

MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
JULY 7, 2005
APPROVED AUGUST 25, 2005

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 10:44 a.m. in the Legislative Council Chamber.

ROLL CALL

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

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

Legislative Officers: David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
David Elliott, Director, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian

SUMMARIES OF THE JUNE 14 AND 15, 2005 COUNCIL MEETINGS

Motion: That the Meeting Summaries of June 14 and 15, 2005 be accepted and placed on file.
(Motion by Rep. Bowles, second by Sen. Gagnon, unanimous).

**REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE
DIRECTORS**

• **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council reported to the Council that the summer facility renovation work had begun and should proceed without major disruption. The first phase of the work will be outside, beginning with the south wing granite repointing. In

addition, the east porch roof will be replaced with copper and the penthouse mechanical room on the roof will be dismantled. The south entrance to the State House will be closed during the renovation. Inside work will include patching and painting on the third floor.

No Council action required.

• **Fiscal Report**

Grant Pennoyer, Director of Fiscal and Program Review, presented his report to the Council. He explained that the end of fiscal year financial data being presented was preliminary.

1. General Fund and Highway Fund Revenue Variances for FY 05

- Based on preliminary data, it appears that General Fund revenue for FY 05 will exceed projections by \$25 million. This amount is above the additional budgeted revenue of \$27.7 million adjusted in early June by the Revenue Forecasting Committee. Individual income tax revenue, despite the upward revision of \$70 million in June, will be over budget by \$10 million. Corporate income tax revenues are above budget estimates by approximately \$12.5 million. Sales tax revenue appears to be the only major line with a significant negative variance and is likely to end the year \$3.5 million under budget.
- No major variances in the Highway fund revenue in June are apparent, for a year-to-date variance of \$3.0 million above projections.

2. Revenue Forecasting Committee – Forecast Schedule

- A joint meeting of the Revenue Forecasting Committee and the Consensus Economic Forecasting Commission was held on June 30, 2005. The meeting's primary focus was on ways to improve forecasting. However, the members also discussed certain potential economic risks for Maine, the best way to deal with the uncertainty surrounding these risks and the timeliness of communicating information to the Governor and the Legislature. Another joint meeting is planned for the early fall, when more economic information is available and certain decisions have been made.

3. Cash Trends

- The General Fund average balance trend appears to have flattened out and may be trending downward.
- The Highway Fund balance trend also appears to have flattened out and has begun to trend downward.

Additional reserves, totaling approximately \$11 million, will result from the General Fund revenue surplus and lapsed appropriation balances. They should help reduce the amount of Tax Anticipation Notes that will be necessary to be issued on FY 06.

- The Office of Fiscal and Program Review will be looking into the causes for the change in cash trends, which seem at variance with the surplus.

- **Office of Information Services' Report**

Paul Mayotte, Director Legislative Information Services, submitted a written report to the Legislative Council. In it he stated that:

Bill Drafting System:

- HP has confirmed in writing that it is proceeding to correct all issues that were found during the last test cycle in the MELD bill drafting system.
- The system deficiencies will be installed as part of HP's next software release in August.
- HP remains on schedule to complete the software project by the August deadline.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Cummings, Chair of the Personnel Committee, reported that the Committee had met earlier that morning and considered the following items:

The Personnel Committee unanimously approved temporary disability income benefits as provided for in Section VI (H) of the Personnel Policies and Guidelines for a Senate employee.

The Committee discussed the OPLA Director recruitment process for the director position being vacated by David Elliott on August 1st, and will make its recommendation for Council action under New Business, Item #2.

The Committee also discussed a potential cost of living adjustment for legislative employees in the MSEA bargaining unit, which will be further discussed in Executive Session.

The Personnel Committee met with Lynn Randall, State Law Librarian, for her annual performance evaluation. No further action by the Legislative Council is required.

