical Association or its successor;
 - D. One member of the Maine Osteopathic Association or its successor; and
 - E. One person who has survived cervical cancer;
4. The medical director of the Maine Cancer Registry or the medical director's designee; and
5. The Director of the Maine Breast and Cervical Health Program within the Department of Health and Human Services, Bureau of Health and other members of the Bureau of Health, as necessary to the work of the task force, who serve as ex officio nonvoting members of the task force.

When making appointments to the task force, each appointing authority shall ensure that appointees reflect the composition of the State's population with regard to ethnicity, race and age; and be it further

Sec. 3. Chair. Resolved: That the Senate member shall serve as chair and the first-named House member shall serve as vice-chair; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than September 21, 2005. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The chair shall call and convene the first meeting of the task force by October 15, 2005; and be it further

Sec. 5. Quorum. Resolved: That a majority of the task force constitutes a quorum for the transaction of its business; and be it further

Sec. 6. Committees. Resolved: That the task force chair may establish committees for the purpose of making special studies pursuant to its duties and may appoint persons who are not members of the task force to serve on each committee as resource persons. Resource persons are voting members of the committees to which they are appointed. Committees may meet with the frequency needed to accomplish the purposes of this resolve; and be it further

Sec. 7. Duties. Resolved: That the task force shall:

1. Review statistical and qualitative data on the prevalence and incidence of cervical cancer in Maine;

2. Review preventive strategies and new technologies, including newly introduced vaccines and their effectiveness in preventing and controlling the risk of cervical cancer, as well as their relative costs;

3. Identify and examine the strengths and limitations of existing laws, regulations, programs and services regarding coverage and awareness of cervical cancer;

4. Consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations and other public and private organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention and treatment and their ideas for improving prevention, diagnosis and treatment in Maine;

5. Develop, in consultation with the Department of Health and Human Services, a statewide comprehensive cervical cancer prevention plan and strategies for plan implementation and for promoting the plan and awareness of the causes, risk factors, prevention, early detection and treatment of cervical cancer to

the general public, state and local elected officials and various public and private organizations, associations, businesses, industries and agencies; and

6. Recommend strategies for coordination and communication among state and local agencies and organizations regarding their involvement in achieving the aims of the cervical cancer prevention plan; and be it further

Sec. 8. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 9. Compensation. Resolved: That legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that 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 the task force; and be it further

Sec. 10. Report. Resolved: That, no later than November 15, 2005, the task force shall submit an initial report to the Joint Standing Committee on Health and Human Services and the Governor. The task force is not authorized to meet from December 21, 2005 to April 25, 2006 or to introduce legislation. The task force shall submit its final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by November 15, 2006. The joint standing committee of the Legislature having jurisdiction over health and human services matters in the First Regular Session of the 123rd Legislature may report out legislation on cervical cancer prevention, detection and education; and be it further

Sec. 11. Task force funding. Resolved: That the task force shall seek outside funds to fully fund all costs of the task force. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the task force 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 task force. The executive director shall notify the chair of the task force when sufficient funding has been received; and be it further

Sec. 12. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides an allocation of Other Special Revenue Funds in the event outside funding is collected to support the activities of the Task Force to Study Cervical Cancer Prevention, Detection and Education. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
Personal Services	\$880	\$880
All Other	\$3,600	\$3,600
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,480	\$4,480

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

HHS

LD 1642

DHS Working Group on Department's Accounting Structure

2 (2) The Maine Center for Disease Control and
3 Prevention, which includes minority health services; and

4 (3) The Office of Integrated Access and Support;

6 B. The Operations and Support Unit;

8 C. The Finance Unit, which includes:

10 (1) The Office of Budget Planning and Analysis;

12 (2) The Office of Audit for MaineCare and Social
13 Services; and

14 (3) The Office of Accounting and Cash Management; and

16 D. The Integrated Services Unit, which includes:

18 (1) The Office of Adult Mental Health Services;

20 (2) The Office of Adults with Cognitive and Physical
21 Disability Services;

22 (3) The Office of Advocacy Services;

24 (4) The Office of Child and Family Services;

26 (5) The Office of Elder Services;

28 (6) The State Forensic Service;

30 (7) The Office of Substance Abuse Services; and

32 (8) The Office of Integrated Services Quality
33 Improvement.

36 **Sec. 5. Department's accounting structure.** On or before October
37 1, 2005, the Commissioner of Health and Human Services shall
38 submit to the Governor, the Joint Standing Committee on Health
39 and Human Services and the Joint Standing Committee on
40 Appropriations and Financial Affairs a plan to create a new
41 budget and financial management system and reporting structure
42 for the Department of Health and Human Services. The recommended
43 structure must address security and authority issues, reporting
44 administration, position administration, performance budget
45 administration, biennial budget issues, budget document issues
46 and annual reports issues. The commissioner shall invite the
47 following or their designees to join a working group to aid in
48 the preparation of the new budget and financial management
49 structure: the department's Deputy Commissioner of Finance, the
50

State Budget Officer, the State Controller, the Director of the Office of Fiscal and Program Review and the Director of the Office of Policy and Legal Analysis.

Sec. 6. Functions and duties; rules, guidelines, policies and manuals. Notwithstanding any provision of law to the contrary and in accordance with Public Law 2003, chapter 689, the units established within the Department of Health and Human Services pursuant to the Maine Revised Statutes, Title 22-A, section 201, subsection 2 shall assume the functions and the duties of the bureaus, divisions and offices established under Title 22 and Title 34-B and the Office of Substance Abuse established under Title 5, chapter 521. Notwithstanding Title 5, chapter 375 and in accordance with Public Law 2003, chapter 689, Part B, section 1, all rules, guidelines, policies, manuals and similar documents adopted by or distributed by either the former Department of Human Services or the former Department of Behavioral and Developmental Services that are in effect as of the effective date of this Act remain in effect until rescinded, revised or amended, without regard to references therein to departmental offices, bureaus, divisions, units or employee titles or classifications that may no longer exist or that may be changed in the future.

SUMMARY

This bill furthers the transition to the new Department of Health and Human Services as follows.

1. It eliminates from the law governing salary ranges certain now-defunct positions from the former Department of Human Services and the former Department of Behavioral and Developmental Services.

2. It establishes the salaries of the Deputy Commissioner of Integrated Services and the Deputy Commissioner of Health, Integrated Access and Strategy in the Department of Health and Human Services.

3. It establishes a number of positions as major policy-influencing positions within the Department of Health and Human Services.

4. It establishes within the department the Health, Integrated Access and Strategy Unit; the Operations and Support Unit; the Finance Unit; and the Integrated Services Unit.

5. It directs the Commissioner of Health and Human Services to create a new budget and financial management system and reporting structure for the department.

HHS

LD 1913

**Health and Human Services Committee Review of the
Establishment of the Department of Health and Human Services**

D. Advisory boards, including:

- (1) Integration and consolidation of existing advisory boards, councils and commissions that serve the Department of Human Services and the Department of Behavioral and Developmental Services; and
- (2) Opportunities to ensure that advisory bodies to the new department operate efficiently and effectively; and

E. The child welfare ombudsman program established as an independent program within the Executive Department under the Maine Revised Statutes, Title 22, section 4087-A. In developing recommendations regarding this program, the commissioner shall consider:

- (1) Program independence and structure; and
- (2) The 2003 annual report of the ombudsman submitted pursuant to Title 22, section 4087-A, subsection 10.

Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation to the 122nd Legislature.

11. The Commissioner of Health and Human Services shall work with the Commissioner of Education and the Commissioner of Corrections to review the delivery of child development services and juvenile justice services. By January 31, 2006, the Commissioner of Health and Human Services shall submit a report including recommendations and any necessary legislation to the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters. Following receipt and review of the report, the committee may report out legislation to the Second Regular Session of the 122nd Legislature.

Sec. B-2. Conflicts and inconsistencies. If the Commissioner of Health and Human Services finds a conflict or inconsistency between provisions in the Maine Revised Statutes, Title 22 and Title 34-B or rules adopted under those titles, the commissioner shall attempt to resolve that conflict or inconsistency by interpreting the laws or rules together to give effect to the intent of the Legislature or agency, as the case may be. If the commissioner determines rulemaking is required to resolve a conflict or inconsistency, the commissioner may adopt rules as authorized under Title 22-A, section 205, subsection 2. In adopting rules under this section, the commissioner has sole discretion to determine whether an emergency exists. The commissioner shall notify the members of the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to adopting any emergency rule under this section.

Sec. B-3. Legislation; schedule. The Commissioner of Health and Human Services, and designees selected by the commissioner, shall work with the joint standing committee of the Legislature having jurisdiction over health and human services matters and staff from the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to review those parts of the Maine Revised Statutes governing the Department of Health and Human Services, including but not limited to Titles 22, 22-A and 34-B. The purpose of the review is to develop legislation to consolidate existing law into Title 22-A, to update Title 22-A and to correct any errors and inconsistencies in law that result from this Act. By November 30, 2005 the commissioner and the committee shall agree on the format and organization of Title 22-A. By November 30, 2006 the commissioner shall submit the legislation developed pursuant to this section to the First Regular Session of the 123rd Legislature.

Sec. B-4. Interim meetings; authorized. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to meet as needed, but at least 3 times, during the 2004 legislative interim to carry out its responsibilities to oversee planning, service delivery and implementation issues related to the establishment of the Department of Health and Human Services. At these meetings, the Commissioner of Health and Human Services shall brief the committee on planning issues, progress, challenges and the time line for implementation. The committee shall provide opportunities for consumers, providers and advocates to speak to the committee. The committee may submit legislation to the First Regular Session of the 122nd Legislature based on these meetings.

LD 32

Health Care System and Health Security Board

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE
—

H.P. 35 - L.D. 32

**Resolve, To Reestablish the Health Care System and Health
Security Board**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Health Care System and Health Security Board, established in Public Law 2001, chapter 439, has completed substantial work to determine the feasibility of a single-payor health care plan and has determined that additional work is needed before making a final recommendation on a single-payor health care plan; and

Whereas, it is important to achieve health care coverage for all Maine citizens as soon as possible; and

Whereas, the board has adequate funds to support its activities; and

Whereas, the board must be reestablished before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Board reestablished; duties. Resolved: That the Health Care System and Health Security Board, established by Public Law 2001, chapter 439, Part ZZZ, and amended by Public Law 2003, chapter 492, and referred to in this resolve as "the board," is reestablished and those members serving on the board on November 1, 2004 continue to serve as members, except that new legislative members must be appointed in accordance with Public Law 2001, chapter 439, Part ZZZ, section 1. The board is reestablished for the sole purpose of finalizing its recommendations regarding the feasibility of a single-payor health plan to provide health care coverage to all citizens of this State and may not conduct any other activities; and be it further

Sec. 2. Report; extension prohibited. Resolved: That, no later than January 4, 2006, the board shall submit a report, including any suggested legislation, for presentation to the Joint Standing Committee on Insurance and Financial Services and the Legislative Council. Following receipt and review of the report, the Joint Standing Committee on Insurance and Financial Services may report out a bill related to the report to the Second Regular Session of the 122nd Legislature. The board is not authorized to introduce legislation. The board may not apply to the Legislative Council for an extension and may not take any further action after January 4, 2006, unless further action is authorized by law; and be it further

Sec. 3. Funding; limitation. Resolved: That any unexpended funds allocated to the board as of November 1, 2004 must be carried forward for use by the board and may not lapse. Except for these unexpended funds, no additional funds may be appropriated or allocated from any source to support the board. The board may not seek any outside funding. The board may not incur expenses that exceed available funds; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Allocates funds to support the meeting costs of the Health Care System and Health Security Board.

