

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL MEETING

SEPTEMBER 30, 1977

CALL TO ORDER

The meeting was called to order by the Chairman, Rep. John L. Martin at 10:25 a.m.

ROLL CALL

Senators: Sen. Conley, Sen. Huber, Sen. Sewall

Representatives: Rep. Garsoe, Rep. Martin, Rep. Quinn,
Rep. Tierney

Staff: William Garside, Legislative Admin. Director
David Silsby, Legislative Research Director
Ronald Lord, Legislative Finance Officer
Edith Hary, Law Librarian
Helen Ginder, Legislative Staff Asst. Coordinator

Guests: Steve Lakis, State Legislative Leaders Foundation
Gregg Sample, Attorney General's Office

SECRETARY'S REPORT

MOTION

Sen. Conley moved that the minutes of the last meeting, August 25th, be accepted as presented.

The motion was duly seconded and carried.

At this time the Council voted to take up Item #7 under New Business - Legislative Leaders Foundation Report, Steve Lakis.

Steve Lakis informed the Council that there are five other sections to his presentation. The first 18-20 pages cover background information and type of input. The first major section of the report dealt with Early Organization, establishing effective deadlines and firm cloture date of late November or early December. David Silsby brought to the Council's attention a proposed letter dealing with deadlines of bills which would be sent to all legislators and departments. Mr. Lakis stated that computers should be programmed for weekly output showing how legislation stands in committees. Rep. Martin advised that this would be done in this session.

The next major proposal is that of pre-filing legislation. The objective of this is to get legislation in earlier and to get it referred to committee earlier. The next recommendation would be interim committee periods. This would allow for a period of concentrated committee work immediately after the legislative session convened. Also proposed was permitting the carryover of legislation from the first regular session to the second. This rule requires a request made at least 2 weeks prior to the final reporting deadline of the committee of reference and any bill that is carried over must be reported out of committee no later than the 15th day of December preceding the convening of the second regular session.

Steve Lakis outlined a change in committee organization and procedure. He recommended committee consolidation by reducing the number of joint standing committees from 22 to 19. This would be accomplished by transferring subject matter from the Energy Committee to the Natural Resources Committee (new title Committee on Energy & Natural Resources); Human Resources Committee to Health & Institutional Services Committee; and Veterans & Retirement Committee to the Committee on State Government. These three committees only considered a combined total of 85 bills and resolves in 1975 and only 73 in 1977. Discussion followed on committee assignment. Rep. Martin stated that the assignments would not have to be reduced if someone other than the chairmen handle the scheduling, making sure that the six busiest committees (Judiciary, Taxation, Appropriations, State Government, Education, Business Legislation) do not overlap with meetings of the remaining committees. These committees mentioned consider approximately 40% of all legislation. Rep. Martin asked William Garside to submit a proposed schedule for the Council's consideration. Committee jurisdiction was considered, having all bills with same subject matter handled by the same committee. Mr. Lakis pointed out overwhelming support for the establishment of uniform rules of committee procedure. Discussion followed on uniformity among committees: notice of working sessions, vote for committee action, recorded votes on roll call and committee scheduling. Some discussion followed on problems in committee hearings with 'leave to withdraw'. The Council's suggestion was that once a hearing is advertised, no 'leave to withdraw' would be considered.

In the line of Legislative Staffing, Mr. Lakis recommended that the Office of Legislative Assistants should be increased by at least two additional full-time professional staffers and that the office be charged with the sole responsibility of staffing all committees. He further recommended changing the name of the office to the Office of Legislative Policy Research. Mr. Lakis also recommended that the Office of Legislative Research be authorized to hire one additional full-time professional bill drafter. He had recommended two and only one had been funded. He further stated that the name of this office be changed to the Revisor of Statutes Office.

It was recommended in the report to expand the Office of Legislative Assistants by including Room 425, now occupied by the press. Discussion followed on alternate plans for additional space, including relocation of the legislators' retiring room and the copy machines. Rep. Martin appointed a subcommittee to review locations (David Silsby, William Garside, May Ross, Ed Pert and Ronald Lord).

The remainder of Mr. Lakis' report will be taken up at the next Council meeting, beginning with partisan aides.

The Council recessed at 12:00 noon and reconvened at 2:10 p.m.

