

# MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL**  
**March 30, 1993**  
**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**\*SECRETARY'S REPORT**

Summary of March 16, 1993, Council Meeting (enclosed)

**EXECUTIVE DIRECTOR'S REPORT**

**REPORTS FROM COUNCIL COMMITTEES**

Legislative Budget Committee

Personnel Committee

**OLD BUSINESS**

Item #1: Revenue Forecasting Committee Created by Executive  
Order 4 FY 92/93. (Tabled at February 2 Council  
meeting)

**NEW BUSINESS**

Item #1: After Deadline Bill Requests

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

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\* Agenda items preceded by this symbol are items for the Council's review and information. The usual motion on these items is to "accept and place on file"; in other cases, the item requires no Council action at all.



Lynn Randall  
Legislative Council Info.

REP. DAN A. GWADOSKY  
CHAIR

SEN. DENNIS L. DUTREMBLE  
VICE-CHAIR

STATE OF MAINE

116th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. BEVERLY MINER BUSTIN  
SEN. DAVID L. CARPENTER  
REP. JOHN L. MARTIN  
REP. WALTER E. WHITCOMB  
REP. PATRICK E. PARADIS  
REP. STEPHEN M. ZIRNKILTON

SARAH C. TUBBESING  
EXECUTIVE DIRECTOR

**March 16, 1993**

## **MEETING SUMMARY**

**Approved March 30, 1993**

### **CALL TO ORDER**

The Council meeting was called to order by the Chair, Rep. Gwadosky, at 3:10 p.m.

### **ROLL CALL**

**Senators:** Sen. Dutremble, Sen. Esty, Sen. Cahill,  
Sen. Bustin, Sen. Carpenter

**Representatives:** Speaker Martin, Rep. Gwadosky,  
Rep. Whitcomb, Rep. Paradis,  
Rep. Zirnkilton

**Legislative Officers:** Sally Tubbesing, Executive Director  
Lynn Randall, State Law Librarian  
John Wakefield, Director, Office of  
Fiscal and Program Review  
Martha Freeman, Director, Office of  
Policy and Legal Analysis  
David Kennedy, Revisor of Statutes  
Joy O'Brien, Secretary of the Senate  
Joseph Mayo, Clerk of the House

### **SECRETARY'S REPORT**

The Summary of the March 2, 1993, Council meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Cahill; unanimous).

## **EXECUTIVE DIRECTOR'S REPORT**

### **Item #1: Weekly "Sponsor" Report from Bill Status System**

**Motion:** That the recommendation be accepted and that a memo be sent to all members explaining the new procedures by which members may obtain lists of their bills. (Motion by Sen. Bustin; second by Speaker Martin; unanimous).

## **REPORTS FROM COUNCIL COMMITTEES**

### **Personnel Committee**

Rep. Gwadosky, Committee Chair, reported that the Committee had met again and is currently awaiting a draft for review.

### **Legislative Budget Committee**

Senator Dutremble, Committee Chair, reported that the Committee had scheduled its next meeting for the following day, March 17, at 1:30 p.m.

No Council action was required on either of these Committee reports.

## **OLD BUSINESS**

**Item #1:** Senate Resolution expressing the Sense of the Senate that the Legislative Council Authorize Formation of a Task Force to address the issues related to the workers' compensation rate structure. (Tabled at February 2 Council meeting).

**Motion:** That this item, which had previously been tabled, be accepted and placed on file. (Motion by Sen. Dutremble; second by Speaker Martin; unanimous).

**Item #2:** Revenue Forecasting Committee Created by Executive Order 4 FY 92/93. (Tabled at February 2 Council meeting)

**Motion:** That this item remain on the table. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

## **NEW BUSINESS**

**Item #1:** Submission of Final Report of the Commission to Implement Computerization of Criminal History Record Information (pursuant to 1985 P & S, Chapter 135)

**Item #2:** Submission of State Plan for the Prevention, Intervention, Treatment and Research of Alcohol and Other Drug Abuse in the State of Maine for 1994 and 1995 (pursuant to 5 MRSA, Part 24, Chapter 521 § 20009)

**Item #3:** Submission of Report on "School Restructuring in Maine" by the Maine Department of Education and the State Board of Education, pursuant to 1991 P.L., Chapter 407.