OTHER SPECIAL REVENUE FUNDS

	2005-06	2006-07
Personal Services	\$1,100	\$0
All Other	\$4,305	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL

\$5,405

\$0

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SENATE

BRUCE S. BRYANT, DISTRICT 14, CHAIR
JOSEPH C. PERRY, DISTRICT 32
CHANDLER E. WOODCOCK, DISTRICT 18

CURTIS C. BENTLEY, LEGISLATIVE ANALYST
DARLENE SIMONEAU, COMMITTEE CLERK



HOUSE

THOMAS R. WATSON, BATH, CHAIR
WALTER A. WHEELER, SR., KITTERY
STANLEY A. MOODY, MANCHESTER
JACQUELINE A. LUNDEEN, MARS HILL
TROY D. JACKSON, FORT KENT
MARK E. BRYANT, WINDHAM
A. DAVID TRAHAN, WALDOBORO
EARL E. RICHARDSON, GREENVILLE
RICHARD M. CEBRA, NAPLES
DAVID E. RICHARDSON, CARMEL

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON INLAND FISHERIES AND WILDLIFE

TO: Dave Boulter, Executive Director

FROM: Bruce Bryant, Senate Chair *Bryant* cc
Thomas Watson, House Chair *Watson* cc
Joint Standing Committee on Inland Fisheries and Wildlife

DATE: June 9, 2005

RE: Committee Priorities for Proposed Legislative Studies

We strongly recommend that HP 1136 (Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife) go forward as funded. The Department of Inland Fisheries and Wildlife continues to have a chronic budget shortfall and we believe this study is necessary to find viable, long-term financial solutions for the department.

Thank you for your consideration of this matter.

cc: ✓ David Elliott, Director, Office of Policy and Legal Analysis
Members, Joint Standing Committee on Inland Fisheries and Wildlife

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HP 1136

**Commission to Study Long-term Funding for the Department of
Inland Fisheries and Wildlife**

(4-2) On motion of Representative WATSON of Bath, the following Joint Order:
(H.P. 1136)

ORDERED, the Senate concurring, that the Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife is established as follows.

1. Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife established. The Commission to Study Long-term Funding for the Department of Inland Fisheries and Wildlife, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following members:

A. Two members of the Senate, appointed by the President of the Senate, each of whom serves on the Joint Standing Committee on Inland Fisheries and Wildlife, one of whom belongs to the party with the largest number of seats and one of whom belongs to the party with 2nd-largest number of seats; and

B. Two members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Inland Fisheries and Wildlife, one of whom belongs to the party with the largest number of seats and one of whom belongs to the party with 2nd-largest number of seats.

The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee and the Commissioner of Conservation or the commissioner's designee are invited to serve on the commission as voting members.

3. Participation of stakeholders. The commission shall invite the participation of and input from interested state agencies and stakeholders, including, but not limited to:

- A. Sportsmen in the State;
- B. Small woodlot owners;
- C. The Maine Farm Bureau;
- D. Large landowners;
- E. Environmental organizations;
- F. Registered Maine guides;
- G. The State Economist;
- H. Retailers of outdoor equipment; and
- I. Outdoor recreational businesses.

4. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

5. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission, which must be no later than August 1, 2005.

6. Duties. The commission shall review sources for long-term funding of the Department of Inland Fisheries and Wildlife. The commission shall also review other issues, including, but not limited to, issues associated with nonconsumptive recreational use and landowner relations.

7. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

8. Compensation. Legislative members of the commission are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission.

9. Report. No later than December 7, 2006, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Inland Fisheries and Wildlife and the Legislative Council. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report.

10. Extension. If the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the commission terminates.

11. Budget. The commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by the commission by July 15, 2005 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a 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. The 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 the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

SENATE

BARRY J. HOBBS, DISTRICT 5, CHAIR
LYNN BROMLEY, DISTRICT 7
DAVID R. HASTINGS III, DISTRICT 13

MARGARET J. REINSCH, LEGISLATIVE ANALYST
SUSAN M. PINETTE, COMMITTEE CLERK



STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON JUDICIARY

HOUSE

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JOAN BRYANT-DESCHENES, TURNER
JOAN M. NASS, ACTON

June 10, 2005

TO: Rep. John Richardson, Chair
Sen. Beth Edmonds, Chair
Legislative Council

FROM: Sen. Barry Hobbins, Senate Chair
Rep. Deborah Pelletier-Simpson, House Chair
Joint Standing Committee on Judiciary

Re: Judiciary Committee studies, priority for approval

There are four studies within the Judiciary Committee's jurisdiction that are awaiting approval. They are listed below in order of our priority for approval.

- LD 301: Freedom of Access Advisory Committee (ongoing) (2 legislators)
- LD 415: Committee to Study State Compliance with the Federal Indian Child Welfare Act of 1978 (5 legislators)
- LD 1067: Task Force to Study and Design a Child Protection Mediation System (2 legislators)
- LD 1518: Business and Consumer Specialized Civil Docket Advisory Committee (2 legislators)

Thank you for your consideration. Please contact us if you have any questions or need further information.

LD 301

Freedom of Access Advisory Committee

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 226 - L.D. 301

An Act To Implement the Recommendations of the Committee
To Study Compliance with Maine's Freedom of Access Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §411 is enacted to read:

§411. Freedom of Access Advisory Committee

1. Advisory committee established. The Freedom of Access Advisory Committee, referred to in this section as "the committee," is established to serve as a resource for ensuring compliance with this subchapter and upholding the integrity of the purposes underlying this subchapter as it applies to all public entities in the conduct of the public's business.

2. Membership. The committee consists of the following 13 members:

A. One Senator, appointed by the President of the Senate;

B. One member of the House of Representatives, appointed by the Speaker of the House;

C. One representative of municipal interests, appointed by the Governor;

D. One representative of county or regional interests, appointed by the President of the Senate;

E. One representative of school interests, appointed by the Governor;

F. One representative of law enforcement interests, appointed by the President of the Senate;

G. One representative of the interests of State Government, appointed by the Governor;

H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House;

I. One representative of newspaper and other press interests, appointed by the President of the Senate;

J. One representative of broadcasting interests, appointed by the Speaker of the House;

K. One representative of the public, appointed by the Speaker of the House;

L. The Attorney General or the Attorney General's designee; and

M. The committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

3. Terms of appointment. The terms of appointment are as follows.

A. Terms of appointment for gubernatorial appointments and appointments by the President of the Senate and the Speaker of the House, other than legislative appointments, are for terms of 3 years.

B. Terms of appointment for Legislators are for the legislative terms of office of the persons appointed.

C. Members may serve beyond their designated terms until their successors are appointed.

4. First meeting; chair. The Executive Director of the Legislative Council shall call the first meeting of the committee as soon as funding permits. At the first meeting, the committee shall select a chair from among its members and may select a new chair annually.

5. Meetings. The committee may meet as often as necessary but, if funding permits, shall meet at least quarterly. A meeting may be called by the chair or by any 4 members.

6. Duties and powers. To the extent of available resources, the committee:

A. Shall provide to the review committee under subchapter 1-A information and advice concerning the review of exceptions to public records under subchapter 1-A and shall assist the review committee in ensuring that the schedule for review is maintained, that proposed exceptions are subject to the review process and that the criteria for review are appropriately applied;

B. Shall review the public's access to public proceedings and records;

C. Shall make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities for changes in law and practice that are appropriate to maintain the integrity of the freedom of access laws and their underlying principles;

D. Shall serve as an adviser to the Legislature when legislation affecting public access is considered;

E. Shall prepare interpretive and educational materials and programs concerning the freedom of access laws in cooperation with the Attorney General;

F. Shall respond to inquiries made by the public and public agencies and officials concerning the freedom of access laws;

G. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records;

H. May submit legislation to the Legislature at the start of each legislative session; and

I. May undertake other activities consistent with its responsibilities.

7. Reimbursement for expenses. Members are entitled to reimbursement for actual and necessary expenses related to travel to and from committee meetings when the expenses are approved by the chair and submitted to the Executive Director of the Legislative Council.

8. No compensation. The members of the committee receive no compensation for their services.

9. Staffing. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee. In addition, the committee may contract for administrative, professional and clerical services if funding permits.

10. Assistance. The committee may request from any public agency or official assistance and information to enable the committee to effectively carry out the responsibilities described in this section.

11. Report. By December 1, 2006 and at least annually thereafter, the committee shall report to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

Sec. 2. 3 MRSA §163-A, sub-§7, as enacted by PL 1985, c. 501, Pt. B, §5, is amended to read:

7. Committee assistance. To provide assistance with research, analysis and, bill drafting assistance for and review of exceptions to public records to joint standing or select committees, including, but not limited to, the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Audit and Program Review joint standing committee of the Legislature having jurisdiction over appropriations and financial matters and other legislative agencies;

Sec. 3. 5 MRSA §12004-J, sub-§14 is enacted to read:

<u>14.</u>	<u>Freedom of</u>	<u>Expenses</u>	<u>1 MRSA</u>
<u>Freedom of</u>	<u>Access</u>	<u>Only</u>	<u>§411</u>
<u>Access</u>	<u>Advisory</u>		
	<u>Committee</u>		

DD 415

**Committee to Study State Compliance with the Federal Indian
Child Welfare Act of 1978**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

S.P. 139 - L.D. 415

**Resolve, To Create the Committee To Study State Compliance
with the Federal Indian Child Welfare Act of 1978**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978 should be established to examine the extent to which the State complies with the federal Indian Child Welfare Act of 1978 and to identify ways in which to improve compliance; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Committee established. Resolved: That the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of the following members:

1. Two members of the Senate, appointed by the President of the Senate;

2. Three members of the House of Representatives, appointed by the Speaker of the House;

3. The Governor of the Passamaquoddy Tribe, or a designee;

4. The Governor of the Penobscot Nation, or a designee;

5. The Tribal Chief of the Houlton Band of Maliseet Indians, or a designee;

6. The Tribal Chief of the Aroostook Band of Micmacs, or a designee;

7. The Commissioner of Health and Human Services, or the commissioner's designee; and

8. The Attorney General, or the Attorney General's designee.

The Chief Justice of the Supreme Judicial Court is requested to designate a representative of the judicial branch to serve as a voting member of the committee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the committee and the first-named House of Representatives member is the House chair of the committee; and be it further

Sec. 4. Appointments; convening of committee. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the committee, which must be no later than July 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the committee shall study state compliance with the federal Indian Child Welfare Act of 1978. The committee may hold up to 2 public hearings to collect public testimony; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that 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 the committee; and be it further

Sec. 8. Report. Resolved: That, no later than December 1, 2005, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary and the Legislative Council. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Committee budget. Resolved: That the chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

LD 1067

**Task Force to Study and Design a Child Protection Mediation
System**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

S.P. 384 - L.D. 1067

**Resolve, To Establish the Task Force To Study and Design
a Child Protection Mediation System**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve creates the Task Force to Study and Design a Child Protection Mediation System; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force to Study and Design a Child Protection Mediation System, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 6 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;

2. One member of the House of Representatives, appointed by the Speaker of the House;

3. One member representing the Maine State Bar Association, appointed by the President of the Senate;

4. The Attorney General or the Attorney General's designee;

5. The Commissioner of the Department of Health and Human Services or the commissioner's designee; and

6. The Director of Court Alternative Dispute Resolution Services or the director's designee; and be it further

The task force shall ask the Chief Justice of the Supreme Judicial Court to designate a judge from the District Court to act as an advisor to the task force.