STAFF REPORTS

Legislative Administrative Director - William Garside presented a summary of expense accounts to show what is happening on studies. The spending on studies was less than last year, a per diem total of \$1,500. Rep. Quinn suggested including budgetary figures in the next summary. The \$25,000 figure includes all expense accounts from January 1st through September 27th, all of the 108th Legislature.

Mr. Garside recommended the following merit increases effective October 18, 1977:

	<u>Present</u>	<u>Proposed</u>
Legislative Finance Officer	\$464.32	\$487.03
Director Legislative Research	464.32	487.03
Asst. Dir. Legislative Research	333.40	349.57
Law Librarian	464.32	487.03
Legislative Indexer	231.10	242.15
Admin. Secretary	214.60	231.60

MOTION

Sen. Conley moved that the proposed recommendation by the Legislative Administrative Director be accepted with the amendment to include the Legislative Administrative Director receiving a step increase in accordance with the pay plan.

The motion was seconded by Sen. Sewall and carried unanimously.

Legislative Finance Officer - Ronald Lord presented an up-date on undedicated revenue in the General Fund. The figure for Estimated Balance Available total for biennium is \$11,450,468. An additional appropriation is subtracted for increased revenue for Mental Health and Retardation Fund bringing the figure to \$9,275,968.

Mr. Lord added that other requirements against this will be the second year of the Education Subsidy which may be an additional 4 or 5 million dollars more a year and collective bargaining demands.

Mr. Lord stated that the Council approved as of October 1st additional people for Program Review. He requested that they be allowed to work with the Appropriations Committee in recruiting these individuals. Rep. Martin advised that the House and Senate Chairmen from both committees would work with them.

Legislative Staff Assistants Coordinator - Helen Ginder advised the Council of problems in implementing provisions of three pieces of legislation in the last session: the Sunset of Agency Rules, the Sunset of Agencies and the Administrative Procedure Act. The two sunset laws will have a different affect on the staff and as discussed a memo will be prepared for the Council's consideration.

Mrs. Ginder stated that her recommendation in handling the APA is to have any bill on the APA referred to one joint standing committee to facilitate the comprehensiveness and consistency of the review. Rep. Martin suggested that the Council send a letter to every agency setting a deadline of November 18th as the last date to have provisions concerning administrative procedure in, either to the Attorney General's Office or the Legislative Staff Assistants Office. This would allow them to be submitted to Legislative Research for drafting prior to the second regular session. Through discussion it was decided by the Council that the letter should state that if an agency feels its statutes are not compatible with the APA, they may present an alternate bill with a statement detailing why it is preferred to the APA. Mrs. Ginder advised the Council that John Paterson from the Attorney General's Office will coordinate individuals assigned from the Attorney General's Office to help departments review their laws. Mr. Gregg Sample was introduced to the Council at this time to answer any questions on this matter.

MOTION

Rep. Tierney moved the adoption of the outlining procedures and sending the letter to departments with changes proposed.

The motion was seconded by Sen. Sewall and carried.

Helen Ginder advised that a meeting was held with the State Planning Officer regarding the National Science Foundation Grant. He presented an outline as requested, which Mrs. Ginder felt was insufficient. She suggested he submit another, and to date no word has been received from that office. Mrs. Ginder added that she has prepared a separate letter if the Council should decide to go privately. Rep. Martin advised that if no word is received in a week to let him know.

Legislative Research Director - David Silsby presented a proposed session letter with deadlines for the Council's consideration.

MOTION

Rep. Garsoe moved that the letter as proposed by David Silsby be sent to all legislators and departments to make them aware of the rules in reference to the second regular session.

The motion was seconded by Sen. Huber and carried unanimously.

Mr. Silsby recommended merit increases for the following Legislative Information employees. He advised that the office is budgeted for these raises and that they only require the Council's authorization.

	<u>Present</u>	<u>Proposed</u>
Charlotte Carrie	\$199.18	\$209.20
Dorothy Rollins	190.77	202.80
Priscilla Redman (part time)	146.10	151.40
Judith Brimington (part time)	163.40	172.40

MOTION

Rep. Garsoe moved that the proposed merit increases be granted, effective October 18th.

The motion was seconded by Sen. Conley and carried unanimously.

