

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REP. HANNAH M. PINGREE
CHAIR

SEN. ELIZABETH H. MITCHELL
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. PHILIP L. BARTLETT II
SEN. KEVIN L. RAYE
SEN. LISA T. MARRACHE
SEN. JONATHAN T. E. COURTNEY
REP. JOHN F. PIOTTI
REP. JOSHUA A. TARDY
REP. SETH A. BERRY
REP. PHILIP A. CURTIS

124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
LEGISLATIVE COUNCIL
NOVEMBER 5, 2009
12:00 P.M.
REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE OCTOBER 15, 2009 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
33	▪ Executive Director's Report (Mr. Boulter)	Information
34	▪ Fiscal Report (Mr. Pennoyer) (No Report)	Information
38	▪ Status of Legislative Studies (Mr. Norton)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (Speaker Pingree, Chair)	
	• State House Facilities Committee (Rep. Piotti, Chair) (No Report)	
	• Budget Subcommittee (Senate President Mitchell, Chair) (No Report)	
	• CSG Annual Meeting Planning Subcommittee (No Report)	

OLD BUSINESS

(No action required)

NEW BUSINESS

- | | | |
|----|--|--------------------|
| 40 | Item #1: Suggested Procedures for Deciding Appeals of Legislative Bill Requests | Decision |
| | Item #2: Consideration of Legislators' Appeals of Council Action on Bill Requests
(Separate Handout) | Decision |
| 41 | Item #3: Proposed Fee Schedule for Legislative Documents for Second Regular Session of the 124th Legislature (Clerk of the House Millicent MacFarland) | Decision |
| 43 | Item #4: Request by Study Commission Regarding Teachers' Compensation for Extension of the Reporting Date from December 1 to December 15, 2009 | Decision |
| 45 | Item #5: Proposed Pandemic Flu Response Guidelines | Decision |
| 56 | Item #6: <i>Washington County Development Authority Annual Report</i> | Information |
| 60 | Item #7: <i>Loring Development Authority of Maine 2009 Annual Report</i> | Information |
| | Item #8: Collective Bargaining Matters (Executive Session)
[If Needed] | |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

MEETING SUMMARY

October 15, 2009

CALL TO ORDER

Legislative Council Chair, Speaker Pingree called the October Legislative Council meeting to order at 10:53 A.M. in the Legislative Council Chambers.

ROLL CALL

Senators: Senate President Elizabeth Mitchell, Sen. Philip Bartlett, Sen. Kevin Raye, Sen. Lisa Marraché, Sen. Jonathan Courtney

Representatives: Speaker Hannah Pingree, Rep. John Piotti, Rep. Seth Berry, Rep. Joshua Tardy, Rep. Philip Curtis

Legislative Officers: Joy O'Brien, Secretary of the Senate
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
John Barden, Director, Law and Legislative Reference Library

Chair Pingree convened the meeting at 10:53 A.M. with a quorum of members present.

Chair Pingree asked if there was any objection to taking 2 items out of order. Hearing none, the Chair then moved to **New Business, Items 1 and 2.**

NEW BUSINESS

Item #1: Suggested Procedures for Deciding Legislative Bill Requests

The agenda included a suggested protocol for deciding legislative bill requests. Chair Pingree asked Executive Director Boulter to summarize the suggested protocol which he did, as follows:

1. Under the terms of the Maine Constitution, Section 1 of Article IV, Part Third, Legislative Power, the business of the second regular session must be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees to study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors (direct citizen initiative).
2. Under the 124th Legislative Council's Rules of Procedure, any action of the Council requires the affirmative vote of at least 6 members.
3. Under Rule 203 of the Joint Rules of the 124th Legislature, any vote of the Legislative Council to accept or reject a bill or resolve for introduction under the procedures established under the Joint Rules must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.
4. Under Rule 217 of the Joint Rules, a bill that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent session of the same Legislature except by a vote of 2/3 of both chambers. Therefore, determinations as to the relevancy of Rule 217 are within the purview of the presiding officers, not the Legislative Council.

Suggested Protocol for deciding legislative bill requests

- A. The Legislative Council will review bill requests alphabetically by policy area. An exception to this order of review may be made for bill requests for which an ASL Interpreter is required for persons who are deaf or hard of hearing. Those bills will be taken out of order at a time during the meeting when an interpreter is available.
- B. For procedural consistency, when voting on a bill request, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. (Yea is to let in a bill; nay is to reject the bill for introduction). Also for procedural consistency, unless otherwise stated, each motion is presumed to have been made by the vice-chair of the Legislative Council, seconded by the chair.
- C. In order to review all legislative requests in a timely manner, voting will be by electronic vote or 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.
- D. If a bill request has been identified by the Revisor as requiring a ruling under Joint Rule 217, the Legislative Council may vote to accept that bill for introduction, conditional upon a subsequent ruling by the presiding officers. Absent a vote to accept the bill, the bill is presumed to have been turned down by unanimous vote of the Legislative Council.
- E. Legislative sponsors and others are welcome to observe the Council's deliberations on the bill requests, but discussion of the requests will be confined to Council Members. Discussion of a bill request among Council Members will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself.

F. If the Legislative Council turns down a bill request, a Legislator may appeal that decision. At a subsequent meeting of the Legislative Council, the Legislator may speak briefly to the bill request under appeal.

G. A legislative request that has been identified by the Revisor's Office as being closely related to another legislative request that was earlier filed (i.e., having been assigned a lower LR number) or to a carryover bill is presumed to have been turned down by a unanimous vote of the Legislative Council.

Motion: That the Legislative Council adopt the suggested protocol, A-G, for deciding legislative bill requests as set forth in the "Procedures for Review of Legislative Bill Requests" document dated October 15, 2009. Motion by Representative Tardy. Second by Senator Mitchell. **Motion passed, unanimous. (10-0)**

Item #2: Consideration of Legislative Bill Requests for Introduction In the Second Regular Session of the 123rd Legislature

The Council proceeded to consider and vote on 373 bill requests in accordance with the adopted protocol, and using an electronic voting system. The council authorized 129 bills for introduction in the second regular session, and tabled 26 bill requests. The council's action on the bill requests is attached.

SUMMARY OF SEPTEMBER 23, 2009 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of September 23, 2009 be accepted and placed on file. Motion by Senator Marraché. Second by Senator Mitchell. **Motion passed unanimous. (10-0)**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

(No Report)

Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported the following.

Revenue Update

Total General Fund Revenue - FY 2010 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$298.7	\$270.7	(\$28.0)	-9.4%	\$293.0	-7.6%
FYTD	\$587.4	\$545.1	(\$42.3)	-7.2%	\$602.2	-9.5%

General Fund revenue was under budget by \$28.0 million in September increasing the negative variance for the first quarter of FY 2010 to \$42.3 million or 7.2%. General Fund revenue fell by 9.5% during the first quarter of FY 2010 compared to the same period in FY 2009.

Individual Income Tax was the primary factor in September's negative variance. This category was under budget by \$28.0 million in September due to an \$18.4 million shortfall in estimated payments due on September 15th and an \$8.9 million (or roughly 10%) shortfall in withholding payments. Individual Income Tax collections for the first quarter of FY 2010 were \$39.3 million below projections.

Sales Tax collections were under budget by \$6.3 million in September and fell \$18.3 million below projections for the first quarter. Sales Tax performance in September (August taxable sales) was disappointing given the return of nice weather in August and the temporary boost to automobile sales from the "Cash for Clunkers" program.

While Corporate Income Tax estimated payments were below budget in September, this category remained above budget through the first quarter. The only other negative variances through the first quarter were in the Estate Tax and Fines, Forfeits and Penalties categories. With the exception of the Sales Tax and Income Tax categories, the remaining revenue categories were above budget by \$15.3 million for the first quarter of FY 2010.

September's revenue performance has prompted the Governor to begin the process of curtailing allotments. He is also preparing for a shortfall in the \$200 million range to be addressed by a supplemental budget for the Second Regular Session.

Total Highway Fund Revenue - FY 2010 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
September	\$27.9	\$25.9	(\$2.0)	-7.3%	\$31.0	-16.5%
FYTD	\$59.0	\$61.9	\$3.0	5.1%	\$63.0	-1.7%

Mr. Pennoyer's written report summarized the status of Highway Fund revenue and the Dirigo Health Fund, and provided a status report on cash balances. Mr. Pennoyer commented that the state will require tax anticipation note borrowing in November.

Legislative Council Chair Pingree asked when the Revenue Forecasting Committee will meet. Mr. Pennoyer answered that the Consensus Economic Forecasting Commission will meet on Monday, October 26th at 9:30 AM and the Revenue Forecasting Committee will meet on Tuesday, November 17th at 10:00 AM.

Status of Legislative Studies

Mr. Norton provided a written status report that is included in the Legislative Council meeting materials.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

Chair Pingree noted that the Personnel Committee is still in the process of reviewing applicants for the Legislative Information Technology Director position.

2. State House Facilities Committee

(No Report)

3. Budget Subcommittee

(No Report)

4. CSG Annual Meeting Planning Subcommittee

Senator Bartlett, co-chair reported that the subcommittee had met on October 7, 2009. Invitees to the meeting included representatives of private sector businesses who may be strong candidates to serve on a "Host Committee" and assist in fund-raising for the event. CSG/ERC representatives attended the meeting as well. The subcommittee will meet in November to figure out how to raise \$300,000 in a relatively short period. Senator Bartlett stated that he had started to reach out to folks, and spoke with them about what CSG is about and encouraging them to get involved. He said that he has received positive feedback and that most of the businesses he spoke with wanted to participate in some way.

Senator Marrache asked if the date for the November meeting has been set yet.

Senator Bartlett responded that he will work with Executive Director Boulter to see if meeting on or about the date of the next Legislative Council meeting is feasible.

Chair Pingree noted that the next meeting on November 5th is the meeting when the Legislative Council will hear legislator appeals.

There was no Old Business. Chair Pingree then proceeded to **Item 3** under New Business.

NEW BUSINESS

ITEM #3: Notification from the State of Maine Department of Audit that the Single Audit of the State of Maine for the year ended June 30, 2009 is being performed.

Mr. Boulter reported that the letter from the State Auditor regarding the State Single Audit is for informational purposes only. No Legislative Council action is required.

ITEM #4: Collective Bargaining Matters

Motion: That, in accordance with 1 MRSA section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council. Motion by Chair Pingree. Second by Senator Mitchell.
Motion passed, unanimous. (9-0) [Representative Tardy absent for vote.]

The council went into executive session at 2:17 P.M.. The council ended its executive session at 2:28 P.M. Motion by Senator Raye. Second by Senator Mitchell. **Motion to adjourn passed, unanimous. (9-0) [Representative Tardy absent for vote.]**

The Legislative Council resumed its general meeting.

ANNOUNCEMENTS AND REMARKS

None

ADJOURNMENT

The Legislative Council meeting was adjourned at 2:29 P.M. **Motion to adjourn passed unanimous. (9-0) [Representative Tardy absent for vote.]**

G:\Council\124th Legislative Council\Summaries\2009-10-15\2009-10-15 verbatim.doc 10/21/2009 1:55 PM

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Agriculture, Conservation and Forestry

2067	An Act To Streamline Maine's Pesticide Notification System	Representative O'Brien	8 - 2	Passed
2072	An Act To Strengthen the Laws against Illegal "Puppy Mill" Operators	Senator Hobbins	0 - 10	Failed
2099	An Act To Regulate the Transportation of Firewood	Representative McCabe	7 - 3	Passed
2284	An Act To Clarify Service Animal Identification	Representative Browne	1 - 9	Failed
2330	Resolve, Unifying Maine's Efforts To Notify Citizens of Powered Pesticide Applications	Representative Berry	1 - 9	Failed
2344	An Act To Create a Statewide Nuisance Animal Ordinance	Senator Simpson	0 - 10	Failed
2441	An Act To Ensure Consistency in Rulemaking by the Maine Land Use Regulation Commission	Representative Clark	0 - 10	Failed
2490	An Act To Amend the Laws That Provide an Exemption for Agricultural Guard Dogs from Municipal Ordinances Governing Barking Dogs	Representative Strang Burgess	1 - 9	Failed

Appropriations and Financial Affairs

2040	An Act To Provide Greater Transparency in State Budgeting	Representative Lovejoy	0 - 10	Failed
2041	An Act To Place Limits on the Amount of Money That May Be Carried Forward in a Dedicated Revenue Account	Representative Lovejoy	1 - 9	Failed
2068	An Act To Maintain Funding for Death Benefits for Law Enforcement Personnel and Firefighters	Senator Courtney	Tabled pursuant to motion - 10-0	
2076	An Act To Authorize a General Fund Bond Issue To Purchase and Upgrade Trackage of the Montreal, Maine and Atlantic Railway, Ltd.	Representative Theriault	Tabled pursuant to motion - 10-0	
2154	An Act To Transfer Funds from the Maine Emergency Management Agency to Maine Public Broadcasting	Representative Martin, J. L.	1 - 9	Failed
2327	An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure	Senator Marrache	Tabled pursuant to motion - 10-0	
2340	Resolve, To Streamline State Vehicle Operations	Representative Crockett, P.	3 - 7	Failed
2357	An Act To Create Access to Dental Care throughout the State	Representative Connor	Tabled pursuant to motion - 10-0	
2384	Resolve, To Establish the Maine Children's Budget	Representative Eves	2 - 8	Failed
2435	An Act To Stimulate Education and Job Creation through the Establishment of a Public Center for Higher Education at the Former Brunswick Naval Air Station	Senator Gerzofsky	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Business, Research and Economic Development

