

MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
JANUARY 12, 2006
APPROVED FEBRUARY 16, 2006

CALL TO ORDER

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:57 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Edmonds, Sen. Brennan, Sen. Davis, Sen. Gagnon, Sen. Weston

Representatives: Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie, Rep. Tardy

Legislative Officers: Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
Michael Cote, Assistant Clerk of the House
David Boulter, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
Patrick Norton, Director, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE DECEMBER 27, 2005 COUNCIL MEETING

Motion: That the Meeting Summary of December 27, 2005 be accepted and placed on file. (Motion by Rep. Duplessie, second by President Edmonds, unanimous).

Speaker Richardson asked if there was objection to taking an item out of order. Hearing none, the Chair then moved to **New Business, Item 1.**

NEW BUSINESS

Item #1: Consideration of After Deadline Bill Requests

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

The Chair then returned to agenda items in the order they appeared on the agenda.

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director of the Legislative Council reported on the following items:

1. Arrangements are being made to provide for public viewing of the Governor's State of the State Address in the Welcome Center on Tuesday, January 17th, as are appropriate security measures in the building.
2. Unannotated versions of Maine Statutes are now available to Legislators and others for purchase.

- **Fiscal Report**

General Fund revenue was \$29.3 million over budget for the month of December resulting in a positive variance for the fiscal year-to-date of \$21.6 million (+1.7%). The December variances now reflect the December 2005 revenue revisions of the Revenue Forecasting Committee (RFC), which increased the FY 06 General Fund revenue estimate by \$112.1 million. Very strong performances in the Corporate Income Tax and Estate Tax are the major contributors to the positive fiscal year-to-date variance. The performance of the revenue from taxable sales of goods and services remains disappointing and would have been under budget in December except for a \$2.1 million audit settlement.

Highway Fund revenue was under budget in December by \$0.6 million, reducing the positive variance for the FYTD to \$0.5 million (+0.3%). The December Highway fund variances in this report, as with the General Fund, reflect the revised budgeted revenue of the RFC in its December 2005 report. The RFC increased Highway Fund budgeted revenue in FY 06 by \$6.0 million. The fuel tax line has been the major drag on Highway Fund revenue. January will likely see a sizeable negative variance as a result of the failure to collect all of the \$3.6 million gas tax audit payment that was budgeted for January.

REPORTS FROM COUNCIL COMMITTEES

- **Personnel Committee**

Rep. Cummings, Chair, Personnel Committee reported that the committee met prior to the Legislative Council meeting on January 12, 2006 to consider several items.

It unanimously approved requests for temporary disability income benefits, consistent with the Personnel Policies and Guidelines for Legislative Employees, for a member of the nonpartisan staff and a member of the Secretary of Senate's Office.

No further action by the Council was required.

- **State House Facilities Committee** (Sen. Gagnon, Chair)

The State House Facilities Committee was scheduled to meet immediately following the Legislative Council meeting.

OLD BUSINESS

Item #1: Council actions taken by ballot

A copy of a list of actions taken by ballot by the Legislative Council since its December 27, 2005 meeting is attached.

NEW BUSINESS

Item #2: Request for Reconsideration of Council Decision on Extension of Study Reporting Deadline and Holding an Additional Meeting

- **Study Commission Regarding Liveable Wages** (Second request for extension request, from January 15, 2006 to February 1, 2006. First request for an extension from December 7, 2005 to January 15, 2006 was approved at the November 28, 2005 Council meeting; Council denied 2nd request at the December 27, 2005 Council meeting).

Motion: That the requests from the Study Regarding Liveable Wages for an extension of the reporting deadline and to hold 1 additional meeting be approved. (No motion or second was made; vote failed 5-3, Sen. Weston, Rep. Bowles and Rep. Tardy opposed).

Item #3: Request to Hold Two Additional Meetings and for an Extension of the Reporting Deadline to Submit Legislation

- **Task Force to Study Maine's Homeland Security Needs** (Request to hold 2 additional meetings in Augusta and extend reporting deadline to February 3, 2006 for the purpose of submitting legislation to the 2nd Regular Session).

Motion: That the request by the Task Force to Study Maine's Homeland Security Needs to hold 2 additional meetings in Augusta, the costs of which would be funded by MEMA and extend its reporting deadline to February 3, 2006 be approved. (No motion or second was made; approved 7-0, absent for the vote were Sen. Davis, Sen. Gagnon and Rep. Duplessie).