David Silsby presented recommendations to relieve the staff of Legislative Information. One proposal was a relief shift in case of night input, double sessions or sickness. The other was to install a terminal in the House chamber. Direct entry would prevent duplication as well as provide instant up-date of information. Rep. Martin suggested installing a computer at the rostrum, making sure it is noiseless, so as not to be picked up by microphones. It was suggested that this machine have a locking mechanism. Mr. Silsby advised renting one machine on a three month project basis for this session, which was agreeable with the Council. Rep. Martin advised Mr. Silsby that the Council would authorize placement of a terminal in the House of Representatives, and if that worked out, the relief shift might not be needed. The Council agreed to hold up on the first recommendation for a relief shift.

COMMUNICATIONS

MOTION

It was moved, seconded and carried to place communications on file.

The Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources submitted their final report to be placed on file.

OLD BUSINESS

There was no Old Business to discuss.

NEW BUSINESS

Item #1 - Request from Environmental Protection for permission to access the legislative system via a new terminal (ID "82"). This would be at no cost to the legislature and only requires the Council's approval to come on the line.

MOTION

Rep. Quinn moved to approve the request for access to the legislative system.

The motion was seconded by Rep. Garsoe and carried.

Item #2 - Request for contribution to Northeastern Legislative Energy Staff of \$1,000 per chamber. Following discussion Rep. Martin advised writing back stating that Maine would make 'in kind' contribution, such items to be decided at a later date.

Item #3 - Letter from George Rainville, State Auditor, regarding increase in salary. Discussion followed. Rep. Martin asked William Garside to send a letter advising Mr. Rainville that this matter would require a change in the law and that the Secretary of State tried to get a letter in, but the Legislature did not allow it in.

Item #4 - Request from Committee on Transportation to hold a hearing in Lewiston regarding the Turnpike Authority and to have a sub-committee hold a hearing in Portland on the Casco Bay Study.

MOTION

Rep. Tierney moved to approve the requests from the Committee on Transportation for two hearings to be held out of town.

The motion was seconded by Rep. Garsoe and carried.

Item #5 - An Executive Order directing all departments and agencies to submit such budgetary and statutory requests for review by the Governor's Legislative Review Committee on or before October 1st. Rep. Martin had this on the agenda to have everyone aware of the date.

Item #6 a- Request from the Joint Select Committee on Forest Resources for an additional \$750 to cover some of the expenses of committee members.

MOTION

Sen. Sewall moved to approve this request.

The motion was seconded by Rep. Tierney and carried.

Item #6 b- Request from the Joint Standing Committee on Marine Resources for additional appropriations. Rep. Martin stated that he had spoken with Rep. Post on this matter and advised her to wait and see what happens with their remaining funds. The Council agreed to table this matter.

ADJOURNMENT

The next meeting of the Legislative Council was set for Friday, October 21, 1977.

MOTION

Sen. Sewall moved for adjournment.

The motion was seconded by Rep. Quinn and carried unanimously.

The Council adjourned at 2:35 p.m.

RONALD H. LORD
LEGISLATIVE FINANCE OFFICER

BENT SCHLOSSER
ASSISTANT FINANCE OFFICER



STATE OF MAINE
OFFICE OF LEGISLATIVE FINANCE
AUGUSTA, MAINE 04333

August 29, 1977

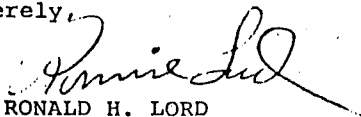
TO: Senators and Representatives, 108th Legislature

Attached is a listing of all Acts and Resolves passed by the 108th Legislature in Regular Session affecting General Fund Revenues and Surplus. The bills are listed in numerical order by LD number, with the Chapter References shown in the last column. The following summary has been prepared to summarize briefly the financial condition as it presently exists.

