

# MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON  
CHAIR

SEN. BETH EDMONDS  
VICE-CHAIR



122<sup>ND</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

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

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

**MEETING SUMMARY  
SEPTEMBER 22, 2005  
APPROVED OCTOBER 27, 2005**

**CALL TO ORDER**

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:24 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators:	Sen. Brennan, Sen. Davis, Sen. Gagnon Absent: President Edmonds, Sen. Weston
Representatives:	Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie, Rep. Tardy
Legislative Officers:	Joy O'Brien, Secretary of the Senate Michael Cote, Assistant Clerk of the House David Boulter, Executive Director, Legislative Council Patrick Norton, Deputy Director, Office of Policy and Legal Analysis Paul Mayotte, Director, Legislative Information Services

**SUMMARY OF THE AUGUST 25, 2005 COUNCIL MEETING**

**Motion:** That the Meeting Summary of August 25, 2005 be accepted and placed on file. (Motion by Rep. Bowles, second by Rep. Duplessie, unanimous).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

### • Executive Director's Report

David Boulter, Executive Director of the Legislative Council, reported the following to the Council.

1. The MELD bill drafting system is now in production, and will be used for Second Regular Session bill requests. The WANG system will remain online as backup. Mr. Boulter noted the special efforts by Mr. Mayotte and Ms. Matheson to prepare their offices and to place the system into production.
2. The legislative employee picnic and recognition ceremony, held on September 15<sup>th</sup>, was a success. Twenty-six staff members received a recognition award for 20/25 years of state service.
3. Granite benches have been installed at the west (main) entrance to the State House, providing seating areas outside the building, giving a finished appearance to the entrance.

Mr. Boulter mentioned that most of the construction work will be concluded by the end of October. The northwestern walkway is scheduled to be open by mid October. The painting in the House Chamber will be completed by October 5<sup>th</sup>. Repointing of the north wing of the State House, including the 3<sup>rd</sup> floor porch, is scheduled for 2006. All roof work will be completed this year.

The Speaker said that on the 2<sup>nd</sup> floor, north side, there is mildew or deterioration and asked what was being done. Mr. Boulter said small repairs are being done annually as needed but that every 2<sup>nd</sup> or 3<sup>rd</sup> years there will be more comprehensive repairs on each floor of the State House. It was asked if the building repointing schedule can be changed to immediately address water problems on the north side of the building. Mr. Boulter said that to change the contract would require a contract amendment and is usually expensive. That work is now scheduled for Spring and Summer 2006.

### • Fiscal Report

Grant Pennoyer, Director, Fiscal and Program Review Office, was unable to attend the Legislative Council meeting, therefore an oral report was not given. His written report was included in the Council packet.

### • Update of Interim Studies

Patrick Norton, Deputy Director, Office of Policy and Legal Analysis, referred members to the Studies Progress Report for the 23 legislative studies. He said that as of September 22, 2005, over 80% of the appointments to the study committees have been made and 8 studies committees are scheduled to have their first meeting within the next two weeks.

Mr. Norton said three interim studies require private funding in order to proceed:

1. Task Force to Study Cervical Cancer Prevention, Detection and Education's funding is on today's Council's Agenda for action;

2. Commission to Arrange for a Monument Honoring Women Veterans of Maine will be received shortly; and
3. Committee to Establish a Memorial for Emergency Medical Services Personnel and to Set Aside Space for That Memorial is not required to be received until mid November.

A copy of the Progress Report on Legislative Studies is attached.

- **Office of Information Services' Report**

Paul Mayotte, Director Legislative Information Services, reported the following to the Council. His report stated:

**Bill Drafting System:**

The MELD bill drafting system passed final user acceptance testing on August 26<sup>th</sup> and the software was accepted by the Legislature as of September 1<sup>st</sup>. The MELD implementation plan jointly prepared by the Revisor's Office and Information Systems is being carried out and logging LRs using the MELD system is underway

**SPAM**

The Legislature's SPAM screening process is being updated and further filtered to address technical advances being made by the spammers.

