

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)

LEGISLATIVE COUNCIL

Wednesday, July 22, 1992

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of June 24, 1992, Council Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: Resignation of Gro Flatebo, Office of Policy & Legal Analysis

Item #2: State House Roof and Dome: Needed Repairs

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: Council of State Governments: Reconsideration of Dues and Invitation to Host 1995 Meeting (Tabled at June 24 meeting)

NEW BUSINESS

Item #1: Letter from Ronald Speckman, Office of Substance Abuse, regarding current status of DEEP Programs

Item #2: Request for Non-Partisan Staff Assistance to the Legislative Members of the Task Force to Provide Recommendations Regarding School Funding Issues

Item #3: Cloture Date for Third Special Session

Item #4: Requests to Introduce Legislation to 3rd Special Session

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR



STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. JOHN L. MARTIN
REP. JOSEPH W. MAYO
REP. WALTER E. WHITCOMB
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY

Wednesday, June 24, 1992

Approved July 22, 1992

CALL TO ORDER

The Chair, Sen. Pray, called the Legislative Council to order at 3:10 p.m., in the Council Chamber.

ROLL CALL

Senators:

Sen. Pray, Sen. Clark, Sen. Dutremble,
Sen. Cahill

Absent: Sen. Webster

Representatives:

Rep. Martin, Rep. Gwadosky, Rep. Mayo,
Rep. Marsano

Absent: Rep. Whitcomb

Legislative Officers:

Sally Tubbesing, Executive Director,
Legislative Council

Lynn Randall, State Law Librarian
John Wakefield, Director, Office of
Fiscal and Program Review

Martha Freeman, Director, Office of
Policy and Legal Analysis

David Kennedy, Revisor of Statutes

Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The Summary of the May 12, 1992, Council meeting was approved and placed on file. (Motion by Rep. Mayo; second by Rep. Marsano; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items to the Council for consideration.

Item #1: Personnel Actions

Ms. Tubbesing reported the following:

- Retirement of Dorothy Rollins, Legislative Information Officer

Ms. Tubbesing reported that Mrs. Rollins has decided to retire effective August 31 of this year, upon completion of 25 years of service in State government. Mrs. Rollins first came to the Legislature in 1969, and worked with the docket, the forerunner of the current computerized bill status system. Ms. Tubbesing noted that Mrs. Rollins was a highly valued employee, whose knowledge of both parliamentary procedure and the bill status system is unique, and that she had generously agreed to return for the 3rd Special Session and the 1st Regular Session of the 116th Legislature to assist in the Information Office.

In response to a question from Sen. Cahill regarding whether Mrs. Rollins' retirement would provide an opportunity to restructure the Information Office, as had been discussed by the Budget Subcommittee last spring, Ms. Tubbesing reported that she needed some time to review the Office and hoped to present a recommendation to the Council at its August meeting.

- Resignation of Bret Preston, Research Assistant, Office of Policy and Legal Analysis

Ms. Tubbesing stated that Mr. Preston's decision was both a professional and a personal one.

Motion: That Dorothy Rollins' plan to retire and Bret Preston's resignation be accepted with regret and that letters of appreciation be sent. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

- Recommendation to hire Alexandra Avore for the position of Legislative Analyst, Office of Fiscal & Program Review, effective August 3, 1992.

Motion: That this item be tabled until later. (Motion by Sen. Pray; second by Sen. Clark). The item was tabled until later without objection.

Item #2: Recommendations for Out-of-State-Travel

Ms. Tubbesing reported that the non-partisan Office Directors had screened available conferences and meetings with particular care this year, given the significant reduction in the Legislature's out-of-state travel budget. However, two meetings are of such potential value given current issues that she is recommending approval as follows:

- Paul Saucier, OPLA, to attend a workshop on Strategies for Controlling Health Care Costs at the University of Maryland, July
- David Kennedy, Revisor of Statutes, to attend a special meeting of Revisors from all 50 states that has been called in conjunction with the NCSL Annual meeting in Cincinnati, the last week of July. The topic of this meeting is code revision.

Motion: That both travel requests be approved. (Motion by Sen. Clark; second by Speaker Martin; unanimous).

Sen. Clark clarified that the approval of Mr. Kennedy's travel to attend the special meeting should be interpreted as authorization to participate in the entire annual meeting if he so desired.

Item #3: 116th Legislature/1st Regular Session: Cloture Date

Ms. Tubbesing referred Council members to a memo from David Kennedy which had been included in their agenda packets. Mr. Kennedy recommended that since the cloture date established by Joint Rule would fall on Christmas Day, the cloture date for newly-elected members be moved to Monday, December 21. After brief discussion, however, there was consensus that Mondays were not as "good" as Fridays and that the revised date should be Friday, December 18.

Motion: That the cloture date for newly-elected members of the Legislature, including those members who are moving to the other body, be moved to Friday, December 18. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

Item #4: Blue Ribbon Commission/Workers' Compensation: Status Report on Staffing and Budget

Ms. Tubbesing noted that she, Martha Freeman, David Kennedy and John Wakefield had all attended the Blue Ribbon Commission's meeting on June 1 by invitation. Directors had presented information about the roles and responsibilities that each of the offices would have with regard to the Commission's proposed legislation. No formal working relationship has yet been established, although Jane Orbeton and Lisa Copenhaver continue to attend the Commission meetings.