AVAILABLE FUNDS	1976-77	1977-78	1978-79	Total 77-78 78-79
<u>Undedicated Rev (Est)</u>				
Amount per Budget Doc.		405,485,359	430,477,028	835,962,387
Undedicated Rev-over est.	12,428,066			
Spruce Budworm Excise Tax	1,391,944			
Lapsed Balances	2,840,676			
<u>Legislative Revenue Adjustments</u>				
Per attached listing:		(2,134,317)	(2,506,266)	(4,640,583)
No reduction in Corp. Tax		4,100,000	4,500,000	8,600,000
No Sales Tax Exempt.on Elec.		3,000,000	3,000,000	6,000,000
No one-time gain in Cig.Tax		(1,000,000)	-0-	(1,000,000)
Fed. Reimbursement (Educ.)		131,000	-0-	131,000
*MH & MR Improvement Fund			2,174,500	2,174,500
<u>Other Income Adjustments</u>				
Seed Potato Board-Repaym't		-0-	10,000	10,000
Dog License-Repayment		-0-	8,000	8,000
WCVTI-Repayment		-0-	450,000	450,000
<u>TOTAL LEGISLATIVE ADJUSTMENTS:</u>		4,096,683	7,636,234	11,732,917
Title II Anti-Reces- sion Funds	2,930,000	5,000,000	4,300,000	9,300,000
Federal Revenue Sharing		14,000,000	14,000,000	28,000,000
Estimated Balance Forward from 1976-1977		19,718,981	-0-	19,718,981
<u>TOTAL AVAILABLE FUNDS</u>	19,590,686	448,301,023	456,413,262	904,714,285
<u>APPROPRIATIONS AND ALLOCATIONS</u> see attached listing				
General Fund	(1,015,295)	418,467,013	435,453,804	853,920,817
Title II	887,000	7,043,000	4,300,000	11,343,000
Federal Revenue Sharing		14,000,000	14,000,000	28,000,000
<u>TOTAL APPROPRIATIONS AND ALLOCATIONS</u>	(128,295)	439,510,013	453,753,804	893,263,817
Est. Balance Fwd to 77-78	19,718,981			
Est. Balance Available under current law		8,791,010	2,659,458	11,450,468
* The increased revenue from the Mental Health and Mental Retardation Fund will have to be offset by an appropriation to the Dept. of Human Services:			2,174,500	2,174,500
After that App. is made, available balance will be as follows:		8,791,010	484,958	9,275,968

If you have any questions regarding this schedule, please contact this office and we will endeavor to answer them.

Sincerely,


RONALD H. LORD
Legislative Finance Officer

108th LEGISLATURE - REGULAR SESSION

LEGISLATIVE FINANCE OFFICE

LISTING OF ACTS AND RESOLVES AFFECTING

August 29, 1977

GENERAL FUND REVENUES

Note: All Acts and Resolves have Effective Date of October 24, 1977
Unless Otherwise Indicated by Reference

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79	1976-77	1977-78	
14	"AN ACT to Exempt Turbojet Fuel used for International Flights from Sales Tax" (Sen. Trotzky)				(112,500)	(150,000)	C 572 PL
47	"AN ACT Placing Professional Wrestling Matches, Shows and Exhibitions under the Jurisdiction of the Maine Boxing Commission" (Rep. A. Boudreau)				11,000	11,000	C 13 PL
97	"AN ACT Appropriating Funds for the Save Loring Committee" (Sen. D. Collins and Sen. Morrell)	50,000					C 8 P&S eff. 3/22/77
102	"RESOLVE, Reimbursing Certain 1976 County Taxes on Account of Insufficient Appropriation" (Rep. Morton)	61,132					C 8 R eff. 5/11/77
106	"AN ACT to Appropriate Funds to the Legislative Apportionment Commission" (Rep. J. Martin)	15,000					C 1 P&S eff. 1/28/77
117	"RESOLVE, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans" (Rep. Mackel)			37,601			C 52 R

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79	1976-77	1977-78	
119	"RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands Being Classified under the Maine Tree Growth Tax Law" (Rep. Mackel)		350,807				C 53 R
172	"AN ACT Relating to Inspections and Inspection Fees of Elevators" (Rep. Beaulieu)				17,230	17,230	C 89 PL
218	"AN ACT Relating to Employee Workmen's Compensation Law" (Sen. Redmond)		10,000	10,000			C 539 PL
236	"AN ACT to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)				105,000	105,000	C 61 P&S eff. 6/29/77
241	"AN ACT to Raise Christmas Tree Transportation Registration Fee" (Rep. Lynch)		7,000	7,000	7,000	7,000	C 567 PL
247	"AN ACT to Provide Minimum Subsidy Payments for Small Administrative Units" (Rep. Bagley)		106,000				C 545 PL Eff. 7/22/77
264	"AN ACT to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety" (Rep. Burns)		150,000 (150,000)	150,000 (150,000)			C 138 PL

