

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE COUNCIL**

**November 13, 1992**

## **REVISED AGENDA**

### **CALL TO ORDER**

### **ROLL CALL**

### **SECRETARY'S REPORT**

Summary of October 6, 1992, Council Meeting.

### **EXECUTIVE DIRECTOR'S REPORT**

Item #1: Blue Ribbon Commission To Examine Alternatives To The Workers' Compensation System And To Make Recommendations Concerning Replacement Of The Present System: Final Budget Status Report

Item #2: Legislative Printing Contracts for the 116th: Bid Awards

Item #3: Personnel Actions

- a. Notification of New Employees Hire to Fill Existing Vacancies
  - Erna Koch to fill vacant Analyst position in the Office of Fiscal & Program Review
  - Marion Hylan Barr to fill vacant Analyst position in the Office of Policy & Legal Analysis
- b. Resignation of Karen Hruby, Analyst, Office of Policy & Legal Analysis and Proposal to Fill Position

Item #4: 3rd and 4th Special Sessions: Summary of Expenditures

### **REPORTS FROM COUNCIL COMMITTEES**

Personnel Committee

Committee on Total Quality Management in the Legislature

## **OLD BUSINESS**

## **NEW BUSINESS**

Item #1: Request from the Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program to Extend the Reporting Deadline.

Item #2: Proposed Fee Schedule for Legislative Document Service.

Item #3: Report from State House and Capitol Park Commission Regarding Proposal to Enhance the Vietnam Veterans' Memorial and Other Issues.

## **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. PATRICK E. PARADIS  
REP. WALTER E. WHITCOMB  
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

**October 6, 1992**

## **MEETING SUMMARY**

**Approved November 13, 1992**

### **CALL TO ORDER**

The Legislative Council meeting was called to order by the Chair, Senator Pray, at 5:04 p.m.

### **ROLL CALL**

<b>Senators:</b>	Sen. Pray, Sen. Clark, Sen. Cahill Absent: Sen. Webster, Sen. Dutremble
<b>Representatives:</b>	Rep. Martin, Rep. Paradis, Rep. Marsano Absent: Rep. Gwadosky, Rep. Whitcomb
<b>Legislative Officers:</b>	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

### **SECRETARY'S REPORT**

The Summary of the September 30 Council meeting was approved and placed on file. (Motion by Sen. Cahill; second by Rep. Marsano; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing presented the following items for the Council's consideration:

### Item #1: Public Bill Status System: Proposed Fee Schedule

Ms. Tubbesing drew members' attention to a proposed fee schedule for subscription to the Public Bill Status System during the 116th Legislature. She noted that the fees were comparable with subscription fees charged for the current system and that the additional costs to subscribers would be one-time costs related to the installation of software and a modem required to use the system. She expressed appreciation to David Kennedy for his assistance in working out mutually acceptable contract terms with Cable & Wireless and in developing the proposed fee structure.

After brief discussion, Council members concluded that they needed to take no additional formal action at this time, having previously approved both the conversion of the Public Status System and the entry into a contract with Cable & Wireless for this purpose.

### Item #2 Pre-Legislative Conference: Preliminary Schedule

Ms. Tubbesing reported that she, Joy O'Brien, Secretary of the Senate, and Deborah Wood, former Clerk of the House, had met for the purpose of developing a preliminary agenda for the Pre-Legislative Conference, and that their draft agenda had now been shared with Joe Mayo, the newly-elected Clerk. She pointed out that the proposed program included bringing in all "freshman" legislators the day before returning members come back and the re-institution of mock sessions to provide new members with some familiarity of the basic order of events, with the rudiments of parliamentary procedure, and with a little practice in using their microphones, voting buttons, etc. The Chair, Senator Pray, clarified that the outgoing Legislative Council is the sponsor of the Pre-Legislative Conference.

In discussing the proposed program, Council members suggested that more detail be added to the program for Wednesday to give members advance notice that they should plan to be here for the entire day.

Although the Council took no formal action on this item, there appeared to be consensus that the proposed program met with approval.

## REPORTS FROM COUNCIL COMMITTEES

### Committee on the Legislative Budget

Senator Pray, Committee Chair, reported that the Committee had not been able to meet again to complete the formulation of its recommendations to the Council.

## OLD BUSINESS

**Item #1: Report from the Committee to Develop a Total Quality Management Plan for the Legislature. (Tabled at September 30 meeting).**

The Chair, Senator Pray, who also chairs the Committee on Total Quality Management, recognized Sen. Paul Gauvreau and invited him to present the Committee's report to the Council. He noted that Sen. Gauvreau had chaired both the Subcommittees which the Committee had formed to date to pursue specific issues.

Sen. Gauvreau reported that the Maine Legislature is the first state legislature in the country to attempt to apply the principles of total quality management to its own structure and operations. He stated that the TQM Committee established by the Council pursuant to Resolves, Chapter 73 represented a cross-section of the legislative "community" and thus included staff as well as members. The Committee has structured its work to date around one of the essential concepts of total quality management: that is, TQM is a continuous, dynamic process whose objective is to improve an organization's ability to meet the needs of its customers. Senator Gauvreau then went on to describe the work the TQM Committee -- and its Subcommittees -- had done in two areas: a) Committee rules and procedures and b) the legislative confirmation process:

### Rules and Procedures

Sen. Gauvreau reported that Committee members felt that both the general public and members of the Legislature deserved the assurance of uniform quality of treatment when they appeared before various legislative committees. To this end, the Committee has analyzed the Rules of Procedure that joint standing committees have adopted previously and determined that it is important to distinguish between "core rules" and issues of "home rule". The Committee is proposing that the former be incorporated in the Joint Rules adopted by the 116th Legislature as a means of reinforcing their importance and their standard application. These rules would include rules regarding quorums, notification to sponsors and cosponsors, and advance posting of committee schedules. The latter group -- "home rules" -- could be left to the discretion of the individual committee and would include such issues as the order for receiving testimony.

Sen. Gauvreau reported that the Committee would be reviewing a draft of the "Core Rules" at its next meeting and would formally submit these to the Council in early November.

### **Legislative Confirmation Process**

Sen. Gauvreau reported that this subcommittee was working on developing "a rather significant overhaul" of the current process. He noted that the Committee had identified several objectives for its work including: assuring fair and considerate treatment of nominees; assuring that all committee members had consistent and comprehensive background information about nominees in advance of the hearing; developing a process that distinguishes between cabinet-level and judicial appointments and those which are to positions of an advisory nature; and minimizing partisan frictions which the current process often abets. Again, Senator Gauvreau assured Council members that the Committee would submit a complete written report in early November.

The Chair, Senator Pray, thanked Senator Gauvreau for his presentation and for the time he had devoted to the TQM Committee's efforts. He then re-iterated the importance of the total quality management process in the Legislature, noting that it had broadened participation in the evaluation and improvement efforts which the Council has been engaged in for several years. Senator Cahill stated that the TQM Committee had been the most interesting and informative committee she had served on in all of her years as a legislator.

No formal Council action was required on this item.

### **NEW BUSINESS**

#### **Item #1: Recommendation from the Speaker Regarding the Salary for the Newly-Elected Clerk of the House.**

**Motion:** That, pursuant to law, the Council approve assignment of the newly-elected Clerk of the House to Step B of the statutory salary range, Range 14. (Motion by Speaker Martin; second by Sen. Clark).

**Discussion:** Rep. Marsano asked for clarification about the meaning of the motion and the Speaker responded that the statute gives the Council authority to assign a newly-elected Clerk to Step B based on the relevance of the person's prior experience.

The motion was approved unanimously by those members present, 6-0.

#### **Item #2: Commission to Study a Long-term Disability Program for the Maine State Retirement System Members: Submission of Report and Request for Legislative Action**

**Motion:** That the Council authorize the Joint Standing Committee on Aging, Retirement & Veterans to meet to review the proposed legislation. (Motion by Speaker Martin, second by Rep. Marsano; unanimous).

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 6:47 p.m., on the motion of Sen. Cahill.



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

November 9, 1992

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

FROM: Sally *Geary*

SUBJECT: Blue Ribbon Commission: Final Budget Status

With the payment to Ernst & Young for the firm's actuarial analysis of the Commission's recommendations, we think that we have paid all of the outstanding bills related to the Commission's work. I have enclosed a Budget Status Report that reflects all payments to date and shows an ending balance of \$79,256.67.

I have also enclosed a letter from Richard Dalbeck to me. While it relates to the Commission's budget in part, Mr. Dalbeck also commends the non-partisan staff and the role they played in the process.

Enclosure

RICHARD B. DALBECK  
17 SPOONDRIFT LANE  
CAPE ELIZABETH, MAINE 04107

October 20, 1992

Ms. Sarah C. Tubbesing  
Executive Director  
Legislative Council  
State House Station 115  
Augusta ME 04333

Dear Sally:

Thank you for your note of October 7th. I'm slowly finding the time to get caught up with my backlog of filing and other office work.

I've ceased using my credit card and have submitted my last expense report. I trust that most of our consultant bills have come in by now so we should be close to a final accounting. When you have a chance, I would like to know what we have spent out of the monies allotted to us. Bill and I both feel responsible for the management of that budget.

I'm not sure what you will be doing with the monies left over. One suggestion would be to make them available to the new Board for any start up activities this year.

My apologies for the "guarded introduction in the early weeks". I'm sure I, for one, was reacting to the rumors I had heard. In the end I found that the Office of Policy and Analysis was not only highly competent but the one place in the building whose security I never had to question. Jane and Lisa were absolutely great!

My thanks to you also, Sally, for your help.

Sincerely,



Richard B. Dalbeck  
Former (thank goodness) BRC Commissioner

cc. Bill Hathaway

BLUE RIBBON COMMISSION TO EXAMINE  
ALTERNATIVES TO THE WORKERS' COMPENSATION SYSTEM  
AND TO MAKE RECOMMENDATIONS CONCERNING REPLACEMENT  
OF THE CURRENT SYSTEM  
Chapter 59, Resolves of 1991  
Budget Status as of 11/05/92

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BUDGET	\$250,000.00
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EXPENDITURES

Reimbursements to Commissioners'

Dalbeck	\$1,264.33	
Hathaway	2,507.30	
Levesque	<u>668.14</u>	
		\$ 4,439.77

Contractual Services

Bushey		
Fees (\$500/week)	\$ 9,500.00	
Expenses	322.29	
Sivon		
Expenses	<u>124.49</u>	
		\$ 9,946.78

Consultant Services

David Gregory	\$13,871.94	
John Lewis	50,500.49	
Ed Welch	1,694.47	
Peter Barth	3,341.50	
Milliman & Robertson, Inc.	30,000.00	
Ernst & Young	<u>40,949.00</u>	
		\$140,357.40

Telephone Charges	\$ 2,879.24
Printing	11,661.92
Postage	241.18
Advertising	449.65
Equipment/Supplies	<u>767.39</u>

Total through 11/05/92	\$170,743.33
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BALANCE	\$ 79,256.67
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Note: Amounts include reimbursements to members of the Commission for travel and other incidental expenses. Commissioners received no honorarium for their service.