Ms. Tubbesing also drew Council members' attention to a Budget Status Report for the Commission, noting that, through June 15, the Commission had spent \$7,344 of the \$250,000 appropriated to it. She then turned to a letter of agreement that the Commission's Co-Chairs had executed with a consultant, John Lewis, stating that this required Council approval in accordance with policies previously adopted by the Council. The agreement provides that Mr. Lewis will be authorized to work 17-22 days for the Commission, at the rate of \$1,500/day, plus expenses.

Motion: That the Commission's contract with John Lewis be approved. (Motion by Speaker Martin; second by Rep. Marsano; unanimous).

Item #5: Proposal to Revamp Public Bill Status System

Council members had received a copy of the Proposal in the advance agenda packet. Ms. Tubbesing summarized the memo briefly and asked if there were any questions.

Motion: That the Proposal be approved. (Motion by Rep. Mayo; second by Sen. Clark; unanimous).

Item #6: Legislative Budget: Status Report

Council members had received a copy of the Legislature's expenditures by line for the first 11 months of the current fiscal year and a cover memo from Ms. Tubbesing that provided some analysis of those lines which were most under budget. The report confirms that the Legislature will have a balance forward of \$1 - \$1.5 million, an amount that Ms. Tubbesing stated reflected an extraordinary savings effort: the Legislature's total "All Other" expenditures for the current fiscal year will be less than they have been in any year since 1985.

Commission on Uniform State Laws Budget

The Chair, Sen. Pray, then recognized Robert Robinson, Chair of the Commission on Uniform State Laws, who was present. Mr. Robinson requested that the Council reconsider its decision to eliminate the Commission's out-of-state travel budget in FY 93. He noted that the National Conference had been formed to preserve, protect and secure states rights against pre-emption by Federal law. Maine has been a member of the National Conference of Commissioners of Uniform State Laws since 1895 and has, over the years, adopted 60-70 of the uniform laws that have grown out of the Conferences' work, including the Uniform Commercial Code, the Uniform Probate Code, and uniform legislation protecting the rights of the terminally ill.

Mr. Robinson observed that Maine's 3 Commissioners are all lawyers in private practice. They work throughout the year, contributing their time. He described the annual meeting as the antithesis of a junket, noting that commissioners from across the country meet as a committee-of-the-whole for the entire week of the conference, drafting legislation and critiquing those drafts.

The 3 Maine members have paid virtually all of their own expenses in the past 2 years, and Mr. Robinson urged the Council to restore the funds necessary to reimburse them fully for their expenses, given the importance of their work to the State of Maine.

Discussion focussed on:

1. How Commission members are appointed (Sen. Pray)

Mr. Robinson responded that they were all appointed by the Governor, pursuant to Statute; Rep. Marsano noted, however, that the Commissioners essentially "report" to the Legislature, since the uniform legislation comes directly to the Legislature.

2. Whether the appointing authority should be changed (Sen. Pray)

Speaker Martin observed that Maine still had the same appointing process it had adopted in 1895, when Maine first joined the Conference, and that many other states had changed the appointment process.

Motion: That the Council restore \$3,500 for the purpose of reimbursing all of the Commissioners' expenses incurred in attending the Annual Conference. (Motion by Speaker Martin; second by Rep. Marsano; approved 6-2).

General Legislative Budget

The Council's discussion then returned briefly to the Legislature's own budget. Rep. Marsano expressed concern about the size of the balance forward; however, Speaker Martin noted that the new Legislature would not be able to sustain the same level of savings because it is possible "to live without" some things through the short session that must be funded in the long session. Rep. Mayo reminded Council members how deeply they had cut, and Sen. Clark noted that the Legislature had severely curtailed its ability to respond to constituents.

The Council took no further formal action on this item.

REPORTS FROM COUNCIL COMMITTEES

Subcommittee on Audit & Program Review Committee

Speaker Martin drew members' attention to the letter from the Chairs of the Joint Standing Committee on Audit & Program Review requesting clarification about when the Committee should schedule the public hearings on its bill. The Speaker reported that the Council had previously approved a December 1 deadline for completion of all work based on the Subcommittee's recommendation, and that the hearing needed to be scheduled in accordance with this deadline.

The Council agreed that a letter of clarification should be sent to the Chairs that the December 1 deadline applied to all of the Committee's work.

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

The Council proceeded to go into Executive Session at 4:34 p.m.

RECONVENE

The Council reconvened in public session at 5:04 p.m.

Personnel Committee

Rep. Gwadosky, Committee Chair, presented the following motions on behalf of the Committee.

Motion: That the Personnel Policies Manuals for Senate and House Staff as previously approved by the Council be published and distributed at the earliest possible time; and, further, that the presiding officers review current policies regarding the accrual and expenditure of overtime in their respective bodies and determine whether a single policy can be established. (Motion by Rep. Gwadosky; second by Speaker Martin; unanimous).

Motion: That the Council adopt the following policies regarding the accrual and expenditure of overtime and other earned leave, consistent with the policies that have already been adopted for other state employees.

Vacation and Sick Leave:

Rate of accrual: No change.

Expenditure : Employees to be charged 7 hours of leave if they are absent on the scheduled 7-hour day.

Overtime:

Employees in Salary Ranges 1-6

The 40th hour in each week will be worked at "straight time"; all additional hours will earn time and a half.

Employees in Range 7

All time beyond the 39th hour will be compensated at straight time.

Employees in Ranges 8-13

Employees will be awarded compensatory time for all work performed over and above 44 hours in a week at the rate of hour-for-hour.