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair of the task force and the House of Representatives member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which must be no later than August 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the task force shall hold meetings at various locations in the State, to be determined by the chairs. The task force shall:

1. Design a child protection mediation system;

2. Recommend qualifications for mediators;

3. Identify a stable funding source for the child protection mediation system;

4. Recommend an appropriate level of court clerk support to ensure sufficient court staffing for matters involving children; and

5. Identify and discuss other issues relevant to designing the system; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that 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 the task force; and be it further

Sec. 8. Report. Resolved: That, no later than December 1, 2005, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 122nd Legislature. The task force is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Task force budget. Resolved: That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

LD 1518

**Business and Consumer Specialized Civil Docket Advisory
Committee**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 1065 - L.D. 1518

An Act To Increase Access to Justice in Maine's Court
System

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 4 MRSA c. 8-B is enacted to read:

CHAPTER 8-B

BUSINESS AND CONSUMER DOCKETS

§441. Business and Consumer Specialized Civil Docket;
pilot project

1. Establishment of specialized civil docket; purposes.
Beginning January 1, 2006, the Supreme Judicial Court may
establish a statewide Business and Consumer Specialized Civil
Docket pilot project, referred to in this section as "the
specialized civil docket," to improve the Judicial Branch's
ability to provide prompt and predictable access to justice in
business and consumer civil cases, to improve the Judicial
Branch's ability to reach small claims, disclosures and
intermediate business and consumer matters in a timely fashion
and to provide a more expeditious judicial means to resolve cases
on the specialized civil docket as well as cases throughout the
court system.

2. Goals. The goals of the specialized civil docket are:

A. To administer complex business and consumer disputes in
a coordinated, efficient and responsive manner;

B. To afford convenient access to justice for consumers, entrepreneurs, attorneys, litigants and any person involved in business activities;

C. To provide greater certainty of trial date and resolution; and

D. To make available judicial resources for nonbusiness and nonconsumer case types.

3. Administration of specialized civil docket. The Supreme Judicial Court may adopt administrative orders or court rules governing the practice, procedure and administration of the specialized civil docket. These practices and procedures may include, but are not limited to, education for the parties, case management and referral services to mediation and other alternative dispute resolution techniques.

4. Administration of related dockets. The Supreme Judicial Court may seek recommendations from the Business and Consumer Specialized Civil Docket Advisory Committee or its successor concerning the prompt and predictable processing of small claims, disclosure and intermediate business and consumer cases.

5. Reporting. In March 2007 and March 2008, the Judicial Branch shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the progress of the specialized civil docket and its measurable outcomes.

6. Repeal. This chapter is repealed July 1, 2008.

PART B

Sec. B-1. Business and Consumer Specialized Civil Docket Advisory Committee established. The Business and Consumer Specialized Civil Docket Advisory Committee, referred to in this Part as "the advisory committee," is established to make recommendations to the Supreme Judicial Court concerning the development and implementation of the Business and Consumer Specialized Civil Docket pilot project established in the Maine Revised Statutes, Title 4, chapter 8-B.

1. Membership; vacancies; chair. Members of the advisory committee, appointed to reflect the spectrum of stakeholders and to represent the full range of interests in the development of and success of the Business and Consumer Specialized Civil Docket pilot project, remain members of the advisory committee for the

duration of the pilot project unless they become unable to serve. In the event of a vacancy, the original appointing authority shall appoint a replacement. Unless otherwise indicated, the Chief Justice of the Supreme Judicial Court shall appoint all members. The advisory committee consists of the following members:

- A. The State Court Administrator, or a designee, who serves as the chair;
- B. The Chief Justice of the Superior Court, or a designee;
- C. The Chief Judge of the District Court, or a designee;
- D. The Attorney General, or a designee, and one additional designee from the Office of the Attorney General, appointed by the Attorney General, with expertise in consumer matters;
- E. One member of the Senate, appointed by the President of the Senate;
- F. One member of the House of Representatives, appointed by the Speaker of the House of Representatives;
- G. Six attorneys licensed to practice in the State. The selection of the 6 must reflect consideration of both diversity of geography and scope of practice as follows:
 - (1) One attorney with experience in business development matters;
 - (2) One attorney with experience representing small businesses;
 - (3) One attorney with experience in antitrust matters;
 - (4) One attorney with experience in representing consumers;
 - (5) One attorney with experience in representing environmental organizations; and
 - (6) One attorney serving as a delegate from the Maine State Bar Association;
- H. Two members of the public who have expertise in and represent the interests of Maine businesses, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives; and

I. Two members of the public who represent the interests of consumers, including, but not limited to, environmental regulation, consumer advocacy and access to justice for low-income and indigent citizens, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives.

The Governor may, at the Governor's discretion, appoint one member of the Executive Branch to serve as a member of the advisory committee.

The Chief Justice of the Supreme Judicial Court may appoint a liaison to the advisory committee.

2. Appointments; convening of advisory committee. All appointments must be made no later than 30 days following the effective date of this Part. The appointing authorities shall notify the Chief Justice of the Supreme Judicial Court once all appointments have been completed. Within 30 days after appointment of all members, the chair shall call and convene the first meeting of the advisory committee.

3. Duties; reporting. The advisory committee shall:

A. Recommend to the Supreme Judicial Court an implementation plan for the Business and Consumer Specialized Civil Docket pilot project to begin operations January 1, 2006 in accordance with the Maine Revised Statutes, Title 4, chapter 8-B;

B. Consider and make recommendations to the Supreme Judicial Court concerning the case type assignments to the specialized civil docket pursuant to paragraph A. The case types assigned to the specialized civil docket may include, but are not limited to, the following:

(1) The rights, duties and liabilities of equity owners, managers, officers, trustees and partners of a business entity;

(2) The formation, sale, purchase, merger or conversion of a business entity;

(3) Conduct invoking antitrust laws or laws governing unfair competition or interference with business or contractual relations or agreements or arrangements among businesses or between businesses and their agents or employees restraining competition;

(4) Complex commercial transactions, including those between businesses and consumers;

(5) Environmental claims that involve a business entity;

(6) Matters concerning state regulatory issues of business and industry brought by any party, including consumers;

(7) Claims involving mergers, consolidations, sales of assets, issuance of debt, equity and other like interests of business enterprise and not-for-profit institutions;

(8) Claims under the Uniform Commercial Code if the claims involve complex factual or legal issues or are likely to require complex case management;

(9) Claims arising from transactions with financial institutions, investment bankers, financial advisors, brokerage firms and mutual and money funds of all kinds if the claims involve complex factual or legal issues or are likely to require complex case management; and

(10) Commercial, technological or consumer issues of a complex or novel nature;

C. Recommend for consideration by the Civil Rules Advisory Committee rules governing the practice, procedure and administration of the specialized civil docket and submit all proposals to the Supreme Judicial Court for its consideration; and

D. After January 1, 2006, study available methods of increasing efficiency through implementation and use of technology by the courts and by litigants throughout the state court system. The advisory committee shall submit its report on this issue to the joint standing committee of the Legislature having jurisdiction over judiciary matters by March 1, 2007.

Sec. B-2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Provides funds for 4 Trial Court Judge positions, 2 Law Clerk positions, 4 Court Security Officer positions, 4 Assistant Clerk positions, one Official Court Reporter position and other related costs required to administer the proposed pilot project within the Maine court system.

GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$568,295	\$1,213,377
All Other	\$150,900	\$54,800
GENERAL FUND TOTAL	\$719,195	\$1,268,177

JUDICIAL DEPARTMENT DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$719,195	\$1,268,177
DEPARTMENT TOTAL - ALL FUNDS	\$719,195	\$1,268,177

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides funds for the per diem and expenses of the legislative members of the advisory committee.

GENERAL FUND	2005-06	2006-07
Personal Services	\$440	\$440
All Other	\$400	\$400
GENERAL FUND TOTAL	\$840	\$840

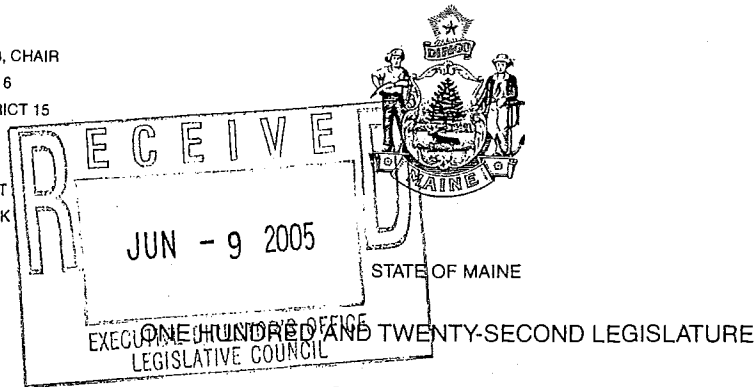
LEGISLATURE DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$840	\$840
DEPARTMENT TOTAL - ALL FUNDS	\$840	\$840

SECTION TOTALS	2005-06	2006-07
GENERAL FUND	\$720,035	\$1,269,017
SECTION TOTAL - ALL FUNDS	\$720,035	\$1,269,017

SENATE

ETHAN STRIMLING, DISTRICT 8, CHAIR
PHILIP L. BARTLETT, DISTRICT 6
LOIS A. SNOWE-MELLO, DISTRICT 15

JIM ADOLF, LEGISLATIVE ANALYST
GAIL KERNS, COMMITTEE CLERK



COMMITTEE ON LABOR

June 9, 2005

To: John Richardson, Chair of the Legislative Council
Beth Edmonds, Vice-Chair of the Legislative Council

From: Senator Ethan Strimling, Senate Chair *ES*
Representative William Smith, House Chair *WS*
Members, Joint Standing Committee on Labor

Re: Study Priorities

The Joint Standing Committee on Labor has reviewed the list of proposed Legislative studies, and has assigned a rank order of priorities of those studies. The Committee's priorities are as follows:

1. **LD 1236, Study Commission Regarding Liveable Wages.** Fiscal costs: \$3,700 from General Fund in fiscal year 2006.

2. **LD 748, Commission to Study Retirement Eligibility and Benefits for Corrections Officers, Certain Other Law Enforcement Officers and Mental Health Workers.** Fiscal costs: \$3,740 from General Fund in fiscal year 2006.

3. **LD 916, Commission on Maximum Hospital Charges for Workers' Compensation.** Fiscal costs: \$4,740 from General Fund in fiscal year 2006.

