

MAINE STATE LEGISLATURE

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**LEGISLATIVE COUNCIL
Monday, December 27
REVISED AGENDA**

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of November 6, 1993, Council Meeting.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Personnel Actions

a. New Hires

Jay Selberg, Paralegal Assistant (job share) Office of the Revisor

Margaret Jones, Proofreader (session), Office of the Revisor

Maryann White, Proofreader (full-time), Office of the Revisor

Item #2: "Disclaimer Statement" to be Added to LD's (memo enclosed).

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature

Committee on Review of the Audit Process

Personnel Committee

OLD BUSINESS

Item #1: Remarks by the Bureau of General Services regarding the Structural Soundness of the State House. (Request of Rep. Patrick E. Paradis; tabled at October 24 meeting).

NEW BUSINESS

Item #1: Request for Council Authorization of a Meeting for the Human Services Committee to review the Greene Acres Manor case (letter from Sen. Paradis and Rep. Treat, Chair)

Note: The Committee chose to take this topic up on December 3, the same day they met pursuant to Council authorization, to review bill titles.

Item #2: Reports from Study Committees

- a. Juvenile Corrections Task Force (an adjunct committee to the Health and Social Services Transition Team)
- b. Progress Report regarding donations from the Task Force to Study the Safe Mobility of Maine's Aging Population (letter from Katherine Freund, Chair).

Item #3: Request from Subcommittee to Study Land Use Regulatory Reform for Extension of Reporting Deadline (letter from Rep. Coles enclosed).

Item #4: After Deadline Bill Requests (list enclosed).

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

Lynn Randall
Legislative Council Info.



REP. DAN A. GWADOSKY
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR

STATE OF MAINE

116th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. DONALD E. ESTY, JR.
SEN. PAMELA L. CAHILL
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

November 6, 1993

MEETING SUMMARY

Approved December 27, 1993

CALL TO ORDER

The Chair, Rep. Gwadosky, called the Legislative Council to order at 11:13 a.m.

ROLL CALL

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

Representatives: Speaker Martin, Rep. Gwadosky, Rep.
Paradis, Rep. Zirkilton
Absent: Rep. Whitcomb

Legislative Officers: Sally Tubbesing, Executive Director,
Legislative Council
Margaret Matheson, Interim Revisor of
Statutes
Joy O'Brien, Secretary of the Senate
Joseph Mayo, Clerk of the House

SECRETARY'S REPORT

The Summary of the October 24 Council meeting was approved and placed on file. (Motion by Sen. Dutremble; second by Sen. Bustin; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Personnel Actions

Sally Tubbesing informed Council members that Carolin Hanoian had been hired to fill the vacant session-only secretarial position in the Office of Policy & Legal Analysis and noted that Ms. Hanoian's resume was in members' agenda packets.

Motion: That the Executive Director's report be accepted and placed on file. (Motion by Speaker Martin; second by Sen. Cahill; unanimous).

REPORTS FROM COUNCIL COMMITTEES

• Search Committee for Revisor of Statutes

This item was tabled on the motion of Speaker Martin, until later in the meeting.

OLD BUSINESS

Item #1: Remarks by the Bureau of General Services regarding the Structural Soundness of the State House. (Request of Rep. Patrick E. Paradis; tabled at October 24 meeting).

Motion: That the item be tabled. (Motion by Rep. Paradis; second by Speaker Martin; unanimous).

NEW BUSINESS

Item #1: Recommendation from State House & Capitol Park Commission to Award Contract for Restoration of State House Retaining Wall.

Ms. Tubbesing drew members' attention to information in their packets regarding the bids that had been received for repair and restoration of the granite retaining wall that surrounds the State House. She stated that the State House Commission had worked with the Bureau of General Services to prequalify both contractors and stone masons for this project and that all of the firms who bid had been prequalified.

Motion: That the Executive Director be authorized to enter a contract with Granger, Northern, Inc., with the provision that the work on the north steps and the iron fence be issued as amendments to the contract as funds become available.

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

Item #2: Consideration of Legislators' Appeals of Council Action on Bill Requests

Note: The results of the Council's action on appeals have been provided to individual legislators for their own bills. Copies of the Council's action on all appeals may be obtained from the Legislative Information Office.

Item #3: After Deadline Bill Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

EXECUTIVE SESSION

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

The Council proceeded to go into Executive Session at 2:25 p.m.