Employees in Range 14-15

(Are not eligible to earn overtime)

(Motion by Speaker Martin; second by Sen. Cahill; unanimous).

Motion: That the Council adopt the proposed revision to the Income Protection policy and that the revised policy take effect January 1, 1993, and be applied to all legislative employees who deliver after that date; and, further, that any employee who is currently pregnant be offered the option of applying for Income Protection under either policy. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Motion: That the Legislative Council authorize extension of its Income Protection Plan to eligible employees as recommended by the Personnel Committee. (Motion by Rep. Gwadosky; second by Sen. Cahill; unanimous).

Motion: That Lynn Randall, State Law Librarian, be awarded a step increase effective as of her anniversary date, June 16. (Motion by Rep. Gwadosky; second by Sen. Clark; approved 6-2).

Motion: That the recommendation to hire Alexandra Avore for the position of Analyst in the Office of Fiscal & Program Review be approved. (Motion by Rep. Speaker Martin; second by Sen. Clark; unanimous).

Committee on Total Quality Management

The Chair, Sen. Pray, reported that the Committee had met for the first time that morning and had begun to define areas of focus for their future meetings. He noted that this Committee was required by law to submit an interim report by September 1 and that the report would come to the Council.

No Council action was required.

OLD BUSINESS

Item #1: Council of State Governments: Reconsideration of Dues and Invitation to Host 1995 Meeting (Tabled at May 12 meeting, pending further information regarding the legislative budget)

Motion: That the Council approve payment of the dues (Motion by Sen. Clark; second by Sen. Cahill).

Discussion centered on the following issues:

- Whether the intent of the motion was to approve payment of Maine's dues for both 1992 and 1993 (Speaker Martin).

Sen. Pray responded that the intent was to pay 1993 only. After further discussion, members agreed that it was necessary to clarify with CSG/ERC whether payment of only 1 of the two year's of outstanding dues would be sufficient to reinstate Maine as a member.

- The relationship between approving payment of the CSG dues and supporting individual legislators' travel to meetings sponsored by CSG (Speaker Martin).

Speaker Martin expressed his concern that out-of-state travel had become a partisan issue and that it was difficult to justify payment of the dues (\$51,700 for each of the two years) if there was no support for legislators' participation in the organization. Sen. Cahill responded that the decision to make out-of-state travel a political issue was an individual decision.

- Whether Maine needs to participate in two national organizations given the State's current situation (Rep. Marsano; Sen. Dutremble).

Sen. Clark responded that she had found that CSG/ERC's focus on regional issues extremely valuable.

- The benefits of participating in national organizations, both to individual legislators and to the State's economy. Notwithstanding the concern about the current budget situation, both Sen. Clark and Rep. Marsano stressed the importance of supporting legislators' participation in these organizations because they offer "incredible" learning opportunities.

Sen. Pray observed that Maine had been scheduled to host the CSG/ERC annual meeting in 1995, but that this "invitation" would be withdrawn if Maine did not pay its dues. He pointed out that hosting a meeting such as ERC generates economic activity, and that it is necessary "to spend money to make money".

Motion: That this item be tabled to provide an opportunity to have further discussions with CSG. (Motion by Rep. Marsano; second by Rep. Gwadosky; approved 7-1).

Item #2: Request for Council Authorization of an Interim Study on Recall (Tabled at May 12 meeting, pending further information regarding the legislative budget)

Motion: That the proposed study be approved with a revised budget (Motion by Speaker Martin; second by Sen. Clark).

Discussion:

This study had originally been proposed in legislation (LD 1964), which was indefinitely postponed during the Second Regular Session. The bill specified a total membership of 12, including 6 who were not legislators. The Chair, Sen. Pray, noted that the Council did not have the authority to approve formation of a study group that included non-legislative members. After brief discussion, Rep. Mayo offered a "friendly amendment" to the original motion to authorize the President and Speaker to appoint an ad hoc committee to carry out this study. The amendment was accepted, and the vote was taken on the original motion as amended with, 6 members voting in the affirmative and 2 opposing.

Speaker Martin announced that he would assign someone from his staff to staff this committee.

NEW BUSINESS**Item #1: Constitutional Officers and State Auditor: Salary Status**

The Chair, Sen. Pray reported that he had written the letter in response to inquiries from two of the Constitutional Officers, noting that the letter simply clarifies that the provisions in the recently passed budget (Ch 780, P.L. 1991) regarding the reduced work week and the extension of salary reductions for certain State employees applied to the Constitutional Officers and State Auditor.

Motion: That the letter be accepted and placed on file (Motion by Rep. Mayo; second by Sen. Clark; unanimous).

Item #2: Recommendation from the Speaker regarding the Salary for the Clerk of the House, Debbie Wood

Speaker Martin reported that he had appointed Ms. Wood to the position of Clerk upon Ed Pert's retirement in accordance with House Rules, and that his recommendation to the Council to place Ms. Wood in Step 2 of Range 14 was consistent with the statute. Rep. Marsano stated that he interpreted the statutory provisions regarding salary as pertaining only to individuals who had been elected to the positions. However, Speaker Martin replied that he had asked the Attorney General's office for advice on whether he was simply appointing a Clerk *pro tem* and was advised that he was appointing a new Clerk.

Sen. Dutremble asked whether there would be a special election at the September Special Session, and Speaker Martin replied affirmatively.

Motion: That Deborah Wood be assigned to Salary Range 14, Step B, pursuant to statutory authority, effective as of the date of her appointment. (Motion by Speaker Martin; second by Sen. Clark; unanimous).