2054	An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine	Representative Peterson	10 - 0	Passed
2069	An Act To Facilitate an Increase in Sales of Motor Vehicles	Representative Pilon	7 - 3	Passed
2092	An Act To Protect Minors from Unscrupulous Marketing Practices	Senator Schneider	10 - 0	Passed
2156	An Act To Protect Maine Citizens' Credit	Senator Bartlett	10 - 0	Passed
2165	An Act to Clarify the Laws Governing Extended Warranties	Representative Crockett, P.	0 - 10	Failed
2172	An Act To Allow the Board of Dental Examiners To Grant Permits To Qualified Individuals To Practice as Dental Residents	Representative Blanchard	10 - 0	Passed
2235	An Act To Promote Affordable Energy-efficient Housing	Senator Goodall	1 - 9	Failed
2288	An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers	Senator Schneider	6 - 4	Passed
2305	An Act To Amend the Laws Governing Predatory Marketing Practices against Minors	Senator Schneider	0 - 10	Failed
2306	An Act To Amend the Laws Governing Advanced Practice Registered Nurses	Representative Perry, A.	10 - 0	Passed
2324	An Act To Provide the Finance Authority of Maine with Flexible Health Care Options	Senator Schneider	9 - 1	Passed
2325	Resolve, To Ensure Consistency in the Scheduled Expiration of Terms of the Board Members of the Finance Authority of Maine	Senator Schneider	10 - 0	Passed
2331	An Act To Protect the Privacy of Minors	Representative Cleary	0 - 10	Failed
2335	An Act To Conserve Energy and Water	Representative Knapp	0 - 10	Failed
2336	An Act To Require That Lights in Hotels and Motels Are Turned on by Using Room Keys	Representative Knapp	0 - 10	Failed
2337	An Act To Conserve Water	Representative Knapp	0 - 10	Failed
2341	An Act To Clarify the Educational Requirements of Candidates for Examination for Licensure as Certified Public Accountants	Senator Marrache	10 - 0	Passed
2348	An Act To Stop Predatory Marketing Practices against Minors	Representative Johnson	0 - 10	Failed
2356	An Act To Strengthen Consumer Protection against Financial and Identity Theft	Senator Trahan	0 - 10	Failed
2358	An Act To Increase the Financial Stability of Low-income Families	Senator Simpson	8 - 2	Passed
2391	An Act To Protect Maine Consumers	Senator Bliss	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Business, Research and Economic Development

2421	An Act To Enhance the Redevelopment of the Brunswick Naval Air Station	Senator Gerzofsky	7 - 3	Passed
2422	An Act To Establish a Sprinkler System Requirement in the Maine Uniform Building and Energy Code	Senator Diamond	0 - 10	Failed
2444	An Act To Encourage Private Enterprise by Prohibiting the University of Maine from Economically Harming Private Enterprise	Representative Giles	4 - 6	Failed
2456	An Act To Promote Construction of Zero Net Energy Buildings	Representative Hinck	1 - 9	Failed
2457	An Act To Establish an Office of Administrative Law Judges for Licensing Boards	Representative Smith, N.	10 - 0	Passed
2479	An Act To Enhance the Small Enterprise Growth Fund	Senator Rector	10 - 0	Passed
2488	An Act To Encourage Personal Savings	Senator Sullivan	0 - 10	Failed
2498	An Act To Protect Maine's Integral and Historic Documents	Representative Adams	0 - 10	Failed
2502	An Act To Improve the Standards of Auctioneers	Senator Bryant, B.	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Criminal Justice and Public Safety

2043	An Act To Reinstate a System of Parole and To Implement a Program Designed To Reintegrate Former Prisoners into the Community	Representative Tuttle	0 - 10	Failed
2055	An Act To Allow Greater Use of the Ignition Interlock Device Program	Senator Bartlett	4 - 6	Failed
2105	An Act To Require Persons Who Commit Sex Offenses against Dependent or Incapacitated Adults To Register under the Sex Offender Registration and Notification Act of 1999	Senator Gerzofsky	3 - 7	Failed
2117	An Act To Implement the Recommendations of the Juvenile Justice Task Force	Representative Haskell	10 - 0	Passed
2129	An Act To Expand the Scope of Motor Vehicle Inspection for Certain Law Enforcement Officers	Representative Crockett, P.	4 - 6	Failed
2142	An Act To Increase the Maximum Distance from a School and a Day Care Center That May Be Set by Municipal Ordinance beyond Which a Sex Offender May Reside	Senator Courtney	5 - 5	Failed
2159	An Act To Repeal the Laws Requiring the Coordination of State and County Correctional Services	Senator Smith, D.	2 - 8	Failed
2164	An Act To Repeal the Laws Governing the Coordination of State and County Correctional Services	Senator Trahan	1 - 9	Failed
2186	An Act To Require That All Rules Adopted by the Bureau of Labor Standards Concerning Fire and Rescue Issues Benefit from Legislative Review	Representative Sykes	4 - 6	Failed
2189	An Act To Limit the Distance from a Day Care Facility within Which a Registered Sex Offender May Reside	Representative Flaherty	3 - 7	Failed
2195	An Act To Make Improvements to the Laws Governing the State Board of Corrections	Representative Crockett, P.	2 - 8	Failed
2196	An Act To Restore the Minimum Distance between Generators and Residential Structures to One Foot	Representative Pilon	1 - 9	Failed
2197	An Act Concerning Statewide Communications Interoperability	Representative Crockett, P.	10 - 0	Passed
2200	An Act To Increase the Penalties for Writing Bad Checks	Representative Shaw	2 - 8	Failed
2211	An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters	Senator Jackson	10 - 0	Passed
2285	An Act To Create a Duty To Report Serious Injuries	Representative McLeod	Tabled pursuant to motion - 10-0	
2289	Resolve, To Reduce the Use and Abuse of Solitary Confinement	Representative Schatz	7 - 3	Passed
2312	An Act To Restore the Laws Governing Operating under the Influence	Senator Hobbins	1 - 9	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Criminal Justice and Public Safety

2338	An Act To Amend the Laws Governing County Jail Budgeting for York County	Senator Nass, R.	4 - 6	Failed
2373	An Act To Discourage Drunk Driving	Representative Tilton	2 - 8	Failed
2383	An Act To Provide Full Accountability for Convicted Class D Sex Offenders	Representative Crockett, P.	0 - 10	Failed
2417	An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors	Senator Diamond	6 - 4	Passed
2470	An Act To Change Operating after Suspension to a Civil Violation	Representative Strang Burgess	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Education and Cultural Affairs

2047	An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008	Representative Cornell du Houx	10 - 0	Passed
2062	An Act To Maximize Maine's Eligibility To Receive Grants from the Federal Race to the Top Fund	Senator Mills, P.	4 - 6	Failed
2073	An Act to Require the State To Pay the Costs of School Administration Consolidation	Representative Connor	Tabled pursuant to motion - 10-0	
2095	An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts	Representative Welsh	8 - 2	Passed
2106	An Act To Allow a School To Withdraw from a Regional School Unit	Representative Miller	Tabled pursuant to motion - 10-0	
2133	An Act To Establish the Maine Basketball Hall of Fame	Senator Raye	Tabled pursuant to motion - 10-0	
2151	An Act To Permit Representation by Persons Other Than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education	Senator Bowman	0 - 10	Failed
2185	Resolve, To Direct the Department of Education To Convene a Task Force To Review Educational Opportunities for English Language Learners in the State	Representative Flaherty	0 - 10	Failed
2194	An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum	Representative McFadden	Tabled pursuant to motion - 10-0	
2201	An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization	Representative O'Brien	Tabled pursuant to motion - 10-0	
2202	An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009	Representative O'Brien	Tabled pursuant to motion - 10-0	
2209	An Act To Establish an Early High School Graduation Scholarship Program	Representative Morrison	3 - 7	Failed
2241	Resolve, To Adjust the State Educational Funding Assistance Formula	Representative Wagner	2 - 8	Failed
2251	An Act To Increase Maine's High School Graduation Rate	Senator Alfond	9 - 1	Passed
2269	Resolve, To Give Linwood Wright His Bachelor's Degree in Forestry from the University of Maine	Representative Saviello	4 - 6	Failed
2271	An Act To Form a Western Maine Regional School Unit	Representative Saviello	Tabled pursuant to motion - 10-0	
2311	An Act To Allow Minor Capital School Improvement Projects To Be Permitted Costs under Essential Programs and Services	Representative Rotundo	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Education and Cultural Affairs

2323	An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District	Senator Bowman	Tabled pursuant to motion - 10-0
2343	An Act To Establish a School of Practical Skills in Washington County	Representative McFadden	0 - 10 Failed
2351	Resolve, To Develop a Model Academic Year Calendar	Representative Sutherland	9 - 1 Passed
2353	An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs	Representative Rotundo	Tabled pursuant to motion - 10-0
2387	An Act To Create Fair Education Funding for Regional School Units	Representative Webster	Tabled pursuant to motion - 10-0
2420	An Act To Assist the University of Maine System To Achieve Its Core Mission	Senator Alfond	3 - 7 Failed
2428	An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law	Senator Perry, J.	Tabled pursuant to motion - 10-0
2443	An Act To Protect University of Maine Students from Unnecessary Tuition Increases	Senator Marrache	6 - 4 Passed
2463	An Act To Implement Recommendations Contained in the Audit of the Maine State Library, Maine Arts Commission, Maine State Museum Commission and Maine Historic Preservation Commission	Representative Percy	1 - 9 Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Health and Human Services

2038	Resolve, To Allow for the Proper Disposal of Medical Supplies	Senator Marrache	10 - 0	Passed
2059	An Act To Establish a Silver Alert Program	Representative Rotundo	10 - 0	Passed
2093	An Act To Prohibit Smoking at Health Care Facilities	Representative Driscoll	0 - 10	Failed
2107	An Act To Allow Issuing Pharmacies To Accept Unused Prescription Medications	Representative Cotta	2 - 8	Failed
2136	An Act To Prohibit Mandatory Vaccinations	Representative Thomas	4 - 6	Failed
2162	An Act To Exempt Certain Establishments from Maine's Outdoor Smoking Law	Representative McCabe	2 - 8	Failed
2168	An Act To Require an Independent Audit of the MaineCare System	Representative Cebra	3 - 7	Failed
2198	Resolve, To Define High-risk Populations for the Purposes of Hospital Surveillance for Methicillin-resistant Staphylococcus Aureus and To Implement Public Law 2009, chapter 346	Representative Goode	10 - 0	Passed
2207	An Act To Require MaineCare To Provide Coverage for Genetic Testing for Cancer	Representative Strang Burgess	1 - 9	Failed
2212	An Act To Create the Children's Wireless Protection Act	Representative Boland	10 - 0	Passed
2242	An Act To Make Certain MaineCare Rules Adopted by the Department of Health and Human Services Major Substantive Rules	Representative Finch	0 - 10	Failed
2249	An Act To Require a Pharmacist To Provide Prior Notification or Obtain Consent from the Prescribing Physicians before Changing from One Formulation or Manufacturer to Another of an Antiepileptic Drug	Senator Bowman	0 - 10	Failed
2270	An Act To Extend the Maternal and Infant Death Review Panel	Representative Saviello	4 - 6	Failed
2276	An Act To Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families	Senator Alford	8 - 2	Passed
2301	An Act To Prevent the Spread of Eastern Equine Encephalitis	Representative Piotti	10 - 0	Passed
2307	An Act To Enact the Maine Substance Abuse Impairment Act	Representative Beaudette	2 - 8	Failed
2329	An Act To Ensure the Continuation of the Maternal and Infant Death Review Panel	Senator Marrache	10 - 0	Passed
2367	An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs	Representative Lewin	4 - 6	Failed
2368	An Act To Require the Department of Health and Human Services To Represent the Child in All Proceedings on Protection from Abuse Orders Involving a Child	Senator Sullivan	3 - 7	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Health and Human Services

2436	An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process	Representative Perry, A.	10 - 0	Passed
2437	An Act Enabling Expedited Partner Therapy	Representative Perry, A.	10 - 0	Passed
2480	An Act To Repeal the Fee Increase for Copies of Vital Records	Senator Raye	10 - 0	Passed
2483	An Act To Ensure Patients Can Receive Estimates for the Cost of Treatments	Representative Boland	1 - 9	Failed
2493	An Act To Require That Hospitals Adopt Recognized Checklists and Procedures Designed To Reduce Health Care Associated Infections to Minimal Levels	Senator Mills, P.	3 - 7	Failed
2496	An Act To Require the Immediate Closure or Consolidation of Dorothea Dix Psychiatric Center	Senator Mills, P.	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Inland Fisheries and Wildlife