RECONVENE

The Chair reconvened the regular Council meeting at 2:38 p.m.

Motion: That the Legislative Council authorize coverage under the Income Protection Plan to eligible employees as recommended. (Motion by Sen. Bustin; second by Speaker Martin; unanimous).

Motion: That Margaret E. Matheson be appointed to the position of Revisor of Statutes, effective Monday, November 8, and that she be assigned to Salary Range 14, Step 5. (Motion by Sen. Bustin; second by Speaker Martin; unanimous).

The Chair, Rep. Gwadosky congratulated Ms. Matheson on behalf of the entire Council. He noted that the Search Committee had had the good fortune to consider several qualified applicants and that the Committee's recommendation to the Council reflected Ms. Matheson's ability, her suitability, her genuine interest in the legislative institution, and her drafting skills.

Motion: That the Executive Director and the newly-appointed Revisor be authorized to fill the vacant Principal Analyst position and that the Council delegate to the Search Committee the authority to consider their recommendation. (Motion by Speaker Martin; second by Sen. Bustin; unanimous).

Sen. Esty inquired whether this review would not be more appropriately delegated to the Personnel Committee, and the Speaker replied that the sole intent of his motion was to ensure timely review of the recommendation. The motion stood.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Chair adjourned the Council at 3:40 p.m.

SARAH C. TUBBESING

EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.,

ADMINISTRATIVE SERVICES
DIRECTOR

GERALD THIBAUT

INFORMATION SYSTEMS
MANAGER

TEEN ELLEN GRIFFIN

LEGISLATIVE INFORMATION OFFICE
MANAGER



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

December 8, 1993

TO: Honorable Dan A. Gwadosky, Chair
and Members of the Legislative Council

FROM: Sally *Sally*

SUBJECT: "Disclaimer Statement" for LD's

At the Council's direction, we have developed a "disclaimer" which will be printed at the end of most of the bills and resolves that are printed during the Second Regular Session. Representatives from 3 staff offices involved in drafting - Revisor, Policy & Legal Analysis, and Fiscal & Program Review - collaborated in developing this statement.

The statement is:

"This document has not yet been reviewed to determine the need for cross reference, stylistic and other technical amendments to confirm existing law to current drafting standards."

The statement will be located at the bottom of the last page of all bills to which it applies, following the Statement of Fact.

It is important to point out that some initial bills will continue to be fully-drafted and, thus, will not carry the disclaimer statement. These include:

- Budget bills
- Bills developed by the Audit & Program Review Committee
- Bills reported by committee pursuant to Joint Order
- Errors bills
- Recodifications; and
- Constitutional Resolutions

We hope this statement reflects your interest in flagging the new bill drafting protocols and would be happy to discuss it with you.

JUDY A. PARADIS, DISTRICT 1, CHAIR
JOHN E. BALDACCI, DISTRICT 10
PHILIP E. HARRIMAN, DISTRICT 26



PAUL SAUCIER, LEGISLATIVE ANALYST
VALERIE MITCHELL, COMMITTEE CLERK

SHARON ANGLIN TREAT, GARDINER, CHAIR
DONALD H. GEAN, ALFRED
JOLINE LANDRY BEAM, LEWISTON
MICHAEL F. BRENNAN, PORTLAND
MICHAEL J. FITZPATRICK, DURHAM
BIRGER T. JOHNSON, SOUTH PORTLAND
ELIZABETH TOWNSEND, PORTLAND
PEGGY A. PENDLETON, SCARBOROUGH
JOAN M. PENDEXTER, SCARBOROUGH
JOSEPH BRUNO, RAYMOND

STATE OF MAINE

ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON HUMAN RESOURCES

November 16, 1993

The Honorable Dan A. Gwadosky, Chair
Legislative Council
Maine Legislature
State House Station #115
Augusta, ME 04333

Dear Mr. Chair:

We request authorization to convene the Human Resources Committee for the purpose of reviewing the facts in the Greene Acres Manor case and discussing related mental health services issues. We have enclosed a request from the Long-term Care Ombudsman to discuss these issues with the Committee.

Many residents of Greene Acres need specialized mental health services that may or may not be available. The ability of the Department of Human Services to find appropriate homes for them is certainly in doubt, especially given the ongoing reduction of capacity in the nursing home sections of BMHI and AMHI.