Item #3: Request from Joint Standing Committee on Education for Interim Study of Maine's School Funding Formula

After brief discussion of the letter from the Committee Chairs, Sen. Estes and Rep. Crowley, Council members agreed that they would reconsider this item at their August meeting, in order to allow members to have some time to think about how to structure a legislative study committee for this purpose to ensure continuity to the 116th Legislature.

Motion: That the item be tabled (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Item #4: Letter from David Silsby

Mr. Silsby had sent all Council members a letter announcing his wish to "retire" from his contractual arrangement as of June 30, the end of the fiscal year. He reported that his lifelong avocation - painting - has become a new vocation and that he no longer can devote the time to his duties with both the State House and Capitol Park Commission and the Special Committee to Develop a New Capitol Area Master Plan that these require. He stressed that he would always be available to this Council and to future Councils, but strongly encouraged the Council to find someone with the requisite skills to continue to pursue the issues he had outlined in his letter on behalf of the Council. Speaker Martin asked Mr. Silsby for recommendations of individuals qualified to assist the Council in this regard.

The Chair, Sen. Pray, complimented Mr. Silsby on his letter to the Council, noting that it provided Council members with an excellent summary of the major issues surrounding both the preservation/restoration of the State House and the development of a new Master Plan for the Capitol Area. He went on to express his personal appreciation to Mr. Silsby for his continued service to the Legislature in many capacities.

Motion: That Mr. Silsby's letter be accepted with the Council's deepest regret. (Motion by Speaker Martin; second by Sen. Clark; unanimous).

Item #5: Planting around the State House

Sally Tubbesing, Executive Director, drew Council members' attention to the fact that most of the gardens around the State House had not been planted due to the lack of funds available to buy plants. She reported that several legislative staff had suggested that they would be willing to contribute to a "Flower Fund" for the purpose of buying the flowers and stated that her purpose in bringing this item before the Council was merely to determine whether there would be any objections. The project was approved by unanimous consent!

ANNOUNCEMENTS AND REMARKS

Sen. Pray announced the date of the July Council meeting: Wednesday, July 22, at 1 p.m.

ADJOURNMENT

The Council meeting was adjourned at 5:24 p.m., without objection.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

July 16, 1992

TO: Honorable Charles P. Pray, Chair
and Members of the Legislative Council

FROM: Sally *Sally*

SUBJECT: The State House Roof : New Leaks

One of the rainstorms in mid-June produced leaks in a new area of the roof. We have had the architect examine the roof with the contractor who did the recent repairs and the Bureau of General Services (formerly BPI).

These new leaks are caused by splits in the roof at the base of the main dome, an area that has not been within the scope of the work we have done previously.

Options

We have two options for repair:

1. Patch the splits

Estimated cost: \$500

The roofing consultant tells us that the roof in this entire area is in poor condition and should be completely replaced within the next 2 years. Thus, the "patch" would be a temporary solution.

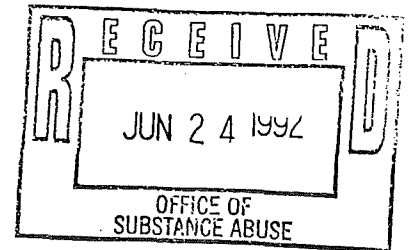
2. Replace the existing roof membrane

Estimated cost: \$5,000

This would simply mean implementing the "long-term" solution now.

I would be happy to answer any questions you have.

STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL
HUMAN SERVICES DIVISION
STATE HOUSE STATION 6



June 19, 1992

To: Linwood Oakes, Office of Substance Abuse
From: James A. McKenna, Assistant Attorney General
Subject: DEEP REPORTING REQUIREMENT

Jim

You recently asked whether the DEEP reporting requirement had been altered by recent legislative changes. As you know, in past years DEEP has been required to submit an extensive report concerning the enforcement of laws relating to drinking and driving during the preceeding calendar year. Included in this report was such information as the number of OUI arrests, the number of successful completion of the DEEP program, the number of license suspended for OUI, etc.

After reviewing the torturous statutory changes over the last few years it certainly appears that this explicit reporting requirement has been fundamentally changed. First, pursuant to public law 1989, Chapter 790 your reporting requirement was amended at 22 M.R.S.A. §7225(2)(F); to read in its entirety:

F. Making a separate written report to the Chief Justice, the Governor, and the Legislature not later than May 1st of each year, commencing with 1990, on the effectiveness of the State's operating under the influence laws and programs. The report must contain an analysis of significant characteristics of operating under the influence offenders arrested during each of the previous three calendar years. The report must identify, when practical, relationship between various sanctions, including, but not limited to, finds, jail sentences, substance abuse evaluations and treatment, and rearrest rates.

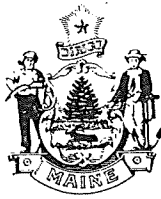
However, even this modified reporting requirement was repealed by public law 1989, Chapter 934, §§B-3, B-4.

Does any reporting requirement currently exists? Yes. The statute authorizing the DEEP program is now found at 5 M.R.S.A. §§20071-20078. At 5 M.R.S.A. §20077 the following, relatively loose, reporting requirement is found:

Beginning in 1992, the director shall report annually by February 1st to the joint standing committee of the Legislature having jurisdiction over human resource matters regarding the offices's activities under this subchapter. A copy of this report must be sent to the Executive Director of the Legislative Council.