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			1976-77	INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79		1977-78	1978-79	
348	"RESOLVE, to Appropriate Moneys for Research on Blackfly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Blackflies" (Rep. Davies and Rep. MacEachern)		5,000					C 56 R eff. 7/23/77
458	"AN ACT to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam" (Rep. Ault)		5,000					C 80 P&S
490	"AN ACT Appropriating Funds for Maine Health Systems Agency, Incorporated, to Ensure that Quality Health Services Are Available at a Reasonable Cost to All Maine People" (Sen. D. Collins)		25,000	25,000				C 71 P&S eff. 7/21/77
496	"AN ACT to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools" (Sen. Jackson)		3,500	3,500				C 546 PL
513	"AN ACT to Increase the Fee Charged for U.C.C. Certificates of Information" (Rep. Clark)				5,000	5,000		C 90 PL

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			1976-77	INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79		1977-78	1978-79	
573	"AN ACT Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs" (Sen. Huber)	150,000						C 97 PL eff. 4/26/77
620	"AN ACT Relating to the Distribution of Statute and Session Laws" (Sen. S. Collins) (New Draft Sen. Mangan)				(626)	(626)		C 506 PL
625	"AN ACT Relating to Tax on Pari-mutuel Pools and State Stipend Law" (Reps. Higgins, Najarian, Whittemore, and Rideout)				39,000	39,000		C 96 PL eff. 4/26/77
634	"AN ACT Appropriating Funds to Maine Vocational Development Commission" (Rep. Kany)		10,000	10,000				C 75 P & S
662	"AN ACT Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers" (Sen. Pierce)		17,000	14,000				C 381 PL eff. 6/27/77
705	"AN ACT Appropriating Funds for Increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board" (Sen. McNally)		12,000	17,000				C 553 PL
708	"AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977" (Sen. Huber)	1,000,000						C 6 P & S eff. 3/11/77

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			1976-77	INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79		1977-78	1978-79	
725	"AN ACT to Expedite the Col- lection of Sales Tax on the Rental of Automobiles" (Rep. Chonko)				91,200	120,000	C 198 PL	
942	"AN ACT Concerning Displaced Home- makers" (Reps. M. Nelson, Trafton)	15,000					C 547 PL	
906	"AN ACT to Appropriate Money for Revolutionary War Veterans Grave Markers" (Rep. K. L. Brown)	700	700				C 529 PL	
1012	"AN ACT to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State" (Rep. Bustin)			50,000			C 570 PL	
1927	"AN ACT Exempting from the Sales Tax Sales to Nonprofit Cor- porations Providing Home Health Services" (Reps. Chonko, M. Nelson)				(5,376)	(7,200)	C 559 PL	
1068	"AN ACT to Authorize Local Control over Special Amusement Permits Issued to Licensees under the Al- coholic Beverage Statutes" (Rep. Hutchings)					(7,440)	C 501 PL	
1106	"AN ACT Concerning the Per Pupil Cost of a School Administrative Unit Losing More than 33% of its Enrollment Between June and Septem- ber" (Rep. Bagley)	76,671					C 540 PL	
1119	"AN ACT to Eliminate Tax on Marine Worms and Replace it with a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities" (Rep. Blodgett)	21,700	16,800		21,700	16,800	C 534 PL eff. 7/21/77	

LC *	TITLE	APPROPRIATION FROM CURRENT REVENUE			INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79	1976-77	1978-79	
1123	"AN ACT Appropriating Funds to Provide Services to Older Blind Persons to Assist Them in Remaining in their own Homes and in Caring for Themselves" (Sen. Hichens)		40,000	40,000			C 77 P & S
1243	"AN ACT Creating the Maine Development Foundation" (Rep. J. Martin)		100,000	150,000			C 548 PL
1244	"AN ACT Establishing the Maine Small Business Loan Authority" (Reps. Kany, Valentine, Quinn)		100,000				C 568 PL
1252	"AN ACT Relating to School Funding and Inventory Tax Reimbursement" (Reps. Greenlaw, Blodgett)	(3,086,860)	170,878,924	8,580,000	(1,806,000)	(2,500,000)	C 98 PL eff. 4/27/77
1272	"AN ACT to Remove the Commercial License of Smelt Fishermen" (Rep. Blodgett)				(850)	(850)	C 535 PL
1361	"AN ACT Relating to Secured Transactions under the Uniform Commercial Code" (Sen. Merrill)		9,572	7,150	12,500	25,000	C 526 PL
1391	"AN ACT to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations" (Reps. Green, Curran)		12,000	17,000			C 581 PL