Also related to this problem is the plan being developed by the Department of Mental Health and Mental Retardation to consolidate BMHI and AMHI into a single facility. We would like to meet with the Department to receive a status report on that plan.

We request authorization to meet for 1 day in addition to the committee planning day already authorized. Depending on the date selected for the planning day, we would anticipate holding our second meeting on the next day.

Thank you for your consideration.

Sincerely,

Judy Paradis
Judy A. Paradis
Senate Chair

Sharon Treat
Sharon Anglin Treat
House Chair

5600LHS



MAINE STATE LEGISLATURE
Augusta, Maine 04333

JUVENILE CORRECTIONS TASK FORCE

December 8, 1993

The Honorable Dan A. Gwadosky, Chair
Legislative Council
Maine Legislature
State House
Augusta, ME 04333

Dear Mr. Chair:

This letter is to inform you that the Juvenile Corrections Task Force has submitted the attached report of our study of juvenile corrections service to the Health and Social Services Transition Team, pursuant to chapter 38 of the Resolves of 1993.

Sincerely,

Cushman D. Anthony
Cushman D. Anthony, Chair

**Task Force to Study the Safe Mobility
of Maine's Aging Population**
(P.L. 1993 Chapter 297)

November 23, 1993

Honorable Dan Gwadosky, Chair
Legislative Council
State House Station 115
Augusta, ME 04333

Dear Chair Gwadosky,

You may recall that the Task Force to Study the Safe Mobility of Maine's Aging Population was established by the 115th Legislature to (Sec. C-1) "review transportation alternatives for an aging population, licensing provisions for the driving population, highway travel considerations for an aging population and educational programs to improve driving performance and confidence." Since there were no general funds available to fund the task force's work, the legislation further provides that (Sec. C-9 Funding) " [t]he Legislative Council may accept on behalf of the task force grants and other sources of outside funding to hire staff and carry out the task Force's activities."

Although applications for financial support were made to several organizations, including the National Safety Council, the Maine Community Foundation, and the Bureau of Highway Safety, no direct financial support has materialized. However, I am happy to present to you and the other members of the Legislative Council the following offers of in kind contributions:

1. The Southern Maine Area Agency on Aging has given me a desk from which to work on the task force's activities, and to pay my photocopying, telephone, and postage expenses.
2. The Edmund S. Muskie Institute of Public Affairs has agreed to co-sponsor a conference with the task force, February 25, 1994, at the University of Southern Maine Portland Campus (see attached letter.) The title of the conference is *Safe Mobility for Maine's Aging Population: Transportation as a Lifelong Need*. Senator Joseph Brannigan has accepted an invitation to give the opening remarks for the conference, and six guest speakers have agreed to come at their own expense. (Some will come at their personal expense; others await approval from their respective organizations.) They are: 1) Dr. Loren Staplin, the Scientex Corporation, Lansdale, Pennsylvania; 2) Donn Maryott, Director of the Senior Highway User Program for New York State; 3) Dr. Germaine Odenheimer, Geriatric Neurologist, Harvard Medical School; 4) a speaker from the Washington office of the American Association of Retired Persons; 5) Dr. Tom Ranney, Liberty Mutual Research Center, Hopkinton, Massachusetts; and 6) Jackie Anapolle, National Mobility Institute, Boston, Massachusetts. I have offered to take guest speakers to dinner at my personal expense, and to put them up at my home or the homes of family or friends.
3. In addition to sending a guest speaker, the American Association of Retired Persons has also offered to pay for lunch for approximately twenty people for a task force meeting and

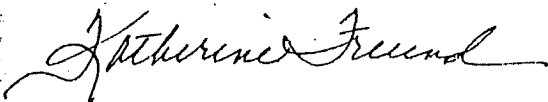
to print the task force's final report (see attached letter.) I will ask AARP if the task force may use this luncheon offer to help pay for lunch for conference attendees.