In view of this statute's very broad language, it seems clear the Legislature has given considerable discretion as to what information the required report should contain. Of course, not having been involved in the many statutory twistings and turnings of your statute I have no way of knowing why your reporting requirement has been so severely truncated. Please do not hesitate to contact me if you wish to discuss this matter further.

JAM/ljk



STATE OF MAINE
EXECUTIVE DEPARTMENT

OFFICE OF SUBSTANCE ABUSE

State House Station #159

Augusta, Maine 04333

John R. McKernan, Jr.
Governor

Ronald G. Speckmann
Director

TO: Sally Tubbesing, Executive Director
Legislative Council

FROM: Ronald G. Speckmann, Director, OSA *[Signature]*

SUBJECT: Driver Education and Evaluation Program

DATE: June 26, 1992

Please be advised that the statutory language, which required a report to be sent to the Chief Justice, the Governor, and the Legislature on the effectiveness of the State's operating under the influence laws and programs, seems to have been removed from statute. (See attached memo from Attorney General's office.) However, OSA will be completing this report because of the importance of accurate information on which to base fiscal and program decisions.

We are now coordinating with other departments and operationalizing the focus of the study of DEEP programs. We are most interested in identifying outcomes from the DEEP programs so we may identify programmatic elements which are effective, as well as those that may be less effective and require improvement.

As the DEEP program is now structured, following implementation of Chapter 622 (Dec. 1991 "Budget Bill"), there is a multiple offender and first offender with aggravating factor's population, a first offender nonaggravating factor's population, a teen population, and non-DEEP population (i.e., clients who bypass the DEEP programs and enter treatment directly).

Prior program evaluations focused on the first offender population. Program effectiveness was measured by the degree of recidivism following program intervention and clients' perceptions of the program.

Our evaluation will expand and update the previous evaluations. We will be examining outcomes for all program populations with the goal of identifying factors in need of improvement to provide better programs for our clients.

We are in the process of discussing the possibility of a graduate student internship from UMO to provide programming support for tracing clients from motor vehicle records to our client files. Our timeline is for project completion by January, 1993.

We feel strongly that program evaluation will provide decision makers with the required information needed to assess the DEEP programs.

In addition, we are currently analyzing administration functions of DEEP. Our goal is to increase client access to the DEEP programs by streamlining current office procedures to allow existing staff to accomplish their responsibilities more efficiently and effectively.

Our approach is to focus on the needs of the client and the client's goal of license restoration. This approach will provide the appropriate programs so both the client and the public interest in safety are served. Most importantly, we need to improve program response times for clients.

Toward this goal, we are reinstituting on-line client registration, increasing the number of incoming phone lines, are in the process of moving DEEP staff to our OSA central office location at Stone Street, and assigning central office staff to coordinate changes at DEEP.

More improvements still need to be made and we are working to implement these changes. These include:

- Increased electronic transfer of information between the Department of Motor Vehicles and DEEP to reduce the enormous amount of paperwork that flows in the Office.
- Implementation of improved internal financial controls and financial tracing mechanisms.
- Establishing clerical work stations that increase clerical autonomy and responsibility.

Please feel free to contact Alison Moore or me if you have any questions or would like more information.

RS/c
Enclosure



Senator Stephen C. Estes
District 35
State House Station 3
Augusta, Maine 04333

THE MAINE SENATE
115th Legislature

P.O. Box 4
Kittery Point, Maine 03905

July 22, 1992

Hon. Charles P. Pray, Chair
Legislative Council
State House Station #115
Augusta, ME 04333

Dear President Pray:

With the Governor having already established a task force on education funding, your consideration of the request to you and the Legislative Council in the letter from Rep. Nathaniel Crowley and me dated May 13, 1992 is no longer necessary. However, I am writing to make a new request.

At the July 10 Task Force organizational meeting, I spoke with the other legislative members of the Task Force, Representatives Omar Norton, Donnell Carroll, and Gary Reed, and they were in full agreement that access to non-partisan staff assistance would be extremely valuable in assisting us as the Task Force reviews and makes recommendations for changes to Maine's school funding formula.

Concern about the funding formula has been building on a variety of fronts over the last several years. The suspension of the formula during the last two sessions of the 115th Legislature has convinced many that changes to the formula are necessary to both restore confidence and stability in the process and provide equity to school finance in Maine.

On behalf of my legislative colleagues on the Task Force, I am writing to request that the Legislative Council provide non-partisan staffing to do research and support work for the legislative membership and provide general assistance to the Task Force as approved by the Director of the Office of Policy and Legal Analysis.

Resolution of the school funding dilemma will be one of the most urgent matters before the Legislature next session. It is my hope that this study will make significant progress toward solutions. A final report and recommendations will be sent to the Legislature by mid-December.

Your approval of non-partisan staff assistance would be very helpful to us and much appreciated. Thank you for your consideration of this matter.