11/05/92

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

November 9, 1992

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

FROM: Sally Tubbesing, Executive Director *Sally*

SUBJECT: Award of Printing Contracts for the 116th Legislature

Pursuant to your action at the October 6 Council meeting, the Division of Purchases has completed the bid process for the printing contracts for the 116th Legislature. The Secretary of the Senate, the Clerk of the House and I have all reviewed the bids and have agreed to accept the Division's recommendations as follows:

**LD's: Award to J.S. McCarthy**

I would note that J.S. McCarthy was, again, the only bidder for this contract; however, pricing is 17 1/2% less than our contract for the 115th legislative biennium.

**Amendments: Award to the Copy Center**

The Copy Center was the only bidder. This bid involves a slight increase over the contract we negotiated last spring (while price per page is 3% less, we have reduced the number of copies to be printed).

**Senate and House Calendars: Award to J.S. McCarthy**

Again, McCarthy was the only bidder. Based on our plan to produce camera ready copy for the Calendars, the bid is 32% less than the previous bid. We may need to adjust the bid price slightly to provide some typesetting backup.

**Roster: Award to Letter Systems**

The apparent low bidder withdrew after it became clear that their original bid had not included all the costs. Letter Systems' bid is approximately 15% less than the bid for the previous biennium.

**Register: Award to J.S. McCarthy**

We received three bids on this publication; the low bid is 2 1/2% below the bid for the 115th Register.

**District Directory: Award to J.S. McCarthy**

Again, McCarthy's was the low bid.

**Legislative Record: Award to Copy Center**

Copy Center was the low bidder, with a bid 9 1/2% less than the previous contract.

**Acts & Resolves: Award to Quality Copy**

Only bidder was Quality Copy. The bid is essentially "level" with the bid for the 115th.

All contracts have been bid on the basis of using recycled paper stock.

As you know, we did not invite Central Printing to bid on any of the above contracts. Dick Thompson, the Director of the Division of Purchases, while accepting this decision, indicates that the Record and Acts & Resolves could be done "in-house" at a cost below any of the bid prices.

**115th LEGISLATURE**  
**3rd and 4th Special Sessions**  
**Expenditure Summary**

**Third Special Session: October 1 - October 6, 1992**

**Authorized Committee Meetings & Work Sessions**

**Banking & Insurance**

Per Diem	\$ 2,640.00	
Expenses	<u>1,804.32</u>	\$ 4,444.32

**Judiciary**

Per Diem	\$ 825.00	
Expenses	<u>899.04</u>	\$ 1,724.04

**Labor**

Per Diem	\$ 2,255.00	
Expenses	<u>2,325.14</u>	\$ 4,580.14

**State & Local Government**

Per Diem	\$ 770.00	
Expenses	<u>442.05</u>	\$ 1,212.05

**Taxation**

Per Diem	\$ 825.00	
Expenses	<u>1,173.11</u>	\$ 1,998.11

**Blue Ribbon Commission Briefings**

Reimbursements to Legislators	\$ 1,865.14
Rental of Civic Center	1,105.50

**SUBTOTAL**                      \$ 16,929.30

**Legislators**

Payroll	\$108,748.79	
Expenses	<u>73,098.70</u>	\$181,847.49

**Legal Counsels**    \$ 5,700.00

**Printing**    \$ 10,802.93

**Session Employees**    \$ 11,318.44

**Overtime**    \$ 5,169.62

**Total**                                      **\$231,767.78**

**Fourth Special Session: October 16, 1992**

**Authorized Committee Meetings and Work Sessions**

**Aging, Retirement & Veterans**

Per Diem	\$ 495.00
Expenses	<u>195.33</u>

SUBTOTAL	\$ 690.33
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**Legislators**

Payroll	\$ 20,506.63
Expenses	<u>12,757.32</u>

\$ 33,263.95

**Legal Counsel**

\$ 1,500.00

**Session Employees**

\$ 3,641.97

**Printing**

\$ 911.00

Total	\$ 40,007.25
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MAINE STATE LEGISLATURE  
Augusta, Maine 04333

**Joint Select Committee to Study the  
Feasibility of a Statewide Health Insurance Program**

October 21, 1992

The Honorable Charles P. Pray, Chair  
Legislative Council  
Maine Legislature  
State House Station 115  
Augusta, ME 04333

Dear Mr. Chair:

We request that the reporting deadline for the Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program be extended to December 1, 1992.

The Committee issued a draft report for public comment and held a hearing on October 17. The hearing was originally scheduled for October 3 but had to be delayed because of the Special Session. We received many excellent suggestions at the hearing and need more time to give them serious consideration and make final changes to our report. We have adequate funds remaining in our budget and do not anticipate needing further financial support from the Council.

We thank you for your consideration and look forward to receiving your response.

Handwritten signature of Judy C. Kany in cursive.

Sen. Judy C. Kany  
Co-chair

Sincerely,

Handwritten signature of Elizabeth H. Mitchell in cursive.

Rep. Elizabeth H. Mitchell  
Co-chair

#4062LHS



**JOINT SELECT COMMITTEE TO STUDY THE FEASIBILITY  
OF A STATEWIDE HEALTH INSURANCE PROGRAM**

**(Authorized by the Legislative Council, August, 1991)**

**Budget Status as of November 13, 1992**

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**BUDGET**

<b>Personal Services</b>	<b>\$ 7,040.00</b>		
<b>All Other</b>		<b>\$ 6,880.00</b>	
<b>Total</b>			<b>\$13,920.00</b>

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**EXPENDITURES**

**Committee Meetings**

10/18	\$ 330.00	\$ 499.84	\$ 829.84
10/24	550.00	528.74	1,078.74
11/21	330.00	399.02	729.02
12/04	550.00	429.00	979.00
12/12	275.00	426.24	701.24
04/27	165.00	139.24	304.24
05/18	550.00	265.64	815.64
06/18	385.00	240.56	625.56
07/13	495.00	210.62	705.62
08/12	495.00	249.19	744.19
09/09	385.00	192.64	577.64
09/24	110.00	132.91	242.91
10/17	495.00	190.31	685.31
10/29	110.00	19.00	129.00
11/05	440.00	42.15	482.15

<b>Advertising</b>		136.52	136.52
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<b>Postage</b>		682.16	682.16
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<b>Printing</b>		<u>1,035.23</u>	<u>1,035.23</u>
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<b>Total</b>	<b>\$ 5,665.00</b>	<b>\$ 5,819.01</b>	<b>\$11,484.01</b>
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<b>BALANCE</b>	<b>\$ 1,375.00</b>	<b>\$ 1,060.99</b>	<b>\$ 2,435.99</b>
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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333-0002

October 15, 1992

The Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04333-0002

Dear Speaker Martin:

The following proposed schedule of fees for Document Service for the First Regular Session of the 116th Legislature is hereby submitted for the consideration of the Legislative Council.

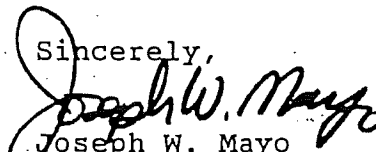
	<u>115th Rate</u>	<u>Proposed 116th Rate</u>
1. Bills and Resolves FIRST CLASS MAIL - Mailed Daily	\$450.00	\$450.00
2. Bills and Resolves FIRST CLASS MAIL - Mailed Twice Weekly	360.00	360.00
3. Bills and Resolves THIRD CLASS MAIL - Mailed Twice Weekly	300.00	300.00
4. Bills and Resolves PICKED UP AT DOCUMENT ROOM	180.00	180.00
5. Amendments FIRST CLASS MAIL - Mailed Weekly Document Service) Mailed Weekly	100.00	100.00
6. Amendments PICKED UP AT DOCUMENT ROOM	60.00	60.00
7. Legislative Record FIRST CLASS MAIL - Mailed Weekly	115.00	115.00
8. Legislative Record PICKED UP AT DOCUMENT ROOM	85.00	85.00
9. Public and Private and Special Laws, Resolves, and Constitutional Amendments FIRST CLASS MAIL - Mailed Weekly	250.00	250.00

The Honorable John L. Martin  
Page 2  
October 15, 1992

10. Public and Private and Special Laws, Resolves and Constitutional Amendments PICKED UP AT DOCUMENT ROOM	150.00	150.00
11. Weekly Computer Printout - Status of Bills FIRST CLASS MAIL	200.00	200.00
12. Weekly Computer Printout - Status of Bills THIRD CLASS MAIL	100.00	100.00
13. Weekly Computer Printout - Status of Bills PICKED UP AT DOCUMENT ROOM	50.00	50.00
14. Advance Notice of Public Hearings on Bills FIRST CLASS MAIL	20.00	20.00
15. Weekly Listing of Bills Printed and Enacted FIRST CLASS MAIL	20.00	20.00
16. Joint Resolutions FIRST CLASS MAIL	75.00	75.00
17. House and Senate Daily Calendars FIRST CLASS MAIL - Mailed Weekly	50.00	50.00
18. House and Senate Daily Calendars with Supplemental Calendars FIRST CLASS MAIL - Mailed Weekly	100.00	100.00
19. Legislative Council - Notice of Preliminary Agenda and Minutes PICKED UP AT DOCUMENT ROOM	100.00	100.00
20. Legislative Council - After Deadline List/Pre and Post Versions PICKED UP AT DOCUMENT ROOM	50.00	50.00
21. Weekly Legislative Calendar FIRST CLASS MAIL - Mailed Weekly	N/A	20.00

I will be happy to respond to any questions the Council may have on this proposed schedule which has been discussed with appropriate legislative support agencies.