4. Several members of the task force, including myself, have furnished photocopying and postage for the task force's activities.
5. I am speaking with Maine Public Television and the University of Southern Maine public access channel about television coverage of the February conference for possible use in a documentary about safe mobility for Maine's aging population. Maine Things Considered has already expressed interest in covering the conference.
6. I am applying to several universities for student interns to help me with the staffing and research responsibilities for the task force. These universities include the University of Southern Maine Policy Scholars Program, the Muskie Institute, Bates, Bowdoin, Colby, and the Margaret Chase Smith School of Public Administration in Orono.
7. I am applying to the Maine Association of Dispute Resolution Professionals for pro bono facilitation; former Representative Merle Nelson has volunteered to help facilitate the task force's activities, as has Mr. John Forssen.
8. I have applied to Legal Services for the Elderly for help with legal questions; Attorney Tim Vogel, an expert in elder law, has agreed to provide pro bono legal advice, but not research, and I have spoken with Attorney Howard Reben about the possibility of providing the task force with pro bono legal advice.
9. I am applying to UNUM Charitable Foundation for a grant to conduct a survey of transportation opinions and needs of senior Maine citizens.

I hope I have not burdened you with unnecessary detail, but I want to do everything properly. My main concern for the task force has been the resources to assure public outreach and participation. This is a difficult task without funds for postage and photocopying. However, we will work with newsletters, bulletins, radio, television, press releases, and what resources we can ourselves provide for direct mail to interested parties. The truth may very well be that necessity will make us resourceful and creative, and produce a better result for the effort.

Thank you for your time and consideration. I look forward to hearing from you. I can be reached at the Southern Maine Area Agency on Aging, P.O. Box 10480, Portland, ME 04104, telephone 775-6503. Please feel free to contact me if you or any members of the Council have questions about the information in this letter or about any of the task force's activities.

Respectfully yours,



Katherine Freund, Chair

Enclosures

cc: Task Force Members

Sally Tubbesing, Executive Director, Legislative Council

UNIVERSITY OF MAINE

SCHOOL OF LAW



246 DEERING AVENUE
PORTLAND, MAINE 04102

M E M O R A N D U M

TO: Katherine Freund
P.O. Box 15321
Portland ME 04101

FROM: Barbara E. Gauditz

DATE: October 25, 1993

RE: Room Confirmation

This is to confirm that the Moot Courtroom is reserved on Friday, January 7, all day for the Conference to Study Safe Mobility. January 8 is also reserved for the Snow Date. We ask you to leave the room as you found it.

Users of law School facilities are reminded that they are responsible for any special arrangements in connection with the event, such as coordination with Media Services, Police & Safety, ARA, or Facilities Management. Please send me any published announcements of the event, so that we can make our staff aware of scheduled uses of Law School rooms.

It is also your responsibility to ensure that announcements of the event include a statement, required under the Americans with Disabilities Act, such as:

"Please indicate if you need special services, assistance, or accommodations to participate fully in this program by contacting (person in your dept.) at (phone #) or TT (Teletex TDD) 780-5586."

The Law School is not responsible for any additional accommodations required by the ADA.



Bringing lifetimes of experience and leadership to serve all generations

November 18, 1993

Ms. Katherine Freund
P.O. Box 15321
Portland, Maine 04101

Dear Ms. Freund:

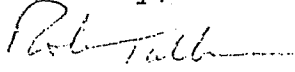
The purpose of this letter is to confirm that AARP can provide support to your Task Force to Study the Safe Mobility of Maine's Aging Population in the following ways:

- o Attendance at a Task Force meeting by AARP transportation expert, at AARP's expense
- o Pick up the tab for lunch of the task force meeting, for approximately 20 persons
- o Print the final report of the Task Force. We can do this internally at AARP. If printing is to be done elsewhere, we would need to know the approximate projected cost before making that commitment.

As you may know, Steve Lee, our transportation expert is on a leave of absence. We hope to have a temporary replacement with similar expertise on board within the next few weeks. That individual can then pick up where Steve left off in working with your Task Force. In the meantime, if I can be of any assistance, please let me know.

We look forward to assisting you in this important and challenging effort.

Sincerely,


Robin Talbert
Assistant Manager
Consumer Affairs

cc: Ernest C. Mariner
Nancy Dale

**SOUTHERN MAINE
AREA AGENCY ON AGING**

307 CUMBERLAND AVENUE
P.O. BOX 10480
PORTLAND, MAINE 04104
TELEPHONE 775-6503

December 23, 1993

Honorable Dan Gwadosky, Chair
Legislative Council
State House Station 115
Augusta, ME 04333

Dear Chair Gwadosky,

This letter is to bring you up to date on my efforts on behalf of the **Task Force to Study the Safe Mobility of Maine's Aging Population** since my November 23 correspondence, .