Sincerely yours,

Sen. Stephen C. Estes, Chair
Joint Standing Committee on
Education



OFFICE OF
THE GOVERNOR

NO. 1 FY 92/93
DATE July 8, 1992

AN ORDER ESTABLISHING A TASK FORCE TO PROVIDE RECOMMENDATIONS
REGARDING SCHOOL FUNDING ISSUES

WHEREAS, the education of Maine students is among the highest priorities of state and local government; and

WHEREAS, between FY 80 and FY 90 total spending on general purpose aid for education by the state rose from \$183.4 million to \$475.5 million; and

WHEREAS, spending for K-12 education at the local level rose from \$364.5 million to \$939.1 million over this same period; and

WHEREAS, over the past two years Maine and the Nation have been caught in a severe economic recession; and

WHEREAS, the resultant decline in state revenues has forced the restriction of general purpose aid to \$523.2 million in FY 1991 and \$512.9 million in 1992; and

WHEREAS, the current economic down-turn has also produced unusual pressures on local governments and on local property taxpayers; and

WHEREAS, the reliance of the current school funding formula (20-A M.R.S.A. Chapter 606) upon the assessed value of local property is perceived by many to have placed an undue burden on certain sectors of the state; and

WHEREAS, a strong consensus continues to require a school funding formula that is designed to assure an equitable distribution of the property taxpayer burden throughout the state; and

WHEREAS, the allocation of the general purpose aid appropriations in the past two years have required a significant departure from the "certified funding level" and from the standard allocation mechanism of the current formula; and

WHEREAS, a strong consensus continues to require a school funding formula designed to achieve equity, with the fundamental recognition that the educational opportunities available to Maine children should not be determined by family wealth or by the wealth of the community;

NOW THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby establish a Task Force To Provide Recommendations Regarding The School Funding Formula as follows:

Purpose

The purpose of the Task Force to Provide Recommendations Regarding The School Funding Formula is to consider the current issues regarding school funding in Maine and to suggest resolutions for these issues, particularly in the form of a new mechanism for the allocation of state resources to local school districts. In developing its recommendations, the Task Force should seek and consider public input and aim towards the development of a mechanism which is likely to have the support of the majority of the Maine citizens and their elected representatives.

The responsibilities of the committee shall be:

1. To consider the elements of the "recommended funding level," and to determine what factors should be considered in setting the total statewide appropriation for educational subsidies;
2. Consider the mechanisms necessary to adapt the recommended funding level to the amount actually appropriated by the Legislature and approved by the Governor for each budget year;
3. To consider how pupil educational needs and unit-wide educational needs should be measured, and how the total allocation of funds for school units should be calculated to equitably reflect these needs;
4. To consider the fiscal capacity of each school administrative unit and to develop a method of measuring the fiscal capacity for the purpose of the equitable allocation of resources in any school funding formula recommended by the Task Force;
5. To consider what incentives for local unit performance, size, and efficiency should be incorporated into the new school funding formula;
6. To consider the relationship between school funding and the cost of state educational mandates, along with the cost of optional local programs and services;
7. To consider means by which the school funding formula could promote cost-awareness so that there is full awareness of pupil and school unit needs and of the funds needed to address these needs, and how scarce the state and local revenues can be most efficiently used and targeted at the greatest of these needs;
8. To consider how the school funding formula, and the statutory language which describes this funding model, should be constructed to make the school funding formula more understandable to all groups that are affected by it;
9. To consider the interrelationship of the above issues to each other, or such other issues as the Task Force may deem necessary.

Goals

By September 14, the Task Force should issue a preliminary report to the Governor containing the following:

1. For each of the issues listed above:
 - a. A brief description of the issue and resolutions that were considered by the Task Force;
 - b. A more detailed description of the recommended resolution, including its relationship which each of the other recommended resolutions; and
 - c. A recommended implementation year (based on considerations of the immediacy of the need for resolution, and the availability of data and programming resources that would be necessary to implement the recommendation).
2. The Task Force's public comment plan, describing the activities which the Task Force will perform to (a) disseminate its preliminary recommendations to Maine citizens, (b) encourage public comment on these recommendations, and (c) receive comments from interested individuals and groups.
3. By December 9, the Task Force will present its final report to the Governor, the Education Committee of the Legislature, and the State Board of Education. The content of the final report will reconsider the issues discussed in the preliminary report, with the following additions:
 - a. A summary of the major concerns and recommendations, as provided during the statewide discussions, together with Task Force recommendations.
 - b. A list of statutory changes recommended by the Task Force, to be effective beginning July 1, 1993.
 - c. All necessary details needed to support the Task Force recommendations for implementation in FY 94, including any necessary detail sufficient to collect further data, develop appropriate computer programs, and draft additional statutory language.
 - d. A list of additional statutory changes recommended by the Task Force, to be effective beginning July 1, 1994.
 - e. All necessary details needed to support the Task Force recommendations for implementation in FY 95, including any necessary detail sufficient to collect further data, develop appropriate computer programs, and draft additional statutory language.
4. During the first regular session of the 116th Legislature, the Task Force will communicate its recommendations according to a plan developed by the Task Force.

Membership

The membership of the Task Force shall be composed of representatives from the following organizations:

1. The State Board of Education
2. The Maine Department of Education
3. The Education Committee of the Maine Legislature
4. The Appropriations Committee of the Maine Legislature
5. The Maine Aspirations Foundation
6. The Maine Department of Administrative and Financial Services

The membership of the Task Force shall also include individuals who, by background and experience, are affiliated with the following interests:

1. School Superintendents
2. K-12 Teachers
3. Elected municipal officials
4. The Chamber of Commerce
5. The local school boards

The Task Force shall have the following joint chairs:

Jane Amero, currently the Chairman of the State Board of Education, and Senator Stephen Estes, currently Senate Chair of the Legislature's Education Committee.

Others may be asked to participate from time-to-time as needed.

The committee membership shall be appointed by the Governor in consultation with the joint chairs. Members shall be selected with consideration for geographic distribution and the need for balance in representation among high-receivers, middle-receivers, and low-receivers under the current school funding formula.