Sincerely,

  
Joseph W. Mayo  
Clerk of the House

JWM/cew

EARLE G. SHETTLEWORTH, JR.  
CHAIR

DAVID S. SILSBY, DIRECTOR

MEMBERS

ELEANOR G. AMES  
DON CYR  
SALLY DIAMOND  
DALE DOUGHTY  
HON. JOHN L. MARTIN  
SHARON MILLER



STATE OF MAINE

STATE HOUSE AND CAPITOL PARK COMMISSION

MERLE NELSON  
JON S. OXMAN  
HON. CHARLES P. PRAY  
SALLY RAND  
PAUL E. RIVARD  
EARLE G. SHETTLEWORTH, JR.  
DAVID S. SILSBY  
ALDEN C. WILSON  
JOAN C. WOODCOCK  
JAMES W. YARNELL

November 9, 1992

Honorable Charles P. Pray, Chair  
and Members of the Legislative Council  
115th Maine Legislature  
Augusta, Maine 04333

Dear Senator Pray and Council Members:

The State House and Capitol Park Commission met on Thursday, October 29, to discuss the letter referred to us by the Council from Mr. David Lovejoy regarding various improvements to the Vietnam Veterans' Memorial in Capitol Park. The Commission, which has not met for several months, used this meeting to discuss several other issues as well. The purpose of this letter is to report the results of the Commission's discussions and to present some related recommendations.

**Vietnam Veterans' Memorial**

The Commission had a lengthy and useful discussion regarding the request from Mr. Lovejoy, and we were pleased to have two members of the Legislature present for this part of our meeting - Representative Ruth Joseph and Representative Patrick Paradis. Our discussion focussed on the importance of ensuring that whatever changes are to be made around the Memorial be done in a manner that is consistent with the Master Plan that now exists for Capitol Park as a result of work previously done by this Commission.

The proposed additions to the Memorial raise a number of questions that we do not have the information to answer at this time. They include design, security and maintenance among others. We think that the best way to proceed from this point is to bring all the parties together to discuss the proposal and to explore alternatives for improving the Memorial. The Commission has, therefore appointed a Subcommittee to include both Mr. Lovejoy and Roger Richmond, who designed the original memorial, as well as members of the Commission. Representatives Joseph and Paradis have volunteered to meet with this Subcommittee as well.

We request the Council's approval to bring Marion Pressley to Augusta from Boston to work with the Subcommittee. Ms. Pressley developed the original plan in 1990 to integrate elements of Frederick Law Olmstead's original plan for Capitol Park into the development of the Park as it exists today. We recommend that up to \$2,000 of the funds available in the Commission's budget be set aside for this purpose.

#### **Rotunda Ceiling**

Commission members noted that the plastic covering is already in place and learned that this was to prevent plaster from falling to the third floor rotunda. Recognizing that this is a major project that would not normally be contemplated in the current economic climate, the Commission feels that it would be very useful and important to have estimates for restoring the ceiling rotunda so that we could begin planning for the future. We recommend, therefore, that the Council authorize the Commission to develop preliminary bid estimates for repair and repainting of the rotunda ceiling.

#### **Historic Structures Report**

The opportunity to convene the Commission again after a period of several months has created a renewed sense among all of the Commission members of the importance -- and of the fragility -- of the State House, its immediate grounds and Capitol Park. Many Commission members noted a marked deterioration in the general condition of the building and grounds even since their last meeting. While this may be attributed to a series of budget reductions, we feel it is our responsibility to share with you the concern that the deferral of maintenance beyond a point jeopardizes one of Maine's most significant historic and architectural landmarks and promises only extraordinary expense.

Buildings of the historic and architectural significance of the State House warrant an "Historic Structure Study", a study that is designed to include assessment of building structure, of electrical and mechanical systems, of space use and of furnishings and finishes. With the Council's unwavering support, we have already undertaken and completed comprehensive studies in some of these areas. At this point, we need to bring all of these efforts together and fill the gaps with the objective of having a detailed plan for the future -- a plan that sets out a comprehensive maintenance schedule for the building, that establishes priorities for major repair and renovation, and that identifies those features of the building that need to be preserved intact.

The Commission unanimously recommends that the Council authorize us to issue a Request for Qualifications for an Historic Structures Report for the State House and to present a recommendation regarding a contractor to the next Legislative Council. We feel that this Report will help our Commission both develop a plan for our future work as a Commission and help the Council understand how to most effectively carry out its statutory role in oversight of the State House and grounds, including Capitol Park.

On behalf of the entire Commission, I would like to express our appreciation of this Council's strong and unanimous support of our efforts. We look forward to continuing this partnership to preserve and maintain a building whose symbolic and architectural heritage is without parallel in our State.

Sincerely,

/s/ Earle Shettleworth, Jr.

Earle Shettleworth, Jr.  
Chair

cc: Members of the Commission

# COMMITTEE HANDBOOK

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**PROPOSED CHANGES TO JOINT RULES**  
**OF THE 115TH LEGISLATURE**

**TQM COMMITTEE**  
**November, 1992**



**RULES RELATED TO COMMITTEE PROCEDURES**

#13 LEGISLATIVE COMMITTEES

There is no purpose section for the establishment of Legislative Committee rules in the existing Joint Rules.

13. Legislative Committees. Committees play an essential role in the legislative process. The purposes of committee rules are outlined in the Committee Handbook. The rules of procedure in committee are the same as the rules of the Senate and House to the extent these are applicable.

The following rules govern the activity of all committees in the Maine Legislature.

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13. Joint Standing Committees. There shall be no more than 19 Joint Standing Committees which shall be appointed as follows at the commencement of the first regular session, viz:

- On Aging, Retirement and Veterans
- On Agriculture
- On Appropriations and Financial Affairs
- On Audit and Program Review
- On Banking and Insurance
- On Business Legislation
- On Education
- On Energy and Natural Resources
- On Fisheries and Wildlife
- On Housing and Economic Development
- On Human Resources
- On Judiciary
- On Labor
- On Legal Affairs
- On Marine Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities

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NO CHANGES WERE RECOMMENDED FOR THE SECTION OF EXISTING JOINT RULE #13 ENTITLED "Joint Standing Committees." This subject was not within the perview of the committee.

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Membership. Each of these committees shall consist of no more than 3 on the part of the Senate and no more than 10 on the part of the House. The first named Senate member shall be the Senate chair. The first named House member shall be the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each House in the order of their appointment to the committee.

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Committee Clerks. The hiring of all committee clerks is to be mutually agreeable to both the Senate and House chairs; if not agreeable, it shall be decided by the President of the Senate and Speaker of the House. The salaries of each committee clerk shall be established by the President of the Senate and the Speaker of the House and shall terminate when all bills have been reported out by the committee. The Executive Director of the Legislative Council is authorized and directed to certify vouchers of the committee clerks.

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Committee composition was not within the sub-committee's purview, however, their recommended language separates existing membership language from language describing the assignment and functions of the committee chair.

The two recommended changes for the committee chair are:

1. That the House chair may preside at committee meetings at the Senate chair's discretion; and
2. The chair's duty to maintain order and enforce the rules is clarified.

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Membership. Each of these committees consists of no more than 3 on the part of the Senate and no more than 10 on the part of the House.

Chair. The first named Senate member is the Senate chair. The first named House member is the House chair. The Senate chair of the committee shall preside at committee meetings. The House chair shall preside in the absence of the Senate chair or, at the Senate chair's discretion. If both chairs are absent, the chair shall alternate between the members from each House in order of appointment to the committee.

It is the duty of the presiding chair to maintain order and enforce the rules.

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Committee Clerks. The hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and Speaker of the House shall decide. The salaries of each committee clerk are established by the President of the Senate and the Speaker of the House, and serve at the pleasure thereof.

# EXISTING JOINT RULES 13 AND 15

# COMMENTS

# PROPOSED CHANGES IN JOINT RULES 13 & 15

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New language is recommended to permit committee hearings and work sessions to begin when 5 or more members, under specified conditions.

Convening Public Hearings and Work Sessions. A public hearing or work session may not convene until at least 5 members of the committee are present. If 5 members are present, but there is not a Senator among them, the committee may proceed with the authorization of both Committee Chairs and with the permission of the presiding officers.

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New language is recommended to standardize committee attendance responsibilities.

Committee Attendance. Each member is responsible for notifying the committee clerk whenever the member is unable to attend a public hearing or work session.

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Committee Procedure. Committees shall adopt standard rules of procedure at their first meeting in accordance with guidelines established by the President of the Senate and the Speaker of the House, and adhered to. These committees may report by bill or otherwise. The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling shall stand unless overruled by a majority vote of the committee membership.

The portion of Joint Rule #13 that deals with adopting procedures is covered and expanded in the proposed language "Procedures for Public Hearings and Work Sessions," located on page #6.

The portion of Joint Rule #13 that deals with questions of order are covered in the proposed language "Questions of Order," located on page #5.

The portion of Joint Rule #13 that deals with the scheduling of bills is covered and expanded in the proposed language "Scheduling Public Hearings and Work Sessions," located on this page.

Modifications to the existing rule include:

Scheduling of bills to be considered in public hearing and working sessions shall be arranged by the Senate chair with the agreement of the House chair; if agreement is not reached, the committee, by majority vote, shall decide.

Scheduling Public Hearings and Work Sessions. The Senate chair, with the agreement of the House chair, shall arrange the scheduling of public hearings and work sessions, after consultation with the committee's assigned staff. If agreement is not reached, the Senate and House chairs shall refer the matter to the presiding officers for resolution.

At the beginning of each regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted.

1. If the committee chairs cannot agree on public hearing or work session schedules, the presiding officers resolve the dispute (not a vote of the committee, as is presently the case.)

2. Addition of the requirement that the committee establish specific meeting days and distribute their work schedule in advance.

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New language makes the advertising requirements for public hearings a Joint Rule.

Advertising. Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions to this rule must be approved by both presiding officers.

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New language requires that bill sponsors be notified of committee hearings and work sessions for their bills.

Advance Notification to Bill Sponsors. The committee shall direct the committee clerk to notify bill sponsors as soon as the bill is scheduled for public hearing and for all committee work sessions. Committees may not take a final vote on a bill until the sponsor has had the opportunity, with at least 24 hours notice, to participate in a work session.

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New format only. No substantive change to addressing questions of order.

Questions of Order. The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority vote of the committee membership. A quorum of 7 or more members must be present to take a vote. If a quorum is present, but there is not a Senator among them, the committee may take a vote only with the authorization of the presiding officers.

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New language adds a prohibition against smoking in committee rooms to the Joint Rules.

Smoking. No one may smoke in committee rooms at any time.

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This language modifies existing Joint Rule language that requires all committees to establish procedures by requiring that the committee procedures be:

Procedures for Public Hearings and Work Sessions. At the beginning of each legislative biennium, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures must be sent to the presiding officers, the Secretary of the Senate, the Clerk of the House and the Executive Director upon adoption.

1. Sent to specified officers and offices;
2. Consistent with the Joint Rules; and
3. Posted and available during all hearings.

Committee procedures must be:

- consistent with these rules; and
- posted and made available upon request at all public hearings and work sessions.