Item #4: Request to Hold Two Off-Site Meetings

- **Commission to Study the Cost of Providing Certain Services in the Unorganized Territories** (Requesting permission to change the timing of the two meetings to be held at locations convenient to the unorganized territory). (Request to extend reporting deadline to July, 2006 and to hold two additional meetings after session adjournment was approved at the November 28, 2005 Council meeting).

Motion: That the request by the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories to hold 2 off-site meetings be approved. (No motion or second was made; approved 8-0, absent for the vote were Sen. Davis and Rep. Cummings).

Item #5: Submission of Study Reports

- Task Force to Study Cervical Cancer Prevention, Detection And Education
- Blue Ribbon Commission on the Future of Mainecare

Motion: That the study reports of the Task Force to Study Cervical Cancer Prevention, Detection and Education and the Blue Ribbon Commission on the Future of Mainecare be accepted and placed on file. (No motion or second was made; approved 8-0, absent for the vote were Sen. Davis and Rep. Cummings).

Item #6: Legislative Youth Advisory Council Request for Meeting with Legislative Council

The chairs of the Legislative Youth Advisory Council invited Council members to attend a breakfast meeting that will be held immediately prior to its February 3, 2006 meeting.

Motion: That the Legislative Council accept the Legislative Youth Advisory Council's invitation on February 3, 2006. (Motion by President Edmonds, second by Rep. Cummings, unanimous).

The Chair, Speaker Richardson, moved for reconsideration of the Council's action whereby the Council denied the Study Commission Regarding Liveable Wages' request for an additional meeting. (Motion by Rep. Duplessie, second by Sen. Gagnon, unanimous).

Motion: That the Legislative Council grant the Study Commission Regarding Liveable Wages' request for an additional meeting. (Motion by Rep. Duplessie, second by Sen. Gagnon, approved 8-1, Sen. Weston opposed).

Item #7: Presentation by National Conference of State Legislatures of Its Report on the Maine Legislature / An Examination of Practices, Procedures and Organization

Five staff members from the National Conference of State Legislatures who conducted the study made a presentation to the Legislative Council. They were Brian Weberg, Director, Legislative Management Program; Brenda Erickson, Program Principal, Legislative Management Program; Corina Eckl, Director, Fiscal Affairs Program; Bruce Feustel, Senior Fellow, Legislator and Legislative Staff Training; and Pam Greenberg, Program Principal, Legislative Information Technology. The NCSL staff each summarized various sections of the reports and related recommendations.

Chair Richardson reminded the Legislative Council members that the Council had contracted with NCSL to perform the examination of the practices, procedures and the organization of the Legislature. The Council will be discussing the report at a future meeting to decide which recommendations, if any, it may want to adopt. Chair Richardson and the members of the Legislative Council thanked the staff from NCSL for all of their hard work.

A copy of the summary of the National Conference of State Legislatures' report on the Maine Legislature / An Examination of Practices, Procedures and Organization is attached.

ANNOUNCEMENTS AND REMARKS

Sen. Gagnon announced that the State House Facilities Committee would be meeting immediately after the Council meeting.

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:35 p.m. (Motion by Rep. Duplessie, second by Rep. Bowles, unanimous).

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 12, 2006

	Action
SPONSOR: Rep. Berube, Robert A.	ACCEPTED
LR 3097 An Act To Amend the Charter of the Lisbon Water Commission	
SPONSOR: Rep. Blanchette, Patricia A.	FAILED
LR 3049 An Act To Prohibit Clean Election Candidates from Organizing Political Action Committees	
SPONSOR: Rep. Brautigam, John R.	ACCEPTED
LR 3092 An Act To Protect the Privacy of Cellular Telephone Customers	
SPONSOR: Rep. Burns, Richard J.	ACCEPTED
LR 3080 An Act To Ensure Efficiencies in the Billing and Delivery of Outpatient Clinical Services	
SPONSOR: Rep. Burns, Richard J.	ACCEPTED
LR 3094 An Act To Establish Therapeutic Foster Care for Adults	
SPONSOR: Rep. Craven, Margaret M.	ACCEPTED
LR 3057 Resolve, Directing the Department of Environmental Protection To Establish Standards for the Clean-up of Mold	
SPONSOR: Rep. Cummings, Glenn	ACCEPTED
LR 3037 An Act To Prevent Unauthorized Practice of Immigration And Naturalization Law	