I have made significant progress in three areas:

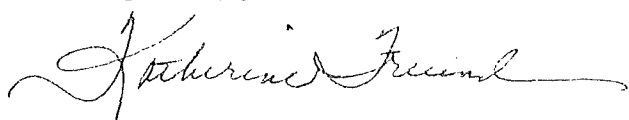
1. **The February 25, 1994 conference, *Transportation as a Lifelong Need*, at the University of Southern Maine.** Five guest speakers have confirmed their participation, at their own expense. Dr. John Eberhard, of the National Highway Traffic Safety Administration and Chair of the Transportation Research Board's Committee on the Safety and Mobility of Older Drivers has agreed to be the keynote speaker. Dr. Eberhard is the foremost authority in the country on research, planning, and policy for older drivers. Additionally, Dr. Loren Staplin, Ms. Jackie Anapolle, Mr. Donn Maryott, and a speaker from AARP have confirmed their participation. To do the best job I can with no financial resources, I have spoken with the Department of Conferences at the University of Southern Maine. That organization is in a position to help the Task Force with the conference in such a way that the cost of services will be covered by the registration fees of those participating. (Please see the enclosed Estimated Conference Costs.) Brochures, publicity, and promotion of the conference will be done by members of the Task Force. The Department of Conferences is sending me a contract, which I will forward to Sally Tubbesing as soon as I receive it. I have explained to Cathy Lebel, Director of the Department of Conferences that the Task Force is explicitly forbidden to incur any expenses, and all costs for the conference must be covered by the registration fees. Conferences typically cost \$50 to \$75 per person, so it is possible to raise the registration fee. My goal, however, in setting low prices, is to make the conference affordable to as many participants as possible. My goal is 250 participants.
2. **Facilitation.** After a long and difficult search, I have secured *pro bono* facilitation for the Task Force. It will be provided by Mr. Cush Anthony and Mr. David Plimpton, President of the Maine Association of Dispute Resolution Professionals.
3. **Legal research.** I have secured *pro bono* legal research for the Task Force. Ms. Marsha Osgood, a second year USM law school student, specializing in elder law, has agreed to undertake the necessary legal research, and Mr. Howard Reben, an attorney with the firm of Sonnenblick, Reben, Benjamin & March who is also active with the American Civil Liberties Union, has agreed to help frame the legal issues and questions and to supervise Ms. Osgood's work.



As I stated in my last letter to you, if this level of detail is excessive and the Legislative Council prefers not to be burdened, please tell me so. In truth, however, I must confess that, on behalf of the Task Force, I am very pleased to be able to offer these fine resources to the Legislative Council and the State of Maine. The Council knows, better than I, that much critical national policy is made at the state level. With this Legislative Task Force, the State of Maine has the means to positively, compassionately, and creatively impact transportation policy and planning for the aging population throughout the nation.

I sincerely thank you for your time and consideration, and I look forward to hearing from you. Please feel free to call me if you or other members of the Council have questions about any of the Task Force's activities.

Respectfully yours,

A handwritten signature in cursive script, reading "Katherine Freund". The signature is fluid and elegant, with a long horizontal flourish extending to the right.

Katherine Freund, Chair
Task Force to Study the Safe Mobility
Of Maine's Aging Population

Enclosures

cc: Task Force Members

Sally Tubbesing, Executive Director, Legislative Council

Sponsored by

The Edmund S. Muskie Institute of Public Affairs

February 25, 1994

Fixed costs

Audio-visual costs

Individual Charges

Proposed registration fee, per person: \$25.00 general public

20.00 senior citizens & students

The \$5.00 per person cushion is built into the conference cost to accumulate a fund to pay for any unanticipated expenses.



SMAAA

DEC 16 1993

UNIVERSITY OF SOUTHERN MAINE

Department of Conferences
A Public Service unit of USM

96 Falmouth Street
Portland, Maine 04103
(207) 780-5960

December 13, 1993

Kathy Freund
SMAA on Aging
P.O. Box 10480
Portland, ME 04104

RE: Proposal for Meeting Planning Services

Dear Kathy:

It was a pleasure meeting with you and Tracy about your February 1994 conference on safe mobility for Maine's senior citizens. It sounds like it has potential to be a great conference and I am hoping that we can help you to make it so. The following outlines costs for meeting planning services for your conference. Please keep in mind you can pick and choose from the services based on your budget for the conference.