**Motion:** That these reports be accepted and placed on file. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

**Item #4:** Recommendation from Speaker Martin regarding Salary of Millicent McFarland, Assistant Clerk of the House, pursuant to statute, as amended by 1993 P.L., Chapter 6.

Speaker Martin referred Council members to his memorandum in their agenda packet and offered the following motion:

**Motion:** That Millicent McFarland be assigned to Salary Range 9, Step 6, pursuant to law. (Motion by Speaker Martin; second by Sen. Dutremble).

**Discussion:**

Rep. Whitcomb asked for clarification that the Speaker's recommendation was consistent with the amendment to the Supplemental Budget that Council members had earlier reviewed. The Speaker responded affirmatively and noted that this action resulted in assigning Ms. McFarland to a salary level that is equal to the salary she received prior to her election as Assistant Clerk of the House. The Chair, Rep. Gwadosky, noted that the Council is required by law to take action on this item.

The vote was then taken and the motion was approved 7-1.

**Item #5:** Letter from Martha E. Martin requesting consideration of Legislation

**Motion:** That the Chair send a letter to Ms. Martin thanking her for her interest and pointing out the constitutional requirements that govern the bills considered by the Legislature. (Motion by Speaker Martin; second by Sen. Carpenter; unanimous).

**Item #6:** After Deadline Bill Requests

Following the Council's consideration of After Deadline Requests, members engaged in further discussion about the status of bill drafting and the impact of after deadline requests on the workload. In response to an inquiry from the Chair, Rep. Gwadosky, David Kennedy responded that 295 bills were yet to be drafted; about 200 were out for

sponsor review and signature; and about 235 were in the production process. He noted that this puts the Legislature at about the same point it has been in every first regular session in recent years. The Council's discussion then turned to Joint Resolutions and After Deadline Bill Requests.

#### **Joint Resolutions**

Senator Esty asked if the Council should establish criteria or standards for reviewing requests to introduce memorials and later suggested that a subcommittee be appointed to develop policies. Sen. Cahill asked what priority was given to Joint Resolutions in the Revisor's Office? Mr. Kennedy replied that most Joint Resolutions require the effort and resources of a 1-page bill and that his office generally puts them after pre-cloture bills in the queue unless there is a specific, time-sensitive need to draft them earlier.

#### **After Deadline Bill Requests**

In response to a question from Rep. Paradis about whether the Council had ever asked members to defer their after deadline bills to the Second Regular Session, the Chair, Rep. Gwadosky, responded that the Council had discussed the issue of how to most effectively manage the after deadline bill load on many occasions. He stated that he thought it was important for the Council to communicate its concerns to the members.

**Motion:** That the Council Chair send a letter to members encouraging them to exhaust all other possibilities before filing an after deadline request. (Motion by Rep. Paradis; second by Sen. Cahill; unanimous).

Sen. Esty asked if the letter could incorporate language to discourage the filing of Joint Resolutions and was assured by the Chair that this would be done.

Following the Council's action on the motion, both Sen. Dutremble and Speaker Martin indicated that they would also make an announcement to this effect from the rostrum.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Council meeting was adjourned at 4:17 p.m., on the motion of Sen. Dutremble.



OFFICE OF  
THE GOVERNOR

NO. 4 FY 92/93  
DATE September 10, 1992

AN ORDER REVISING THE CONSENSUS ECONOMIC FORECASTING COMMISSION  
AND THE REVENUE FORECASTING COMMITTEE

WHEREAS, past and recent events in the regional economy have focused increased public and governmental attention on the importance of broadening and strengthening the procedures and techniques used in developing a state economic forecast and in estimating state revenues; and,

WHEREAS, it is in the public interest to develop broad public, legislative and executive consensus for state revenue projections and the state economic assumptions on which they depend; and,

WHEREAS, this Administration wants to establish a formalized process for the development of state economic assumptions and state revenue projections from which a consensus can be reached between the Executive and Legislative branches of State Government;

WHEREAS, the method of selecting members to serve on the Consensus Economic Forecasting Commission and the Revenue Forecasting Committee must be streamlined to ensure that their work can be completed in a timely fashion;

NOW, THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby revise Executive Order 14 FY 91/92, "An Order Establishing the Consensus Economic Forecasting Commission and the Revenue Forecasting Committee" for the purpose of streamlining the method of selecting members so that the Consensus Economic Forecasting Commission and the Revenue Forecasting Committee may complete their work in a timely fashion and serve as a more comprehensive approach to consensus forecasting for state economic assumptions and state revenues in the mutual best interests of the Executive and Legislative branches of State Government.