Thank you for the opportunity to offer the Labor Committee's priorities for proposed Legislative studies.

c. David Boulter, Executive Director, Legislative Council
David Elliott, Director, OPLA

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HOUSE

WILLIAM J. SMITH, VAN BUREN, CHAIR
JOHN L. TUTTLE, JR., SANFORD
DEBORAH J. HUTTON, BOWDOINHAM
TROY D. JACKSON, FORT KENT
HERBERT E. CLARK, MILLINOCKET
TIMOTHY E. DRISCOLL, WESTBROOK
BRIAN M. DUPREY, HAMPDEN
PHILIP A. CRESSEY, JR., CORNISH
DARREN M. HALL, HOLDEN
JAMES M. HAMPER, OXFORD

LD 748

**Commission to Study Eliminating the Normal Retirement Age for
Corrections Officers and Mental Health Workers**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

S.P. 246 - L.D. 748

**Resolve, Establishing the Commission To Study Retirement
Eligibility and Benefits for Corrections Officers, Certain
Other Law Enforcement Officers and Mental Health Workers**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Commission To Study Retirement Eligibility and Benefits for Certain Law Enforcement Officers and Mental Health Workers is established to address problems of inconsistency in retirement benefits and the need for earlier retirement for certain law enforcement officers and mental health workers; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission To Study Retirement Eligibility and Benefits for Certain Law Enforcement Officers and Mental Health Workers, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 17 members appointed as follows:

1. Four members of the Senate, appointed by the President of the Senate;
2. Five members of the House of Representatives, appointed by the Speaker of the House;
3. One member representing corrections officers, appointed by the President of the Senate;
4. One member representing mental health workers, appointed by the Speaker of the House;
5. One member representing the bargaining agent of law enforcement officers in the Office of the Attorney General, appointed by the President of the Senate;
6. One member representing the bargaining agent of law enforcement officers in the Department of the Secretary of State, appointed by the Speaker of the House;
7. One member representing employers of mental health workers, appointed by the President of the Senate;
8. One member representing employers of corrections officers, appointed by the Speaker of the House;
9. The Attorney General or the Attorney General's designee; and
10. The Secretary of State or the Secretary of State's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than August 15, 2005; and be it further

Sec. 5. Duties. Resolved: That the commission may hold up to 4 meetings and shall study the following issues:

1. Whether law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State should be included in the 1998 Special Plan;

2. Whether corrections officers and mental health workers should have uniform retirement benefits;

3. Whether corrections officers and mental health workers, regardless of their age, should be eligible to retire after 25 years of service without a reduction in benefits;

4. Which job classifications should be included in this retirement plan, if the plan is recommended by the commission; and

5. Possible ways of funding these retirement plans, if the plans are recommended by the commission; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 8. Report. Resolved: That, no later than December 15, 2005, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Labor. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

LD 916

**Commission on Maximum Hospital Charges for Workers'
Compensation**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 635 - L.D. 916

**Resolve, Establishing the Commission on Maximum
Hospital Charges for Workers' Compensation**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Commission on Maximum Hospital Charges for Workers' Compensation is established to determine whether a schedule of maximum charges for hospital services provided to workers' compensation claimants should be established and if so to recommend those maximum charges; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission on Maximum Hospital Charges for Workers' Compensation, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate, 2 of whom serve on the Joint Standing Committee on Labor and of whom no more than 2 are members of the same political party;

2. Four members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Labor and of whom no more than 2 are members of the same political party;

3. One representative of Maine hospitals, appointed by the President of the Senate;

4. One representative of a mutual insurance company licensed to sell workers' compensation insurance in Maine, appointed by the Speaker of the House;

5. One representative of a workers' compensation self-insurer in Maine, appointed by the President of the Senate;

6. One representative of organized labor, appointed by the Speaker of the House;

7. One representative of an organization representing businesses in Maine, appointed by the President of the Senate; and

8. The Executive Director of the Workers' Compensation Board, or the executive director's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than August 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the commission shall study information provided by the Maine Health Data Organization

concerning actual payments made by private 3rd-party payors for hospital services and any other relevant information to determine the following:

1. Whether a schedule of maximum charges for hospital services provided to workers' compensation claimants should be established; and

2. If a schedule should be established, what the maximum charges should be; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 8. Report. Resolved: That, no later than December 7, 2005, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Labor, the Legislative Council and the Workers' Compensation Board. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a

status report on the commission budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

LD 1236

Study Commission Regarding Liveable Wages

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 854 - L.D. 1236

**Resolve, To Establish the Study Commission Regarding
Liveable Wages**

Sec. 1. Commission established. Resolved: That the Study Commission Regarding Liveable Wages, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following members appointed as follows:

1. Two Senators who are members of the Joint Standing Committee on Labor and are members of different political parties, appointed by the President of the Senate;

2. Three members of the House of Representatives who are members of the Joint Standing Committee on Labor and of whom no more than 2 are members of the same political party, appointed by the Speaker of the House of Representatives;

3. A representative of the business community, recommended by the Maine State Chamber of Commerce and appointed by the President of the Senate;

4. A representative of municipal government, recommended by the Maine Municipal Association and appointed by the Speaker of the House of Representatives;

5. A representative of organized labor, recommended by the Maine AFL-CIO and appointed by the President of the Senate;

6. A representative of an advocacy organization for the poor or for women, appointed by the Speaker of the House of Representatives;

7. The Commissioner of Labor or the commissioner's designee, as an ex officio, nonvoting member;

8. The Commissioner of Health and Human Services or the commissioner's designee, as an ex officio, nonvoting member; and

9. The Commissioner of Economic and Community Development or the commissioner's designee, as an ex officio, nonvoting member; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than October 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the commission shall study the issues surrounding liveable wages. In conducting its review, the commission shall undertake to:

1. Define what level of compensation constitutes a liveable wage;

2. Identify ways to ensure that all Maine adults earn a liveable wage;

3. Examine the efficacy of a state earned income tax credit that would enable working families to meet their basic needs;

4. Examine how increased access to education and training and access to child care increases the likelihood of earning a liveable wage and identify means of increasing such access;

5. Identify the number of people in Maine who earn less than a liveable wage;

6. Examine how state policies and payments, including MaineCare and other state health care related payments, contribute to the number of Mainers who earn less than a liveable wage; and

7. Examine the economic impact to the State of a liveable wage, including potential effects on job creation or loss; costs of goods and services; competitiveness of Maine businesses in other states; government spending on social services; tax revenue; and whether a mandated liveable wage would continue to drive up the costs of goods and services, which would in turn drive up the liveable wage; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 8. Report. Resolved: That, no later than January 25, 2006, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 122nd Legislature. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from

the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

LD 1361

Task Force on Substance Abuse Testing and Treatment

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 944 - L.D. 1361

An Act To Refine and Study Substance Abuse Testing
Procedures and Treatment

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §683, sub-§5-A, ¶C is enacted to read:

C. A person who performs a point of collection screening test or a confirmation test may release the results of that test only as follows.

(1) For a point of collection screening test that results in a preliminary positive or negative test result, the person performing the test shall release the test result to the employee who is the subject of the test immediately.

(2) For a point of collection screening test that results in a preliminary positive test result, the person performing the test may not release the test result to the employer until after the result of the confirmation test has been determined.

(3) For a point of collection screening test that results in a preliminary negative test result, the person performing the test may not release the test result to the employer until after the result of a confirmation test would have been determined if one had been performed.

(4) For a confirmation test, the person performing the test shall release the result immediately to the

employee who is the subject of the test and to the employer.

Sec. 2. Department of Labor to establish task force. The Department of Labor shall establish a task force on substance abuse testing and treatment. The task force shall review the following issues relating to substance abuse testing and treatment in the workplace:

1. Substance abuse testing and treatment after workplace accidents or other incidents;

2. Point of collection screening testing; and

3. Substance abuse treatment as it relates to small businesses.

Sec. 3. Membership; report. The Department of Labor shall include on its task force on substance abuse testing and treatment the following members: one representative of large businesses; one representative of small businesses; one representative of organized labor; one representative of a civil liberties advocacy organization; one representative of the Department of Health and Human Services, Office of Substance Abuse; and the legislative sponsor of Legislative Document 1361 of the 122nd Legislature. The task force shall submit a report detailing its findings to the Joint Standing Committee on Labor by January 1, 2006.

LAB

LD 1815

Citizen Trade Policy Commission

PUBLIC LAWS OF MAINE

Second Special Session of the 121st

CHAPTER 699 H.P. 1337 - L.D. 1815

An Act To Establish the Maine Jobs, Trade and Democracy Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§79-A is enacted to read:

<u>79-A.</u> <u>Trade</u>	<u>Citizen Trade</u> <u>Policy</u> <u>Commission</u> <u>and</u> <u>Expenses</u> <u>for</u> <u>Legislators/</u> <u>Expenses</u> <u>Only for</u> <u>Other</u> <u>Members</u>	<u>Legislative</u> <u>Per Diem</u> <u>MRSA</u> <u>§11</u>
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Sec. 2. 10 MRSA c. 1-A is enacted to read:

CHAPTER 1-A INTERNATIONAL TRADE AND THE ECONOMY

§11. Maine Jobs, Trade and Democracy Act

1. Short title. This section may be known and cited as "the Maine Jobs, Trade and Democracy Act."

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commission" means the Citizen Trade Policy Commission established in Title 5, section 12004-I, subsection 79-A.

B. "Trade agreement" means any agreement reached between the United States Government and any other country, countries or other international political entity or entities that proposes to regulate trade among the parties to the agreement. "Trade agreement" includes, but is not limited to, the North American Free Trade Agreement, agreements with the World Trade Organization and the proposed Free Trade Area of the Americas.

3. Purposes. The commission is established to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements.

4. Membership. The commission consists of the following members:**A. The following 17 voting members:**

- (1) Three Senators representing at least 2 political parties, appointed by the President of the Senate;
- (2) Three members of the House of Representatives representing at least 2 political parties, appointed by the Speaker of the House;
- (3) The Attorney General or the Attorney General's designee;
- (4) Four members of the public, appointed by the Governor as follows:
 - (a) A small business person;
 - (b) A small farmer;
 - (c) A representative of a nonprofit organization that promotes fair trade policies; and
 - (d) A representative of a Maine-based corporation that is active in international trade;
- (5) Three members of the public appointed by the President of the Senate as follows:
 - (a) A health care professional;
 - (b) A representative of a Maine-based manufacturing business with 25 or more employees; and
 - (c) A representative of an economic development organization; and
- (6) Three members of the public appointed by the Speaker of the House as follows:
 - (a) A person who is active in the organized labor community;
 - (b) A member of a nonprofit human rights organization; and
 - (c) A member of a nonprofit environmental organization.

In making appointments of members of the public, the appointing authorities shall make every effort to appoint representatives of generally recognized and organized constituencies of the interest groups mentioned in subparagraphs (4), (5) and (6); and

B. The following 5 commissioners or the commissioners' designees of the following 5 departments who serve as ex officio, nonvoting members:

- (1) Department of Labor;
- (2) Department of Economic and Community Development;
- (3) Department of Environmental Protection;
- (4) Department of Agriculture, Food and Rural Resources; and
- (5) Department of Human Services.