- **State House Facilities Committee**

Senator Gagnon, Chair, State House Facilities Committee, reported that the committee had not met this month, but will meet either in late July or early August.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Establishment of Cloture Date for 2nd Regular Session

Margaret Matheson, Revisor of Statutes, referred the Council members to her memo of June 24, 2005 in their packet. The memo reminded the Legislative Council pursuant to the Joint Rules, the Legislative Council must establish a cloture date and related schedule for the filing of bill requests for the 2nd Regular Session. The members reviewed the proposed schedule and generally agreed to Ms. Matheson's recommended schedule, with two exceptions. Members generally agreed that the proposed filing deadline for the cloture date of Wednesday, October 5th at 4:00 p.m. should be changed to Friday, October 7th at 4:00 p.m. and that the recommended bill signing day of December 16th may be problematic. It was felt that the presiding officers could establish a date for bill signing at a later time.

Motion: That the Legislative Council adopt the cloture schedule for filing of legislative requests as recommended by the Revisor of Statutes, but with a filing deadline of October 7, 2005 at 4:00 p.m. and direct the Revisor to so notify Legislators, state agencies and the Governor's office. Further, that the presiding officers establish an appropriate and convenient bill signing day. (Motion by Sen. Gagnon, second by Sen. Davis, unanimous).

A copy of the 121st bill cloture schedule is attached.

Item #2: Recruitment for Director, Office of Policy and Legal Analysis Vacancy

David Elliott, Director of the Office of Policy and Legal Analysis, is retiring as of August 1, 2005 after 24 years of service in OPLA. Executive Director Boulter presented a proposed recruitment plan to the Council that was recommended by the Personnel Committee.

Motion: That the Legislative Council adopt the suggested recruitment plan for the position of director of the Office of Policy and Legal Analysis, and further authorize the Executive Director's Office to administer such duties and details as necessary to implement the recruitment plan and solicit applications for the position. (Motion by Rep. Cummings, second by Sen. Davis, unanimous).

A copy of the proposed recruitment plan is attached.

The Chair, Speaker Richardson asked if there was objection to taking an item out of order. Hearing none, he proceeded to Item #4.

Item #4: Salary Schedule Adjustment for Constitutional Officers and State Auditor

Motion: That the Legislative Council approve salary adjustments for the Constitutional Officers and the State Auditor consistent with those increases recently awarded to Confidential Employees of State Government, effective the pay period closest to July 1, 2005. (Motion by Rep. Cummings, second by Sen. Gagnon, unanimous).

COLLECTIVE BARGAINING (Executive Session)

Article 54: Contract re-opener for purpose of salary schedule adjustment.

Motion: That, in accordance with 1 MRSA, section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing re-opening collective bargaining agreement between MSEA and the Legislative Council, pursuant to Article 54. (Motion by Rep. Tardy, second by Sen. Davis, unanimous).

The Legislative Council entered into Executive Session at 11:20 a.m.

MEETING RECONVENED

The Council ended its Executive Session and reconvened in open session at 11:33 a.m. on the motion of Rep. Tardy, second by Sen. Brennan, unanimous.

Item #3: Contract Re-opener Regarding Salary Schedule Adjustments.

Motion: That, pursuant to its authority under 26 MRSA, section 979-A, subsection 5, the Legislative Council ratifies the Agreement negotiated under Article 54 of the collective bargaining agreement and tentatively agreed to on July 6, 2005 by authorized representatives of the Legislative Council and the Maine State Employees Association, Local 1989, SEIU, AFL-CIO on behalf of the Administrative Unit of Legislative Employees. The Agreement provides for 2 general salary increases of three percent (3%) in FY 06/07. Such ratification is contingent upon and become effective only after the bargaining agent for the Administrative Unit of Legislative Employees has notified the Legislative Council representative that the unit has ratified the Agreement.

Further, that the Legislative Council authorizes its Executive Director to enter into negotiations with the bargaining agent for the Independent Association of Nonpartisan Legislative Professionals (IANLP) over salary adjustments for legislative employees in the IANLP bargaining unit. (Motion by Rep. Cummings, second by Rep. Tardy, unanimous).

ANNOUNCEMENTS AND REMARKS

The Chair, Speaker Richardson and the members of the Legislative Council presented David Elliott with the Joint Resolution recognizing him upon his retirement, for his long and distinguished service to the Legislature and State Government.