**Consensus Economic Forecasting Commission**

**1. Membership.**

The Consensus Economic Forecasting Commission established by Executive Order 14 FY 91/92 to provide the Governor, the Legislature, and the Revenue Forecasting Committee with analyses, findings, and recommendations representing state economic assumptions relevant to revenue forecasting shall consist of 5 members appointed as follows: two members shall be appointed by the Governor; one member shall be recommended for appointment to the Governor by the President of the Senate; one member shall be recommended for appointment to the Governor by the Speaker of the House; and one member shall be appointed by the previous four members. One of the previous five members shall be selected by a majority vote of the Committee members to serve as the Chairperson of the Commission. Commission members shall be appointed within 15 days of the effective date of this Executive

Order and shall serve until January 1995. Thereafter, the Commission members shall be appointed in January of odd-numbered years. A member may not be a Legislator or an employee of the Executive Branch, the Legislature or the Judicial Department. Each Commission member must have professional credentials and demonstrated expertise in economic forecasting.

All members shall be appointed for terms to coincide with the legislative biennium. Vacancies shall be filled in the same manner as the original appointments, for the balance of the unexpired term, except as provided below.

In the event that one or more positions on the Commission remains unfilled on the 16th day after the effective date of this Executive Order, or in the event that the expeditious filling of a vacancy is required to enable the Commission to perform its duties in an efficient and timely fashion, the Governor shall make such appointments at such times and in such a manner as he deems necessary.

2. Duties of the Commission.

- a. Duties. The Consensus Economic Forecasting Commission shall develop 5-year and 10-year macro-economic secular trend forecasts and one-year, 2-year, and 4-year economic forecasts.
- b. Biennial Economic Assumptions. The Commission shall submit recommendations for state economic assumptions for the next fiscal biennium and analyze economic assumptions for the current fiscal biennium which must be approved by a majority of the Commission members. No later than November 1st of each even-numbered year, the Commission shall submit to the Governor, the Legislative Council and the Revenue Forecasting Committee, a report which presents the analyses, findings and recommendations for economic assumptions related to revenue forecasting for the next fiscal biennium. In its report, the Commission shall fully describe the methodology employed in reaching its recommendations.
- c. Current Biennium Adjustments. No later than February 1st and November 1st of each year the Commission shall submit to the Governor, the Legislative Council and the Revenue Forecasting Committee, a report which presents the Commissions' findings and recommendations for adjustments to the economic assumptions for the current fiscal biennium. In each report the Commission shall fully describe the methodology employed in reaching its recommendations.

3. Contracts.

The Commission may enter into contractual arrangements subject to state purchasing procedures for the procurement of economic forecasting models, data, assumptions and assistance in analyzing the data.

4. Meetings.

The Commission shall meet at least four (4) times a year. Additional meetings may be called by the Chairperson or by any three members. All meetings shall be open to the public.

5. Staffing.

The Commission shall receive staff support from the State Planning Office.



### Revenue Forecasting Committee

1. Established; membership.

There is established the Revenue Forecasting Committee for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The Committee shall include the State Budget Officer, the State Tax Assessor, the State Economist and an Economist on the faculty of the University of Maine System selected by the Chancellor and, at the discretion of the Legislature, the Director of the Office of Fiscal and Program Review. One of the previous five members shall be selected by a majority vote of the Committee members to serve as the Chairperson of the Committee.

2. Duties of the Committee.

- a. Duties; Use of Economic Assumptions. The Revenue Forecasting Committee shall develop current fiscal biennium and ensuing fiscal biennium revenue projections using the economic assumptions recommended by the Consensus Economic Forecasting Commission.
- b. Biennial Revenue Projections. The Committee shall submit recommendations for state revenue projections for the next fiscal biennium and analyze revenue projections for the current fiscal biennium which must be approved by a majority of the Committee members. No later than December 1st of each even-numbered year, the Committee shall submit to the Governor, the Legislative Council, the Joint Standing Committee on Appropriations and Financial Affairs, and the State Budget Officer, a report which presents the analyses, findings and recommendations for General Fund and Highway Fund revenue projections for the next fiscal biennium. In its report the Committee shall fully describe the methodology employed in reaching its recommendations. Revenue projections for other funds of the state may be included in the report at the discretion of the Committee.
- c. Current Biennium Adjustments. No later than March 1st and December 1st of each year the Committee shall submit to the Governor, the Legislative Council, the Joint Standing Committee on Appropriations and Financial Affairs, and the State Budget Officer a report which presents the analyses, findings and recommendations for adjustments to General Fund revenue and Highway Fund revenue for the current fiscal biennium. In each report the Committee shall fully describe the methodology employed in reaching its recommendations. Revenue adjustments for other funds of the state may be included in the report at the discretion of the Committee.