Meeting Space

Your group would have access to Luther Bonney Auditorium (LBA), 5 classrooms and a luncheon space in Luther Bonney. LBA rents for \$200.00 per day and classrooms for \$65.00 per day per classroom. I would be willing to rent all the space to you for \$200.00 for the day.

The library space will not be available to your group for lunch but we can use classroom space on in Luther Bonney. We would need to reset the rooms at a \$100.00 setup fee.

Food Service

Please refer top the conference package for specific meals prices. We can do a boxed lunch for as little as \$4.50+ and a cold buffet or a sandwich plate for as little as \$5.95+. Please keep in mind the "+" after the price reflect as 15% service charge. Break food and beverages are also available.

Audiovisual and Equipment Charges

Please refer to the "Audiovisual" and "Equipment" sheets in the conference package for specific rental fees.

Conference Registration System

The Department of Conferences computerized conference registration system can provide your organization with the following services:

- * participant registration
- * fee handling
- * confirmations
- * master participant list
- * financial reports and reconciliation
- * on-site registration (maximum 2 hours/2 staff people)
- * name badges

The fee for this service is \$7.00 per person.

I think I've covered everything. Please call if you need any additional information or if you have any questions. I look forward to hearing from you about your program.

Sincerely,



Frances M. Myers
Assistant Director

*Representative James Reed Coles, chair
Representative Virginia Constantine
Representative Richard A. Gould
Representative John F. Marsh*



*Representative Michael H. Michaud
Representative Jason D. Wentworth
Senator Rochelle Pingree
Senator Margaret G. Ludwig*

**MAINE STATE LEGISLATURE
Augusta, Maine 04333**

Land Use Regulatory Reform Committee

December 9, 1993

Representative Dan A. Gwadosky
Chair, Legislative Council
State House
Augusta, Maine 04333

Dear Representative Gwadosky:

I am writing on behalf of the Land Use Regulatory Reform Committee to request that the Council grant the committee an extension in its final reporting date to January 10.

The committee is currently in the process of wrapping up its work and finalizing its recommendations. The committee will meet for its final scheduled meeting on December 20 to review a draft outline of its final report and to wrap up discussion on several unresolved issues. It is likely that the committee would want to meet during the first few days of the session to complete its work, but I would expect that could be accomplished at no additional cost to the Legislative budget.

I hope that the Council will act favorably on this request. We appreciate your attention to this matter.

Regards,

Rep. Reed Coles

Representative James Reed Coles
Chair



DRAFT

MAINE STATE LEGISLATURE
OFFICE OF FISCAL AND PROGRAM REVIEW

STATE HOUSE STATION 5
AUGUSTA, MAINE 04333
Telephone: (207) 287-1635
FAX: (207) 287-6469

December 13, 1993

Members of the 116th Legislature:

During the Second Regular Session of the 116th Legislature, the Office of Fiscal and Program Review will implement a new procedure for estimating the cost of state mandates on local units of government in Maine. When requested to estimate the cost of a mandate, this office will be contacting municipalities selected to participate in a representative sampling methodology and extrapolate from information collected.

Please find enclosed a brief explanation of the procedure that will be used by this Office in estimating the fiscal impact of state mandates. The complexity of assessing the fiscal impact at the local level will likely slow down the procedure for turning around legislation after committee action, particularly for bills with a state mandate. We, therefore, will be asking committees to expedite specific requests for mandate estimates as early as possible. We hope you will bear with us as we implement these new procedures.

If you have any questions regarding this process, please contact Grant Pennoyer or myself at 287-1635.

Sincerely,

John D. Wakefield
Director

Enclosures

cc: Sarah C. Tubbesing, Executive Director, Legislative Council
Martha E. Freeman, Director, Office of Policy and Legal Analysis
Margaret E. Matheson, Revisor of Statutes
James A. Clair, Deputy Director
Grant Pennoyer, Principal Analyst