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			INCREASE (DECREASE) REVENUE 1977-78	1978-79	CHAPTER REFERENCE
		1976-77	1977-78	1978-79			
1413	"AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Rep. LeBlanc)	2,591,933					C 105 PL eff. 4/28/77
1468	"AN ACT to Provide Home Winterization for Low Income Elderly, Disabled and Other Low Income Families" (Reps. Davies, Wyman, Trafton, S. Huber)		91,494				C 571 PL eff. 7/23/77
1496	"AN ACT Authorizing Expenditures for Health Care Alternatives" (Rep. Palmer)		50,000	50,000			C 582 PL
1531	"AN ACT to Lighten the Burden of Property Taxes on the Elderly, Widowed or Disabled" (Sen. O'Leary)			81,500			C 552 PL
1552	"AN ACT to Provide for Marine Resources Education by the Department of Marine Resources" (Sens. Chapman, Curtis)		20,000	35,000			C 64 P & S
1585	"AN ACT in Support of Regional Library Systems" (Sen. Cummings) (New Draft Sen. Katz)		100,000	100,000			C 555 PL

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			1976-77	INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79		1977-78	1978-79	
1676	"AN ACT to Provide for Budgeting of State Expenditures of Federal Funds" (Reps. Najarian, Kany, D. Carter, Spencer)		30,000	45,000				C 583 PL
1698	"RESOLVE, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975" (Reps. Durgin, H. Goodwin, McMahon, McPherson) (New Draft Rep. Mackel)					(120,000)		C 57 R
1702	"AN ACT to Provide for the Licensing of Mobile Home and Modular Housing Dealers and Mechanics" (Rep. A. Boudreau)		36,000	36,000		31,000	31,000	C 550 PL
1738	"AN ACT Relating to Providing Information Services to Maine Travelers" (Reps. Hughes, Higgins, Jackson, Greenlaw)		100,000	100,000				C 494 PL
1752	AN ACT to Revise the Statutes Relating to Services for Mentally Retarded Persons" (Rep. M. Nelson)		145,000	67,000				C 502 PL
1768	"AN ACT to Create the Maine Administrative Procedure Act"		17,700	21,000				C 551 PL
1783	"AN ACT to Revise the Application and Effective Date of the Administrative Court Law" (Rep. Spencer)	3,500						C 200 PL eff. 5/21/77

ID	TITLE	APPROPRIATION			INCREASE (DECREASE)		CHAPTER REFERENCE
		FROM CURRENT REVENUE 1976-77	1977-78	1978-79	REVENUE 1977-78	1978-79	
1788	"RESOLVE, Authorizing a \$450,000 Advance from the General Fund to the Department of Educational and Cultural Services to Provide Working Capital on Renovation of and Equipping of Building at Eastport" (Reps. Greenlaw, Higgins, Mills, Fenlason)	450,000					C 36 R eff. 6/8/77
1798	"RESOLVE, Authorizing Alban E. Cyr, Sr., and Cyr Brothers Meatpacking, Inc., and Cyr Food Inc. of Caribou to Bring Civil Action Against an Agency of the State of Maine" (Sen. D. Collins) (New draft Sen. Curtis)		3,000				C 54 R
1845	"AN ACT to Encourage the Use of Solar Energy in Maine Through Tax Exemptions" (Reps. S. Huber, M. Nelson, Maxwell, Green) (New draft Rep. Jensen)				(7,200)	(9,600)	C 542 PL
1859	"AN ACT Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)	240,155,223	418,827,207		(199,395)	(8,580)	C 380 PL eff. 6/27/77
1860	"AN ACT to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations" (Sen. O'Leary) (New draft Sen. D. Collins)		4,000	4,000	15,000	15,000	C 543 PL
1882	"AN ACT to Continue the Division of Special Investigations within the Department of Public Safety" (Sens. Pierce, S. Collins, D. Collins, Pray) (New draft Sen. Morrell)		150,172	200,000			C 561 PL

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			1976-77	INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79		1977-78	1978-79	
1885	"AN ACT to Establish the Maine Nonprofit Corporation Act" (Sen. Curtis)		13,131	10,677		5,000	10,000	C 525 PL
1895	"AN ACT Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)	(2,250,000)	5,692,817	6,913,270		(243,000)	(224,000)	C 579 PL eff. 7/25/77
1898	"AN ACT Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)		15,000	15,000				C 556 PL eff. 7/22/77

TOTALS	(1,015,294)	418,467,013	435,453,804		(2,134,317)	(2,506,266)
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ALLOCATION FROM REVENUE SHARING FUND