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New language that:

1. Clarifies the use of testimony under oath during committee hearings.
2. Standardizes the requirements for written testimony distributed to the committee.
3. Prohibits a bill sponsor who is also a committee member from asking questions of others testifying on that bill.

Testimony. All testimony during confirmation hearings must be taken under oath, as provided in in Maine Revised Statutes, Title 3 section 151. The use of testimony under oath for all other public hearings requires approval by the Legislature, as provided in the Maine Revised Statutes, Title 3 section 165, sub-section 7.

All written materials presented to the committee must bear the name, address, and affiliation, if applicable, of the presenter, and the date presented. The presenter shall provide 16 copies of written materials.

A committee member who is a sponsor or co-sponsor of a bill referred to that committee may not ask questions of other persons testifying on that bill at the public hearing.

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New language that establishes uniform methods of dealing with confidential material or testimony.

Confidentiality. The committee shall protect confidential records, including those records excluded from the definition of "public records" under the Freedom of Access law, the Maine Revised Statutes, Title 1 MRSA section 402, sub-section 3) from public disclosure by holding executive sessions to discuss information contained in such records. Executive sessions must be held in accordance with the provisions of the Freedom of Access law, the Maine Revised Statutes, 1 MRSA section 401 et. seq.

Before the committee files leave the custody of the committee, the committee chairs shall direct the custodian of the files to protect the confidentiality of the records in any appropriate manner, including:

1. Returning the records to the person or department from which they came;
2. Destroying the records; or
3. Blocking out personally identifying information in the records and retaining them in the files, if the law declaring the records confidential permits disclosure in this manner.

The committee chairs shall also ensure that the files include a notation indicating what type of confidential records were reviewed by the committee.



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Participation in Budget Hearings and Work Sessions. Each joint standing committee, except the Committee on Appropriations and Financial Affairs, shall appoint a subcommittee of three of its members to attend and participate in Appropriations Committee budget hearings and to attend and advise at working sessions dealing with that portion of the budget within their committee's area of interest. One member of the subcommittee shall be appointed by the Senate chair and the remaining two members shall be appointed by the House chair. This subcommittee may advise the Committee on Appropriations and Financial Affairs of their respective committee's recommendations on these portions of the budget.

Each committee to which is referred bills, resolves or orders involving appropriations or revenues shall, within five legislative days after reporting out all these bills, submit to the Committee on Appropriations and Financial Affairs a list indicating the committee's priority for final passage of these bills.

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Notice to Report. A joint standing committee to which a bill or resolve has been referred shall, after receiving notice of the reporting deadline from the President of the Senate and the Speaker of the House, report that bill out of committee to the floor for consideration in accordance with that deadline.

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NO CHANGES WERE RECOMMENDED FOR THE SECTION OF EXISTING JOINT RULE #13 ENTITLED "Participation in Budget Hearings and Work Sessions." This subject was not within the purview of the committee.

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NO CHANGES WERE RECOMMENDED FOR THE SECTION OF EXISTING JOINT RULE #13 ENTITLED "Notice to Report." This subject was not within the purview of the committee.

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## EXISTING JOINT RULE #15

15. Reports of Bills from Committee.

1. Deadline for Reports. The Joint Standing Committees shall report out every bill which has been referred to them in the manner prescribed in these rules in accordance with deadlines established by the presiding officers.

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2. Recommendation Required. The report of the committee shall include a recommendation of one of the following: Ought to Pass, Ought to Pass as Amended, Ought to Pass in New Draft, Ought Not to Pass, Unanimous Ought Not to Pass, Unanimous Leave to Withdraw. Ought to Pass, Ought to Pass as Amended, Ought to Pass in New Draft or Ought Not to Pass reports may be recommended by a plurality of the committee. When the committee recommendation is not unanimous a minority report or reports are required.

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NO CHANGES WERE RECOMMENDED FOR THE SECTION OF EXISTING JOINT RULE #15 ENTITLED "Deadline for Reports." The language was combined into the proposed section "Committee Reports," located on this page.

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The portion of the existing rule entitled "Recommendation Required" is covered in the proposed language "Committee Reports."

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## PROPOSED CHANGES IN JOINT RULE 15

1. Committee Reports. Committees shall report out every bill that has been referred to them in accordance with deadlines established by the presiding officers and in the manner prescribed in these rules. The report of the committee must include a recommendation. Reports that may be recommended unanimously or by a plurality of the committee include:

Ought to Pass  
Ought to Pass as Amended  
Ought to Pass in New Draft. The use of  
this report requires the  
approval of both  
presiding officers  
Ought Not to Pass

The report, Referral to Another Committee requires a unanimous vote of the committee.

When the committee recommendation is not unanimous, a minority report or reports are required. All reports on any legislative document must be submitted to the Legislature at the same time.

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3. Unanimous Ought Not to Pass Report.

When all 13 members of a Joint Standing Committee vote to report a bill Ought Not to Pass the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 5 as prescribed herein.

NO CHANGES WERE RECOMMENDED FOR THE SECTION OF EXISTING JOINT RULE #13 ENTITLED "Unanimous Ought Not to Pass Report."

2. Unanimous Ought Not to Pass Report.

When all 13 members of a Joint Standing Committee vote to report a bill Ought Not to Pass, the committee shall notify the presiding officers, the sponsor and co-sponsors of the bill of their action. This communication shall appear on the calendar in each house, and the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 5 as prescribed herein.

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4. Unanimous Leave to Withdraw. When the sponsor requests that the committee give Leave to Withdraw a bill and all 13 members of the Committee concur, the bill shall be reported Unanimous Leave to Withdraw and the bill shall be placed in the legislative file and disposed of as provided in subsection 5 as prescribed herein. Once a bill has had a public hearing, the committee may not report out a bill Unanimous Leave to Withdraw.

The Committee recommends that the Leave to Withdraw Report be eliminated.

Renumber to 3.

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5. Two-thirds Required. When a bill or resolve is placed in the legislative file pursuant to subsection 3 or 4, no further action shall be taken following such

NO CHANGES WERE RECOMMENDED FOR THE SECTION OF EXISTING JOINT RULE #15 ENTITLED "Two-thirds Required." This subject was not within the purview of the committee.

Renumber to 4.

EXISTING JOINT RULES 13 AND 15

COMMENTS

PROPOSED CHANGES IN JOINT RULES 13 & 15

disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

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6. New Drafts. When the changes voted by the committee are major, the committee may elect to report the bill out Ought to Pass in New Draft with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. When the committee recommendation is not unanimous, a minority report is required. New drafts printed pursuant to these rules shall include the legislative document number that the new bill replaces with the names of the original sponsor and co-sponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies which shall be printed of each new draft.

NO CHANGES WERE RECOMMENDED FOR THE SECTION OF EXISTING JOINT RULE #15 ENTITLED "New Drafts." This subject was not within the purview of the committee.

Renumber to 5.

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This new language establishes uniform committee voting requirements in the Joint Rules. The voting conditions include:

1. That with the exception of a vote to adjourn, no vote may be taken unless a quorum of 7 is present. The quorum must be comprised of members from both Houses, unless the committee is specifically authorized to proceed without a Senator;

**6. Committee Voting.** A quorum, comprising a majority of the committee, (which equals 7 members for a 13-member committee), must be present in order for a vote to be taken. If a quorum is present, but there is not a Senator among them, the committee may take a vote only with the authorization of the presiding officers.

The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as

2. The 48 hour rule for members absent from the State House;

3. The requirements for voting for those members absent from the Committee but not absent from the State House at the time of the vote; and

4. A clarification on when votes may be changed.

required. A committee member who is absent from the State House on the day of the vote has 48 hours to register the member's vote. If a committee member is absent from the committee at the time of the vote, but not absent from the State House, that member's vote must be registered with the committee clerk by the end of day of the vote, or the member will be listed as absent.

A member may not change a vote or abstention unless the committee formally reconsiders its vote.

Except for a motion to adjourn, no question may be decided and no official action may be taken in the absence of a quorum.

**RULES RELATED TO CLOTURE AND FILING BILL REQUESTS**

## EXISTING RULES

23. Prefiling. Any member-elect may present bills and resolves to the Clerk of the House or Secretary of the Senate for introduction prior to the convening of any first regular session after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk or Secretary shall number and print such measures in advance of convening.

29. Requirements for Drafting. A request for a bill or resolve filed with the Revisor of Statutes shall be considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

## COMMENTS

The objective of the proposed changes in this section are the following:

1. To standardize the confidentiality rules relating to bill requests for both regular sessions. (These changes would adopt the 2nd Session practice for the 1st Session, whereby a list of all bill titles filed by cloture and sponsors will be published following the cloture date);
2. To apply the same rules regarding bill filing and confidentiality to all bill requests, regardless of their source or auspice;
3. To clarify the existing language and eliminate duplicate language; and
4. To modify existing procedure.

## PROPOSED CHANGES

23. Requests for Bills and Resolves. A legislator, a legislator-elect, the Governor or an authorized representative of a department, agency or commission may file a request for a bill or resolve with the Revisor of Statutes. The request shall be considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date. **Requests that do not comply with this rule at the appropriate cloture date are void. The title of a bill request and the identity of the requestor are public once the last cloture date has passed. The title of a bill request filed after cloture and the identity of the requestor are public upon filing. (See former Rules 23; 29)**

## EXISTING RULES

### 24. Cloture for State Department, Agency or Commission Bills or Resolves.

1. Deadlines for Requests. No request for a bill or resolve may be submitted to the Revisor of Statutes on behalf of any state department, agency or commission after the first Wednesday in December. If the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission shall be submitted within 30 days after the Governor is administered the oath of office.

25. Cloture at the First Regular Session. During any first regular session, all other requests for bills and resolves submitted by returning Legislators shall be submitted in complete form to the Revisor of Statutes by 5:00 p.m. on the 2nd Friday in December. Requests for bills and resolves submitted by new Legislators shall be submitted in complete form to the Revisor of Statutes by 5:00 p.m. on the last Friday in December.

Presenters shall be notified by the Revisor of Statutes when the bill or resolve is ready for signature and shall be

## COMMENTS

## PROPOSED CHANGES

24. Cloture Dates for the First Regular Session. During the first regular session, all requests for bills and resolves submitted by returning Legislators shall be submitted and complete by 5:00 p.m. on the 2nd Friday in December. Requests for bills and resolves submitted by new Legislators shall be submitted and complete by 5:00 p.m. on the last Friday in December. Requests for bills and resolves submitted by any State department, agency or commission shall be submitted by 5:00 p.m. on the 1st Wednesday in December, except that if the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a department, agency or commission in the executive branch shall be submitted within 30 days after the Governor is administered the oath of office. **The Legislative Council may vary these cloture dates for good cause.**



## EXISTING RULES

## COMMENTS

## PROPOSED CHANGES

responsible for reviewing and signing the bills and resolves in accordance with Joint Rule 32 to ensure timely introduction into the appropriate House.