Terms of Membership

The members of this committee shall serve until the business of the Task Force is completed, unless they should resign from the Task Force before that time. In the event of a vacancy, the Governor, in consultation with the joint chairs of the Task Force, shall select an appropriate replacement.

Administration

The Maine Department of Education shall serve as executive secretary to the Task Force and provide technical and administrative support, as needed.

Meetings

The co-chairs shall develop a meeting schedule for the Task Force. Subcommittees may be established as needed to carry out the work of the Task Force.

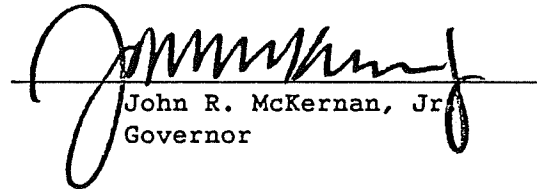
Compensation

Members shall serve without compensation. Necessary expenses incurred by members in the performance of their duties which are allowed by state law shall be reimbursed as allowable expenses. If the member's parent organization does not provide this reimbursement, then reimbursement will be provided by the Department of Education.

Period of Authorization

The Task Force shall perform its duties through the final day of the first regular session of the 116th Legislature. The Task Force will dissolve following this date, unless the Governor further extends its work.

The effective date of this Order is July 9, 1992.


John R. McKernan, Jr.
Governor

115TH LEGISLATURE - THIRD SPECIAL SESSION
BILL REQUESTS FOR SCREENING

SPONSOR: Rep. Crowley of Stockton Springs

LR: 3928

TITLE: Resolve, to Require the Attorney General to Institute a Grand Jury Investigation of the Shooting of Katherine Hegarty

SUMMARY: This resolve would require the Attorney General to Institute a Grand Jury Investigation of the Shooting of Katherine Hegarty.

SPONSOR: Rep. Erwin of Rumford

LR: 3922

TITLE: Resolve, Instructing the Department of Veterans' Services to Transfer a Surplus Facility to the Town of Rumford

SUMMARY: This resolve would instruct the Department of Veterans' Services to transfer the Rumford armory to the town of Rumford for \$1.

SPONSOR: Rep. Farnsworth of Hallowell

COSPONSORS: Rep. Treat of Gardiner

LR: 3912

TITLE: An Act to Ensure Continuity of State-contracted Services

SUMMARY: This bill requires the state to pay for state-contracted providers of social services in a timely manner. Bills paid over one week late would be subject to payment of 18% interest.

SPONSOR: Rep. Farnsworth of Hallowell

COSPONSORS: Rep. Joseph of Waterville

LR: 3914

TITLE: An Act to Amend the Maine Human Rights Act and
Whistleblower's Protection Act to Cover Employees of the
Maine National Guard

SUMMARY: This bill would clarify that both the Maine Human Rights
Act and the Whistleblower's Protection Act are applicable
to members of the Maine National Guard.

SPONSOR: Rep. Farnsworth of Hallowell

COSPONSORS: Sen. Clark of Cumberland

LR: 3919

TITLE: An Act to Preserve a Woman's Right to Privacy

SUMMARY: This bill will repeal the 48-hour period that a woman must
wait before she can consent to have an abortion.

SPONSOR: Rep. Farnsworth of Hallowell

COSPONSORS: Sen. McCormick of Kennebec

LR: 3926

TITLE: An Act to Establish a Moratorium on the Search for a Maine
Site for Low-level Radioactive Waste and to Provide for a
Review of the State's Role in the Disposal of Low-level
Radioactive Waste

SUMMARY: This bill would establish a moratorium on the search for a
Maine site for a low-level radioactive waste facility.

SPONSOR: Rep. Lemke of Westbrook

COSPONSORS: Rep. Paradis of Augusta

LR: 3915

TITLE: An Act to Require Legislative Confirmation of the
Director of the Maine Drug Enforcement Agency

SUMMARY: This bill would require legislative confirmation of the
current and any future Director of the Maine Drug
Enforcement Agency.

SPONSOR: Rep. Lord of Waterboro

COSPONSORS: Sen. Titcomb of Cumberland

LR: 3930

TITLE: An Act to Amend the Voter Ratification Provisions of the
Charter of the Waterboro Water District

SUMMARY: A referendum to ratify the creation of the Waterboro Water
District failed for lack of sufficient votes. This bill
would allow the question to be presented to the voters of
Waterboro at the November election.

SPONSOR: Rep. Luther of Mexico

LR: 3907

TITLE: An Act to Allow Hunting of Small Game Animals on Sundays

SUMMARY: This bill would allow hunting of small game animals on
Sunday during small game hunting season.

SPONSOR: Rep. Luther of Mexico

COSPONSORS: Rep. Erwin of Rumford
Sen. Mills of Oxford
Rep. Lord of Waterboro

LR: 3908

TITLE: An Act Permitting the Bureau of General Services to Provide Insurance to Certain Group Homes for Children and Persons with Mental Retardation

SUMMARY: This bill authorizes the Director of the Bureau of General Services to offer insurance services to group homes for children and to group homes for persons with mental retardation.

SPONSOR: Rep. Marsano of Belfast

LR: 3910

TITLE: An Act to Restore the Practice of Interior Design in the State

SUMMARY: This bill would amend recently enacted law to clarify that the architect's registration law does not prohibit interior designers from performing their activities within the State.