2080	An Act Concerning All-terrain Vehicle Use on Town Roads	Representative Johnson	3 - 7	Failed
2081	An Act To Allow Deer Hunting with Shotguns Only in Owls Head During Firearms Season	Representative Mazurek	4 - 6	Failed
2083	Resolve, To Encourage Hunting by Reinstating Youth Hunting Day	Representative Clark	2 - 8	Failed
2103	An Act To Prevent Municipalities from Establishing Boat Moorings around State-owned Public Boat Launches	Senator Gerzofsky	0 - 10	Failed
2149	An Act To Amend the Current Moose Permit System and Preference Point System in Maine	Representative Piotti	10 - 0	Passed
2166	An Act To Prohibit Floating Barges on a Portion of the Saco River	Senator Hastings	2 - 8	Failed
2175	An Act To Require Seasonal Use of Personal Flotation Devices	Representative Watson	0 - 10	Failed
2190	An Act To Prohibit the Use of Jet Skis on Wilson Pond	Representative Johnson	0 - 10	Failed
2278	Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt Rules Clarifying Fish Stocking Decisions	Representative Duchesne	4 - 6	Failed
2291	An Act To Increase Payments to Agents Who Provide Tags for Wild Game	Representative Schatz	10 - 0	Passed
2354	An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Privately Owned Lands	Representative Sarty	2 - 8	Failed
2355	An Act To Streamline the Permitting Process for Muzzle-loading Permit Renewal	Representative Pratt	10 - 0	Passed
2385	An Act To Compensate Tagging Agents	Representative Beaulieu	0 - 10	Failed
2394	An Act Regarding the Electronic Tagging of Big Game Animals	Senator Bryant, B.	10 - 0	Passed
2395	An Act To Encourage Youth Participation in Maine's Hunting Heritage	Senator Bryant, B.	0 - 10	Failed
2396	Resolve, Requiring the Department of Inland Fisheries and Wildlife To Provide Greater Access to Smelting for Youth License Holders	Senator Bryant, B.	2 - 8	Failed
2414	An Act Related to Distribution of Tagging Registration Fees	Representative Clark	0 - 10	Failed
2447	An Act To Ensure That Search and Rescue Dogs Are Afforded the Same Protections and Accommodations as Service Animals	Senator Gerzofsky	10 - 0	Passed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Insurance and Financial Services

2048	An Act To Clarify the Application of Certain Statutory Requirements to Foreclosures	Representative Treat	10 - 0	Passed
2094	An Act To Expand the Opportunity for Persons To Acquire Health Care Coverage under the State's "Mini-COBRA" Program	Representative Mazurek	9 - 1	Passed
2120	An Act To Require Full Disclosure by Insurance Carriers Using Credit Ratings	Representative Beaudoin	4 - 6	Failed
2125	An Act concerning the Use of Long-term Antibiotics for the Treatment of Lyme Disease	Representative Legg	7 - 3	Passed
2150	An Act Regarding Health Insurance Coverage for Infertility Treatment	Representative Knight	0 - 10	Failed
2158	An Act To Bring Uniformity in Insurance Underwriting	Representative Davis	2 - 8	Failed
2161	An Act To Allow the Purchase of Health Insurance from New Hampshire Insurers	Senator Smith, D.	4 - 6	Failed
2167	An Act To Increase Consumer Choice Regarding the Purchase of Extended Warranties	Representative Thibodeau	2 - 8	Failed
2199	An Act To Maintain Compliance of Maine's Insurance Laws with National Standards	Representative Treat	7 - 3	Passed
2237	An Act To Protect Individuals with Health Insurance from Catastrophic Risk	Senator Bartlett	10 - 0	Passed
2247	An Act To Require Compliance of Maine's Insurance Laws with National Standards	Senator Bowman	0 - 10	Failed
2277	An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits for 10 Years	Senator Alfond	10 - 0	Passed
2295	An Act To Require Health Insurance Carriers To Allow Policyholders To Keep Their Children on Their Policies until Age 25	Representative Ayotte	0 - 10	Failed
2326	An Act To Create a Cost-efficient Distribution System for Health Care	Representative Pilon	0 - 10	Failed
2342	An Act To Establish an Insurance Fraud Division	Representative Fossel	4 - 6	Failed
2386	An Act Regarding Surety Bond Exemption	Representative Beaulieu	0 - 10	Failed
2430	An Act To Improve Health Insurance Security	Senator Schneider	7 - 3	Passed
2481	An Act To Protect Victims of Catastrophic Illness or Accident	Representative Berry	0 - 10	Failed
2489	An Act To Allow a Maine-chartered Financial Institution To Conduct a Savings Promotion Raffle	Senator Sullivan	0 - 10	Failed
2492	An Act To Adopt a Drug Benefit Equity Law	Senator Mills, P.	6 - 4	Passed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Judiciary

2049	An Act To Ensure Expedient Resolution of Cases before the Maine Human Rights Commission	Representative Blodgett	7 - 3	Passed
2071	An Act To Amend the Uniform Child Custody Jurisdiction and Enforcement Act	Senator Plowman	4 - 6	Failed
2097	An Act To Ensure Grandparents' Rights to Children	Representative Perry, A.	8 - 2	Passed
2124	An Act To Protect Confidential Consumer Records in Self-service Storage Facilities	Senator Bowman	10 - 0	Passed
2126	An Act To Remove the Age Limit Governing When a Court Must Consider the Wishes of a Child in a Proceeding for the Termination of Parental Rights	Representative Wheeler	5 - 5	Failed
2130	An Act To Clarify the Laws Governing Freedom of Access to Information	Representative Dostie	9 - 1	Passed
2139	An Act To Amend the Housing Exceptions in the Maine Human Rights Act	Representative Stevens	3 - 7	Failed
2152	An Act To Amend the Laws Governing Parental Rights and Responsibilities	Senator Bowman	4 - 6	Failed
2170	An Act To Amend Laws Relating to Persons Serving as Permanency Guardians	Senator Rosen, R.	4 - 6	Failed
2187	An Act To Expedite the Small Claims Process	Representative Crockett, P.	0 - 10	Failed
2191	An Act To Allow a Deputy District Attorney or an Assistant District Attorney Designated by the District Attorney To Request Utility Records	Representative Schatz	3 - 7	Failed
2203	An Act To Develop a Policy of Communication on Issues Affecting Tribal Communities of the Passamaquoddy Tribe	Representative Soctomah	10 - 0	Passed
2272	An Act Concerning the Practice of Law by Out-of-state Attorneys	Representative Priest	10 - 0	Passed
2290	An Act To Restore the Notification Process for the Annual Registration of a Corporation	Representative Schatz	5 - 5	Failed
2328	Resolve, To Protect Information Maintained by Registries	Representative Treat	8 - 2	Passed
2393	Resolve, Relating to Indigent Legal Services	Representative Magnan	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Labor

2087	An Act To Protect Maine Workers	Senator Jackson	6 - 4	Passed
2110	An Act To Amend the Unemployment Law Regarding Vacation Pay	Speaker Pingree	10 - 0	Passed
2127	An Act To Clarify the Definition of "Employer" for Unemployment Compensation Purposes	Representative Beaulieu	10 - 0	Passed
2134	An Act To Aid in the Prevention of the Spread of H1 N1 Influenza by Ensuring the Provision of Earned Paid Sick Time	President Mitchell, E.	10 - 0	Passed
2179	An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System	President Mitchell, E.	10 - 0	Passed
2254	An Act To Authorize the Issuance of "Stop Work" Orders if a Construction Contractor or Subcontractor Has Knowingly Misrepresented the Classification of Employees	Representative Martin, J. L.	6 - 4	Passed
2350	An Act Relating to the Membership of the Workers' Compensation Board	Representative Butterfield	6 - 4	Passed
2369	An Act Regarding Maine Public Employees Retirement System Life Insurance Policies	Senator Hobbins	10 - 0	Passed
2374	An Act To Clarify Retirement Benefits	Representative Tilton	4 - 6	Failed
2460	An Act To Ensure the Equitable Treatment of Maine's Workforce	Representative Boland	0 - 10	Failed
2486	Resolve, To Study Privacy Rights with Respect to the Job Application and Employment Process	Representative Beck	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Legal and Veterans Affairs

2039	An Act Regarding the Sale of Malt Liquor from a Mobile Service Bar on a Golf Course	Senator Perry, J.	6 - 4	Passed
2052	Resolve, To Require an Independent Audit of the Maine Military Authority	Representative Blodgett	0 - 10	Failed
2060	An Act To Amend the Laws Governing Educational Benefits for Veterans and Their Families	Representative Beck	0 - 10	Failed
2061	An Act To Allow Competitions at Fairs for Homemade Wine and Beer	Representative Willette	0 - 10	Failed
2065	An Act To Delay the Effective Date of the Requirement that Alcoholic Beverage Tastings Take Place in a Place Not Observed by Children	Representative Webster	3 - 7	Failed
2066	An Act To Amend the Laws Pertaining to the Taste Testing of Alcoholic Beverages	Representative Webster	2 - 8	Failed
2084	An Act To Prevent Predatory Signature Gathering and To Strengthen the Citizens Initiative and Veto Process	Representative Berry	6 - 4	Passed
2104	An Act To Waive the Tuition Charges of Any Postsecondary Educational Institution in the State for a Child of a Soldier Who Died or Is Disabled while on Active Duty	Representative Harlow	0 - 10	Failed
2131	An Act To Reform Maine's Referendum Process	Senator Trahan	4 - 6	Failed
2147	An Act To Exempt Certain Mobile Homes from the Radon Testing Requirement	Representative Martin, J.R.	8 - 2	Passed
2192	An Act To Amend the Laws Governing Taste-testing of Alcoholic Beverages	Representative Fitts	10 - 0	Passed
2205	An Act Regarding Wine Tasting Demonstrations	Senator Plowman	2 - 8	Failed
2210	An Act Regarding the Commission on Governmental Ethics and Election Practices	Representative Trinward	4 - 6	Failed
2236	An Act To Amend the Alcoholic Beverage Tasting Laws	Representative Welsh	0 - 10	Failed
2243	Resolve, To Transfer the Ownership of the Bath Armory to the City of Bath	Senator Goodall	10 - 0	Passed
2244	An Act To Amend the Taste-testing Laws for the Sale of Alcoholic Beverages	Senator Goodall	1 - 9	Failed
2273	An Act To Clarify Maine's 3-tiered System for the Distribution and Sale of Alcoholic Beverages	Representative Carey	0 - 10	Failed
2296	An Act Pertaining to Educational Benefits for Veterans and Their Dependents	Representative Haskell	8 - 2	Passed
2297	An Act To Improve the Signature Collection Process for Citizen's Initiatives and People's Veto Petitions	Senator Craven	0 - 10	Failed
2302	An Act Regarding Ratio Utility Billing	Representative Adams	0 - 10	Failed
2304	An Act To Clarify Licensing for Freestanding Event Halls	Senator Bliss	7 - 3	Passed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Legal and Veterans Affairs

2308	An Act To Amend the Laws Governing Alcohol Taste-testing Activities	Representative Tuttle	0 - 10	Failed
2310	An Act To Strengthen the Ballot Initiative Process	Senator Nutting, J.	8 - 2	Passed
2413	An Act To Limit the Provision of Funding under the Maine Clean Election Act to Candidates That Do Not Have Political Action Committees	Representative Dill	0 - 10	Failed
2416	An Act To Clarify the Laws Governing Instant Redeemable Coupons Included with a Spirits Product	Representative Fitts	10 - 0	Passed
2429	An Act To Implement the Use of Promotional Credits	Senator Perry, J.	0 - 10	Failed
2461	Resolve, To Create the State Veterans' Memorial Preservation Advisory Commission	Representative Martin, J.R.	0 - 10	Failed
2462	An Act To Exempt Certain Businesses from the Alcohol Taste-testing Laws	Representative Russell	0 - 10	Failed
2464	An Act To Enhance Relations between Delinquent Tenants and Property Owners	Senator Bowman	0 - 10	Failed
2477	An Act To Streamline Wine Registration Requirements	Representative Berry	10 - 0	Passed
2485	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Direct Initiatives Be Subject to Legislative Rules Regarding Process	Representative Cain	6 - 4	Passed
2491	An Act To Provide Uniform Rules for Smoking in or Near Establishments That Serve Alcohol	Senator Mills, P.	3 - 7	Failed

Marine Resources

2034	An Act To Prohibit an Agency from Accepting Funds To Implement a Federal Registry for Saltwater Recreational Fishing	Senator Trahan	4 - 6	Failed
2113	An Act To Allow Immediate Family Members To Assist in Lobstering	Representative Pendleton	4 - 6	Failed
2128	An Act To Amend the Laws Governing the Monhegan Lobster Conservation Area To Establish a Process for a Person Who Holds a Lobster Fishing License To Petition the Legislature or a Regional Lobster Council To Change Those Laws	Senator Trahan	2 - 8	Failed
2361	An Act To Create a Subzone for Lobstering around the Island of Matinicus	Representative Kruger	0 - 10	Failed
2365	An Act To Eliminate the 3 Trap Limit off Hancock County	Senator Damon	8 - 2	Passed
2438	An Act To Amend the Lobster Licensing Laws	Representative McKane	0 - 10	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Natural Resources