5. Terms; vacancies; limits. Except for Legislators, commissioners and the Attorney General, who serve terms coincident with their elective or appointed terms, all members are appointed for 3-year terms. A vacancy must be filled by the same appointing authority that made the original appointment. Appointed members may not serve more than 2 terms. Members may continue to serve until their replacements are designated. A member may designate an alternate to serve on a temporary basis.

6. Chair; officers; rules. The first-named Senate member and the first-named House of Representatives member are cochair of the commission. The commission shall appoint other officers as necessary and make rules for orderly procedure.

7. Compensation. Legislators who are members of the commission are entitled to receive the legislative per diem and expenses as defined in Title 3, section 2 for their attendance to their duties under this chapter. Other

members are entitled to receive reimbursement of necessary expenses if they are not otherwise reimbursed by their employers or others whom they represent.

8. Staff. The Office of Policy and Legal Analysis shall provide the necessary staff support for the operation of the commission. After one year, the commission shall assess the need for and qualifications of a staff person, for example, an executive director. If the commission determines that it requires such a person, it may request additional funds from the Legislature.

9. Powers and duties. The commission:

A. Shall meet at least twice annually;

B. Shall hear public testimony and recommendations from the people of the State and qualified experts when appropriate at no fewer than 2 locations throughout the State each year on the actual and potential social, environmental, economic and legal impacts of international trade agreements and negotiations on the State;

C. Shall conduct an annual assessment of the impacts of international trade agreements on Maine's state laws, municipal laws, working conditions and business environment;

D. Shall maintain active communications with and submit an annual report to the Governor, the Legislature, the Attorney General, municipalities, Maine's congressional delegation, the Maine International Trade Center, the Maine Municipal Association, the United States Trade Representative's Office, the National Conference of State Legislatures and the National Association of Attorneys General or the successor organization of any of these groups. The commission shall make the report easily accessible to the public by way of a publicly accessible site on the Internet maintained by the State. The report must contain information acquired pursuant to activities under paragraphs B and C;

E. Shall maintain active communications with any entity the commission determines appropriate regarding ongoing developments in international trade agreements and policy;

F. May recommend or submit legislation to the Legislature;

G. May recommend that the State support, or withhold its support from, future trade negotiations or agreements; and

H. May examine any aspects of international trade, international economic integration and trade agreements that the members of the commission consider appropriate.

10. Outside funding. The commission may seek and accept outside funding to fulfill commission duties. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council, along with an accounting that includes the amount received, the date that amount was received, from whom that amount was received, the purpose of the donation and any limitation on use of the funds. The executive director administers any funds received.

11. Evaluation. By December 31, 2009, the commission shall conduct an evaluation of its activities and recommend to the Legislature whether to continue, alter or cease the commission's activities.

Sec. 3. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 10, section 11, subsection 5, the appointing authorities for the original appointments of public members of the Citizen Trade Policy Commission shall designate their first appointment for a one-year term, their 2nd appointment for a 2-year term and any other appointments for a 3-year term. An initial term of one or 2 years may not be considered a full term for purposes of limiting the number of terms for which a member may serve.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature

Initiative: Provides funds for the per diem and expenses for members of the Citizen Trade Policy Commission as well as public hearing and general operation expenses. A base allocation in the amount of \$500 is included below in the event outside sources of

funding are received for this purpose.

General Fund 2003-04 2004-05

Personal Services \$0 \$1,320

All Other 0 11,050

General Fund Total \$0 \$12,370

Other Special Revenue Funds 2003-04 2004-05

All Other \$0 \$500

Other Special Revenue

Funds Total \$0 \$500

Effective July 30, 2004, unless otherwise indicated.

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State House, Room 108
Augusta, Maine 04333*

Contact the Office of the Revisor of Statutes

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KENNETH T. GAGNON, DISTRICT 25, CHAIR
ELIZABETH H. MITCHELL DISTRICT 24
DEBRA D. PLOWMAN, DISTRICT 33

DANIELLE D. FOX, LEGISLATIVE ANALYST
CURTIS BENTLEY, LEGISLATIVE ANALYST
ELAINE DOAK, COMMITTEE CLERK



STATE OF MAINE

HOUSE

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FREDERICK J. MOORE III,
PASSAMAQUODDY TRIBE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

MEMORANDUM

Date: June 9, 2005

To: John Richardson, Chair of the Legislative Council
Beth Edmonds, Vice-chair of the Legislative Council

From: Kenneth Gagnon, Senate Chair
John Patrick, House Chair
Joint Standing Committee on Legal and Veterans' Affairs

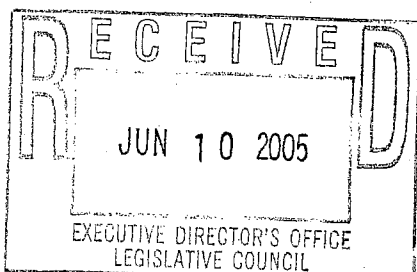
RE: Committee Priorities for Legislative Studies

The following list represents the Legal and Veterans' Affairs Committee's priorities for legislative studies. The list is in order with the first bill being the committee's highest priority.

1. Commission to Arrange for a Monument Honoring Women Veterans in Maine (LD 829)
2. Commission to Evaluate Criteria for Siting Agency Liquor Stores (LD 1600)
3. Study Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access (LD 1608)

Thank you for your time and consideration of these studies and our committee's priorities.

G:\COMMITTEES\LVA\122nd1stSession\Study priorities.doc



LD 829

**Commission to Arrange for a Monument Honoring Women
Veterans of Maine**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

H.P. 588 - L.D. 829

Resolve, To Raise a Monument for Women Veterans of Maine

Sec. 1. Commission established. Resolved: That the Commission to Arrange for a Monument Honoring Women Veterans of Maine, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 8 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;

2. One member of the House of Representatives, appointed by the Speaker of the House;

3. Three members with military experience, 2 of whom must be women veterans, appointed by the President of the Senate;

4. A representative of the Department of Defense, Veterans and Emergency Management who has expertise in veteran affairs, appointed by the President of the Senate;

5. A representative of the Bureau of General Services within the Department of Administrative and Financial Services who has expertise in the design of monuments, appointed by the Speaker of the House; and

6. The chair of the Capitol Planning Commission; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair of the commission and the House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services once all appointments have been completed. Within 15 days after appointment of all members, but not later than August 1st, the chairs shall call and convene the first meeting of the commission; and be it further

Sec. 5. Duties. Resolved: That the commission shall develop recommendations for a design and a location and other matters relating to installation of a monument honoring women veterans of Maine for review by and approval of the Capitol Planning Commission pursuant to section 10 of this resolve; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Meetings. Resolved: That the commission may hold meetings, one of which must be a public hearing. When possible, meetings should be held when the Legislature is not in session; and be it further

Sec. 8. Funding. Resolved: That the commission may seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by September 15, 2005 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having a 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. The certification must be made in the manner prescribed 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 the 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 commission. The

Executive Director shall notify the chairs of the commission when sufficient funding has been received; and be it further

Sec. 9. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 10. Consultation; reports. Resolved: That, when the commission has developed recommendations about an appropriate location and design for the monument honoring women veterans of Maine, but not later than January 2, 2006, the commission shall submit its initial report for review by the Capitol Planning Commission. A final report must be submitted to the Capitol Planning Commission by March 1, 2006. Upon submission of its required reports, the commission terminates; and be it further

Sec. 11. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Buildings and Grounds Operations 0080

Initiative: Provides a base allocation to the Bureau of General Services in the event that outside sources of funding are received for the memorial.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$500	<hr/> \$500

LD 1600

Commission to Evaluate Criteria for Siting Agency Liquor Stores

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

S.P. 574 - L.D. 1600

**Resolve, To Establish a Commission To Evaluate Criteria for
Siting Agency Liquor Stores**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve creates the Commission to Evaluate the Criteria for Siting Agency Liquor Stores; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Evaluate the Criteria for Siting Agency Liquor Stores, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 10 members appointed as follows:

1. Three members of the Senate appointed by the President of the Senate. One member must serve on the Joint Standing

Committee on Appropriations and Financial Affairs, one member must serve on the Joint Standing Committee on Legal and Veterans Affairs and one member must serve on the Joint Standing Committee on Health and Human Services;

2. Five members of the House of Representatives appointed by the Speaker of the House. Two members must serve on the Joint Standing Committee on Legal and Veterans Affairs, 2 members must serve on the Joint Standing Committee on Appropriations and Financial Affairs and one member must serve on the Joint Standing Committee on Health and Human Services;

3. The Commissioner of Public Safety or the commissioner's designee; and

4. The Commissioner of Health and Human Services or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than August 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the commission shall hold meetings at various locations in the State, to be determined by the chairs. The commission shall:

1. Evaluate the criteria for siting agency liquor stores;
2. Invite the participation of interested parties;
3. Identify and recommend appropriate actions the State may take to establish the criteria for siting agency liquor stores; and
4. Identify and discuss other issues relevant to this study; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 8. Report. Resolved: That, no later than November 4, 2005, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Legal and Veterans Affairs and the Legislative Council. The commission is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Legal and Veterans Affairs may report out a bill to the Second Regular Session of the 122nd Legislature; and be it further

Sec. 9. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

LD 1608

Study Commission to Study Methods to Improve Ballot Access

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE
—

S.P. 590 - L.D. 1608

**Resolve, To Establish a Study Commission To Study
Alternative Voting Procedures, the Citizen Initiative
Process and Minor Party Ballot Access**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation establishes the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate. When making the appointments, the President of the Senate shall ensure representation from both political parties and give preference to members from the Joint Standing Committee on Legal and Veterans' Affairs;

2. Five members of the House of Representatives, appointed by the Speaker of the House of Representatives. When making the appointments, the Speaker of the House of Representatives shall ensure representation from the major parties, include an unenrolled member or a member of a minor party and give preference to members from the Joint Standing Committee on Legal and Veterans' Affairs;

3. The Secretary of State or a designee;

4. The Attorney General or a designee;

5. A representative of the Maine Municipal Association;

6. A representative of the Maine Town and City Clerks' Association; and

7. A member of the public, appointed by the Governor.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than August 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine proposals to improve ballot access and address issues regarding elections and the citizen initiative process, including, but not limited to:

1. The institution of an "instant run-off" method of determining the winners of elections, which simulates the ballot counts that would occur if all voters participated in a series of run-off elections and allows a voter to rank candidates according to that voter's preferences;

2. The implementation of "fusion voting," which authorizes cross-endorsement or the practice of multiple parties or political designations nominating the same candidate;

3. Facilitating the formation of minor political parties;

4. The implementation of a vote-by-mail system; and

5. Informing the public about the fiscal implications of proposed citizen initiated legislation; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 8. Report. Resolved: That, no later than December 7, 2005, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 122nd Legislature. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council

shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SP 633

Task Force to Study Sea Urchin Fishery Management

SENATE PAPERS

(1-1) The following Joint Order: (S.P. 633)

ORDERED, the House concurring, that the Task Force To Study Sea Urchin Fishery Management is established as follows.

1. The Task Force To Study Sea Urchin Fishery Management established. The Task Force To Study Sea Urchin Fishery Management, referred to in this order as "the task force," is established.