SPONSOR: Rep. Marsano of Belfast

LR: 3925

TITLE: An Act to Expand the Membership of the National Conference
of Commissioners on Uniform State Laws

SUMMARY: This bill would allow a person who has been President,
Secretary or Chair of the Executive Committee of the
National Conference of Commissioners on Uniform State Laws
to serve indefinitely as an additional Maine commissioner.
This change would allow former Chief Justice McKusick to
serve as a Maine commissioner.

SPONSOR: Rep. Martin of Eagle Lake

LR: 3916

TITLE: An Act to Prohibit a Physician from Referring a
Patient to a Clinic in Which the Physician has
a Financial Interest

SUMMARY: This bill would prohibit a physician from referring a
patient to a clinic in which the physician has a financial
interest.

SPONSOR: Rep. Michaud of East Millinocket

LR: 3927

TITLE: An Act to Repeal the Requirement for Registration of Truck
Campers

SUMMARY: Public Law 1991, chapter 788 requires the owners of truck
campers to register those vehicles. This bill repeals that
requirement.

SPONSOR: Sen. Pearson of Penobscot

COSPONSORS: Sen. Summers of Cumberland
Rep. Rotondi of Athens
Rep. Swazey of Bucksport

LR: 3931

TITLE: An Act to Exempt Warden Service Vehicles from
Participation in the Central Motor Pool

SUMMARY: This bill would exempt vehicles operated by the Bureau of
Warden Service from inclusion in the Central Motor Pool for
state-owned motor vehicles established by PL 1991, c. 591,
Part III.

SPONSOR: Sen. Pray of Penobscot

LR: 3918

TITLE: An Act to Clarify the Laws Concerning Beano and Bingo

SUMMARY: This bill codifies many of the rules and makes other
changes in the law under which games of beano operate.

SPONSOR: Rep. Stevens of Bangor

LR: 3929

TITLE: An Act to Require Fair Notice Prior to the Imposition of
Municipal Penalties

SUMMARY: This bill would require that municipalities provide a
notice of deficiency and a reasonable opportunity to cure
before imposing a penalty for failure to file a
reforestation plan.

SPONSOR: Sen. Titcomb of Cumberland

LR: 3923

TITLE: Resolve, to Allow Neil and Linda Chute to Bring an Action
against the State of Maine

SUMMARY: This request would authorize a lawsuit against the state to
recover \$2,812 plus attorney's fees. The claimants were
ordered to pay that amount twice allegedly due to advice
given by the Department of Human Services.

SPONSOR: Sen. Vose of Washington

COSPONSORS: Sen. Pray of Penobscot

LR: 3920

TITLE: An Act to Improve Access to Maine's Veterans' Homes

SUMMARY: This bill would amend current law to provide that more than
one Maine Veterans' Homes can be constructed in eastern and
western Maine. The number of beds authorized is not
changed.

115TH LEGISLATURE - THIRD SPECIAL SESSION
BILL REQUESTS FOR SCREENING
ADDENDUM

SPONSOR: Rep. Anthony of South Portland

LR: 3932

TITLE: An Act to Restore Funding to the Maine Youth Center

SUMMARY: This bill restores \$1,101,917 in funding to the Maine Youth Center to enable it to retain 33 positions and return the Center to its full complement of staffing.

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION TO THE THIRD SPECIAL SESSION

as of July 14, 1992

Action

SPONSOR: Rep. Erwin

LR 3922 Resolve, Instructing the Department of Veteran's
Services to Transfer a Surplus Facility to the Town
of Rumford

SPONSOR: Rep. Farnsworth

LR 3912 An Act to Ensure Continuity of State Contractor
Services

LR 3914 An Act to Amend the Human Rights and Whistleblower
Acts to Cover Employees of the Maine National Guard

LR 3919 An Act to Preserve a Woman's Right to Privacy

LR 3926 An Act to Impose a Moratorium on the Siting Process
of the Maine Low-level Radioactive Waste Authority
and to Provide Improved Procedures for the Siting
Process

Cosponsors: Sen. McCormick

SPONSOR: Rep. Lemke

LR 3915 An Act to Require Legislative Confirmation of the
Director of the Maine Drug Enforcement Agency

Cosponsors: Rep. Paradis, Patrick E.

SPONSOR: Rep. Luther

LR 3907 An Act to Allow Hunting of Small Game on Sundays

LR 3908 An Act Permitting the Risk Management Division
to Provide Insurance to Certain Group Homes for
Children and Persons with Mental Retardation

Cosponsors: Rep. Erwin
Sen. Mills
Rep. Lord

SPONSOR: Rep. Marsano

LR 3910 An Act to Restore the Practice of Interior Design
 in the State

LR 3925 An Act to Expand the Membership of the Commission
 Uniform State Laws

SPONSOR: Rep. Martin, John L.

LR 3916 An Act to Prohibit Physicians from Referring
 Patients to Clinics in which the Physician has
 a Financial Interest

SPONSOR: Rep. Michaud

LR 3927 An Act to Repeal the Requirement for Registration
 of Truck Campers

SPONSOR: Sen. Pray

LR 3918 An Act to Clarify the Laws Concerning Beano and
 Bingo

SPONSOR: Sen. Titcomb

LR 3923 Resolve, to Allow Neil and Linda Chute to Bring
 an Action Against the State of Maine

SPONSOR: Sen. Vose

LR 3920 An Act to Improve Access to Maine's Veterans' Homes

 Cosponsors: Sen. Pray