2063	An Act To Update and Modernize Maine's Floodplain Mapping for Coastal Communities	Representative Legg	5 - 5	Failed
2111	An Act To Prevent the Spread of Invasive Plants and Protect Maine's Lakes	Representative Eberle	7 - 2	Passed
2112	An Act To Amend the Coastal and Lake Watershed Districts Law To Clarify Municipal Home Rule and Interlocal Cooperation Authority	Representative Eberle	3 - 7	Failed
2116	An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program	Representative Johnson	7 - 2	Passed
2163	An Act To Control the Taking of Large Quantities of Water	Representative Hinck	1 - 8	Failed
2180	An Act To Provide to Certain Municipalities a Waiver of the Requirement To Adopt a Comprehensive Plan and Allow Those Municipalities To Enforce Their Ordinances	Representative Cray	4 - 5	Failed
2182	An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers	Speaker Pingree	9 - 0	Passed
2206	An Act To Amend Resource Protection Setbacks in Critical Wildlife Habitats	Representative McKane	4 - 5	Failed
2240	An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas	Senator Goodall	7 - 3	Passed
2246	An Act To Reduce Human Exposure to "Deca" Brominated Flame Retardants	Representative Duchesne	0 - 9	Failed
2281	An Act To Amend the Laws Governing Groundwater	Representative Pratt	1 - 8	Failed
2282	An Act To Prohibit Significant Groundwater Well Development on Public Lands	Representative Pratt	2 - 7	Failed
2292	An Act To Reduce the Required Setback in a Resource Protection Zone from 250 Feet to 100 Feet	Representative Schatz	2 - 7	Failed
2294	Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks	Representative Ayotte	0 - 10	Failed
2339	An Act To Protect the Environment and Natural Resources of the State by Regulating the Discharge of Certain Substances into the Environment	Representative Flaherty	5 - 4	Failed
2349	An Act To Require the Use of Biofuel in No. 2 Home Heating Oil	Representative Butterfield	8 - 2	Passed
2352	An Act To Make the Reid Vapor Pressure Standard for Gasoline Consistent within the State	Senator McCormick	3 - 7	Failed
2389	An Act To Provide Leadership, Tax Fairness and Responsible Recycling for Consumer Products	Representative Innes	8 - 1	Passed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Natural Resources

2425	Resolve, To Establish a Study Commission To Review and Analyze the State's Role in Climate Change Policy	Senator Smith, D.	4 - 6	Failed
2426	Resolve, To Establish a Study Commission To Recommend a State Policy on Offshore Petroleum Exploration	Senator Smith, D.	3 - 6	Failed
2432	An Act Related to Qualified Waste-to-energy Power	Representative Soctomah	9 - 0	Passed
2445	An Act To Exempt Minor Activities from the Natural Resources Protection Act	Senator Nass, R.	4 - 5	Failed
2501	Resolve, Regarding Batteries and Power Sources in Alternative Vehicles	Representative Adams	1 - 9	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

State and Local Government

2036	An Act To Allow Legislators To Be Paid on a Monthly Basis	Representative Dostie	0 - 9	Failed
2046	An Act Designating March 29 Vietnam Veterans Day	Representative Briggs	3 - 6	Failed
2075	An Act To Authorize Municipal Officers To Resolve Road Naming Disputes	Representative Magnan	6 - 3	Passed
2079	An Act To Require Counties To Provide Reasons for Decisions Issued on Hearings	Representative Johnson	3 - 6	Failed
2138	An Act Concerning Fees for Documents at the County Registry of Deeds	Representative Crockett, P.	9 - 0	Passed
2143	An Act To Require That Elected County Treasurers Be Qualified in Business Administration and Finance Matters	Senator Smith, D.	1 - 8	Failed
2160	An Act To Conduct a Maine Management and Cost Survey	Senator Smith, D.	4 - 5	Failed
2169	An Act To Amend the Somerset County Budget Procedure	Representative Curtis	9 - 0	Passed
2171	An Act To Amend County Budget Procedures	Representative McCabe	4 - 5	Failed
2174	An Act Regarding Lands Held in Trust for the Benefit of the Citizens of Bethel	Representative Crockett, J.	4 - 5	Failed
2193	An Act To Restore Longevity Pay	President Mitchell, E.	9 - 0	Passed
2280	An Act To Require State Agency Fee Increases To Be Approved by the Legislature	Senator Rector	4 - 5	Failed
2283	An Act To Restrict the Purchase by State Agencies of Bottled Water	Representative Pratt	1 - 8	Failed
2345	An Act To Increase Efficiency in County Government	Representative McCabe	1 - 8	Failed
2372	An Act To Require Municipal Officials To Perform Ministerial Actions	Senator Bryant, B.	0 - 9	Failed
2382	An Act Regarding the Acquisition of the Backscatter Radar Site in Washington County	Representative McFadden	0 - 8	Failed
2392	An Act To Clarify the Informed Growth Act	Representative Beaudette	5 - 4	Failed
2397	An Act Relating to Municipal Elected Officials	Representative McCabe	0 - 9	Failed
2455	An Act To Allow Notaries and Justices of the Peace from Other States To Perform One-time Wedding Ceremonies in Maine	Representative Briggs	1 - 8	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Taxation

2042	An Act To Make Retroactive the Sales Tax Exemption for Meals Served to Residents of Retirement Facilities	Senator Trahan	Tabled pursuant to motion - 10-0
2085	An Act To Increase Financial Assets of Maine Citizens by Allowing Split Tax Refunds	Representative Flemings	9 - 0 Passed
2086	An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry	Representative Martin, J. L.	9 - 0 Passed
2088	An Act To Repeal Recent Changes to the Laws Governing Taxation	Representative Langley	Tabled pursuant to motion - 10-0
2135	An Act To Improve the Seed Capital Investment Tax Credit Program	President Mitchell, E.	9 - 0 Passed
2141	An Act To Repeal the Sales Tax on Automobile Repairs	Senator Courtney	Tabled pursuant to motion - 10-0
2157	An Act to Make a Minor Technical Change in the Tax Laws Governing the Sales Tax Exemption for Snowmobile Trail Grooming Equipment	Representative Watson	7 - 2 Passed
2176	An Act To Provide Tax Relief	Representative Watson	2 - 7 Failed
2178	An Act To Avoid Unnecessary Removal of Land from the Tree Growth Tax Law Program	Representative Watson	8 - 1 Passed
2181	An Act To Provide Notice to a Municipality when a Mobile Home Is Moved	Representative Cray	0 - 9 Failed
2238	An Act To Improve the Law Implementing Tax Reform	Representative Watson	Tabled pursuant to motion - 10-0
2239	An Act To Amend the Law Implementing Tax Reform To Improve Household Credits and Encourage Investments and Charitable Giving and Reduce the Tax Burden for Catastrophic Medical Expenditures	Representative MacDonald	Tabled pursuant to motion - 10-0
2250	An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations	Senator Sherman	8 - 1 Passed
2253	Resolve, To Promote Efficiency and To Streamline Access to the Maine Residents Property Tax Program for Seniors, People with Disabilities and Working Families with Low Incomes	Representative Crockett, P.	9 - 0 Passed
2286	An Act To Encourage Extended Stays in Maine Waters	Representative Cushing	8 - 1 Passed
2287	An Act To Encourage Saving and Investing by Maine Citizens	Representative Cushing	2 - 7 Failed
2299	An Act To Adjust the Implementation of Possible Tax Changes	Representative Piotti	Tabled pursuant to motion - 10-0
2300	An Act To Modify the Maine Tax Code To Support Renewable Energy	Representative Piotti	9 - 0 Passed
2309	An Act To Reinstate Income Tax Indexing	Senator Nass, R.	Tabled pursuant to motion - 10-0
2371	An Act Regarding the Tax on Candy	Senator Bartlett	Tabled pursuant to motion - 10-0

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Taxation

2431	An Act To Implement Comprehensive Tax Reform	Senator Perry, J.	Tabled pursuant to motion - 10-0
2459	An Act To Increase the Affordability of Renewable Energy for Homeowners and Small Businesses	Representative Crockett, P.	9 - 0 Passed
2471	An Act To Increase Transparency and Accountability and Assess the Impact of Tax Incentive Programs	Representative Cain	9 - 0 Passed
2472	An Act To Create an Optional Local Sales Tax To Support Education	Representative Lovejoy	0 - 9 Failed
2475	An Act To Exempt from the Sales and Use Tax Products Used in Dairy Farming	Senator Mills, P.	4 - 5 Failed
2487	An Act To Allow the Direct Deposit of an Income Tax Refund into a Maximum of 3 Checking or Savings Accounts	Senator Sullivan	0 - 9 Failed
2495	An Act To Exempt from Sales Tax Rafting Trips on the Kennebec River, Penobscot River and Dead River	Senator Mills, P.	1 - 8 Failed
2497	An Act To Exempt from the Increased Lodging Tax Group Lodging Contracts That Were Entered into before June 13, 2009	Representative Hill	Tabled pursuant to motion - 10-0

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Transportation

2033	An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs	Representative MacDonald	4 - 5	Failed
2035	An Act To Impose Service Requirements on Railroads That Receive Funds from the Department of Transportation	Representative Fitts	8 - 1	Passed
2051	An Act To Ensure Access to Ferries for Persons with Physical Limitations	Representative Blodgett	2 - 7	Failed
2053	An Act To Reduce Noise Caused by Motorcycles and Improve Public Health	Senator Sullivan	2 - 7	Failed
2056	An Act To Prohibit Text Messaging while Driving	Representative Beaudoin	0 - 10	Failed
2057	An Act Concerning Motorcyclist Safety	Representative Beaudoin	1 - 8	Failed
2058	An Act To Prohibit Texting While Driving	Representative Rotundo	0 - 10	Failed
2064	An Act To Remove Restrictions on the Use of Traffic Surveillance Cameras by the State and Municipalities	Representative Pilon	0 - 10	Failed
2070	An Act To Decrease the Number of Plates Required To Be Displayed on a Motor Vehicle from 2 to One	Senator Plowman	2 - 7	Failed
2077	Resolve, To Name Route 27 from Kingfield to Stratton the Caleb Dalton Stevens Memorial Highway	Senator Gooley	8 - 0	Passed
2096	Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge	Representative Eves	8 - 0	Passed
2098	An Act To Define Texting or Keyboarding while Operating a Motor Vehicle as a Reckless Act	Representative Van Wie	3 - 7	Failed
2100	An Act To Prohibit Texting while Operating a Motor Vehicle	Representative Eves	0 - 10	Failed
2108	An Act To Register Bicycles and To Establish a Safety Course for Bicyclists	Representative Cotta	0 - 9	Failed
2115	Resolve, Authorizing the Transfer of State Land to the Natural Resource Education Center of Greenville	Representative Johnson	9 - 0	Passed
2121	An Act To Encourage Tourism by Ensuring the Safety, Accessibility and Availability of Highway Rest Stops and Scenic Overlooks	Representative Thomas	1 - 8	Failed
2123	Resolve, Directing the Department of Transportation To Install a Flashing Stop Light at the Intersection of Route 201 and Route 43 in Madison	Representative Thomas	1 - 7	Failed
2132	An Act To Transfer Funding for Certain Expenditures That Are Not Related to Transportation from the Highway Fund to the General Fund	Senator Gooley	4 - 5	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Transportation

2137	An Act To Allow Members of a Road Association To Appeal an Assessment Made by the Association to the Local Appeals Board	Representative Thomas	0 - 8	Failed
2140	An Act To Authorize School Bus Driver Trainees To Use Flashing Lights during Training	Representative Thomas	1 - 8	Failed
2144	Resolve, Requiring the Office of Program Evaluation and Government Accountability To Look at the Structure and Management of the Department of Transportation	Senator Smith, D.	2 - 8	Failed
2145	An Act To Establish a Rural Highway Authority	Senator Smith, D.	2 - 8	Failed
2155	An Act To Require the Bureau of Motor Vehicles To Accept Certification of Disability from the Bureau of Maine Veterans' Services	Representative Martin, J. L.	10 - 0	Passed
2177	An Act To Establish a Process of Determining Camp Road Ownership	Representative Bryant, M.	0 - 8	Failed
2188	An Act To Allow the State To Receive Full Funding under the Federal Motor Carrier Safety Assistance Program	Representative Crockett, P.	7 - 2	Passed
2208	An Act To Establish Emergency Zones	Senator Trahan	0 - 10	Failed
2234	Resolve, Directing the Department of Transportation To Review the Fiscal Impact on the State of the Closure of the Railroad Track between Madawaska and Millinocket	Senator Sherman	7 - 3	Passed
2245	Resolve, To Name the New Bridge over Gilman Stream in New Portland the Joshua Bernard Memorial Bridge	Representative Pinkham	8 - 0	Passed
2248	An Act To Allow Fines for Violations on Town Roads To Be Kept by Towns	Senator Bowman	1 - 9	Failed
2274	An Act To Provide for the Safety of Young Maine Athletes	Representative Carey	2 - 7	Failed
2279	An Act To Dedicate Surplus Transportation Funds to Highway Maintenance and Paving	Senator Courtney	6 - 2	Passed
2313	An Act To Expand Enhanced Automobile Emissions Inspections throughout the State	Senator Bowman	0 - 9	Failed
2333	An Act To Improve Maine's Roads	Representative Thomas	4 - 6	Failed
2334	An Act To Reduce Road Noise within Posted Areas	Representative Strang Burgess	0 - 10	Failed
2360	An Act Regarding the Placement of a Sign at Saddleback Mountain	Representative Tardy	10 - 0	Passed
2362	An Act To Establish a Commission To Promote General Aviation in the State	Senator Marrache	9 - 0	Passed
2364	An Act To Regulate the Use of Traffic Surveillance Cameras	Senator Damon	6 - 4	Passed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Transportation