**Use of Legislative Systems Resources:**

Mr. Mayotte has sent a notice to all legislative staff advising them that legislative systems resources are to be used for legislative business only. This notice was prompted by a server crash caused by a staff person downloading and saving an extremely large file of a personal nature that used the available storage space on the legislative server.

## REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Cummings, Chair of the Personnel Committee, reported that the Committee had met earlier in the month and again before today's Council meeting regarding the committee's search for a new OPLA director.

Rep. Cummings reported that the Committee reviewed applications for the position and selected 4 candidates to interview. After fully considering the qualities of each candidate, the Personnel Committee unanimously recommended that Patrick Norton be appointed as OPLA director.

**Motion:** That the Legislative Council accept the recommendation of the Personnel Committee that Patrick T. Norton of Freeport be appointed to the position of Director, Office of Policy and Legal Analysis for a 3-year term pursuant to 3 MRSA, section 162 (6), and that Mr. Norton be assigned to Step 7 in Salary Grade 14 of the Legislative salary schedule. The effective date of the appointment is Monday, September 26, 2005. (Motion by Sen. Brennan, second by Rep. Tardy, unanimous).

- **State House Facilities Committee**

**Report of the September 15, 2005 meeting of the Working Group on Capitol Security**

Senator Gagnon, Chair, State House Facilities Committee, reported that the Facilities Committee's Work Group on Capitol Security held its initial meeting on September 15, 2005. Among the Members are the Commissioner of Public Safety, Chief of the Augusta Police Department and Capitol Security Chief Suitter.

The working group's charge is to review Capitol Security as it relates to providing adequate security to the State House complex. The working group is focusing on:

- 1 - understanding what security and law enforcement resources are available and who provides them;
- 2 - communications and reporting chains of command among the various law enforcement, security and dispatch units;
- 3 - adequacy of security and incident prevention measures;
- 4 - adequacy of Capitol Security resources to perform the necessary security; and
- 5 - assessing appropriate coordination and allocation of duties among the various units.

The Working Group will be scheduling another meeting in the near future to further discuss security in the State House.

**Recommended Policy on Use of the Hall of Flags**

Sen. Gagnon reported that the State House Facilities Committee had met several times, reviewed several drafts of a new policy on the Use of the Hall of Flags, made numerous changes to address concerns raised by members, and voted to recommend that the Legislative Council adopt the policy. The revised and recommended policy was included in the Legislative Council packet.

**Motion:** That the Legislative Council approve the Policy on the Use of the Hall of Flags. (Motion by Sen. Gagnon, second by Rep. Tardy, motion failed, 4-3). (Speaker Richardson, Rep. Cummings and Sen. Davis opposed).

Rep. Cummings suggested that the item be tabled to the next meeting. Speaker Richardson supported tabling the policy since Clerk of the House MacFarland was not at the meeting, and he said she had issues with the proposal.

**Motion:** That the Legislative Council table action on the Policy on the Use of the Hall of Flags. (Motion by Rep. Cummings, second by Rep. Tardy, failed 4-3). (Sen. Brennan, Sen. Gagnon and Rep. Bowles opposed).

After further discussion, Sen. Gagnon moved that the item be referred back to the State House Facilities Committee for further review and recommendation.

**Motion:** That the proposed Policy on the Use of the Hall of Flags be referred back to the State House Facilities Committee. (Motion by Sen. Gagnon, second by Sen. Brennan, unanimous).

### **Multi Year Plan for Improvements to Capitol Park**

The Chair noted that the proposed work plan for improvements to Capitol Park was in the Legislative Council packet. He asked if there were any questions regarding the Multi Year Plan for Improvements to Capitol Park. Hearing none, Senator Gagnon then made the following motion.

**Motion:** That the Legislative Council approved the Multi Year Plan for Improvements to Capitol Park. (Motion by Sen. Gagnon, second by Rep. Tardy, unanimous).

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **Item #1: Acceptance of Private Funds for the Task Force to Study Cervical Cancer Prevention, Detection and Education**

Executive Director Boulter said that pursuant to Resolve, c. 121, acceptance of private funds to support the task force is subject to Legislative Council approval. The American Cancer Society proposes to fund the study and has committed \$4,480.00 to cover all first year costs of the 2-year study. It plans to fund the second year as well and will so certify. The American Cancer Society has certified that it has no pecuniary or other vested interest in the outcome of the study, as required by the resolve.