Exception. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

## EXISTING RULES

## COMMENTS

## PROPOSED CHANGES

26. Cloture at the Second Regular or Special Sessions. The Legislative Council shall establish procedures for submission of legislation to the Revisor of Statutes at any second regular or special session. Procedures established for any second regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall be taken by the yeas and nays, and that vote shall be recorded and made available for public inspection.

25. Cloture for the Second Regular or Special Sessions. The Legislative Council shall establish cloture dates for submission of requests for legislation to the Revisor of Statutes for any second regular or special session. **The Legislative Council shall also adopt procedures for review of these requests.** Procedures established for any second regular session shall ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures authorized by this Joint Rule shall be taken by the yeas and nays, and that vote shall be recorded and made available for public inspection. (See former Rule 26)

## EXISTING RULES

## COMMENTS

## PROPOSED CHANGES

27. Filing after Cloture. Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator after the cloture date shall be transmitted to the Legislative Council. The Council shall ascertain from the presenter the facts supporting the request notwithstanding cloture. If a majority of the Council approves, notice of that approval shall appear on the calendar of the appropriate House.

26. Filing after Cloture.

(Renumbering only).

## EXISTING RULES

## COMMENTS

## PROPOSED CHANGES

32. Signing of Bills, Resolves and Amendments. The presenter and any cosponsor of a bill or resolve shall be notified by the Revisor of Statutes that the bill or resolve is ready in final form for signature. The presenter and any cosponsors shall sign the bill or notify the Revisor of any changes that are necessary within deadlines established by the presiding officers. If the presenter does not contact the Office of the Revisor of Statutes within this period, the bill shall be considered voided.

If changes are requested, the Revisor of Statutes shall notify the presenter when changes have been made and the bill is available for signature; and the presenter and cosponsors shall sign the bill within the established deadlines. Further changes must be proposed to the committee of reference. If the presenter does not sign the bill within this period, it shall be voided. If cosponsors do not sign the bill within either period, their names shall be removed from the bill.

27. Completion of Bill Requests The requestor shall be notified by the Revisor of Statutes when a bill or resolve has been fully drafted. The requestor shall approve the bill or notify the Revisor of Statutes of any changes that are necessary within deadlines to be established by the Presiding Officers. Changes that significantly alter the scope, substance or language of the original request shall be treated as new requests.

If changes are requested the Revisor of Statutes shall notify the requestor when the changes have been made and the bill is available for signature. The presenter and all cosponsors must sign the bill within deadlines to be established by the Presiding Officers. Any further changes must be presented to the committee of reference.

If the requestor or presenter fails to comply with this rule the bill request is void. If a cosponsor fails to comply with this rule the cosponsor's name shall be deleted from the bill. (see former Rule 32)

## EXISTING RULES

## COMMENTS

## PROPOSED CHANGES

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2. Identification of Agency. Each bill or resolve submitted for preparation under this rule shall clearly designate, under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

28. Cosponsorship. A presenter of legislation may authorize up to three additional members of either House to cosponsor a bill or resolve and orders, resolutions and memorials may be cosponsored in the same manner. For duplicate or closely-related bills or resolves, the Legislative Council may establish a policy for the number of cosponsors permitted. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the presenter.

28. Sponsorship and identification of agency. A presenter of legislation may authorize up to three additional members of either House to cosponsor a bill, resolve, order, resolution or memorial. For duplicate or closely-related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the presenter. Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor below the title. (See former Rules 24(2); 28

#### EXISTING RULES

#### COMMENTS

#### PROPOSED CHANGES

30. Statement of Fact. The Revisor of Statutes shall include a concise statement of fact on all bills, resolves and amendments. The purpose of the statement of fact is to provide a brief summary of the bill, resolve or amendment.

29. Statement of Fact. The Revisor of Statutes shall **prepare and** include a concise statement of fact on all bills, resolves and amendments. The purpose of the statement of fact is to provide a brief summary of the bill, resolve or amendment. (see former Rule 30)

## EXISTING RULES

## COMMENTS

## PROPOSED CHANGES

31. Form. All bills and resolves shall be corrected as to matters of form, legislative style and grammar and allocation to the Revised Statutes by the Revisor of Statutes before printing.

30. Form. All bills and other instruments, including bills proposed by initiative, shall be allocated to the Revised Statutes as appropriate and corrected as to matters of form, legislative style and grammar by the Revisor of Statutes before printing.

#### EXISTING RULES

#### COMMENTS

#### PROPOSED CHANGES

23. Prefiling. Any member-elect may present bills and resolves to the Clerk of the House or Secretary of the Senate for introduction prior to the convening of any first regular session after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk or Secretary shall number and print such measures in advance of convening.

31. Prefiling. Bills and resolves may be presented to the Clerk of the House or Secretary of the Senate for introduction prior to the convening of any session after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk or Secretary shall number and print such measures in advance of convening.



# **SUBCOMMITTEE ON CONFIRMATIONS**

## **SUMMARY OF RECOMMENDATIONS**

**REVISED DRAFT**

**October 29, 1992**

### **Introduction**

The Subcommittee on Confirmations was established by the Committee to Develop a Total Quality Management Plan for the Legislature to resolve a number of complex issues regarding the confirmation process. The subcommittee met on September 21, 1992 and established a framework for reforming the present process. That framework addresses the following issues:

- Positions requiring confirmation;
- Scheduling nomination hearings;
- Committee rules and procedures regarding confirmations;
- Background investigations;
- Confidentiality; and
- Voting.

The modifications proposed by the Subcommittee are predicated on the subcommittee's belief that the primary reason for requiring Legislative confirmation is to guarantee that the best qualified candidates are advanced to positions of public trust. The members have reviewed how other states structure the confirmation process and have discussed a variety of options for Maine's system. The subcommittee believes that by creating a uniform, streamlined and more explicit process, the adversarial atmosphere that sometimes mars confirmation hearings can be reduced.

In its study of the current confirmation process, the Subcommittee identified several issues which affect the quality of the process, but lie outside the process itself. The Subcommittee's specific conclusions and recommendations regarding both these contextual issues and the process itself follow.

## **Summary of Recommendations**

1. **Formally classify all positions currently requiring confirmation into 2 categories:**

**Group I:** All policy-making positions, except occupational/regulatory positions, and positions that hold clear executive or judicial or quasi-judicial authority.

**Group II:** Advisory and technical positions that have no executive or judicial authority.

2. **Under the oversight of the Legislative Council, involve the joint standing committees of the 116th Legislature in a review of all positions currently subject to confirmation that fall under their respective jurisdictions and classify them in Group I or Group II.**

The Legislative Council would direct the Revisor to prepare legislation to effectuate the recommendations of the Committees.

3. **Establish a requirement that any future legislation that creates new Group II positions and initially requires legislative confirmation include a sunset provision.**
4. **Each Standing Committee should work in cooperation with the Governor's Office at the beginning of each legislative session to review the positions whose terms will expire and to develop a proposed schedule of nominations for the entire session.**
5. **Amend 3 MRSA § 151 to permit the Legislature to, in effect, extend the period for review of any appointment made within 30 days of the statutory adjournment date of the session, so that its statutory period of review would commence on the day following the actual adjournment date.**
6. **Amend the statute so that the background questionnaire which is currently completed as part of the Governor's initial review is submitted to the Legislature on the date of posting.**
7. **Establish a deadline -- 15 days from the date of posting -- by which the nominee must have completed and returned any additional background information requested by the Committee.**

8. Add an additional step to the current review of gubernatorial nominations -- a Preliminary Conference -- to be convened no later than 5 days from the deadline established in Recommendation #7 above.
- This Conference will be attended by the members of the Committee and the partisan assistants who have been assigned to the particular nomination.
  - This Conference will be conducted in a manner consistent with other committee meetings as provided in the Joint Rules: a quorum of 7 committee members must be present in order for the Committee to take any official action.
  - As a matter of policy, the Preliminary Conference will always go into executive session, once the Conference has been formally convened, for the purpose of reviewing the materials that have been collected. Only Committee members and the assigned partisan assistants may be present during the Executive Session.
9. Establish the Legislative Information Office as the central point for the collection and distribution of all written testimony regarding a nominee.

None of this material will be released to anyone until the Preliminary Conference, at which time copies of the material will be provided to each Committee member and to the partisan assistants.

All material will be treated as confidential until after the Preliminary Conference, after which it will be public information unless a majority of the Committee members present vote to maintain the confidential status of any material.

10. Incorporate specific policies and procedures for protecting the confidentiality of documents prepared and received in connection with a nomination in accordance with recommendations already accepted by the Subcommittee on Committee Rules and Procedures.