2. Task force membership. The task force consists of the following 9 members:

A. One member of the Senate, appointed by the President of the Senate, who serves on the Joint Standing Committee on Marine Resources;

B. One member of the House of Representatives, appointed by the Speaker of the House, who serves on the Joint Standing Committee on Marine Resources;

C. Four members appointed by the President of the Senate:

(1) Two members who are marine scientists with expertise in sea urchins, one of whom is employed by the Department of Marine Resources and one of whom is not;

(2) One member representing the sea urchin processing industry; and

(3) One member representing the Sea Urchin Zone Council; and

D. Three members appointed by the Speaker of the House:

(1) One member who holds a Zone 1 sea urchin fishing license;

(2) One member who holds a Zone 2 sea urchin fishing license; and

(3) One member representing the Department of Marine Resources.

3. Task force chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointing of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than September 15, 2005.

5. Duties. The task force shall study the current management structure and strategies of the sea urchin fishery and make recommendations regarding short-term and long-term management options. Recommendations must address the sea urchin harvesting season, including the number of open days. The task force shall hold at least 3 meetings and may hold no more than 5 meetings to complete its work. The task force may study the following issues:

- A. Number and area of sea urchin fishing zones;
- B. Minimum and maximum size laws;
- C. Sea urchin harvesting season and open days;
- D. Sea Urchin Zone Council composition, membership requirements and terms;
- E. Licensing and entry issues;
- F. Research methods, funding and a resource recovery plan;
- G. Methods of sea urchin sales; and
- H. Any other issues to further the purposes of the task force.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the task force.

7. Compensation. Legislative members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that 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 the task force.

8. Report. No later than February 1, 2006, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Marine Resources and the Legislative Council. The task force is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 122nd Legislature.

9. Extension. If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. Task force budget. The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds. Notwithstanding any other law, the Sea Urchin Research Fund, established in the Maine Revised Statutes, Title 12, section 6749-R, must be used to cover the costs of the study.

11. Funding. Notwithstanding the Maine Revised Statutes, Title 12, section 6749-R, the State Controller shall transfer \$3,790 at the beginning of fiscal year 2005-06 from the Sea Urchin Research Fund within the Department of Marine Resources to the Legislature to fund the expenses of the Task Force To Study Sea Urchin Fishery Management.

Comes from the Senate, **READ** and **PASSED**.

LD 479

Task Force to Study Sea Urchin Fishery Management

DATE:

5/18/5

(Filing No. H-406)

MARINE RESOURCES

Majority

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 354, L.D. 479, Bill, "An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Adjust the Sea Urchin Fishing Season and Create the Task Force To Study Sea Urchin Fishery Management'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, rulemaking regarding the number of open days in the sea urchin harvesting season must be initiated before the 90-day period expires in order that the rules are in place for the start of the next season, which may begin on or after September 1, 2005; and

Whereas, the Task Force To Study Sea Urchin Fishery Management shall examine critical issues affecting the sea urchin resource and industry; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

COMMITTEE AMENDMENT "A" to H.P. 354, L.D. 479

A. Two members who are marine scientists with expertise in sea urchins, one of whom is employed by the Department of Marine Resources and one of whom is not;

B. One member representing the sea urchin processing industry; and

C. One member representing the Sea Urchin Zone Council; and

4. Three members appointed by the Speaker of the House:

A. One member who holds a Zone 1 sea urchin fishing license;

B. One member who holds a Zone 2 sea urchin fishing license; and

C. One member representing the Department of Marine Resources; and be it further

Sec. 4. Chairs. Resolved: That the first-named Senate member is the Senate chair of the task force and the first-named House of Representatives member is the House chair of the task force; and be it further

Sec. 5. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which must be no later than September 15, 2005; and be it further

Sec. 6. Duties. Resolved: That the task force shall study the current management structure and strategies of the sea urchin fishery and make recommendations regarding short-term and long-term management options. Recommendations must address the sea urchin harvesting season, including the number of open days. The task force shall hold at least 3 meetings and may hold no more than 5 meetings to complete its work. The task force may study the following issues:

1. Number and area of sea urchin fishing zones;

2. Minimum and maximum size laws;

3. Sea urchin harvesting season and open days;

4. Sea Urchin Zone Council composition, membership requirements and terms;

status report on the task force budget, expenditures incurred and paid and available funds. Notwithstanding any other law, the Sea Urchin Research Fund, established in the Maine Revised Statutes, Title 12, section 6749-R, must be used to cover the costs of the study; and be it further

Sec. 12. Funding. Resolved: That notwithstanding the Maine Revised Statutes, Title 12, section 6749-R, the State Controller shall transfer \$3,790 at the beginning of fiscal year 2005-06 from the Sea Urchin Research Fund within the Department of Marine Resources to the Legislature to fund the expenses of the Task Force To Study Sea Urchin Fishery Management; and be it further

Sec. 13. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Task Force To Study Sea Urchin Fishery Management 0444

Initiative: Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Task Force To Study Sea Urchin Fishery Management.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
Personal Services	\$990	\$0
All Other	\$2,800	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,790	\$0

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

SUMMARY

This amendment is the majority report of the committee. The amendment changes the title and replaces the bill with a resolve. The amendment directs the Commissioner of Marine Resources to initiate rulemaking to establish 15 open days in Zone 1 and 55 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also directs the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management as established in this amendment. The 9-member task force is required to examine the current management structure and strategies of the sea urchin fishery and make recommendations regarding short-term and long-term

**122nd MAINE LEGISLATURE****LD 479****LR 0770(02)****An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season****Fiscal Note for Bill as Amended by Committee Amendment "A"****Committee: Marine Resources****Fiscal Note Required: Yes****Majority Report**

Fiscal Note

Current costs - Legislative Study

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Appropriations/Allocations				
Other Special Revenue Funds	\$3,790	\$0	\$0	\$0
Revenue				
Other Special Revenue Funds	\$3,790	\$0	\$0	\$0

Legislative Study

This legislation includes an Other Special Revenue allocation to the Legislature in the amount of \$3,790 in fiscal year 2005-06. This allocation provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Task Force to Study Sea Urchin Fishery Management. Funds within the Sea Urchin Research Fund will be transferred to the Legislature to cover the costs of the study.

SENATE

SCOTT W. COWGER, DISTRICT 21, CHAIR
JOHN L. MARTIN, DISTRICT 35
LOIS A. SNOWE-MELLO, DISTRICT 15

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
RHONDA MILLER, COMMITTEE CLERK



HOUSE

THEODORE KOFFMAN, BAR HARBOR, CHAIR
JOANNE T. TWOMEY, BIDDEFORD
THOMAS B. SAVIELLO, WILTON
JUDD D. THOMPSON, CHINA
ROBERT S. DUCHESNE, HUDSON
JANE F. EBERLE, SOUTH PORTLAND
ROBERT A. DAIGLE, ARUNDEL
HENRY L. JOY, CRYSTAL
JAMES D. ANNIS, DOVER-FOXCROFT
KIMBERLEY C. ROSEN, BUCKSPORT

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

MEMORANDUM

TO: John Richardson, Chair of the Legislative Council
Beth Edmonds, Vice-chair of the Legislative Council

FROM: Senator Scott Cowger, Senate Chair *SCC*
Representative Ted Koffman, House Chair *TK*
Joint Standing Committee on Natural Resources

DATE: June 9, 2005

SUBJ: Committee Priorities for Proposed Legislative Studies

LD 1643, An Act to Clarify and Harmonize State Policy on Groundwater Management, includes the only study in the area of jurisdiction of the Natural Resources Committee. The study proposed in LD 1643 is a high priority of several committee members and LD 1643 received a unanimous OTPA report out of Committee.

We recommend that the study go forward.

cc: Members, Joint Standing Committee on Natural Resources
David Boulter, Executive Director, Legislative Council
David Elliott, Director, Office of Policy and Legal Analysis

LD 1643

Study of State Regulation of Groundwater Withdrawal

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

H.P. 1158 - L.D. 1643

**An Act To Clarify and Harmonize State Policy on Groundwater
Management**

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 12 MRSA §685-B, sub-§4, ¶C, as amended by PL 1973, c. 569, §11, is further amended to read:

C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal, and. In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals;

Sec. A-2. 22 MRSA §2660-A, sub-§3, ¶D, as enacted by PL 2003, c. 121, §1, is amended to read:

D. For a source not otherwise permitted by the Department of Environmental Protection or the Maine Land Use Regulation Commission, the water withdrawal will not ~~adversely-affect~~

existing--uses--of--groundwater--or--surface--water--resources, including--private--wells have an undue adverse effect on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the commissioner shall consider both the direct effects of the proposed water withdrawal and its effects in combination with existing water withdrawals.

Sec. A-3. 38 MRSA §484, sub-§3, ¶F is enacted to read:

F. In making a determination under this subsection regarding a structure to facilitate withdrawal of groundwater, the department shall consider the effects of the proposed withdrawal on waters of the State, as defined by section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the department shall consider both the direct effects of the proposed water withdrawal and its effects in combination with existing water withdrawals.

PART B

Sec. B-1. Development of consistent hydrogeological review procedures. By January 1, 2006, the Department of Environmental Protection, the Maine Land Use Regulation Commission and the Department of Health and Human Services, in consultation with the Department of Agriculture, Food and Rural Resources, the Maine Geological Survey and other public or private entities or persons that they consider appropriate, shall:

1. Review their existing administrative procedures and practices regarding review of development activities involving groundwater withdrawal;

2. Develop and implement any changes to such administrative procedures and practices that are appropriate and necessary to establish a consistent, efficient and effective approach under their existing legal authority to review pertinent hydrogeological and related natural resources issues; and

3. Submit a report to the Governor and Joint Standing Committee on Natural Resources summarizing actions taken pursuant to this section.

Sec. B-2. Permit fees. The Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Health and Human Services and the Maine Geological Survey shall each review their administrative costs of reviewing permit applications under the Maine Revised Statutes, Title 12, chapter 206-A; Title 22, chapter 601; and Title 38, chapter 3, article 6, including administrative costs associated with any required impact studies or monitoring and shall adjust pertinent permit application fees as appropriate to ensure that such fees are adequate to cover such administrative costs. Beginning January 15, 2008, the Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Health and Human Services and the Maine Geological Survey shall biennially review their administrative costs of reviewing permit applications under Title 12, chapter 206-A; Title 22, chapter 601; and Title 38, chapter 3, article 6, including administrative costs associated with any required impact studies or monitoring and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the adequacy of such fees to cover pertinent administrative costs anticipated in the next biennium.

Sec. B-3. Rulemaking. The Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Health and Human Services and the Maine Geological Survey may adopt major substantive rules, as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, to establish a consistent, efficient and effective approach to review of pertinent hydrogeological and related natural resources issues or adjust permit fees as provided in sections 1 and 2 of this Part.

PART C

Sec. C-1. Study of state regulation of groundwater withdrawal. The Land and Water Resources Council established in the Maine Revised Statutes, Title 5, section 3331 and referred to in this Part as "the council" shall undertake a study of current state law regarding regulation of withdrawal of groundwater. The purpose of the study is to identify any changes in state law needed to ensure a consistent, integrated and scientifically sound state policy that ensures that the withdrawal of groundwater does not have an undue adverse effect on waters of the State, as defined by the Maine Revised Statutes, Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal.