**Motion:** That the Legislative Council accept the private funds for the Task Force to Study Cervical Cancer Prevention, Detection and Education offered by the American Cancer Society and authorize the Task Force to convene. (Motion by Sen. Gagnon, second by Rep. Tardy, unanimous).

### **Item #2: Health Policy Forum for Legislators**

The Maine Development Foundation, jointly with the Margaret Chase Smith Policy Center, Muskie School of Public Service and the Maine Health Access Foundation, proposes to develop and conduct a 1-day health policy forum for legislators. The policy forum would be held in December 2005 or in early 2006. The Maine Development Foundation is proposing to work with the Maine Health Access Foundation to provide funding to cover all policy forum costs.

If the Council approves the Health Policy Forum, the Maine Development Foundation proposes that the Council appoint a small, bipartisan group of Legislators to help guide the policy forum agenda.

**Motion:** That the Legislative Council approve the Health Policy Forum for Legislators. (Motion by Sen. Gagnon, no second, motion failed).

Some members expressed concerns of scheduling such forums during the legislative session because they may make it more difficult for scheduling session and other legislative business.

**Motion:** That the Legislative Council approve the request by Maine Development Foundation, the Margaret Chase Smith Policy Center, Muskie School of Public Service and the Maine Health Access Foundation to hold a Health Policy Forum for Legislators. (Motion by Sen. Gagnon, second by Rep. Cummings, failed 4-3). (Speaker Richardson, Rep. Bowles, Rep. Davis opposed).

Sen. Brennan , having voted on the prevailing side, then moved to reconsider the action of the Council. Seconded by Rep. Tardy, passed 7-0, unanimous.

Sen. Gagnon then made a Motion to table the request by the Maine Development Foundation, Margaret Chase Smith Policy Center, Muskie School of Public Service and the Maine Health Access Foundation, for a Health Policy Forum for Legislators, seconded by Davis, unanimous.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

That the Legislative Council meeting was adjourned at 2:03 p.m. (Motion by Sen. Davis, second by Rep. Bowles, unanimous).

## 2005 Interim Study Status Report

(as of September 16, 2005)

#	Study Name	Policy Area	Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
1	<b>Study of Forest Ownership in Maine</b> (staff study in conjunction with C/O of LD 1406)	ACF	N/A	ACF	None		OPLA staff study	On-going
2	<b>Commission to Reform the State Budget Process</b> (PL 2005, c. 386, Part O)	AFA	9/29/2005	To AFA Committee by 1/3/06	12	12	Bureau of the Budget	Appointments complete
3	<b>CRJ Committee review of Sex Offender Laws</b> (PL 2005, c. 423)	CRJ	8/9/05; 9/8/05; 9/28/05	No report	None		OPLA staffing	CRJ met on 8/9/05 and 9/8/05. Third mtg on 9/28/05
4	<b>Task Force to Study Maine's Homeland Security Needs</b> (Resolve 2005, c. 126)	CRJ	TBD	12/7/05 Interim Report; 11/1/06 Final Report (both to Legislature)	11	11	OPLA and MEMA	Appointments complete
5	<b>Legislative Youth Advisory Council</b> (PL 2001 c.439, as amended by PL 2005, c. 414)	EDU	N/A	Annually; Legislature	22	6	OPLA staffing	OPLA has met with Dept of Education; no LYAC meeting yet scheduled
6	<b>Review and Recodify Laws Pertaining to Violence in Our Schools</b> (Resolve 2005, c. 120)	EDU	N/A	Legislation due 12/7/05 to EDU	None		OPLA and ROS	Initial research begun
7	<b>Blue Ribbon Commission on the Future of MaineCare</b> (Resolve 2005, c. 117)	HHS	TBD	12/7/05 to HHS and AFA	10	8	OPLA and OFPR staffing	Awaiting completion of appointments
8	<b>Governor's Committee to Study the Feasibility of the Importation of Prescription Drugs</b> (P&S 2005, c. 26)	HHS	TBD	1/15/06 to HHS	Two Legislative appointments needed	0	Governor's Office	Awaiting completion of appointments
9	<b>Task Force to Study Cervical Cancer Prevention, Detection and Education</b> (Resolve 2005, c. 121)	HHS	TBD	12/7/05 to HHS and Gov; Final Report 11/1/06 to HHS and Gov	16	2	OPLA staffing	Awaiting completion of appointments