2366	An Act To Clarify the Authority of the Department of Transportation Regarding Economic Development Projects That Involve Multiple Property Owners with Common Roadway Access	Representative Beaudette	0 - 10	Failed
2388	An Act To Support the Paving and Maintenance of Maine's Highways	Representative Fletcher	3 - 5	Failed
2415	An Act To Amend Maine's Law Relating to Motor Vehicle License Plates	Representative McCabe	0 - 9	Failed
2418	An Act To Amend the Laws Governing the "We Support Our Troops" Registration Plates	Representative Pilon	9 - 0	Passed
2424	An Act To Designate Funds from the Highway Fund to the Highway and Bridge Light Capital Program	Representative Browne	4 - 6	Failed
2439	An Act To Preserve the "We Support Our Troops" Registration Plate	Senator Raye	9 - 0	Passed
2442	An Act To Improve Safety and Reduce Maintenance Costs on Maine Highways	Representative Piotti	9 - 0	Passed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Utilities and Energy

2045	An Act To Maintain Internet Access for Maine Citizens and Businesses	Representative Peterson	10 - 0	Passed
2078	An Act To Require Price Quotes for Telephone Service To Be in Writing prior to Service	Representative Johnson	0 - 10	Failed
2082	An Act To Require That a Utility Company Notify the Owner of Property prior to Disconnecting Services	Representative Pilon	8 - 2	Passed
2090	An Act To Lower Municipal Energy Costs by the Formation of Municipal Energy Committees	Representative Innes	5 - 5	Failed
2101	An Act To Permit Telephone Companies To Provide Directories by Customer Request Only	Representative Eves	4 - 6	Failed
2109	An Act To Authorize Sanitary Districts To Waive an Automatic Sewer Lien Foreclosure	Representative Chase	10 - 0	Passed
2148	An Act To Allow a Person To Change Cell Phone Service Providers after the First Term of a Contract	Representative Martin, J.R.	0 - 10	Failed
2153	An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District	Representative Martin, J. L.	10 - 0	Passed
2173	An Act To Establish a Broadband Policy for Maine	Representative Flaherty	3 - 7	Failed
2183	An Act To Amend the Laws Governing Noise Limitations on Wind Turbines	Speaker Pingree	10 - 0	Passed
2184	An Act To Amend the Charter of the Dexter Utility District	Representative Thomas	10 - 0	Passed
2204	An Act To Create the Lincolnville Sewer District	Senator Weston	10 - 0	Passed
2252	An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities	Representative Fitts	5 - 5	Failed
2255	An Act To Amend the Charter of the Buckfield Village Corporation	Representative Hayes	10 - 0	Passed
2293	An Act To Amend the Charter of the Corinna Water District	Representative Tardy	10 - 0	Passed
2303	Resolve, Directing the Public Utilities Commission To Adopt Rules To Improve the Safety of Multiunit Rental Dwellings	Representative Adams	7 - 3	Passed
2346	Resolve, To Review Certification Requirements for Installation of Solar Energy Systems	Representative Nelson	3 - 7	Failed
2363	An Act To Adjust Eligibility for Grants through the Efficiency Maine Trust	Representative Wagner	5 - 5	Failed
2370	An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources	Senator Bartlett	9 - 1	Passed
2390	An Act To Amend the Charter of the Caribou Water District	Representative Edgecomb	10 - 0	Passed
2419	An Act To Establish a Smart Electric Grid in the State	Representative Russell	2 - 8	Failed

**Legislative Council Action
On Legislative Bill Requests
October 15, 2009**

Utilities and Energy

2423	Resolve, To Direct the Public Utilities Commission To Report the Electric Rate Impact of Climate Change Regulations	Senator Smith, D.	4 - 6	Failed
2433	An Act To Regulate Ultra-high-voltage Transmission Lines	Representative Russell	2 - 8	Failed
2434	An Act To Establish a New Electric Utility To Create a Smart Electric Grid in the State	Representative Russell	2 - 8	Failed
2440	An Act To Ensure Existing Solar Collectors Are Not Shaded from the Sun	Representative Russell	3 - 7	Failed
2446	An Act To Ensure That Maine's Energy Corridor Policy Does Not Harm Maine's Renewable Power	Representative Martin, J. L.	10 - 0	Passed
2458	An Act To Create a Smart Grid in the State	Representative Hinck	8 - 2	Passed
2465	An Act To Protect Rural Maine Telephone Ratepayers	Representative Fletcher	5 - 5	Failed
2466	An Act To Protect Universal Service	Representative Fitts	4 - 6	Failed
2473	An Act To Establish a Commission To Approve Energy Corridor Designations in Accordance with Criteria Beneficial to the People of Maine	Senator Mills, P.	5 - 5	Failed
2474	An Act To Require That New Sources of Electrical Generation in the State Must Provide a Tangible Benefit to Maine Ratepayers in the Form of Discounts to Future Electrical Rates	Senator Mills, P.	10 - 0	Passed
2478	An Act To Enhance Maine's Clean Energy Opportunities	Representative Berry	8 - 2	Passed
2499	An Act To Strengthen the Community-based Renewable Energy Pilot Program	Representative Adams	8 - 2	Passed
2500	An Act To Enhance the Independence of the Office of the Public Advocate	Representative Adams	3 - 7	Failed

Total number of bills accepted:130

Total number of bills tabled:26

Total number of bills screened:373

O:\Meld\reports\CR11 R2 Vote Reports\BillScreeningVoteSummaryBySubject.rpt

Fiscal Briefing

Legislative Council Meeting – November 5, 2009

Prepared by the Office of Fiscal & Program Review

1. Revenue Update

Preliminary General Fund Revenue Variances (\$'s in Millions)

Major Categories	October Variance	FYTD Variance
Sales and Use Tax	(\$6.9)	(\$25.2)
Individual Income Tax	(\$19.1)	(\$58.3)
Corporate Income Tax	(\$7.9)	(\$5.3)
Cigarette and Tobacco Tax	\$0.3	\$0.5
Insurance Companies Tax	\$1.3	\$1.1
Estate Tax	\$3.9	\$1.8
Fines, Forfeits and Penalties	(\$1.1)	(\$2.9)
Transfers to Tax Relief Programs	\$2.2	\$4.9
Transfers for Municipal Revenue Sharing	\$1.8	\$4.6

General Fund revenue will be significantly under budget again in October. The General Fund negative variance has been driven by the declines in Sales Tax and Individual Income Tax collections. Excluding the variances in these 2 major revenue sources, the General Fund would have a positive variance. In October, Sales Tax was under budget by \$6.9 million and fell \$25.2 million below budget for the first 4 months of FY 2010. Individual Income Tax was under budget by \$19.1 million in October and fell below budget for the first 4 months of FY 2010 by \$58.3 million. The Estate Tax bounced back in October with a large single estate tax payment of approximately \$4.5 million. However, Corporate Income Tax has now joined the “problem list” falling \$7.9 million under budget in October and \$5.3 million for the year-to-date.

Highway Fund revenue fell slightly below budget in October, primarily due to Bureau of Motor Vehicle revenue. However, it remains above budget for the first 4 months of FY 2010 by roughly \$2.5 million.

2. Revenue Forecasting Update

The Consensus Economic Forecasting Commission (CEFC) met on Monday, November 2nd to conclude its forecast by filling in some of the detailed forecast of Personal Income. The summary report is attached; the more detailed report will be released later. At a briefing to the Appropriations Committee Monday afternoon, the CEFC Chair discussed the revised economic forecast. He noted that the employment picture showed some improvement from the last forecast with approximately 4,000 fewer jobs lost during the recession than previously projected. He also noted that there was a measurement issue with respect to Personal Income affecting all of the major national and regional forecasts that was revealed only very recently through the federal Bureau of Economic Analysis’ update and revisions to Personal Income. That revision shows that the decline of salaries and wages in the first quarter of CY 2009 was much worse than previously estimated, -17% (annualized) compared with a previous estimate of -1.7%.

The revisions to Personal Income and the recognition of the much more significant drop in salaries and wages (see table on the next page) help explain the negative variances in Individual Income Tax and Sales Tax collections. When these variables are updated in the tax models, they will produce significant downward revisions that will be recommended to the Revenue Forecasting Committee when it meets on Friday, November 20th (note date change).

Consensus Economic Forecasting Commission

Comparison of April 2009 and November 2009 Economic Forecasts

Calendar Years	2008	2009	2010	2011	2012	2013
• Wage & Salary Employment (Annual Percentage Change)						
> Consensus 4/2009	-0.3%	-3.8%	-1.6%	1.4%	2.2%	2.0%
> Consensus 11/2009	-0.3%	-2.9%	-1.2%	1.2%	2.2%	2.0%
Difference	0.0%	0.9%	0.4%	-0.2%	0.0%	0.0%
• Personal Income (Annual Percentage Change)						
> Consensus 4/2009	4.2%	1.0%	1.2%	2.8%	4.0%	4.7%
> Consensus 11/2009	4.0%	-0.6%	1.2%	3.2%	4.4%	4.8%
Difference	-0.2%	-1.6%	0.0%	0.4%	0.4%	0.1%
Major Components of Personal Income						
Wage and Salary Disbursements						
> Consensus 4/2009	3.6%	-1.3%	-0.4%	2.1%	4.3%	4.9%
> Consensus 11/2009	3.2%	-4.7%	-0.4%	2.5%	3.9%	4.9%
Difference	-0.4%	-3.4%	0.0%	0.4%	-0.4%	0.0%
Supplements to Wages and Salaries						
> Consensus 4/2009	3.7%	1.9%	1.3%	2.7%	4.0%	5.4%
> Consensus 11/2009	3.1%	0.5%	3.1%	3.3%	4.0%	5.2%
Difference	-0.6%	-1.4%	1.8%	0.6%	0.0%	-0.2%
Non-Farm Proprietors' Income						
> Consensus 4/2009	-1.4%	-2.2%	1.6%	4.6%	4.8%	4.2%
> Consensus 11/2009	-2.8%	-6.1%	0.9%	4.6%	5.0%	4.5%
Difference	-1.4%	-3.9%	-0.7%	0.0%	0.2%	0.3%
Dividends, Interest and Rent						
> Consensus 4/2009	4.3%	-1.0%	1.0%	3.0%	3.0%	4.0%
> Consensus 11/2009	1.9%	-3.5%	1.5%	3.9%	6.0%	7.0%
Difference	-2.4%	-2.5%	0.5%	0.9%	3.0%	3.0%
Transfer Payments						
> Consensus 4/2009	8.0%	8.7%	4.7%	4.0%	4.5%	5.4%
> Consensus 11/2009	11.8%	13.5%	3.6%	4.0%	4.7%	3.7%
Difference	3.8%	4.8%	-1.1%	0.0%	0.2%	-1.7%
• Consumer Price Index (Annual Percentage Change)						
> Consensus 4/2009	3.8	-1.4	1.7	2.3	2.1	2.0
> Consensus 11/2009	3.8	-0.5	1.7	2.0	2.1	2.0
Difference	0.0	0.9	0.0	-0.3	0.0	0.0

**Report of the
CONSENSUS ECONOMIC FORECASTING COMMISSION
November 1, 2009**

Commissioners

Charles Colgan, Chair
*Professor of Public Policy and Management
University of Southern Maine*

John Davulis
*Senior Project Manager
GDS Associates, Inc.*

Kathryn Dion
*President
Bigelow Investment Advisors, LLC*

Charles Lawton
*Senior Economist
Planning Decisions, Inc.*

Catherine Reilly
*Director of External Affairs
Maine School of Science and Mathematics*

Summary

The Maine Consensus Economic Forecasting Commission (CEFC) convened on October 26, 2009 to revise its April 2009 forecast. This report provides a summary of the Commission's findings. The Commission will hold a follow-up meeting to provide additional details on the components of personal income. Further details on the changes in the components of personal income will be made available prior to the meeting of the Revenue Forecasting Commission.