3. Use of Revenue Forecasts.

The State Budget Officer must consider the revenue projections recommended by the Committee in setting revenue estimates in accordance with Title 5, Section 1665, subsection 3. If the State Budget Officer adjusts the revenue projections recommended by the Committee, he shall submit to the Governor, the Legislative Council and the Joint Standing Committee on Appropriations and Financial Affairs, a report which presents the analyses, findings and recommendations by revenue line explaining the variances from the revenue projections recommended by the Committee.

4. Meetings.

The Committee shall meet no less than four (4) times a year. Additional meetings may be called by a majority vote of the Committee.

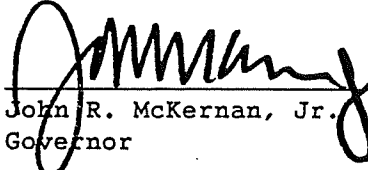
5. Staffing.

The Committee shall receive staff assistance from the Bureau of the Budget, the the State Planning Office, and the Bureau of Taxation, and, at the discretion of the Legislature, the Office of Fiscal and Program Review. The Committee may also utilize any other professionals having revenue forecasting, economic and fiscal expertise at the discretion of the Committee.

6. Access to information.

In order to assist the Committee, the Department of Administrative and Financial Services shall provide information and data to the Committee on request. The Committee members will be bound by the confidentiality restrictions concerning certain tax records as described in Title 36, Chapter 7. The State Tax Assessor may disclose any corporate or individualized income tax data, sales and use tax data, business tax data, property tax data or other tax data to the Revenue Forecasting Committee or their staff. This information may be requested in any form, including paper records, computerized data or summary statistics, but may not be transmitted with any identification by taxpayer name, number or address and must be aggregated to include at least three taxpayers.

The effective date of this Order is September 10, 1992.

  
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John R. McKernan, Jr.  
Governor

SEP 14 1992

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION  
March 26, 1993

Action

SPONSOR: Rep. Gean

LR 2278 An Act to Consolidate all Substance Abuse Programs  
within the Office of Substance Abuse

SPONSOR: Rep. Kilkelly

LR 2271 An Act to Amend the Law Governing Review of the  
Legislative Budget

SPONSOR: Sen. Luther

LR 2273 An Act to Allow Landowners to Open their Property  
to the Public for Purposes Other than Hunting

SPONSOR: Rep. Murphy

LR 2262 An Act to Require School Districts and School Boards  
to Provide Transportation to Students in Private  
Schools

SPONSOR: Rep. Murphy

LR 2263 An Act to Allow the Town of Berwick to Rebuild  
Certain Private Roads

SPONSOR: Sen. Paradis, Judy

LR 2276 An Act to Expand Access to Recreational Hunting

SPONSOR: Rep. Poulin

LR 2253 An Act to Control Costs of Refinancing Commercial  
Loans

SPONSOR: Rep. Whitcomb

LR 2260 An Act to Require Employee Leasing Companies to Post  
Security Bonds or Deposit Securities