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(as of September 16, 2005)

#	Study Name	Policy Area	Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
10	<b>DHHS Working Group on Department's Accounting Structure</b> (PL 2005, c. 412)	HHS	TBD	10/1/05 to HHS; AFA and Gov	None		OPLA/OFPR will participate in working group	DHHS staffing. No meetings held yet
11	<b>Review the Establishment of the DHHS</b> (PL 2003, c. 689)	HHS	N/A	No report	None		DHHS is lead agency (with drafting assistance from OPLA and ROS)	DHHS briefing to HHS Committee on Dept structure to be scheduled
12	<b>Health Care System and Health Security Board</b> (PL 2001, Part ZZZ)	IFS	Sometime in October	12/7/05 to IFS	20	18	OPLA staffing	Meeting expected in October
13	<b>Freedom of Access Advisory Committee</b> (Resolve 2005, c. 123)	JUD	TBD	12/7/05 to LC, JUD and Governor	13	6	OPLA staffing	Awaiting completion of appointments
14	<b>Study State Compliance with Federal Indian Child Welfare Act of 1978</b> (Resolve 2005, c. 118)	JUD	TBD	12/7/05 to LC & JUD	12	10	OPLA staffing	Awaiting completion of appointments
15	<b>Study Commission Regarding Livable Wages</b> (Resolve 2005, c. 128)	LAB	10/4/05 (tentative)	12/7/05 to Legislature	12	12	OPLA staffing	Appointments complete.
16	<b>Task Force on Substance Abuse Testing and Treatment</b> (PL 2005, c. 443)	LAB	N/A	12/7/05 to LAB	None		Department of Labor	No activity reported to date.
17	<b>Citizen Trade Policy Commission</b> (PL 2003, c. 699)	LAB	9/30/05 meeting to review final 2005 report (legislation anticipated)	Annually to Legislature, Gov and others	22	22	OPLA staffing	Draft of first annual report being circulated for comments.
18	<b>Commission to Arrange for a Monument Honoring Women Veterans of Maine</b> (Resolve 2005, c. 116)	LVA	TBD	1/2/06 and 3/1/06 to Capitol Planning Commission	8	6	OPLA staffing	Awaiting completion of appointments

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(as of September 16, 2005)

#	Study Name	Policy Area	Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Responsible Agency/Staffing	Study Status to date
19	<b>Commission to Study Alternative Voting Procedures, and Citizen Initiative Process and Minor Party Ballot Access</b> <i>(Resolve 2005, c. 127)</i>	LVA	TBD	12/7/05 to Legislature	11	11	OPLA staffing	Appointments complete
20	<b>Study of State Regulation of Groundwater Withdrawal</b> <i>(PL 2005, c. 452)</i>	NAT	N/A	11/1/07 to NAT	None		Maine Geological Survey	Ongoing by MGS
21	<b>Committee to Establish a Memorial for Emergency Medical Services Personnel</b> <i>(Resolve 2005, c. 124)</i>	SLG	TBD	1/15/06 to SLG; 3/15/06 to SLG and Capitol Planning Commission	9	5	DAFS	Awaiting completion of appointments
22	<b>Commission to Study the Cost of Providing Certain Services in the Unorganized Territories</b> <i>(Resolve 2005, c. 125)</i>	TAX	TBD	12/7/05 to Legislature	17	14	OFPR	Awaiting completion of appointments

### Appointment Summary

Number of appointed positions	197
Appointments made to date	143
Percent of appointments complete	72.6%

### Study Activity Summary

Studies awaiting appointments	9
Initial activity/research started	10
Other <i>(no activity or expected to start soon)</i>	3
	22