The fall forecast reflects a slowing of the sharp decline in national and state economic activity that began in the fall of 2008. The revised forecast reduces expectations of employment declines compared with the Spring forecast, but three more quarters of employment loss are expected, with a modest recovery beginning in mid-2010. Sharp declines in wages and salaries and proprietors income during the first quarter of 2009 will result in a slight decline in personal income over the year, followed by a weak recovery through 2010. The growth in transfer payments (including unemployment insurance) will offset losses in wage and salary income, resulting in a small positive change in personal income even while wages and salaries are falling.

The decline in the national and state economic outlook has begun to ease since the CEFC met in March. Oil prices remain below their mid-2008 peak, and home sales appear to be gaining traction. Consumer sentiment has improved somewhat in recent months. Some states are beginning to see improving economic conditions. While there is growing belief that the national recession has now technically ended, economic conditions remain fragile.

The commission is projecting continued losses in Maine non-farm wage and salary employment in 2009 and 2010 (-2.9% and -1.2% respectively, on an annual average year over year basis), followed by a recovery period starting in mid 2010. The forecast for personal income in 2010 through 2013 has been increased as wage and salary income is expected to begin picking up in 2011. The commission left its forecast largely untouched for the Consumer Price Index (CPI), a measure of household inflation, revising 2009 upwards (from -1.4% to -0.5%) and 2011 downwards (from 2.3% to 2.0%).

The table below outlines the forecast's major indicators.

Calendar Years	2009	2010	2011	2012	2013
Wage & Salary Employment (Annual Percentage Change)					
CEFC Forecast 4/2009	-3.8	-1.6	1.4	2.2	2.0
CEFC Forecast 11/2009	-2.9	-1.2	1.2	2.2	2.0
Personal Income (Annual Percentage Change)					
CEFC Forecast 4/2009	1.0	1.2	2.8	4.0	4.7
CEFC Forecast 11/2009	-0.6	1.2	3.2	4.4	4.8
CPI (Annual Percentage Change)					
CEFC Forecast 4/2009	-1.4	1.7	2.3	2.1	2.0
CEFC Forecast 11/2009	-0.5	1.7	2.0	2.1	2.0

In making these adjustments, the CEFC drew upon information presented by several state agencies, including the Maine Department of Labor, Maine Revenue Services, and the Maine State Planning Office.

Status of Interim 2009 Legislative Studies and Interim Committee Meetings

Updated 11/5/2009

<u>Study Name</u>	<u>Meetings Authorized</u>	<u>Meetings Held to Date</u>	<u>Next Meeting Date</u>	<u>Report Date</u>	<u>Status</u>
-------------------	----------------------------	------------------------------	--------------------------	--------------------	---------------

New Legislative Studies

Study commission regarding teacher compensation (Resolve 138)	4 meetings	0	Not yet scheduled	12/1/2010	Awaiting appointment of 1 public member by the Governor. Request for reporting date extension included under "new business"
Task force on kinship families (Resolve 136)	4 meetings	0	Not scheduled	12/2/2009	No outside funding received. Study will not proceed.
Commission to study energy infrastructure (PL 372, Sec. F4)	6 meetings	5	11/18	12/2/2009	Five meetings held, final meeting scheduled for 11/18.
Broadband Strategy Council (Resolve 108)	11 in FY 2010	6	Not scheduled	No report required. Council terminates on 12/1/2010	Staffed by ConnectME Authority.
Study the feasibility of establishing a single payer health care system in the State (Resolve 135)	No authorized meetings	0	N/A	1/15/2010	No outside funding received. Study will not proceed.

On-going Legislative Studies

<u>Study Name</u>	<u>Meetings Authorized</u>	<u>Meetings Held to Date</u>	<u>Next Meeting Date</u>	<u>Report Date</u>	<u>Status</u>
Citizen Trade Policy Commission (PL 2003, c. 699)	At least 2 per year	4	11/20/2009	12/2/2009	Report sent to print. Contract with DOL for administrative staffing support has been signed.
Legislative Youth Advisory Council (3 MRSA, section 168-A)	Meetings suspended for FY 2009-10	0	Not scheduled	None	Legislative members using interim to discuss ways to improve effectiveness of LYAC.
Right to Know Advisory Committee (PL 2005, c. 631)	At least 4 times annually	3 (full committee) Multiple sub-committees	12/1/09 (full committee); 11/17 (two subcommittees)	1/15 annually to JUD, Governor and Chief Justice	On track for meeting report date.

Authorized Interim Committee Meetings

<u>Committee Name</u>	<u>Meetings Authorized</u>	<u>Meetings Held to Date</u>	<u>Next Meeting Date</u>	<u>Report Date</u>	<u>Status</u>
ACF review of LURC proposed comprehensive land use plan (PL 375)	1 meeting	0	Not scheduled	No report required	LURC public hearing on 9/28-9/30; Comments due to LURC by 10/28; ACF may utilize their authorized meeting some time after comments received.
AFA streamlining state government (PL 213)	6 meetings	5	12/9	1/6/2010	In addition to these 6 authorized study meetings, the AFA committee is also separately budgeted to meet once per month.
BRED committee meetings on carry over bills and other matters	2 meetings	1	11/10	No report required	
CJPS meeting on corrections issues	1 meeting	1	N/A	No report required	
CJPS review of litter control laws (PL 424)	1 meeting	0	Not scheduled	No report required	
EDU budget discussions	4 meetings	3	11/17	No report required	

Study Name	Meetings Authorized	Meetings Held to Date	Next Meeting Date	Report Date	Status
HHS budget discussions	3 meetings	2	11/17	No report required	
JUD meeting to discuss BRED bill on Predatory Marketing Practices against Minors (PL 230)	2 meetings	2	N/A	Report to Presiding Officers in preparation	
LVA to develop comprehensive policy regarding slot-machines and casino-style gambling in Maine (Resolve 141)	1 meeting	1	N/A	No report required	
TRA highway and bridge light capital program (PL 372, Sec. X-4)	2 meetings	2	N/A	No report required	
TAX review of telecommunications personal property tax and review of Tax Assessor's reports on sales tax (PL 382, Sec. B-50 and PL 213, Part P-2)	4 meetings	2	11/10	1/15/10 to AFA committee	

Legislative Council Meeting
November 5, 2009

Deciding Appeals of Legislative Bill Requests Turned Down By the Council

Requirements relevant to bills in the Second Regular Session

1. Under the terms of the Maine Constitution, Section 1 of Article IV, Part Third, Legislative Power, the business of the second regular session must be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees to study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors (direct citizen initiative).
2. Under the 124th Legislative Council's Rules of Procedure, any action of the Council requires the affirmative vote of at least 6 members.
3. Under Rule 203 of the Joint Rules of the 124th Legislature, any vote of the Legislative Council to accept or reject a bill or resolve for introduction under the procedures established under the Joint Rules must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.
4. Under Rule 217 of the Joint Rules, a bill that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent session of the same Legislature except by a vote of 2/3 of both chambers. Therefore, determinations as to the relevancy of Rule 217 are within the purview of the presiding officers, not the Legislative Council.

Suggested Protocol for deciding appeals

- A. The Legislative Council will review appeals alphabetically by sponsor.
- B. For procedural consistency, when voting on an appeal of a bill request that was denied, the initial motion on a bill will be presumed to be a motion to accept the bill request for introduction into the second regular session along with a second to that motion. (Yea is to let in a bill; nay is to reject the bill for introduction).
- C. In order to review all legislative appeals in a timely manner, voting will be by electronic vote or 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.
- D. Legislators who appeal a decision of the Legislative Council will be given a brief opportunity to make their case to the Council. A time limit of 2 minutes will be observed for Legislators making an appeal. Only by leave of the Chair of the Legislative Council may a person who is not a Legislator address the Council.
- E. Discussion of a bill request will be limited to whether it is appropriate for introduction under Constitutional provisions for second regular session bills, and will not speak to the merits of the bill itself. If a bill was turned down because it is closely related to another legislative request or to a carryover bill, the burden is on the Sponsor to convincingly distinguish his or her bill request from the closely related one.



STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 State House Station
Augusta, Maine 04333-0002

Millicent M. MacFarland
Clerk of the House

October 29, 2009

The Honorable Hannah M. Pingree
Chair, Legislative Council
2 State House Station
Augusta, Maine 04333-0002

Dear Speaker Pingree:

The following proposed schedule is hereby submitted for the consideration of the Legislative Council. All items listed below are available on the Legislature's website.

	123rd Rate	Proposed Rate 124th Rate
1. Bills & Resolves (L.D.s) FIRST CLASS-Mailed Daily	\$290.00	\$290.00
2. Bills & Resolves (L.D.s) FIRST CLASS-Mailed-Twice Weekly	\$235.00	\$235.00
3. Bills & Resolves (L.D.s) THIRD CLASS-Mailed Twice Weekly	\$185.00	\$185.00
4. Bills & Resolves (L.D.s) PICKED UP AT DOCUMENT ROOM	\$110.00	\$110.00
5. Amendments (Combined with any Legislative Document Service)-Mailed Weekly	\$110.00	\$110.00
6. Amendments PICKED UP AT DOCUMENT ROOM	\$ 80.00	\$ 80.00
7. Legislative Record FIRST CLASS-Mailed Weekly	\$ 80.00	\$ 80.00
8. Legislative Record PICKED UP AT DOCUMENT ROOM	\$ 60.00	\$ 60.00
9. Public & Private & Special Laws, Resolves, & Constitutional Resolutions FIRST CLASS-Mailed Weekly	\$160.00	\$160.00

10. Public & Private & Special Laws, Resolves & Constitutional Resolutions PICKED UP AT DOCUMENT ROOM	\$ 85.00	\$ 85.00
11. Weekly Computer Printout-Status of Bills FIRST CLASS MAIL	\$160.00	\$160.00
12. Weekly Computer Printout-Status of Bills PICKED UP AT DOCUMENT ROOM	\$ 80.00	\$ 80.00
13. Advance Notice of Public Hearings on Bills FIRST CLASS-Mailed Weekly	\$ 21.00	\$ 21.00
14. Weekly Listings of Bills Printed & Enacted FIRST CLASS MAIL	\$ 21.00	\$ 21.00
15. Joint Resolution FIRST CLASS MAIL	\$ 52.00	\$ 52.00
16. House & Senate Daily Calendars FIRST CLASS-Mailed Weekly	\$ 42.00	\$ 42.00
17. House & Senate Daily Calendars with Supplemental Calendars FIRST CLASS-Mailed Weekly	\$ 80.00	\$ 80.00
18. Legislative Council-Notice of Preliminary Agenda and Minutes, After Deadline List Pre and Post Versions	\$ 95.00	\$ 95.00
19. Weekly Legislative Calendar (1 year Jan. - Jan.) FIRST CLASS MAIL	\$ 31.00	\$ 31.00
20. Roll Call Votes (House & Senate) FIRST CLASS MAIL-Mailed Weekly	\$ 52.00	\$ 52.00
21. Roll Call Votes (House & Senate) PICKED UP AT DOCUMENT ROOM	\$ 27.00	\$ 27.00

I look forward to the council's adoption of the legislative document service fee schedule for the Second Regular session.

Sincerely,

Millicent M. MacFarland
Millicent M. MacFarland
Clerk of the House



MAINE STATE LEGISLATURE
Office of Policy and Legal Analysis

November 5, 2009

To: Hannah M. Pingree, Chair
Elizabeth H. Mitchell, Vice Chair
124th Legislative Council

From: Patrick Norton, OPLA Director

Re: Teachers' Compensation Study; extension request

The Chairs of the Teachers' Compensation Study Commission have requested an extension of their study reporting deadline from December 1, 2009 to December 15, 2009. The request is made pursuant to Joint Rule 353, subsection 7, which provides the Council the authority to grant a limited extension of a study reporting date upon the request of the study committee.

As you recall, this provision, along with several others relating to study commissions, was adopted into the Joint Rules following a Legislative subcommittee review of the legislative study process in March 2007. After finding that 60% of all study extensions granted since the 118th Legislature extended the reporting deadline into the subsequent session, the subcommittee recommended changing the general extension language to prohibit extensions of study reporting deadlines beyond December 15th in odd-numbered years or beyond the first Wednesday in December in even numbered years. That change was adopted and is now reflected in Joint Rule 353.

The reporting date for this study is currently December 1, 2009 (3 1/2 weeks from today). All appointments have been made except for the one gubernatorial appointment. The Resolve creating the study requires that the first meeting of the study commission may be called only after the appointment of all members, so the commission, with or without an extension, is not in a position to meet until that appointment is completed.

If the Governor's appointment were to be made today, the study commission could perhaps schedule one meeting before the December 1 deadline, and perhaps two or three meetings if the deadline were extended to December 15.