David Elliott thanked the Council members for their kind words, and said he will miss the Legislature.

ADJOURNMENT

The Legislative Council meeting was adjourned at 11:43 a.m. (Motion by Rep. Duplessie, second by Sen. Davis, unanimous).

122nd LEGISLATIVE COUNCIL
 SECOND REGULAR SESSION
 REVIEW OF REQUESTS TO INTRODUCE LEGISLATION
 FALL 2005 SCHEDULE

October 7th (Friday)
 4 p.m.

Filing Deadline (Cloture) *

- Legislators (With sufficient information to draft or authorize a concept draft)
- Department/Agencies (Final Drafts)

October 27th (Thursday)
 10 a.m.

**Legislative Council Meeting –
 Screening of Legislators’ requests**

October 31st (Monday)

**Notification of Council’s action
 mailed to sponsors**

November 7th (Monday)

Deadline for filing appeals

November 17th (Thursday)
 10 a.m.

**Legislative Council Meeting to
 consider appeals**

Mid-December (TBA)

Bill Signing Day **

January 4th (Wednesday)

Legislature convenes

* Legislators are encouraged to file bill requests well in advance of this deadline.

** The Presiding Officers will establish the date.

	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
OCTOBER 2005						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
NOVEMBER 2005						
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
December 2005						
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

PROPOSED RECRUITMENT PLAN
for
DIRECTOR, OFFICE OF POLICY AND LEGAL ANALYSIS

June 27, 2005

- Thursday, 7/7/05** **Legislative Council authorizes recruitment for director.**
- July/August, 2005** Begin recruitment; announce position opening:
Maine Sunday Telegram; Kennebec Journal; Bangor Daily News
(weekend editions), and other Maine papers as feasible
- Post position announcement on legislative website and Executive Branch
websites
Make internal postings in legislative offices
Internet posting on Jobs-in-Maine.com website
- Establish Legislative Council interview team, if different from
Personnel Committee**
- Select dates for first and second interviews.
 - Discuss and develop interview questions.
- Friday, 08/12/05** Deadline for receipt of all applications.
- August, 2005** Initial review of applications, make copies and distribute to interview
team.
- Send letter of acknowledgement to all applicants.
- Finalize list of applicants to interview; notify selected applicants.
- Conduct interviews.
- Aug/Sept, 2005** **Present recommendation to Legislative Council for decision.**

Authorized Interim Studies List - 2005

Chapter	Study Name	Policy Area	Purpose	Start Date	Report Date(s) / Report To
	Staff Study of Forest Ownership in Maine	ACF	Staff study to update forest ownership report with recent land transfers	Not specified	ACF Committee
P.L. 2005, Ch 386, Part 0	Commission to Reform the State Budget Process	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	No later than 15 days after completion of appointments	January 3, 2006 AFA Committee
Resolve 2005, c. 126	Task Force to Study Maine's Homeland Security Needs	CRJ	Review Maine's homeland security needs in areas including law enforcement, emergency preparedness, public health, port and airport security and review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness	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
P.L. 2005, c. 423	Criminal Justice and Pulic Safety Committee Review of Sex Offender Laws	CRJ	Review current laws governing the sentencing, registration, release and supervision of sex offenders	Not specified	No report
P.L. 2001, chapter 439 (amended by P.L. 2005, c. 414)	Legislative Youth Advisory Council	EDU	Advise the Legislature on matters related to youth	Continuation	Annually Legislature
Resolve 2005, c. 120	Review and Recodify Laws Pertaining to Violence in Our Schools	EDU	OPLA and ROS to jointly prepare a bill that recodifies sections of Title 20-A dealing with violence and threatening behavior in schools	Not specified	Legislation due December 7, 2005 EDU Committee
Public Law 2003, Chapter 689	Review of the Establishment of the Department of Health and Human Services	HHS	Legislative Council staff to develop legislation to consolidate existng laws into Title 22-A, to update Title 22-A and correct any errors and inconsistencies	Continuation	None Required