Sec. C-2. Oversight. The council shall begin the study under section 1 no later than October 1, 2005. The study must be carried out under the direction of the council with work performed by a work group composed of appropriate personnel from the Department of Environmental Protection, the Department of Agriculture, Food and Rural Resources, the Maine Land Use Regulation Commission, the Department of Health and Human Services' drinking water program, the Maine Geological Survey, the Department of Economic and Community Development, the Executive Department, State Planning Office and members of the public with expertise in relevant fields of interest, including, but not limited to, agriculture, public water utilities, groundwater law and water bottling and sale. In addition, the work group must include a private domestic well owner and legislative members from the Joint Standing Committee on Natural Resources, the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Business, Research and Economic Development.

Sec. C-3. Staffing assistance. The Maine Geological Survey shall provide staff services to the council and serve as lead agency for purposes of management of the study at the council's direction.

Sec. C-4. Issues to be considered. In developing its recommendations, the council shall:

1. Identify and review provisions under the Maine Revised Statutes, Title 12, chapter 206-A; Title 22, chapter 601; and Title 38, chapter 3, article 6, any other pertinent state laws that may trigger state regulation of a proposed withdrawal of groundwater;

2. Review existing geological, hydrogeological and other related scientific information regarding Maine's groundwater resources in order to assess the efficacy of existing state law for ensuring that withdrawal of groundwater does not have an undue adverse effect on waters of the State as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal;

3. Identify and assess criteria that should influence whether and how the State regulates or otherwise manages withdrawal of groundwater, giving consideration to sizes and uses of withdrawal, including, but not necessarily limited to, the following:

- A. The quantity of proposed withdrawal;

B. The hydrogeologic characteristics of the aquifer in which the proposed withdrawal will take place;

C. The duration of the proposed withdrawal;

D. The size of the land parcel on which the withdrawal occurs;

E. The location of the proposed withdrawal in relation to wetlands, great ponds or other protected natural resources; and

F. The nature, size and location of proximate surface waters;

4. Propose any necessary changes to state law, including, but not limited to, a series of regulatory thresholds with appropriate levels of review for each, such as permit-by-rule, that would trigger state regulatory review of withdrawal of groundwater. The council shall recommend such changes that it considers appropriate and necessary to establish a consistent, integrated and scientifically sound state policy regarding groundwater management that ensures that withdrawal of groundwater does not have an undue adverse effect on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells within the anticipated zone of contribution to the withdrawal;

5. Assess the projected costs to the State of developing and implementing any changes in state law proposed pursuant to subsection 4 and the adequacy of existing departmental resources, including regulatory fees, to develop and implement those changes efficiently and effectively; and

6. Assess the projected costs to applicants for withdrawal of groundwater for complying with any changes in state law proposed in subsection 4.

Sec. C-5. Report. The work group established under section 2 of this Part shall provide updates or reports to the council as determined by the council. The council shall submit its final report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 15, 2007.

Sec. C-6. Rulemaking. By March 15, 2007, the Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Health and Human Services and the

Maine Geological Survey shall coordinate the adoption of any major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, needed to implement the recommendations of the council pursuant to section 4 of this Part.

PART D

Sec. D-1. Legislative intent. The purpose of this Act is to promote development and implementation of consistent, integrated and scientifically sound state policy regarding groundwater management through:

1. Establishment of a uniform standard for state regulatory review of the effects on groundwater withdrawal when such review is provided for under existing provisions of the Maine Revised Statutes, Title 12, chapter 206-A; Title 22, chapter 601; and Title 38, chapter 3, article 6;

2. Appropriate changes in administrative procedures and practices, including assessment of permit fees, under current law; and

3. Identification of proposed changes in state law appropriate and necessary to establish and implement a consistent, integrated and scientifically sound state policy regarding groundwater management for subsequent consideration by the Legislature.

Nothing in this Act expands or limits the activities currently subject to regulation under Title 12, chapter 206-A; Title 22, chapter 601; and Title 38, chapter 3, article 6.

HP 385

**State and Local Government Committee Study of a Paperless
System for the Legislature**

ORDERS

(4-1) On motion of Representative PINGREE of North Haven, the following Joint Order: (H.P. 385) (Cosponsored by Senator DAMON of Hancock and Representatives: BARSTOW of Gorham, CUMMINGS of Portland, DUDLEY of Portland, MILLER of Somerville, MILLETT of Waterford, TARDY of Newport, Senators: TURNER of Cumberland, WOODCOCK of Franklin)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall study the movement of the Legislature to a largely paperless system through the installation of networked computer terminals at the desks of each Legislator in the chambers of the Senate and the House of Representatives and in the committee rooms. The committee shall study the methods used by other state legislatures to computerize their chambers.

The committee shall report back no later than December 15, 2005 to the Legislative Council with the committee's recommendations, including any necessary implementing legislation or joint orders.

HP 494

Study of the State Archives

ORDERS

(4-1) On motion of Representative BARSTOW of Gorham, the following Joint Order:
(H.P. 494)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall study issues related to the State Archives with a goal of establishing a long-term plan for the State Archives. The committee shall invite the participation of the Secretary of State and the State Archivist in the study. In developing a plan, the committee shall consider, at a minimum, the following issues:

1. Preservation of records, information and material;
2. Use of technology and technological solutions;
3. Storage, including storage of records and documents of government agencies and political subdivisions of the State; and
4. Facilities, including an assessment of options to expand, renovate or otherwise increase the physical space for the State Archives; and be it further

ORDERED, that the committee shall submit a bill by March 17, 2006 to the Second Regular Session of the 122nd Legislature based upon its study.

(4-2) On motion of Representative VAUGHAN of Durham, the following Joint Order:
(H.P. 495)

ORDERED, the Senate concurring, that all roll call votes be posted to the Legislature's publicly accessible site on the Internet no later than one hour after the vote is taken.

HP 1114

**State and Local Government Committee Bill on Task Force to Study
Equal Economic Opportunities for all Regions of the State**

(4-2) On motion of Representative BARSTOW of Gorham, the following Joint Order: (H.P. 1114)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill that reestablishes the Task Force to Study Equal Economic Opportunities for All Regions of the State and charges the task force with duties that include examining issues of governance, economic development and transportation.

READ and PASSED.

Sent for concurrence.

LD 1498

**Committee to Establish a Memorial for Emergency Medical
Services Personnel and to Set Aside Space for That Memorial**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

S.P. 516 - L.D. 1498

**Resolve, To Establish the Committee To Study the
Establishment of a Memorial for Emergency Medical Services
Personnel and To Set Aside Space for That Memorial**

Sec. 1. Committee established. Resolved: That the Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel, referred to in this resolve as "the committee," is established; and be it further

Sec. 2. Committee membership. Resolved: That the committee consists of 9 members appointed as follows:

1. One member of the Senate appointed by the President of the Senate;

2. Two members of the House of Representatives appointed by the Speaker of the House;

3. Three Maine emergency medical services licensed personnel of different license levels appointed by the Director of Maine Emergency Medical Services;

4. One representative of the Maine Emergency Medical Services Memorial Fundraising Project appointed by the project;

5. One representative of the State House and Capitol Park Commission appointed by that commission; and

6. One representative of the Capitol Planning Commission appointed by that commission; and be it further

Sec. 3. Chair. Resolved: That the Senate member of the committee is the chair of the committee; and be it further

Sec. 4. Appointments; convening of committee. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Secretariat of the Capitol Planning Commission once all appointments have been completed. Within 15 days after appointment of all members, the chair shall call and convene the first meeting of the committee; and be it further

Sec. 5. Duties. Resolved: That the committee shall study issues and make recommendations regarding the establishment of a memorial to honor emergency medical services personnel who have fallen in the line of duty and others who have made significant contributions to the development of the statewide Maine emergency medical services system, including, but not limited to:

1. Where within the areas described in section 11 of this resolve, the memorial should be located;
2. What should be inscribed on the memorial;
3. The design of the memorial; and
4. The cost of establishing and maintaining the memorial and the process of fund-raising to ensure that no state funds will be required; and be it further

Sec. 6. Staff assistance. Resolved: That the Department of Administrative and Financial Services, Bureau of General Services shall provide necessary staffing services to the committee; and be it further

Sec. 7. Meetings. Resolved: That the committee may hold up to 4 meetings, one of which must be a public hearing; and be it further

Sec. 8. Compensation. Resolved: That the legislative members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee. Other members of the committee not otherwise compensated by their employers or other entities that 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 the committee; and be it further

Sec. 9. Funding. Resolved: That the committee shall seek outside funds to fully fund all costs of the committee. If sufficient outside funding has not been received by November 15,

2005 to fully fund all costs of the committee, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. The Department of Administrative and Financial Services shall establish an account to receive donations and other funds raised for the memorial. All funds accepted must be forwarded to the department along with an accounting record that includes the amount of funds, date the funds were received, from whom the funds were received and the purpose and any limitation on the use of the funds. The Department of Administrative and Financial Services, Bureau of General Services shall administer any funds received. The Department of Administrative and Financial Services must transfer sufficient funds to the Legislature at the beginning of the fiscal year for the payment of per diem and expenses of the Legislators; and be it further

Sec. 10. Consultation; reports. Resolved: That, no later than January 2, 2006, the committee shall submit its initial report for review by the Capitol Planning Commission. A final report must be submitted to the Capitol Planning Commission by March 1, 2006. Upon submission of its required reports, the committee terminates; and be it further

Sec. 11. Coordination with Capitol Planning Commission. Resolved: That, no later than January 15, 2006, the Capitol Planning Commission shall submit its initial report to the Joint Standing Committee on State and Local Government identifying where, within the Capitol Planning District boundaries, it intends to establish a memorial park. The initial report must also include criteria for the types of memorials permitted, the method for submission and the approval of a memorial and the criteria for material, design and scale of proposed memorials. The final report to the Joint Standing Committee on State and Local Government is due on March 15, 2006. If a suitable location for the emergency medical services memorial cannot be located within the memorial park, then the memorial may be located adjacent to the existing police and firefighters memorials; and be it further

Sec. 12. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Buildings and Grounds Operations 0080

Initiative: Provides funds for the expenses of members of the

Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel.

	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS		
All Other	\$2,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,000</u>	<u>\$0</u>

ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS

	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$2,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$2,000</u>	<u>\$0</u>

LEGISLATURE

Miscellaneous Studies 0444

Initiative: Provides funds for the per diem and expenses of 2 legislative members of the committee.