235	"AN ACT to Allocate Money from the Revenue Sharing Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)		14,000,000	14,000,000				C 44 P & S eff. 5/26/77
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LD	TITLE	APPROPRIATION FROM CURRENT REVENUE			1976-77	INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79		1977-78	1978-79	
757	"AN ACT to Allocate Money from Title II of the Public Works Employment Act of 1976 for the Expenditures of State Government for the Fiscal Year Ending June 30, 1977, and for the Fiscal Year Ending June 30, 1978" (Sen. Huber)	887,000	2,043,000				C 42 PL eff. 3/28/77	
1752	"AN ACT Relating to School Funding and Inventory Tax Reimbursement" (Reps. Greenlaw and Blodgett)		2,500,000	1,800,000			C 98 PL eff. 4/28/77	
1895	"AN ACT Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)		2,500,000	2,500,000			C 579 PL eff. 7/25/77	
TOTAL ALLOCATION FROM REVENUE SHARING FUNDS		887,000	21,043,000	18,300,000				
<u>OTHER ALLOCATIONS</u>								
137	"AN ACT to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Greeley)		82,716,153	84,493,492			C 423 PL eff. 6/30/77	

LD #	TITLE	APPROPRIATION FROM CURRENT REVENUE			INCREASE (DECREASE) REVENUE		CHAPTER REFERENCE
		1976-77	1977-78	1978-79	1976-77.	1978-79	
233	"AN ACT to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)		3,990,144	4,083,772			C 60 P & S eff. 6/27/77
			Plus up to \$20,000 for Capital Expenditures in each year of the 1977-79 Biennium.				
234	"AN ACT to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Year Ending June 30, 1978" (Sen. Huber)		100,000				C 50 P & S eff. 6/3/77
236	"AN ACT to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber)		1,406,094	1,421,838			C 61 P & S eff. 6/29/77
			Plus up to \$30,000 for Capital Expenditures in each year of the 1977-79 Biennium.				
334	"AN ACT to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Rep. McBreairty)		7,402,611	7,362,299			C 39 P & S eff. 5/20/77
1895	"AN ACT Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Sen. Huber) (That portion concerning Highway)		1,300,000	1,500,000			C 579 PL eff. 7/25/77

LD #	TITLE	AMOUNT	CHAPTER REFERENCE
<u>BOND ISSUES</u>			
136	"AN ACT to Authorize Bond Issue in the Amount of \$11,500,000 for the Highway and Bridge Improvement Program" (Sen. Greeley)	11,500,000	C 76 PL
615	"AN ACT to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities" (Rep. Hall and Rep. Karen Brown)	30,000,000	C 67 P & S
750	"AN ACT to Authorize Bond Issue in the Amount of \$5,965,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine" (Rep. Morton, Rep. A. Boudreau, Rep. Devoe and Rep. Kelleher)	5,965,000	C 69 P & S
939	"AN ACT to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Maine Veterans Home" (Rep. Conners)	2,100,000	C 562 PL
1626	"AN ACT to Authorize a Bond Issue in the Amount of \$300,000 for use in Conjunction with Approximately \$600,000 to be Raised by the Maine Maritime Academy for the Renovation of Leavitt Hall at the Academy" (Rep. Greenlaw)	300,000	C 68 P & S
1684	"AN ACT to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,800,000" (Rep. Palmer and Rep. Pearson)	1,800,000	

LD #	TITLE	AMOUNT	CHAPTER REFERENCE
1819	"AN ACT to Authorize Bond Issue in the Amount of \$3, 748,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute, a Multi-purpose Instructional Building at Northern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute" (Rep. Jalbert) (New Draft Rep. Lynch)	3,748,000	C 70 P & S
1856	"AN ACT to Authorize a Bond Issue in the Amount of #10,000,000 for Energy Conservation Improvements for State-owned Buildings and Public School Buildings" (Rep. Huber and Rep. Carter) (New Draft Rep. Davies)	10,000,000	C 72 P & S



STATE OF MAINE
OFFICE OF LEGISLATIVE ASSISTANTS
STATE HOUSE
AUGUSTA, MAINE 04433

September 14, 1977

TO: Bill Garside, Legislative Administrative Director

FROM: Helen T. Ginder, Coordinator

SUBJECT: Impact of recent legislation on Office of Legislative Assistants

Three laws enacted during the 1st Regular Session of the 108th Legislature have a potentially substantial impact on this office and other Legislative staff offices: Chapter 551--Administrative Procedure Act; Chapter 554--"sunset" of State agencies; and Chapter 569--"sunset" of State agency rules.