Thank you. I would be happy to answer any questions you may have about this process.

cc: Members of the Legislative Council
David Boulter, Executive Director, Legislative Council



State of Maine

124th Legislature

Study Commission Regarding Teachers' Compensation

Senate Chair	House Chair
Sen. Justin Alford	Rep. Patricia B. Sutherland

October 29, 2009

TO: Speaker Hannah M. Pingree, Chair;
President Elizabeth H. Mitchell, Vice Chair; and
Members of the Legislative Council
c/o David Boulter, Executive Director, Legislative Council

FROM: Senator Justin L. Alfond, Senate Chair *JL*
Representative Patricia B. Sutherland, House Chair *BS*
Study Commission Regarding Teachers' Compensation

SUBJ: Request for Deadline Extension

Pursuant to Joint Rule 353, subsection 7, we are requesting a limited extension of the reporting deadline for this legislative study. Our current reporting deadline is December 1, 2009. We respectfully request an extension to December 15, 2009.

Resolve 2009, chapter 138, the authorizing legislation for this legislative study, does not allow the study to convene until all appointments are made. We make this request since the legislative study has not been convened and an additional two weeks would provide the legislative study committee with additional time to address its duties.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact us.

cc: Members, Study Commission Regarding Teachers' Compensation
Patrick Norton, Director, Office of Policy & Legal Analysis

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Members of the Legislative Council

From:  Debra Olken, Human Resources Director

Date: November 2, 2009

RE: Pandemic Flu Response Guidelines

The world health community continues to closely monitor the emergence of a pandemic influenza arising from the H1N1 virus. In accordance with the Legislature's commitment to maintaining a safe and healthy work environment for employees, legislators and the public, we have prepared draft Pandemic Flu Response Guidelines, a copy of which is enclosed for your review.

Due to the time sensitive nature of this issue, Legislative Council Chair Hannah Pingree has asked me to send you an advance copy of the draft and would appreciate your review of these guidelines prior to the Council meeting on November 5th, so that it may be considered and adopted at that time. If you have any questions, please contact me. Thank you.

Enclosure:

Pandemic Flu Response Guidelines

cc: David E. Boulter, Executive Director of the Legislative Council
Joy O'Brien, Secretary of the Senate
Millie MacFarland, Clerk of the House
Office Directors

G:\Council\124th Legislative Council\appeals\tabled appeals 11_2_09.doc 11/2/2009 9:42 AM

REP. HANNAH M. PINGREE
CHAIR

SEN. ELIZABETH H. MITCHELL
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. PHILIP L. BARTLETT II
SEN. KEVIN L. RAYE
SEN. LISA T. MARRACHE
SEN. JONATHAN T. E. COURTNEY
REP. JOHN F. PIOTTI
REP. JOSHUA A. TARDY
REP. SETH A. BERRY
REP. PHILIP A. CURTIS

124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

PANDEMIC FLU RESPONSE GUIDELINES
For the Maine Legislature
November 9, 2009

Introduction

The Maine Legislature is committed to maintaining a safe and healthy work environment for its employees, legislators and the public and encourages personal hygiene and other practices that will protect the health of all those in the State House and the legislative areas of the Cross Building. The world health community continues to closely monitor the emergence of a pandemic influenza arising from the H1N1 virus. Similar to an epidemic, a pandemic is a disease outbreak where several people become severely ill with the same disease at the same time. However, unlike an epidemic, a pandemic spreads throughout the world and results in an extremely high illness and perhaps death rate unless prevention strategies are rapidly implemented. The threat of a pandemic has the potential for substantial community impacts as well as operational issues in the workplace due to a projected high employee absenteeism rate for an extended period. These guidelines provide an approach to the issues we can now anticipate, and other actions that may be considered as events unfold.

The Legislative Council's primary goal is to protect the safety and well-being of legislators, legislative employees and visitors to the State House and other legislative areas by minimizing transmission of the disease and encouraging those who have been infected with the H1N1 virus or are at high risk of contracting the virus to seek prompt, appropriate care from a medical professional. A secondary goal is to ensure the continued ability of the legislature to perform its essential Constitutional and statutory functions.

As with other influenzas, the H1N1 flu is a contagious illness that includes symptoms such as fever, coughing, nasal congestion and discharge, sore throat, headache, body aches, general fatigue and sometimes diarrhea and vomiting; although still relatively rare, death can result in susceptible individuals. Although it is unknown how severe this pandemic may become, the Legislative Council is taking precautions that are designed to limit its effect on legislators and employees and on legislative operations to the extent feasible.

Please carefully review the guidelines below. We will continue to monitor information and advice on this important issue and modify or supplement these guidelines as necessary. Our efforts will be guided by and in accordance with all applicable federal, state and local laws and guidance from the federal Centers for Disease Control and Prevention (CDC) and the Maine Center for Disease Control (MCDC). Please note that any temporary or one-time policy change or measure authorized by the Legislative Council to respond to an influenza pandemic does not represent an on-going change in personnel or other policies nor may it be considered precedent-setting under non-pandemic conditions.

Please direct any questions, comments or concerns to Human Resources Director Debby Olken in the Executive Director's office, room 120 or by calling her at 287-1615.

Preventing the spread of the flu in the workplace

All employees and legislators are expected to cooperate in taking steps to reduce the transmission of both seasonal and H1N1 influenza in the workplace. According to the CDC, the current best strategy for reducing the transmission of influenza remains the most obvious: frequent hand washing with warm, soapy water for at least 20 seconds; sneezing or coughing into a sleeve or elbow (not hands) or covering mouths with tissues and properly discarding used tissues promptly; receiving flu vaccinations and limiting exposure to others who may be ill. The Legislative Council has installed alcohol-based hand sanitizers in public areas such as the elevators and in committee rooms, and is making available to legislative offices disinfectants and disinfecting wipes to maintain clean and germ-free work surfaces, to supplement the regular cleaning services performed by the building custodians. Office managers¹ should periodically post notices or communicate with employees, reminding them to be mindful of healthful practices.

There are a number of measures employees and legislators can and should take to reduce contacts that can lead to the spread of infections. They include the following:

- Staying alert to public health reminders and visiting the Maine Center for Disease Control (MCDC) website at www.maine flu.gov for frequent updates and recommendations and guidance in dealing with the flu both at home and in the workplace;

¹ For the purpose of this guidance, "office manager" means Leader or the Leader's designee for that office, Clerk, Secretary, office director or executive director.

PANDEMIC FLU RESPONSE GUIDELINES

Maine Legislative Council

November 9, 2009

Page 3

- Receiving both the seasonal flu vaccine and the H1N1 vaccine as they become available to the extent recommended by the CDC;
- Learning and applying healthy practices, such as cough hygiene, hand washing with soap and water for at least 20 seconds, using alcohol-based hand cleaners and sanitizers, avoiding sharing food or eating utensils, avoiding touching their eyes, nose or mouth (they are primary pathways for viruses to enter the body), and staying home when ill;
- Identifying and using alternatives to face-to-face meetings when feasible, such as teleconferencing, emailing and telephoning; and
- Using social distancing when feasible during the flu season, i.e., keeping a distance of at least 6 feet from others when meeting or having other contact, and avoiding handshakes and hugs when possible.

Flu vaccines

Employees and legislators are encouraged to become vaccinated against the seasonal and H1N1 influenzas to the extent recommended by the CDC, particularly those individuals identified as being at higher risk. The Legislative Council held a flu vaccination clinic on October 7, 2009 that was at no charge to legislators, legislative employees and their eligible dependents. If legislators or employees did not avail themselves of this opportunity, they may seek out and participate in other free flu shot clinics that have been scheduled by other state agencies around the state. Employees should check the Division of Employee Health and Benefits website (www.state.me.us/beh/FLU%202004/FLU%20index.htm) for dates and locations of flu shot clinics. In addition, the council plans to offer an H1N1 flu vaccine clinic later this fall if vaccine is made available. Employees will be informed if such a clinic is scheduled.

Reporting to work when not ill

A severe influenza pandemic could result in a significant level of absenteeism in the workplace. Some employees may be unable to work if they become ill due to the virus while others may need to remain home to care for ill family members. During this time, unless otherwise notified, the standard attendance and leave policies will remain in place. Employees who believe they may face particular challenges reporting to work during a severe influenza pandemic should take proactive steps to develop any necessary

contingency plans. For example, employees might want to arrange for alternative sources of childcare should day care facilities or schools be forced to close for an extended period.

Employees who exhibit flu-like symptoms

During the flu season or during an influenza pandemic, it is crucial that employees do not report to work while they are ill or are exhibiting the following symptoms: fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills, fatigue, or diarrhea and vomiting. The CDC recommends that people with influenza-like illness remain at home until at least 24 hours after they are free of fever (100°F or 37.8°C) or any signs of a fever without the use of fever-reducing medications, and that they consult with their primary care physician. It is important to note that not everyone with the flu will have a fever. Please also keep in mind that flu symptoms are similar to a variety of other illnesses.

Therefore, employees are advised to do the following if they become ill:

- Consult with their health care provider immediately.
- If an employee experiences the onset of flu-like symptoms during the work day, the employee should so advise his or her supervisor and leave, returning to work only when he or she is no longer experiencing flu-like symptoms and has had no fever for 24 hours, without use of fever-reducing medications.
- If not at work, do not come to work if they are experiencing some or all of the flu-like symptoms described above. Employees must follow standard office procedure on notifying their supervisor of their absence due to illness.
- If they have been diagnosed with the flu or have a flu-like illness, employees should remain out of work until they are no longer experiencing flu-like symptoms and have had no fever for 24 hours without use of fever-reducing medication. An exception to this is if the employee produces a physician's statement that the employee was diagnosed with a condition other than the flu and is well enough to resume working without risk to themselves or others.

If an office manager determines that an employee who has reported to work is ill or otherwise exhibits symptoms of influenza in accordance with these health guidelines, the office manager should direct the employee to go home and recommend that he or she contact his or her physician promptly. If the employee is exhibiting flu-like symptoms and the employee is requested to leave the workplace but he or she refuses, the office

manager should contact the human resources director immediately for assistance. The human resources director will consult with the chair and the vice-chair of the council as circumstances warrant to establish an appropriate response to the situation.

Recording sick time for absences due to flu-like symptoms

Employees should use their accrued sick leave, if accrued leave is available, for absences due to illness, or to care for an ill member of the employee's immediate family who "requires the attention or presence of the employee." See Personnel Policies and Guidelines (Section V.B) for further information. If employees become ill due to the flu and have exhausted their paid sick leave, they may request approval to use their accrued vacation or comp time. Those requests will not be unreasonably denied. Employees must indicate such leave taken on their time record.

Requests for medical information or documentation

During a pandemic, individuals who contract seasonal flu or H1N1 may never be formally diagnosed or confirmed as having the flu. Nevertheless, depending on the circumstances, if an employee is out sick or exhibits symptoms of being ill, it may become necessary to request information from the employee or the employee's health care provider. In general, we may request medical information to confirm the employee's need to be absent or whether it is appropriate for the employee to return to work. As always, we expect and appreciate your cooperation if and when such medical information is sought.

Confidentiality of medical information

Medical information obtained from a disability-related inquiry or medical examination, as well as any medical information voluntarily disclosed by an employee, such as contracting the H1N1 virus, is held as a confidential medical record. Pursuant to federal law employees may be required to disclose whether they or their family members have or have been exposed to the H1N1 influenza. To protect privacy rights, medical information must be held as confidential medical information. In furtherance of this policy, any disclosure of medical information is shared in limited circumstances with office managers, first responders, and government officials only on a need-to-know basis.

Reporting responsibility of the office manager

In order to coordinate efforts throughout the legislature and regularly assess the effects of the H1N1 flu on the Legislature, office managers must promptly provide information to Human Resources Director Debby Olken with respect to employees who have been diagnosed with the H1N1 or seasonal flu. Furthermore, office managers are

directed to report all health-related absences from work in their office when an absence exceeds three (3) work days. If an employee voluntarily informs an office manager that he or she has been diagnosed with H1N1 or other flu-like illness, this must be reported at once to the Director of Human Resources so that we may monitor the presence of H1N1 or other flu-like illness in the workplace and respond appropriately. For reasons of confidentiality, office managers should not share any known diagnosis of H1N1 flu with their staff.

Business and staff contingency planning

As mentioned above, a secondary goal is to ensure the ability of the legislature to continue to perform its essential functions even during an influenza outbreak in the state. All legislative offices need to anticipate that during an outbreak, absenteeism may be 30% or more. Legislative offices need to plan ahead by developing a contingency plan for performing essential functions even at reduced staffing levels that will allow the legislature to function. If a serious influenza outbreak occurs that has the potential to seriously disrupt legislative operations or the legislature's ability to meet, the President of the Senate and the Speaker of the House jointly will decide whether to limit or suspend legislative activities until the outbreak subsides, and will issue guidance to legislators, legislative employees and the public at that time.

Therefore, office managers are directed to prepare for the potential that a serious flu outbreak may affect the ability of their legislative office to conduct the day-to-day activities. Within the next 30 days, they should:

- Identify the essential functions of their office, distinguishing between mission-critical, important, and less important activities that are performed, with an eye to ensuring the continuity of key legislative operations;
- Establish priority designations for these activities so that employees in their office will clearly understand which tasks have the greatest priority;
- While all staff perform important functions to support the legislature, analyze and understand which staff are absolutely crucial to performing the essential functions of the office, recognizing that functions considered to be essential may change depending on whether the legislature is in or out of session; and
- Analyze staff skills and abilities that are available in your office to perform the essential functions and ensure the office has identified alternative staff capable of

PANDEMIC FLU RESPONSE GUIDELINES

Maine Legislative Council

November 9, 2009

Page 7

performing those tasks if the primary task performer is out ill. Develop a contingency plan, such as immediate cross-training, working staff outside their typical work assignments, etc. to assure that each office develops that capability. Consider calling on other offices for assistance if necessary as part of contingency planning. Consider process redesign and alternative methods of addressing work needs. Plan alternate work flows in case of staffing emergencies.