	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS		
All Other	\$1,260	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$1,260</u>	<u>\$0</u>

LEGISLATURE

	2005-06	2006-07
DEPARTMENT TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$1,260	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$1,260</u>	<u>\$0</u>

	2005-06	2006-07
SECTION TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$3,260	\$0
SECTION TOTAL - ALL FUNDS	<u>\$3,260</u>	<u>\$0</u>

LD 1557

**Commission to Study LD 1660, An Act to Reduce Income Taxes and
Encourage Economic Growth in Maine**

LD 1557
LR 2080 (2)
TAX

MAY 23 2005

jsj

5/22/05

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LEGISLATION'S OFFICE
LEGISLATIVE COUNCIL

COMMITTEE AMENDMENT TO LD 1557, An Act To Improve the Business Equipment Tax Reimbursement Program

NEW TITLE: **Resolve, To Study LD 1660, An Act To Reduce Income Taxes and Encourage Economic Growth in Maine**

Further amend the bill by striking everything after the enacting clause and substituting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Commission to Study LD 1660, An Act To Reduce Income Taxes and Encourage Economic Growth in Maine is created for the purpose of studying LD 1660, the personal property tax on business equipment and the BETR program,

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. LD 1660 Commission established. Resolved: That the Commission to Study LD 1660, An Act To Reduce Income Taxes and Encourage Economic Growth in Maine, referred to in this resolve as "the LD 1660 Commission," is established; and be it further

Sec. 2. LD 1660 Commission membership. Resolved: That the LD 1660 Commission consists of 15 members appointed as follows:

1. Four members of the Senate, appointed by the President of the Senate, 2 of whom are members of the political party having the largest number of members in the Senate, and 2 of whom are members of the political party having the second highest number of members in the Senate, and at least 2 of whom serve on the Joint Standing Committee on Taxation and at least one of whom must represent a small municipality with a primarily retail and service sector economy;

2. Four members of the House of Representatives, appointed by the Speaker of the House, 2 of whom are members of the political party having the largest number of members in the House, and 2 of whom are members of the political party having the second highest number of members in the House, and at least 2 of whom serve on the Joint Standing Committee on Taxation and at least one of whom must represent a municipality with a mill;

3. Two members of the public who are advocates or experts in Maine tax policy, one appointed by The President of the Senate and One appointed by the Speaker of the House;

4. Two members of the public who represent businesses in the State who pay property taxes on business equipment, one representing a business with at least 100 employees that is a recipient of benefits under the BETR program of at least \$1 million in 2004, appointed by the President of the Senate, and one representative of a business with fewer than 20 employees, appointed by the Speaker of the House

5. One member appointed by the Governor upon the recommendation of the Maine Municipal Association;

6. One member appointed by the Governor upon the recommendation of the Maine State Chamber of Commerce; and

7. One member appointed by the Governor upon the recommendation of the Service Center Coalition; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the LD 1660 Commission and the first-named House of Representatives member is the House chair of the LD 1660 Commission; and be it further

Sec. 4. Appointments; convening of LD 1660 Commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been

completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the LD 1660 Commission, which must be no later than August 15, 2005; and be it further

Sec. 5. Duties. Resolved: That the LD 1660 Commission shall study LD 1660, An Act To Reduce Income Taxes and Encourage Economic Growth in Maine (Governor's Bill), the personal property tax on business equipment and the BETR program. The commission shall hold at 4 public hearings at locations around the State and shall meet as necessary to complete the study; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the LD 1660 Commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the LD 1660 Commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the LD 1660 Commission. Public members not otherwise compensated by their employers or other entities that 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 the LD 1660 Commission; and be it further

Sec. 8. Report. Resolved: That, no later than January 2, 2006, the LD 1660 Commission shall submit a report that includes its findings and recommendations in the form of a suggested amendment to LD 1660, An Act to Reduce Income Taxes and Encourage Economic Growth in Maine, for presentation to the Joint Standing Committee on Taxation and the Legislative Council. ; and be it further

Sec. 9. Extension. Resolved: That, if the LD 1660 Commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. LD 1660 Commission budget. Resolved: That the chairs of the LD 1660 Commission with assistance from staff, shall administer the LD 1660 Commission 's budget. Within 10 days after its first meeting, the LD 1660 Commission shall present a work plan and proposed budget to the Legislative Council for its approval. The LD 1660 Commission may not incur expenses that would result in the LD 1660 Commission 's exceeding its approved budget. Upon request from the LD 1660 Commission, the Executive Director of the Legislative Council shall promptly provide the LD 1660 Commission chairs and staff with a status report on the LD 1660 Commission budget, expenditures incurred and paid and available funds.

Sec. 11. Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Summary

This amendment replaces the bill with a resolve establishing a study commission to study LD 1660, An Act to Reduce Income Taxes and encourage Economic Growth in Maine (Governor's Bill), personal property tax on business equipment and the BETR program and report to the Joint Standing Committee on Taxation by January 2, 2006, suggested legislation amending the Governor's bill.

Fiscal note

to come

(assume 4 public hearings around state and 7 meetings in Augusta)

LD 1636

**Commission to Study the Cost of Providing Certain Services in the
Unorganized Territories**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE**

H.P. 1154 - L.D. 1636

**Resolve, To Study the Cost of the Provision of Certain
Governmental Services in the Unorganized Territories**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the characteristics of land ownership and patterns of development in the unorganized territories are changing at a rapid rate, and the development pressures associated with those changes are increasingly similar to those in organized areas of the State; and

Whereas, current occurring fragmentation of land ownership in the unorganized territories is resulting in more landowners holding smaller parcels of land accompanied by increased construction of residential and other development; and

Whereas, major development proposals by large landowners in the unorganized territories are occurring at a significant rate; and

Whereas, the cost of providing basic government services such as fire protection for structures and forest lands and land use regulation is not always related to the size of land holdings, and the changes in ownership and development patterns result in an unequal demand and cost of providing services throughout the unorganized territories; and

Whereas, the costs of providing basic governmental services ought to be borne equitably by those owning land or residing in the unorganized territories; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 17 members appointed as follows:

1. The following members appointed by the President of the Senate:

A. Two members of the Senate, at least one of whom is a member of either the Joint Standing Committee on Agriculture, Conservation and Forestry or the Joint Standing Committee on Natural Resources and at least one of whom is a member of the political party with the 2nd highest number of members of the Senate;

B. A representative of county government from a county that includes areas within the jurisdiction of the Maine Land Use Regulation Commission; and

C. Two owners of land in the unorganized territories, one of whom owns less than 500 acres and one of whom owns more than 100,000 acres.

2. The following members appointed by the Speaker of the House of Representatives:

A. Four members of the House of Representatives, at least one of whom is a member of either the Joint Standing Committee on Agriculture, Conservation and Forestry or the Joint Standing Committee on Natural Resources and at least 2 of whom are members of the political party with the 2nd highest number of members of the House of Representatives;

B. A representative of county government from a county that includes areas within the jurisdiction of the Maine Land Use Regulation Commission; and

C. Two owners of land in the unorganized territories, one of whom owns between 500 acres and 5,000 acres and one of whom owns between 5,000 acres and 100,000 acres.

3. The State Tax Assessor or a designee;

4. The Commissioner of Conservation or a designee;

5. The Director of the Maine Land Use Regulation Commission or a designee;

6. The Director of the Maine Forest Service within the Department of Conservation or a designee; and

7. The fiscal administrator of the unorganized territory or a designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than August 1, 2005; and be it further

Sec. 5. Duties. Resolved: That the commission shall:

1. Study the provision of fire preparedness and protection services by the Maine Forest Service and others in the unorganized territories; the provision of land use planning services and related activities by the Maine Land Use Regulation Commission in the unorganized territories, including planning, permitting and compliance activities; the provision of education services in the unorganized territories; and the provision of other types of services in the unorganized territories that are determined relevant by the commission;

2. Study the cost and reimbursement for services provided in the unorganized territories; and

3. Recommend whether adjustments in the level or method of funding should be made for services provided in the unorganized territories; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that 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 the commission; and be it further

Sec. 8. Report. Resolved: That, no later than December 7, 2005, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 122nd Legislature. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

Sec. 9. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Commission budget. Resolved: That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

JOINT RULES

Rule 353. Legislative Study Committees.

To assist it in the exercise of its duties, the Legislature may establish joint select committees or commissions consisting of legislators and other members to conduct studies. Alternatively it may refer matters to joint standing committees or subcommittees of joint standing committees for study. The procedure for such legislative studies is as follows.

- **1. Establishing study committees and commissions.** Legislative study committees may be established by joint order, law or resolve. Studies that must be established by law or resolve include those that will:
 - A. be conducted by a task force, blue ribbon commission or other study group created by the Legislature that includes substantial membership by non-legislators; or
 - B. extend beyond the current legislative biennium.
- Proposed study orders may be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Joint standing committees may report out study orders requesting that a study be conducted.
- **2. Appointment of members.** Unless otherwise specified, the members of study committees established by joint order must be appointed by the presiding officers: Senate members by the President; and House members by the Speaker. Membership may include non-legislators but a majority of the members on study committees must be legislators.
- **3. Appointment of chairs.** Study committees established by joint order must be chaired jointly except for study committees having 5 or less members. Each presiding officer shall appoint a chair at the time of initial appointment of study committee members except the chair of a study commission having 5 or less members must be appointed by the presiding officer of the body of the originating study order or legislation.
- **4. Committee size.** Study committees may consist of not less than 3 and not more than 13 members, unless legislation creating a study committee specifies a greater number.
- **5. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.

- **6. Reporting dates.** All reports of study committees which are to be submitted to the first regular session of the next or subsequent legislature must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of study committees which are to be submitted to the second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports must be submitted in final draft form to the Revisor of Statutes by the reporting date.
- **7. Extension of reporting dates.** Any study committee that finds it is unable to comply with its reporting date must submit, in writing, a request for extension of reporting date, the reasons an extension is requested and a proposed new reporting date to the Legislative Council prior to the reporting date. The Legislative Council shall review the request and promptly notify the committee of its decision.
- **8. Study table.** All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table in the House or Senate. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

The Legislative Council shall adopt guidelines for the drafting of study orders and legislation at the beginning of each legislative biennium. Study orders and legislation must be consistent with the adopted guidelines.

Standards for Legislative Studies

**Adopted by the 122nd Legislative Council
Pursuant to Joint Rule 353(8)**

February 24, 2005

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

Standards for Legislative Studies

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

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

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

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

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

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

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

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

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

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

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

Procedural Requirements

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

Drafting Requirements

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

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

Funding/staffing Requirements

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

STANDARDS FOR
LEGISLATIVE STUDIES

Revised January 2005

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

Element of Study Order or Legislation

Sample Language

Comments

B. Resolve

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

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

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

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

C. Public Law

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

“An Act to Establish the State Compensation Commission”

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

D. Letter request to Legislative Council

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

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

Element of Study Order or Legislation

Sample Language

Comments

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

See sample order.

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

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

2. Establishment of Study Group

A. Order or Resolve

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

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

B. Public Law

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

Usually in unallocated law.

3. Appointment of Study Group Members

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

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

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

- ◆ Describe the method of appointment or selection of members

A. Joint study order

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

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

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

4. Selection of Chair

◆ Designate the selection process or appointing authority	<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> “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.

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
	<p>or representatives of programs undertaken in (list states or other jurisdictions) on (topics); etc.”</p> <ul style="list-style-type: none"> - 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.” <p>“The (study group) shall (invite the participation of or offer the opportunity for) (entity) to submit comments on proposed recommendations of the study group.”</p>	<p>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.</p>
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)	<p>“The Legislative Council shall provide necessary staffing services to the (study group).”</p> <p>or</p>	Ordinarily, non-partisan staff will be assigned as primary staff to a study group only if the study is a legislative study.
♦ 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

the

<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.

<u>Element of Study Order or Legislation</u>	<u>Sample Language</u>	<u>Comments</u>
<p>◆ Indicate alternative ways the study group may or must be funded and whether it is precluded from using General Fund dollars</p>	<p>“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.”</p>	<p>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.</p>