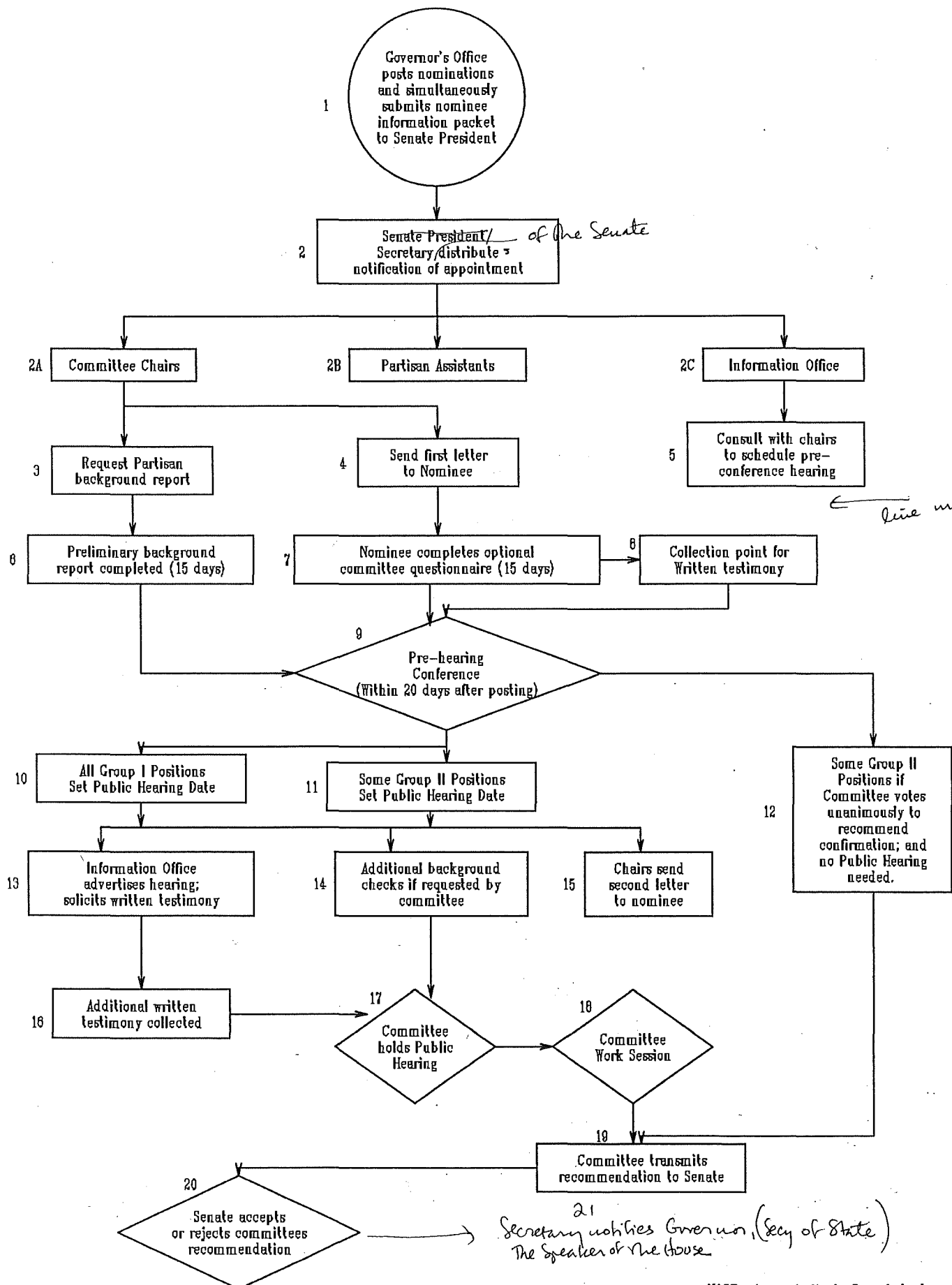
This will require amending 1 MRSA § 402.

11. Incorporate in Committee Rules (i.e., therefore incorporated in the Joint Rules) specific policies governing committee voting on nominations, including:

- \* Only members who are present at the time of the vote may cast a vote;
- \* Members may not "pair";
- \* The 48 hour rule does not apply to a confirmation hearing.

12. Restore the form of the transmittal letter from the Committee to the Senate that was used previously, whereby the vote of each committee member is recorded individually.
13. Incorporate language in the Joint Rules to provide that all testimony presented at a confirmation hearing shall be taken under oath.
14. Advertise confirmation hearings in the state paper and a paper of general circulation in the area where the nominee resides.
15. Amend 1 MRSA § 551 to require the State to award the designation "state paper" on a competitive bid basis.

PROPOSED REVISIONS IN LEGISLATIVE CONFIRMATION PROCESS  
November, 1992



NOTE: Arrows indicate flow of chart.  
Numbers correspond to attached text.

**INTRODUCTORY LETTER FROM COMMITTEE CHAIRS  
TO NOMINEES**

**Note:** This is the first of two letters to Group I Nominees, and the only letter to Group II nominees (unless the Committee elects to convene a public hearing).

## Group I Letter

Dear (Nominee):

We have just received formal notification of your nomination by the Governor to the position of \_\_\_\_\_. As you know, this nomination requires approval by the Legislature. The legislative confirmation process represents one of the many checks and balances that are built into our governmental system to ensure the quality and integrity of state government. It is governed by the Maine Constitution, the Maine Revised Statutes, and the Legislature's own Joint Rules.

In accordance with legislative procedures, the Committee has scheduled a Preliminary Conference to review the background information you have provided. We will contact you immediately after that meeting to set a date for the public hearing on your nomination as required by law. If you wish to provide any information to the Committee to supplement the questionnaire you completed for the Governor's Office, or any other written statement, we ask that you send it no later than (15 days after posting). This material should be sent to:

Chairs, Joint Standing Committee on \_\_\_\_\_  
c/o Legislative Information Office  
State House Station 115  
Augusta, Maine 04333

If for any reason, you are unable to meet this deadline, we would ask that you call one of us so that we can make the necessary adjustments in the Committee's schedule.

We have enclosed a brief description of the steps in the confirmation hearing process to assist you in preparing for the hearing. You will note that all testimony will be presented under oath.

We look forward to meeting you and encourage you to contact either of us should you have questions about the process.

Sincerely,

Senate Chair

House Chair

Enclosures

## THE LEGISLATIVE CONFIRMATION PROCESS

The legislative confirmation process follows a prescribed order, a brief description of which follows. One of the two Committee Chairs will preside at the public hearing. All confirmation hearings are taped; the tape is not usually transcribed, but is available to any legislator or member of the public as the official record of the hearing. All testimony presented at confirmation hearings is under oath, which will be administered by the presiding chair.

### 1. Introductory Statement by the Chair

The presiding Committee Chair will make a brief opening statement that introduces you and the position for which you are being considered. The Chair will then briefly outline how testimony will be heard, noting that all testimony will be taken under oath, and the procedure once formal testimony has been completed.

### 2. Motion to Confirm

A Committee member will make a motion that you be confirmed to the position for which you have been nominated.

### 3. Legal Requirements for the Position

The Committee Chair will summarize the statutory requirements for the position for which you have been nominated. Copies of this material will be available at the hearing.

### 4. Statement by the Governor or the Governor's Representative

The Governor or the Governor's representative will be recognized and present a statement supporting your nomination. Once the statement is completed, Committee members may ask questions of the Governor or the Governor's representative.

### 5. Statement by the Nominee

You will be recognized by the Chair. This is your opportunity to share with the Committee both your interest in the position and what you would bring to it - from your personal experience, your education and/or your previous work experience. An organized, concise statement is usually more helpful to the



Committee than a lengthy, rambling one. Nominees generally start by recognizing the Committee Chair and members and identify themselves. For example:

"Senator (Name of Senate Chair);  
Representative (Name of House Chair);  
Members of the (Name of the Committee) Committee:  
My name is \_\_\_\_\_, from (name of  
your town) and I am here today to discuss with you  
my nomination to \_\_\_\_\_."

After your statement, the Chair will invite Committee members to ask you any questions they may have.

#### 6. Statements from the Floor

After the Committee is finished questioning you, the presiding Committee Chair will ask if anyone in the audience would like to testify for or against your confirmation. Anyone is permitted to speak, but remarks must be limited to your suitability for the position to which you have been nominated. Again, all testimony will be taken under oath.

Some people may leave written testimony, but not speak. You will be given the opportunity to review written testimony and respond prior to the Committee vote.

#### 7. Concluding Statement by the Chair

When all public comments have been taken, the Chair will announce how the Committee will proceed from that point.

#### 8. Voting

When the Committee has completed its deliberations, the Chair will call for the Committee's vote. The Committee Clerk will call the Committee roll. A "yes" vote is in favor of recommending confirmation. A "no" vote is against the recommendation to confirm.

When the vote has been taken the Chair will formally adjourn the hearing.

#### 9. Committee Recommendation to Senate

The Committee's recommendation to the Senate is transmitted by letter, which includes a record of each member's vote. This letter will subsequently appear on the printed Senate Calendar once the Senate Session has been scheduled. Whether you are confirmed or not is determined by the Senate vote. A 2/3 vote of the Senate is required to override the Committee's recommendation.

## Group II Letter

Dear (Nominee):

We have just received formal notification of your nomination by the Governor to the position of \_\_\_\_\_. As you know, this nomination requires approval by the Legislature. The legislative confirmation process represents one of the many checks and balances that are built into our governmental system to ensure the quality and integrity of state government. It is governed by the Maine Constitution, the Maine Revised Statutes, and the Legislature's own Joint Rules.

Under rules recently adopted by the Legislature, the Committee has the option of determining whether it will convene a formal public hearing to consider your nomination. Once we have completed our preliminary review of the background information you have provided to the Committee, we will contact you to schedule a hearing if that is necessary.

If you wish to provide the Committee with any information to supplement the questionnaire you completed for the Governor's Office, or any other written statement, we ask that you send it to us no later than (15 days from posting). If for any reason, you are unable to meet this deadline, we would ask that you contact one of us so that we can make the necessary adjustments in the Committee's schedule. All material should be sent to:

Chairs, Joint Standing Committee on \_\_\_\_\_  
c/o Legislative Information Office  
State House Station 115  
Augusta, Maine 04333

We look forward to reviewing your nomination.

Sincerely,

Senate Chair

House Chair

Enclosures

## **LEGISLATIVE HEARING NOTICES:**

### **THE "OLD" AND PROPOSED NEW**

**Note to Members of the Subcommittee:**

Teen has already begun working with the Kennebec Journal to implement the new format. The recommendation to expand the public notice of confirmation hearings to the Bangor Daily News and the Portland Press Herald will require Legislative Council approval, since it will entail an additional cost.

## STATE OF MAINE

### Legislative Notices

The following committees will hold public hearings. Handicapped persons who wish to attend a legislative hearing and require special accommodations are asked to notify the Committee Clerk (or TDD #: 289-4469) of their need at least 7 days in advance of the hearing.

#### PUBLIC HEARING

The Joint Standing Committee on Agriculture will hold a Public Hearing on: Wednesday, July 29, 1992, 1:00 P.M., Room 221, State House.

The Hearing will be held to consider the Governor's nomination of Dr. Langdon Davis of Augusta for appointment to the Animal Welfare Board.

The Animal Welfare Board is an independent board with statutory responsibility related to the humane and proper treatment of animals. The size of the Board was reduced from 11 to 5 members by action of the 115th Legislature in the past session (P.L. 1991, ch. 779). Two of the members must represent humane societies; two the general public; and one must be a veterinarian, who is licensed in Maine and whose experience includes both large and small animal practice.

The Board's primary responsibilities are defined in 7 MRSA §3906-A and include investigation of complaints of cruelty to pet animals and enforcement of all cruelty to animal laws with the assistance of the Attorney General.

The Board is authorized to appoint intermittent humane agents, as necessary, to assist in carrying out its duties and responsibilities. The Board is also authorized to accept outside funds for the purpose of subsidizing spaying and neutering and is responsible for establishing guidelines governing the administration of a special account set up for this purpose. Finally, the Board is responsible for reporting to the legislative committee having jurisdiction over agricultural matters by March 1st of each year.

Members serve 3 year terms, although initial terms are staggered, and are required by law to hold regular monthly meetings. Board members are eligible for reimbursement of expenses for meetings they attend.