The purpose of this memo is to raise several issues and make recommendations with respect to one of these laws, the Administrative Procedure Act, and to seek your advice on whether and how to proceed.

The 2 sunset laws will have a different affect on staff and, as I discussed with you, I will prepare a memo for your consideration on these laws.

Provisions Of The Administrative Procedure Act (APA) That May Affect Staff

1. Section 5 of the Act requires agencies covered by it to provide the Secretary of State and Legislative Committees "... whatever assistance is requested in accomplishing the purposes of this Act ...", both prior to and subsequent to the effective date of the Act, which is July 1, 1978. The provision for the Secretary of State concerns his responsibility to publish adopted rules. The Legislative Committee provisions were intended to facilitate the drafting of language to make current statutory provisions consistent with the provisions of the new APA. This effort, which must be completed prior to July 1, 1978, will require a review of all current statutes to identify conflicts, drafting a bill (or bills) which will correct the conflicts, and passage of a bill(s) during the 2nd Regular Session of the 108th Legislature with an effective date of July 1, 1978.

2. This legislation probably should be referred to one Joint Standing Committee to facilitate the comprehensiveness and consistency of the review.

Recommendation

I suggest that you recommend to the Legislative Council that they instruct the State agencies, pursuant to PL 1977, Chapter 551, Section 5, to:

- a. Review all statutes which they administer to to identify any provisions inconsistent with the APA and draft in "final" form a bill to make these provisions consistent with the APA.
- b. Draft, in addition, an alternate bill if there are some provisions in current law which the agency feels must be retained, together with a description and justification of the alternate.
- c. Submit the bill(s) to the Office of Legislative Assistants not later than November 18, 1977.

The Office of Legislative Assistants in cooperation with the Attorney General's Office will review the bills for conformity with the statutory requirement, compile them into a draft of one bill (which will include a Statement of Fact), and submit it to Legislative Research for final drafting and processing.

I have discussed this approach with Deputy Attorney General John Paterson, who agrees that it is the best way to proceed.

This approach shifts the drafting task back to the affected agencies. There are several reasons for doing this:

- a. The affected agencies are more familiar than anyone in Legislative staff with the content and application of their statutes, and with their daily operations.
- b. Almost all agencies have an assistant attorney general assigned to them, who undoubtedly works on a daily basis with rules and who could perform the drafting.
- c. Agencies will be given an opportunity to present alternatives to the APA, where these are appropriate.
- d. Assuming that these Bills will be reviewed by a Standing Committee, the draft(s) will clearly set out language to conform and to modify and will show the agency's position.
- e. The work is spread out among the employees of 30 or so agencies, rather than the much smaller Legislative staff offices.

I have attached a draft of a letter from the Legislative Council to the agencies and the Attorney General to implement this recommendation. If you approve the idea, I suggest that it be raised at the September 30 Legislative Council meeting. It is advisable to get an early start, in view of the amount of work to be done and the time in which to do it. John Patterson or his representative will be available for the Council meeting to support the recommendation and answer any questions you might have regarding their role.

I will be happy to discuss this at your convenience.

enclosure

DATE	ADMINISTRATIVE PROCEDURES ACT	"SUNSET" OF RULES	"SUNSET" OF AGENCIES
1977 Fall	Recommendation: Legislative Council memo to agencies requiring conforming and alternate drafts.		
1978 January 15	Recommendation: Agencies submit conforming and alternate drafts.	Agencies required to submit copies of all rules in effect.	
February 1		Legislative Administrative Director's first report on operation of the law.	
May 1			Legislative Council Recommendations of how law is to be applied and Legislative approval of recommendations.
Before end of 2nd regular session	Legislature must pass conforming or alternate drafts, to accommodate July 1, 1978 effective date of the Act.	Standing committees must propose expiration schedule for all rules, and Legislature must approve the schedule.	
After end of 2nd regular session	No requirement for subsequent Legislative involvement.	Standing committee review of rules could begin during 1979 and will continue indefinitely, all according to schedule above.	
October 31			First agency justification reports received by Legislature.
1979 October 31			First Audit Department evaluation of agency justification reports received Standing committee review could begin after receipt of justification report, more likely after receipt of Auditor's report, and will continue indefinitely according to the schedule in the statute.
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Revised

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