SPONSOR: Rep. Cummings, Glenn	WITHDRAWN
LR 3041 An Act To Ensure the Integrity of Maine's Clean Election Law	
SPONSOR: Rep. Cummings, Glenn	ACCEPTED
LR 3055 An Act Relating to Mergers and Consolidations of Corporations without Capital Stock	
SPONSOR: Rep. Cummings, Glenn	ACCEPTED
LR 3084 An Act To Allow Maine Educational Center for the Deaf And Hard of Hearing to Lease Space to Independent Schools For Use as Classrooms for the Schools	
SPONSOR: Sen. Diamond, Bill	ACCEPTED BY BALLOT 1/10/06
LR 3077 An Act To Support Fishing Derbies	
SPONSOR: Rep. Faircloth, Sean F.	ACCEPTED
LR 3042 An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony	
SPONSOR: Rep. Fisher, Charles D.	ACCEPTED
LR 3072 An Act To Raise the Debt Limit of the City of Brewer High School District	
SPONSOR: Rep. Jackson, Troy D.	ACCEPTED
LR 3095 An Act To Amend the Laws Dealing with a Work-Restricted License	
SPONSOR: Rep. Jackson, Troy D.	ACCEPTED
LR 3096 An Act To Grandfather Owners of Property With Respect To Highway Cuts	
SPONSOR: Rep. Makas, Elaine	ACCEPTED
LR 3066 An Act to Increase Consumer Awareness of Prescription Drug Pricing	

SPONSOR: Rep. Marrache, Lisa T.	ACCEPTED BY BALLOT 1/10/06
LR 3079 Resolve, To Provide Influenza Immunization To All Doctors In the State	
SPONSOR: Sen. Martin, John L.	ACCEPTED
LR 3087 An Act To Make Adjustments to the Allagash Wilderness Waterway	
SPONSOR: Rep. Merrill, Barbara E.	FAILED
LR 3050 An Act To Protect the Mental Health of Prisoners	
SPONSOR: Sen. Mitchell, Elizabeth H.	ACCEPTED
LR 3063 Resolve, Regarding a Monument for Women Veterans of Maine	
SPONSOR: Sen. Rosen, Richard W.	ACCEPTED
LR 3086 Resolve, To Improve Quality and Access to Care Through The Development of a Joint Strategic Plan	
SPONSOR: Sen. Rosen, Richard W.	ACCEPTED
LR 3091 Resolve, To name the New Bridge Over the Penobscot River	
SPONSOR: Rep. Smith, William J.	ACCEPTED
LR 3093 An Act To Preserve Patient Records	
SPONSOR: Sen. Strimling, Ethan	FAILED
LR 3075 Resolve, To Return To J & L Discatio Corporation Money Paid by It To Maine Revenue Services	
SPONSOR: Rep. Tuttle, Jr., John L.	ACCEPTED
LR 3051 An Act To Amend the State Compensation Commission	
SPONSOR: Rep. Woodbury, Richard G.	WITHDRAWN
LR 3048 An Act To Implement the Constitutional Amendment to Current Use Valuation of Waterfront Land Used for Commercial Fishing	

**Actions Taken by Ballot by
the Legislative Council Since
the December 27, 2005 Council Meeting**

1. Request for Introduction of Legislation

- A. LR 3069: **An Act to Replace Municipal Revenues Subject to Business Personal Property Tax Exemption**

Submitted by: Representative David Bowles
Co-sponsor: Speaker John Richardson
Accepted: December 28, 2005, 10 – 0 – 0 – 0

- B. LR 3062: **An Act to Allow Consolidation of the Winterport Sewer District and the Winterport Water District to Create Incentives for Consumers to Pay Water Bills**

Submitted by: Representative Jeff Kaelin
Accepted: January 3, 2006, 10 – 0 – 0 – 0

- C. LR 3071 **Resolve, to Ensure Proper Accounting for Funds at the Department of Health and Human Services**

Submitted by: Senator Arthur Mayo
Accepted: December 27, 2005, 7 – 0 – 0 - 3

- D. LR 3068 **An Act to Ensure the Ability of Municipalities to Provide Assistance to Its Citizens**

Submitted by: Senator John Nutting
Accepted: January 6, 2006, 7 – 0 – 0 - 3