Authorized Interim Studies List - 2005

Chapter	Study Name	Policy Area	Purpose	Start Date	Report Date(s) / Report To
Resolve 2005, Ch. 121	Task Force to Study Cervical Cancer Prevention, Detection and Education	HHS	Study the issue of cervical cancer in Maine	By August 1, 2005	Initial report due December 7, 2005 Health and Human Services Committee Initial report due December 7, 2005 Governor November 1, 2006 - Final Report Health and Human Services Committee
Resolve 2005, Ch. 117	Blue Ribbon Commission on the Future of MaineCare	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	No later than August 1, 2005	December 7, 2005 HHS Committee December 7, 2005 AFA Committee
P.L. 2005, Chapter 412	DHS Working Group on Department's Accounting Structure	HHS	Create a new budget and financial management system and reporting structure for the Department of Health and Human Services	Not specified	October 1, 2005 Governor October 1, 2005 HHS Committee October 1, 2005 AFA Committee
P&S 2005, Ch. 26	Governor's Committee to Study the Feasibility of the Importation of Prescription Drugs	HHS	Develop a plan to prepare the State to implement drug reimportation upon approval of the Federal Government through federal legislation or a waiver request	Not specified	January 15, 2006 or 30 days after adjournment of Congress HHS Committee
P.L. 2001, chapter 439, Part ZZZ (amended by Resolve 2005, c. 119)	Health Care System and Health Security Board	IFS	Develop recommendations to provide health care to all citizens of Maine	Continuation	December 7, 2005 IFS Committee January 4, 2006 Legislative Council
Resolve 2005, c. 123	Freedom of Access Advisory Committee	JUD	Provides information and advice to Review Committee as it conducts freedom of access reviews of public records exceptions and assists the committee in ensuring that the schedule for review is maintained	No later than October 1, 2005	December 7, 2005 Governor, Legislative Council, Judiciary Committee

Authorized Interim Studies List - 2005

Chapter	Study Name	Policy Area	Purpose	Start Date	Report Date(s) / Report To
Resolve 2005, Ch. 118	Committee to Study State Compliance with the Federal Indian Child Welfare Act of 1978	JUD	Study state compliance with the federal Indian Child Welfare Act of 1978	No later than August 1, 2005	December 7, 2005 Legislative Council December 7, 2005 Judiciary Committee
Public Law 2003, Chapter 699	Citizen Trade Policy Commission	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.	Continuation	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
Resolve 2005, c. 128	Study Commission Regarding Liveable Wages	LAB	Study issues surrounding liveable wages	No later than October 1, 2005	December 7, 2005 Second Regular Session of the 122nd Legislature
P.L. 2005, c. 443	Task Force on Substance Abuse Testing and Treatment	LAB	Review issues related to substance abuse testing and treatment in the workplace	Not specified	December 7, 2005 Labor Committee
Resolve 2005, c. 127	Study Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access	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	No later than August 1, 2005	December 7, 2005 Second Regular Session of the 122nd Legislature
Resolve 2005, Ch 116	Commission to Arrange for a Monument Honoring Women Veterans of Maine	LVA	Develop recommendations for a design and a location and other matters relating to installation of a monument honoring women veterans of Maine	No later than August 1, 2005	January 2, 2006 Capitol Planning Commission March 1, 2006 - Final Report Capitol Planning Commission
P.L. 2005, c. 452	Study of State Regulation of Groundwater Withdrawal	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	No later than October 1, 2005	November 1, 2007 NAT Committee

Authorized Interim Studies List - 2005

Chapter	Study Name	Policy Area	Purpose	Start Date	Report Date(s) / Report To
Resolve 2005, c. 124	Committee to Establish a Memorial for Emergency Medical Services Personnel and to Set Aside Space for That Memorial	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	Within 15 days of completion of all appointments	January 15, 2006 - initial report SLG Committee March 15, 2006 - final report SLG Committee January 2, 2006 - initial report Capitol Planning Commission March 1, 2006 - final report Capitol Planning Commission
Resolve 2005, c. 125	Commission to Study the Cost of Providing Certain Services in the Unorganized Territories	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 the funding method for these services needs to be changed	No later than August 1, 2005	December 7, 2005 Second Regular Session of the 122nd Legislature