More information

Please review the attached list of frequently asked questions. If you have any questions about this guidance or the application of the legislature's personnel policies and guidelines, please speak with your office manager or the legislature's human resource director Debra Olken, Office of the Executive Director, Room 120, State House, tel: (207) 287-1615.

In addition, please consult the following medical resources for more information about the H1N1 and seasonal influenza, health advisories and precautionary measures that should be taken:

- <http://www.cdc.gov/h1n1flu/>
- <http://www.flu.gov> (federal government website managed by the U.S. Department of Health and Human Services)
- <http://www.cdc.gov>
- <http://www.maineflu.gov>
- <http://www.maine.gov/dhhs/boh/maineflu/flu-whattodo.shtml>

FREQUENTLY ASKED QUESTIONS

- 1. One of the employees in an office is exhibiting flu-like symptoms. What should the office manager do?**

The office manager should direct the employee to leave the workplace and contact his or her personal physician. The office manager should be mindful that the symptoms of H1N1 and flu-like illness are similar to a variety of other illnesses. If the employee is unable to leave immediately (such as waiting for a ride), the employee should be separated from others in a vacant office or other area until the employee is able to leave the workplace. The office manager should also report the illness to the human resources director.

- 2. An employee's coworkers are concerned that the employee might be ill. What, if anything should be done?**

If the employee is exhibiting flu-like symptoms, the office manager will direct the employee to go home and contact his or her personal physician. If the employee is not exhibiting flu-like symptoms, the coworkers should be advised that the best way to minimize exposure to illness is to keep their work area clean and to practice good hygiene at all times, such as covering their nose and mouth when they sneeze or cough, washing their hands often with soap and water and using an alcohol-based hand sanitizer.

- 3. An employee is absent from work and may have the flu. One of the employee's coworkers has asked the supervisor why this employee is out from work. How should the supervisor respond?**

The specific reason for the absence of a coworker is not a matter for discussion with other staff. The supervisor should confirm only that the other employee is out due to illness. The supervisor should not disclose any specific information about the employee's medical condition even if the supervisor is aware of the employee's diagnosis. Under applicable federal and/or state law, health information about an employee is considered confidential and generally should not be disclosed to others.

- 4. A coworker has said that he or she does not want to work near a formerly ill employee who has returned to work. How should the supervisor address the concern?**

The supervisor is under no obligation or requirement to relocate coworkers. The work space of the formerly ill coworker will have been thoroughly

sanitized. Coworkers should be reminded that the best way to minimize exposure to illness is by practicing good hygiene at all times. The coworkers should be referred to the Maine CDC web site for more information concerning the H1N1 virus.

5. An ill employee has indicated that he or she wants to return to work. Is that permitted?

An ill employee may return to work only after the employee is no longer exhibiting flu-like symptoms and has been fever free for at least 24 hours without the use of a fever-reducing medicine. If the employee is unsure about whether he or she is no longer contagious, the employee should consult with his or her personal physician. If the employee has been absent from work for 3 or more work days, personnel policies provide that the employee may be required to bring in a doctor's note upon a return to work stating that the employee is fit to resume work without risk to the employee or others.

6. Once a formerly ill employee has recovered from the illness and returns to work, are any special precautions necessary?

After ensuring that the formerly ill employee's workspace has been sanitized, no special precautions are recommended. All employees should continue to practice good hygiene practices.

7. What if it appears to the supervisor that an employee has returned to work prematurely?

If the employee is still exhibiting flu-like symptoms, the supervisor will request the employee to go home immediately and advise the employee to contact his or her personal physician.

8. Can an office or work area be made "germ-free"?

No, it is not possible to make the work environment germ-free, but employees may use an alcohol-based hand sanitizer and wipes to sanitize their telephones, computer keyboards and other work areas in order to reduce the potential for transmission of infectious disease. Employees are encouraged to practice good hygiene techniques at all times.

9. What if an employee has an immediate family member who is home sick with the flu? May the employee be absent from work to care for the family member at home?

If an employee must be absent from work to care for the ill family member, they must notify their supervisor. In accordance with the personnel policies and guidelines (and collective bargaining agreements, if applicable) an employee may be entitled to use accrued sick leave to care for the ill family member. Questions regarding the employee's use of sick time to care for their family member should be directed to the office manager or the human resources director. The employee should also review the Personnel Policies and Guidelines.

10. What if an employee is informed that his or her child's school or day care is closed because of flu illness. May the employee be absent from work?

If an employee must be absent from work to care for his or her child because the school is closed due to the flu, the employee must notify the supervisor or office manager. To the extent allowed under the personnel policies and guidelines (and collective bargaining agreements, if applicable) an employee may use accrued paid leave to cover this absence.

11. What if a supervisor or coworker learns that an employee's family member has been diagnosed with the H1N1 virus? Is that employee allowed to report to work?

Yes, unless the employee is exhibiting flu-like symptoms. The employee should be advised to monitor him or herself for symptoms of flu-like illness and not report to work if the employee becomes ill or is exhibiting flu-like symptoms.

EXECUTIVE DIRECTOR'S
OFFICE

WASHINGTON COUNTY DEVELOPMENT AUTHORITY
ANNUAL REPORT

2009 OCT 23 A 11: 08

July 1, 2008 – June 30, 2009

Introduction

Pursuant to the provisions of Title 5 of Maine Revised Statutes Annotated, Chapter 383, Subchapter 3, Article 2-A, the Washington County Development Authority is required to submit an annual report to the Governor, the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over business and economic development matters. The report must be submitted no later than 120 days after the close of the authority's fiscal year. The Authority's fifth fiscal year ended on June 30, 2009. This annual report must be submitted on or before the statutory deadline of October 30, 2009. The report that follows fulfills that requirement.

Section 13083-F of 5 MRSA requires that the annual report of the Authority include:

- A. A description of the authority's operations and activities;
- B. An accounting of the authority's receipts and expenditures and assets and liabilities at the end of its fiscal year;
- C. A listing of all property transactions pursuant to section 13083-D;
- D. A statement of the authority's proposed and projected activities for the ensuing year; and
- E. Recommendations regarding further actions that may be suitable for achieving the purposes of this article.

History of the Authority

The Washington County Development Authority was established by the Second Regular Session of the 120th Maine Legislature as Chapter 568 of the Laws of Maine 2001. The Authority was established in response to the need to create a state entity that could take title to the former Naval Computer and Telecommunications Station in Cutler, Maine from the United States Navy. Since that time, the legislation was amended to broaden the scope of the authority's mission to allow the authority to provide financial and technical assistance to any governmental entity and nonprofit located within Washington County in support of community and economic development projects. Representation was expanded to include all municipalities in Washington County, including the unorganized territories.

For the reporting period, the Authority was comprised of the following members: James Parker (Veazie), Shirley Erickson (Machiasport), Eric Robinson (Alexander), Robert Tyler (St. Stephen, NB), Edward Pellon (Machias), David Burns (Whiting),

Normand Laberge (Trescott), Barbara Drisko (Columbia Falls), Brent Hartford (Milbridge), and Harold Prescott, Sr. (Whiting). During May (2009) the following officers were elected: James Parker / Chairperson, Harold Prescott / Vice-Chairperson, Barbara Drisko / Secretary, and Normand Laberge / Treasurer. The WCDA meets on the third Tuesday of each month at 3:00 PM at the Machias CareerCenter.

The Authority can have from 9 to 13 voting members. Trustees have been appointed to staggered terms of one, two, three and four years. At this point, there are only nine Trustees. Janet Toth had served as ex-officio, as the designee for the Commissioner of Economic and Community Development. The Authority awaits the appointment of her replacement. David Burns resigned upon being elected as a Washington County legislative representative. In an effort to increase membership, memos were sent to some Washington County towns requesting nominations. At least one town has forwarded a nomination to the Governor's office.

Operations and Activities

The WCDA Trustees held at least twelve (12) regular meetings from 01.July.2008 to 30.June.2009, though there was not always a quorum present for official business to take place. Major items of discussion during the course of the report period included the following subjects:

The Authority continues to contract with Sunrise County Economic Council to provide administrative services.

The two outstanding grants (Quoddy Mist Sea Salt and Coastal General Contracting) completed satisfactorily.

The Authority has met with several businesses that need monetary assistance. As there are no grant funds available, these businesses would be interested in requesting that the Authority guarantee loans. There is still a question as to whether or not the Authority can legally work with for profit businesses and an answer to that question has not been forthcoming from the Attorney General's office.

In order to stay abreast of what is going on legislatively, Harold Prescott is willing to travel to Augusta to represent the Authority as needed.

The Authority stays current on activities related to the Governor's appointed Task Force and the Department of Corrections in regard to the redevelopment and/or expansion of the State prison in Washington County. This is looked on by the Authority as having strong potential for economic growth for the area.

WCDA has heard presentations and provided letters of support for alternative energy and infrastructure projects in Washington County.

Receipts and Expenditures

See attached Financial Statement

Property Transactions:

The WCDA owns no property.

Proposed and Projected Activities

The Authority is working with Washington Academy, a semi-private high school located in East Machias, to help the Academy to reduce its interest rates and enable them to access more funds for expansion and economic development.

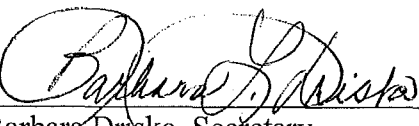
Recommendations

- The WCDA Board of Trustees has membership openings at this time and hope to have appointments made to fill the vacancies as soon as the Governor and Legislature can complete the appointments.

Attachments:

- ❖ Financial reports: WCDA Annual Income Statement

Respectfully submitted:



Barbara Drisko, Secretary

WASHINGTON COUNTY DEVELOPMENT AUTHORITY

Financial Statement

Period: 01.July.2008 – 30.June.2009

Prepared by: Normand Laberge, Treasurer

Summary:

Account No.	Description	Balance on 01.July.2008	Balance on 30.June.2009	Interest Earned / Difference	Interest Rate [%]	Maturation Rate
8011575930	Non-Profit Organization Checking Account	\$12,541.44	\$4,999.16	-\$7,542.28	n/a	n/a
12001268	91-Day Certificate Passbook Account	\$10,550.84	\$10,682.93	\$132.09	0.5	15.Oct.2009
8012412920	Money Fund Business Account	\$8,139.53	\$8,169.45	\$29.92	0.5	n/a
	Total	<u>\$31,231.81</u>	<u>\$23,851.54</u>	<u>-\$7,380.27</u>		

Expenditures during the period of interest are listed below:

Mo / Yr	Checks Issued	Amount	Balance	Deposit	Source Deposit
			\$12,541.44		
July / 2008	SCEC	\$125.57	\$12,415.87		
July / 2008	SCEC	\$210.00	\$12,205.87		
July / 2008	SCEC	\$501.21	\$11,704.66		
Sept / 2008	SCEC	\$143.70	\$11,560.96		
Nov / 2009	SCEC	\$109.50	\$11,451.46		
Nov / 2009	SCEC	\$179.80	\$11,271.66		
Nov / 2009	Coastal General Contractor	\$3,000.00	\$8,271.66		
Jan / 2009	Quoddy Mist	\$2,500.00	\$5,771.66		
Feb / 2009	SCEC	\$56.80	\$5,714.86		
Feb / 2009	SCEC	\$172.90	\$5,541.96		
Feb / 2009	SCEC	\$244.50	\$5,297.46		
Apr / 2009	SCEC	\$71.00	\$5,226.46		
Apr / 2009	SCEC	\$109.50	\$5,116.96		
Apr / 2009	SCEC	\$117.80	\$4,999.16		

The final balance of \$4,999.16 agrees with the checking account balance listed for 30.June.2009; i.e., \$4,999.16. All checks were signed by Chairperson James Parker and Treasurer Normand Laberge.

DAVID E. BOULTER
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Legislative Council Members

From: David Boulter, Executive Director
Legislative Council

Date: October 30, 2009

Re: Loring Development Authority of Maine 2009 Annual Report

Pursuant to "Section 13080-L Annual Report" of the Loring Development Authority of Maine's (LDA) enabling legislation, the Authority submitted its annual report of the activities of the LDA for the fiscal year ended June 30, 2009. The report includes a summary of the LDA's development activities and audited financial statements for FY09. Subsequent events through October 15, 2009 and proposed activities for FY10 were also reported.

As a cost savings measures, multiple copies of the report have not been made. If you would like to review the annual report, a copy is available in the Office of the Executive Director and State Law and Legislative Reference Library. If you would like an individual copy, please contact the Executive Director's office.

Thank you.