Sen. R. Donald Twitchell  
Senate Chair

Rep. Robert Tardy  
House Chair

# NOTICE OF STATE RULEMAKING

## PROPOSED RULES

Notice of rules proposed by state agencies is published here each Wednesday so that the public may ask questions and make suggestions on their content. You may obtain an exact copy of the proposed rules summarized below by notifying the agency contact person. The estimated cost to you of complying with these rules, if they are adopted, is of particular interest to the agencies. You may submit comments on this and other matters to the agency contact person; or you may testify at a public hearing. If a public hearing is not scheduled, you may request one by writing to the agency before the deadline for comments which is listed in each notice. An agency is required to hold a public hearing on proposed rules if five people request one. Agencies must take measures to accommodate persons with physical disabilities at public hearings. If you are disabled and wish to attend a public hearing, and need special services, you should notify the agency contact person at least seven days before the date of the hearing.

### Maine State Planning Office

**RULE TITLE OR SUBJECT:** Kennebec River Resources Management Plan  
**PROPOSED RULE NUMBER:** 92-P198  
**CONCISE SUMMARY:** The Kennebec River Resources Management Plan addresses the balancing of energy production, recreational uses, environmental impacts, fisheries restoration, water management and other uses in the Kennebec River basin in the context of the development, redevelopment and operation of hydropower projects. The plan will be used by State natural resource agency personnel in the development of comments on Federal relicensing applications and by the Federal Energy Regulatory Commission in their action on such applications.  
**THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.**  
**STATUTORY AUTHORITY:** 12 MRSA §407  
**DEADLINE FOR COMMENTS:** The deadline for comments has been extended until November 2, 1992.  
**AGENCY CONTACT PERSON:** Anne Hayden, State Planning Office, 184 State Street, Station 38, Augusta, Maine 04333-0038; 207-287-3261

### Finance Authority of Maine

**RULE TITLE OR SUBJECT:** Chapter 608 - Tuition Waiver Program  
**PROPOSED RULE NUMBER:** 92-P228  
**CONCISE SUMMARY:** This rule establishes the eligibility criteria to be met and procedures to be followed for participation in a tuition waiver program at state postsecondary educational institutions for children of firefighters and law enforcement officers killed in the line of duty.  
The proposed rule is substantially similar to that used by the Department of Education when it administered the Program, with the addition of a definition of "local government official", a clarification of the phrase "who has been killed or who has received an injury during the performance of his duties which results in death", and clarification of the nature of the statement required from a local government official.  
**STATUTORY AUTHORITY:** 10 MRSA §969-A(14); 10 MRSA 1014 and 20-A MRSA §§ 12551-12554  
**PUBLIC HEARING:** A public hearing will be held on October 15, 1992 at 1:00 p.m. at the Comfort Inn, 281 Civic Center Drive, Augusta, Maine.  
**DEADLINE FOR COMMENTS:** Written comments are requested on or before October 14, 1992, but will be accepted until October 26, 1992. Oral and written comments may be presented at the public hearing.  
**AGENCY CONTACT PERSON:** Stephen A. Canders, General Counsel, FINANCE AUTHORITY OF MAINE, PO Box 949, 83 Western Avenue, Augusta, Maine 04332-0949; (207) 323-3263 (Voice); (207) 626-2715(TDD)

### Department of Marine Resources

**RULE TITLE OR SUBJECT:** Amendment to Importation of Live Marine Organisms Regulation (Ch. 24).  
**PROPOSED RULE NUMBER:** 92-P229  
**CONCISE SUMMARY:** This proposed amendment will designate all coastal waters within the State of Maine as restricted areas for the importation of live American and European Oysters, indigenous or non-indigenous, without a permit issued by the Commissioner. In addition this amendment will also require a permit to relay, transport or hold 1 wet storage oysters within Maine coastal waters.  
**THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.**  
**STATUTORY AUTHORITY:** 12 MRSA §6171, 6191  
**PUBLIC HEARING:** The Department of Marine Resources does not intend to hold a public hearing on this proposal; a public hearing will be held if five interested persons request a hearing in writing before the deadline for public comments.  
**DEADLINE FOR COMMENTS:** October 26, 1992  
**AGENCY CONTACT PERSON:** Hal Winters, Department of Marine Resources, State House Station #21, Augusta, Maine

### Department of Marine Resources

**RULE TITLE OR SUBJECT:** Scallop in the Frenchboro Cable Area  
**PROPOSED RULE NUMBER:** 92-P230  
**CONCISE SUMMARY:** This proposed regulation amends Chapter 11 and would make it lawful for persons holding hand fishing scallop licenses to hand fish for scallops in the Frenchboro Cable Area.  
**THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.**  
**STATUTORY AUTHORITY:** 12 M.R.S.A. §§6191 and 6954A(1).  
**PUBLIC HEARING:** Wednesday, October 14, 1992, at 7:00 P.M., Holiday Inn, Ellsworth, Maine.  
**DEADLINE FOR COMMENTS:** October 26, 1992  
**AGENCY CONTACT PERSON:** Ken Honey, Department of Marine Resources, West Boothbay Harbor, Maine 04575; (207) 633-5572

### Department of Environmental Protection, BAQC

**RULE TITLE OR SUBJECT:** Amendments to Chapter 100, Definitions; New Chapters 129, Surface Coating Operations; Chapter 130, Solvent Metal Cleaners; Chapter 131, Cutback and Emulsified Asphalt, and Chapter 132, Graphic Arts: Retogravure and Flexography  
**PROPOSED RULE NUMBER:** 92-P231 to 92-P235  
**CONCISE SUMMARY:** Nine Maine counties are currently classified as nonattainment of the federal ozone air quality standard. The Clean Air Act mandates that States establish regulations to control Volatile Organic Compound emissions from a number of different source categories covered by Control Technique Guidelines (CTG).  
Out of 30 existing CTG categories of sources, the Department has identified the categories named above which exist in Maine and require control. The rules protect against continued exceedances of the ozone air quality standard by reducing VOC precursor emissions. High ozone levels have effects on human health causing respiratory tissue damage and also have effects on vegetation and rubber products.  
**STATUTORY AUTHORITY:** 38 M.R.S.A. Section 585-A  
**THIS RULE WILL NOT HAVE A FINANCIAL IMPACT ON MUNICIPALITIES.**  
**PUBLIC HEARING:** October 14, 1992, 1:00 pm, Comfort Inn, 281 Civic Center Drive, Augusta, Maine  
**DEADLINE FOR COMMENTS:** October 28, 1992  
**AGENCY CONTACT PERSON:** Deborah Avalone-King and Carolyn Wheeler, Dept. of Environmental Protection, Bureau of Air Quality Control, State House - Station #17, Augusta, Maine 04333; (207) 287-2437

### Department of Human Services, Bureau of Medical Services

**RULE TITLE OR SUBJECT:** Chapter II, Section 80, "Pharmacy Services", Maine Medical Assistance Manual  
**PROPOSED RULE NUMBER:** 92-P236  
**CONCISE SUMMARY:** The revision redefines criteria for Lactulose reimbursement and recipients eligibility.  
**THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.**  
**STATUTORY AUTHORITY:** 22 M.R.S.A. §42, §3173  
**PUBLIC HEARING:** None scheduled; one may be requested.  
**DEADLINE FOR COMMENTS:** October 23, 1992  
**AGENCY CONTACT PERSON:** Dawn Stiles, Division of Medicaid Policy & Programs, Bureau of Medical Services, 249 Western Ave./SHS #11, Augusta, ME 04333-0011; (207) 287-3957

### Department of Human Services, Bureau of Medical Services

**RULE TITLE OR SUBJECT:** Section 3, Ambulatory Care Clinic Services, Chapter II & III, the Maine Medical Assistance Manual  
**PROPOSED RULE NUMBER:** 92-P237  
**CONCISE SUMMARY:** The proposed rule would allow Medicaid reimbursement for health care services provided by school health clinics and well child clinics.  
**THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.**  
**STATUTORY AUTHORITY:** 22 M.R.S.A. §42, §3173  
**PUBLIC HEARING:** None scheduled unless requested by five or more individuals.  
**DEADLINE FOR COMMENTS:** October 23, 1992  
**AGENCY CONTACT PERSON:** Ann Woloson, Medical Care Administrator, Division of Medicaid Policy & Programs, Bureau of Medical Services, State House Station 11, Augusta, ME 04333; (207)289-3957

### Baxter State Park Authority

**RULE TITLE OR SUBJECT:** Amendment to Ch. 1: Baxter State Park Rules  
**PROPOSED RULE NUMBER:** 92-P238

postpone all approved increases until Nov. 1, 1993, at which time the approved fee structure will be activated.  
**THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.**  
**STATUTORY AUTHORITY:** 12 MRSA Sec. 901, 903  
**PUBLIC HEARING:** None scheduled; one may be requested.  
**DEADLINE FOR COMMENTS:** October 23, 1992  
**AGENCY CONTACT PERSON:** Roxanna McLean, Baxter State Park Authority, 64 Balsam Drive, Millinocket, ME 04462; 207/723-9500

## ADOPTED RULES

Notice of final rules adopted by state agencies is published here each week so the public may learn about them, obtain copies and adjust their behavior to conform to the new requirements. You may obtain an exact copy of the rules summarized below by contacting the adopting agency or the Office of Secretary of State.

### Animal Welfare Board, Department of Agriculture, Food, and Rural Resources

**CHAPTER NUMBER AND TITLE:** Ch. 1: Minimum standards for pet shops, shelters, kennels, and boarding kennels  
**ADOPTED RULE NUMBER:** 92-368 (Emergency)  
**CONCISE SUMMARY:** This amendment specifies a shorter chain length for sled dogs which may be instrumental in preventing the animal from injury, and also brings the rule into compliance with 7 MRSA Section 180 Subsection 9, which states in part that puppies and kittens must be eight (8) weeks of age for presale.

**Further:**  
Smaller breeds need the full eighth week with the mother to nurse and mature enough to survive on its own. Importation of puppies/kittens across state lines may be traumatic with the combination of being shipped and separated from its mother.  
Sled dogs by shortening of the lead will protect them from bodily harm when they naturally lunge because of the nature of their training.

It is necessary to prevent the puppies and kittens that may be sold during the period of time that would pass before regular rule-making hearing could be effected to be separated at an age that could ultimately result in death to the small and sadness to the owners.

These heavy coated animals are entering the season for more intense activity and waiting the normal time period for regular rule making will subject an unknown number but certainly a great number of these animals to bodily injury and possibly death.