**TABLED BY THE LEGISLATIVE COUNCIL**

**SPONSOR: Rep. Coffman**

**TABLED  
02/02/93**

**LR 2117     An Act to Freeze Tuition Rates for all In-State  
University of Maine System Students**

**SPONSOR: Sen. Esty, Jr.**

**TABLED  
03/16/93**

**LR 2227     An Act to Amend the Professional Surveyors Licensing  
Requirements**

**SPONSOR: Rep. Fitzpatrick**

**TABLED  
03/02/93**

**LR 2194     An Act to Prevent Criminalization and to  
Promote Jail Diversion**

**SPONSOR: Rep. Gray**

**TABLED  
01/07/93**

**LR 2104     An Act to Abolish the Workers' Compensation  
System**

**SPONSOR: Rep. Gwadosky**

**TABLED  
03/16/93**

**LR 2248     An Act to Establish the Maine Street Revitalization  
Program**

**SPONSOR: Rep. Hatch**

**TABLED  
03/16/93**

**LR 2241     An Act to Enhance the Ability of the Department of  
Human Services to Collect Child Support Payments**

**SPONSOR: Rep. Larrivee**

**TABLED  
03/02/93**

**LR 2196     An Act to Create a Sales Tax Exemption for  
Eye Banks**

**SPONSOR: Rep. Martin, John L.**

**TABLED  
03/02/93**

**LR 2213     An Act Relating to Private Property Rights**

**SPONSOR: Sen. McCormick**

**TABLED  
03/02/93**

**LR 2200     An Act to Encourage Economic Recovery in the  
Construction Industry**

**SPONSOR: Rep. Mitchell, James**

**TABLED  
03/02/93**

**LR 2209** An Act to Authorize a Referendum Vote for Approval  
of a Contract for Disposal of Low-level Radioactive  
Waste Generated in this State

**SPONSOR: Sen. Paradis, Judy**

**TABLED  
03/02/93**

**LR 2217** An Act to Provide Savings for the State While  
Providing Services for the State's Long-term Care  
Consumers

**SPONSOR: Rep. Plowman**

**TABLED  
03/16/93**

**LR 2229** An Act to Provide Work-study Jobs for Maine Students

**SPONSOR: Rep. Plowman**

**TABLED  
03/16/93**

**LR 2234** An Act to Permit Municipal Government Oversight of  
the Budget Making Process for School Administrative  
Districts

**SPONSOR: Rep. Vigue**

**TABLED  
03/16/93**

**LR 2246** An Act to Improve the Business Climate in the State  
by Making Power Available at a Lower Rate

**SPONSOR: Rep. Walker**

**TABLED  
03/16/93**

**LR 2244** An Act Concerning the Distribution of Interest Earned  
on School Construction Projects

#### **JOINT RESOLUTION**

**SPONSOR: Rep. Simoneau**

**TABLED  
01/07/93**

**LR 0960** JOINT RESOLUTION MEMORIALIZING CONGRESS ALLOWING  
STATES TO SET THEIR OWN TAX POLICIES FOR CREDIT UNIONS

**LEGISLATIVE COUNCIL  
REQUEST TO REACTIVATE LEGISLATION  
FIRST REGULAR SESSION  
March 29, 1993**

**Action**

**SPONSOR: Rep. Adams**

LR 1601    An Act Regarding Cable Television

**SPONSOR: Rep. Joseph**

LR 0670    An Act to Improve the State's Fiscal Forecasting  
Capabilities

**SPONSOR: Rep. Joseph**

LR 0672    An Act to Create the Department of Children and  
Families and the Department of Health and  
Developmental Services

**SPONSOR: Rep. Joseph**

LR 0674    An Act to Reform the Budget Process

**SPONSOR: Rep. Joseph**

LR 0675    An Act to Reform the Audit and Program Review Process

**SPONSOR: Rep. Joseph**

LR 0678    An Act to Promote Electronic Transfer of Funds and  
Other Information System Improvements in State  
Government

**SPONSOR: Rep. Joseph**

LR 0680    An Act to Require Renegotiation of State Leases for  
Real Property

**SPONSOR: Rep. Joseph**

LR 0681    An Act to Promote Efficiency in the Judicial  
Department and to Revise the Mandate of the Maine  
Criminal Justice Commission

**ADDENDUM**

**LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
FIRST REGULAR SESSION  
March 30, 1993**

**Action**

**SPONSOR: Rep. Bowers**

**LR 2282     Resolve, Directing Release of Investigative Records  
             Relating to Ballot Tampering**

**SPONSOR: Sen. Dutremble, Dennis L.**

**LR 2259     An Act to Clarify the Definition of Certified  
             Laboratories**

**SPONSOR: Rep. Joseph**

**LR 2281     An Act Creating the Commission to Establish a  
             Comprehensive Policy on Political Activities by  
             Members of State Boards and Commissions**

**SPONSOR: Sen. Luther**

**LR 2279     An Act Related to the State Valuation of the Town of  
             Mexico**

**SPONSOR: Rep. Zirnkilton**

**LR 2285     RESOLUTION, Proposing an Amendment to Constitution of  
             Maine to Require a 2/3 Vote to Increase the Income  
             or Sales Taxes**