**EFFECTIVE DATE:** August 27, 1992  
**AGENCY CONTACT PERSON:** Clayton F. Davis, Director, Animal Welfare Board, State House Station 28, Augusta, ME 04333; 207/287-3841

### Maine Waste Management Agency

**CHAPTER NUMBER AND TITLE:** Chapter 103: Reduction of Toxics in Packaging  
**ADOPTED RULE NUMBER:** 92-369  
**CONCISE SUMMARY:** The purpose of this chapter is to implement the provisions of Title 32, chapter 25-A, §§1731-1739, of the Maine Revised Statutes, which seek to reduce toxicity of packaging waste by prohibiting the unnecessary addition of heavy metals, such as lead, mercury, cadmium and hexavalent chromium, in packaging and packaging components.  
**EFFECTIVE DATE:** September 16, 1992  
**AGENCY CONTACT PERSON:** Denise V. Lord, SHS #154, Augusta, ME 04333-0154; 207/287-5300

### Department of Agriculture, Food and Rural Resources; Division of Quality Assurance

**RULE TITLE OR SUBJECT:** Chapter 122, Fee Schedule for Inspection of Agricultural Commodities  
**ADOPTED RULE NUMBER:** 92-374  
**CONCISE SUMMARY:** The Department has amended its fee schedule for sampling, inspection and Quality Assurance fees. Fees are adopted as follows: (1) Apples, per bushel \$.07; (2) Berries, per pint, \$.02; (3) Maple syrup, per barrel \$2.00; (4) Broccoli, per carton \$.07; (5) Fresh potatoes non-Maine bag \$.14 per cwt.; (6) Contract inspection packing house \$721.50 per inspector, per week (39 hours) or \$555.00 per inspector per week (30 hours), contract inspection, lessing, \$690.30 per inspector per week (39 hours). A minimum fee of \$35.00 is established for all work performed. Varying fees are established for overtime, holidays and varying levels of service. Reduced fees for Maine bag and Variety labeling programs are established.

These fees will be reviewed by the Department six (6) times during the shipping season to determine if they accurately reflect the cost of providing the service.

**EFFECTIVE DATE:** Sept. 20, 1992  
**AGENCY CONTACT PERSON:** David E. Gagnon, State House

# LEGISLATIVE HEARING NOTICES

## HEARINGS ON GOVERNOR'S NOMINATIONS

The following committee(s) will hold public hearings for the purpose of considering nominations by the Governor for appointment to positions in Maine state government that require confirmation by the Legislature.

You may submit written comments on any of these nominations, or you may testify at the public hearing if one is scheduled. Written comments must be submitted by the deadline listed in each notice, and should be sent to:

Chairs, Joint Standing Committee on

State House Station 115  
Augusta, Maine 04333

Disabled persons who wish to attend a legislative hearing and require special accommodations should notify the contact person at least 7 days in advance of the hearing.

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### JOINT STANDING COMMITTEE ON EDUCATION

Sen. Stephen C. Estes, Senate Chair

Rep. Nathaniel Crowley, Sr., House Chair

POSITION: Commissioner of Education

NOMINEE: Leo G. Martin of

Kennebunkport

PUBLIC HEARING: Tuesday, July 28, 1992,  
at 9:30 a.m., State House, Room 124

POSITION DESCRIPTION:

DEADLINE FOR COMMENTS: Friday, July 24, 1992  
CONTACT PERSON: Teen Griffin, Legislative Information Office,  
State House Station 115,  
Augusta, Maine 04333; 207-287-1692.



# HOUSE OF REPRESENTATIVES

STATE HOUSE AUGUSTA 04333  
289-1400

Anne M. Larrivee

134 Gray Road  
Gorham, Maine 04038

November 12, 1992

Sen. Charles Pray, Chairman  
Legislative Council  
State House Station 115  
Augusta, ME 04333

Dear Council Members,

I would request that you consider recommending a change in committee structure to eliminate the Joint Select Committee on Corrections and the Joint Standing Committee on Judiciary and in their place create the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Civil Justice.

It has been my experience in the last two years that the 'select' status of the corrections committee limits its effectiveness despite the best efforts of the chairs. It is also clear that the policy issues decided by Judiciary regarding sentencing should be tempered with the intimate knowledge of the correctional system.

The crisis proportions of the \$2 million cut at Maine Youth Center have yet to be fully realized; and to date not one dollar has flowed from federal medicaid funds to the correctional budget thus imposing a \$2 million dollar cut in services at that institution.

The overload in Judiciary has long been recognized and this seems an appropriate way to address both the concerns about a unified approach to criminal issues and the effective use of legislative resources. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Anne'.

Anne M. Larrivee

District 36 Part of Gorham

## Welcome to the Joint Standing Committee on Judiciary.

Committees play a central role in Maine's legislative process. They have the primary responsibility for scrutinizing, debating and modifying proposed legislation. In addition, they are the major access point for the citizens of Maine to participate actively in the legislative process.

This pamphlet summarizes the rules of procedure under which the Judiciary Committee operates. These rules have 3 primary purposes:

- \* To promote the orderly and businesslike consideration of questions so that all business before the committee may receive proper consideration;
- \* To protect the rights of all members of the committee, regardless of their political party or view on a particular bill before the committee; and
- \* To ensure the opportunity for the will of the majority to be expressed in an orderly fashion.

Members of the Committee invite you to offer testimony in accordance with the rules we have adopted. Please note that if you are going to present testimony that has been prepared in advance, please ask that you provide 16 copies to the Committee Clerk. If you need to have copies made, there is a copy machine available in the Law Library, which is on the 2nd floor of the State House.

If you have questions about the Committee's procedures or about specific issues before the Committee, we encourage you to speak to a member of the Committee, to the Committee Clerk, or to the Committee's non-partisan Legislative Analyst.

## COMMITTEE ON JUDICIARY

Room 437, State House

Telephone: 207-287-1615

N. Paul Gauvreau, Senate Chair  
Patrick E. Paradis, House Chair

### Members

#### Senators:

Georgette B. Berube  
Muriel D. Holloway

(D - Androscoggin)  
(R - Lincoln)

#### Representatives:

Constance D. Cote  
Patricia M. Stevens  
Cushman D. Anthony  
Susan Farnsworth  
Mary R. Cathcart  
Andrew Ketterer  
Dana C. Hanley  
John H. Richards  
David N. Ott

(D - Auburn)  
(D - Bangor)  
(D - So. Portland)  
(D - Hallowell)  
(D - Orono)  
(D - Madison)  
(R - Paris)  
(R - Hampden)  
(R - York)

#### Committee Clerk:

Susan Pinette

#### Legislative Analyst:

Peggy Reinsch,  
Office of Policy & Legal Analysis



116th MAINE LEGISLATURE

JOINT STANDING COMMITTEE  
ON JUDICIARY

Committee Procedures & General Information



## COMMITTEE PROCEDURES

The Judiciary Committee will operate in accordance with the Joint Rules, which govern all legislative committees. In accordance with those Rules, the Committee has adopted the following procedures related to the general conduct of committee business.

1. **Robert's Rules of Order.** The Committee shall conduct all public hearings and work sessions in accordance with Robert's Rules of Order. The Joint Rules provide that the presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling shall stand unless overruled by a majority vote of the committee membership.
2. **Committee Meeting Days.** The President of the Senate and the Speaker of the House concurring, the Judiciary Committee shall meet on the following days each week during the regular session:

Monday, Wednesday, and Friday.

The Committee will endeavor to conduct all of its business on these days. Morning sessions will convene at 9:30 a.m., and afternoon sessions at 1:30 p.m..

The Committee Clerk shall distribute a complete schedule by Friday noon of each week for the following week to each committee member, to the assigned non-partisan staff, and to the Legislative Information Office. All changes to this schedule shall be posted on the door of the Judiciary Committee room.

3. **Absence of Committee Members.** Committee members are responsible for notifying the Committee Clerk whenever they are unable to attend a public hearing or work session.
4. **Decorum in Committee Proceedings.** While the presiding chair is responsible for maintaining order, it is the duty of all committee members to conduct themselves so as not to obstruct the rights of their colleagues and to ensure that all persons who attend the committee's hearing and work sessions are treated fairly and with dignity and respect. No person may use indecent language with reference to the Legislature, its committees or its members. Members must confine all remarks to the specific measure before the committee and avoid personalities. Finally, Committee members shall refrain from eating or drinking during public hearings and from using the telephone in the committee room during public hearings except in cases of emergency.

5. **Smoking.** In accordance with the Joint Rules, smoking is not permitted in the Judiciary Committee room, or in any other meeting room that the committee may use at any time. The Committee Chairs shall be responsible for ensuring that this rule is observed at all times.

### 6. Procedures for Presenting Testimony at Public Hearings.

- a. All written testimony and proposed amendments must bear the name of the person presenting it. The presenter is responsible for providing the Committee Clerk with 16 copies of written testimony.
- b. Each person testifying shall announce his or her name and affiliation and sign the sheet which is on the podium. After each person finishes addressing his remarks to the committee, the presiding chair shall ask members of the committee if they have any questions of the person testifying. The chair will allow committee members to try to obtain the information they need without debating or arguing with the witness.
- c. All questions must be addressed through the presiding chair. The chair may limit testimony if necessary.
- d. Legislators and persons in the audience should be addressed by their titles.
- e. In general, testimony shall be taken in the following order: Bill sponsor and co-sponsors; proponents; opponents; and persons who wish to speak but are neither for nor against the bill. The chair may alter this order depending on the number of persons who wish to testify on a particular bill.

### 7. Procedures for Work Sessions.

- a. All questions must be addressed through the chair.
- b. Members of the audience may not participate except at the invitation of the chair.

## RESOURCES TO ASSIST YOU IN

### FOLLOWING THE COMMITTEE PROCESS

**Copies of Bills (LD's) :** Single copies are available upon request at no charge in the **Legislative Document Room** (Room 3xx, State House).

**Amendments:** Single copies of **printed** amendments are also available at no charge in the Legislative Document Room. If a Committee is considering a proposed amendment, the availability of copies is at the discretion of the Committee Chairs.

**Senate and House Calendars:** Single copies are available upon request in the Legislative Document Room.

**Legislative Hearing Schedule:** Single copies are available at no charge and may be picked up immediately outside of the Senate President's Office (3rd floor, south end).

**Roll Calls:** Copies of individual roll calls for roll call votes taken in Senate and House proceedings are available as follows:

**Senate:** Office of the Secretary of the Senate  
Room 3xx, State House

**House:** Legislative Document Room

### Laws and Regulations:

Law & Legislative Reference Library  
Room 200  
State House  
287-1600

**Note:** The Law Library also has the following resources available for use by the general public:

TDD phone  
Copying machine  
Computer access to bill status information