**FISCAL NOTE PROCEDURE
for
STATE MANDATES
(Municipal Fiscal Notes)
116th Second Regular Session**

- 1. Mandate Identification** - All Bills that include a state mandate will be identified with an internal contact code (during initial reading if possible). This contact code will make it possible to generate a list of all potential mandate bills. This list will be forwarded to all municipalities participating in Municipal Fiscal Note Sample and to Maine Municipal Association. Sample municipalities, the Maine Municipal Association or other interested parties should notify the Office of Fiscal and Program Review if a bill they believe has a state mandate is not on this list.
- 2. Initial Fiscal Note on original bills** - In the memorandum distributed by this Office, state mandates will be identified only. No costs will be estimated initially (unless sufficient information is provided at the same time as other fiscal information, i.e. if departments or state agencies have reliable data available which will allow an accurate estimate of the municipal or county costs or if an estimate can be made without contacting sample municipalities). Maine Municipal Association or other interested parties with data available to generate a reliable estimate of the local costs should forward that information to the Office of Fiscal and Program Review. Pursuant to 3 MRSA, §163-A, sub-§12, this information will be included with other fiscal note information.
- 3. Fiscal Notes on Committee Amendments** - If a bill that contains a mandate is going to be reported out favorably from a committee, the Office of Fiscal and Program Review will initiate the procedure to estimate the cost. If the committee decides to exempt the mandate from funding by including a Mandate Preamble and requiring a two-thirds favorable vote in both Houses, the Office of Fiscal and Program Review will only try to assess a very rough estimate of the cost and scope of the mandate. If the committee decides to fund the mandate, a more accurate assessment of the total cost of the mandate and an appropriation section for the bill will be provided.
- 4. Fiscal Notes on Floor Amendments** - Given the limited amount of time available to assess the fiscal impact of floor amendments, the Office of Fiscal and Program Review will, at a minimum, identify mandates. If time permits, an estimate of the cost will be provided.
- 5. Other Requests for Municipal Cost Estimates** - The Office of Fiscal and Program Review will attempt to provide estimates of the local fiscal impact of other proposed legislation as requested based upon available resources.
- 6. Municipal Fiscal Note Sample** - Twenty-five towns have been selected to participate in a representative sample (see attached sheet). The sample was selected to provide geographic, population and spending diversity. When a request for an estimate of the cost of a mandate has been initiated, OFPR staff will contact the towns in the sample and extrapolate from the data collected to provide an estimate of the cost of the mandate.
- 7. Special Appropriations Table** - All bills which include a non-exempted state mandate will be placed on the Special Appropriations Table until the end of the session, along with all other bills which have a General Fund cost. Those bills with a state mandate that have been exempted from the funding requirement and that do not have any other General Fund impact will not be placed on the Special Appropriations Table.

MUNICIPAL FISCAL NOTE SAMPLE

Population Groups:

Geographic:

1 = 0 - 1,999

S - Southern Coastal - Cumberland, York and Sagadahoc

2 = 2,000 - 4,999

W - Western Inland - Androscoggin, Franklin and Oxford

3 = 5,000 - 10,000

C - Central - Kennebec, Knox, Lincoln and Somerset

4 = 10,000 and up

E - Eastern - Hancock, Penobscot, Piscataquis, Waldo and Washington

N - Northern - Aroostook

	<u>Contact/Position</u>	<u>Telephone #</u>	<u>Spending</u>	<u>Geo.</u>	<u>County</u>
1. Blaine	Delmar "Chappy" Clark (M)	425-2611	Medium	N	Aroostook
Deblois	Barbara Bates (Sel.)	945-5621(x-2339)	Low	E	Washington
Exeter	Jason Simcock (M)	379-2191	Low	E	Penobscot
Guilford	Robert O. Littlefield (M)	876-2202	High	E	Piscataquis
Jackman	Ronnie K. Belanger (M)	668-2111	High	C	Somerset
Patten	Paul Beattie (M)	528-2215	High	E	Penobscot
Phillips	Laura W. Toothaker (M)	639-3561	Medium	W	Franklin
Surry	Jonathan L. Thomas (AA)	667-5912	High	E	Hancock
2. Bowdoinham	Steven Dyer (M)	666-5531	Low	S	Sagadahoc
Calais	Byron Burke (M)	454-2521	High	E	Washington
Lebanon	Gilbert Zinck (Sel.)	603-641-1884	Medium	S	York
Oxford	Laurie Smith (M)	539-4431	Low	W	Oxford
Van Buren	Clare Dever (M)	868-2886	Medium	N	Aroostook
Waldoboro	Lee L. Smith (M)	832-5369	Medium	C	Lincoln
3. Belfast	Arlo Redman (M)	338-3063	Medium	E	Waldo
Eliot	Daniel Blanchette (AA)	439-1813	Low	S	York
Houlton	R. Lewis Bone (M)	532-7111	Medium	N	Aroostook
Lincoln	Clifton Barker (M)	794-3372	Low	E	Penobscot
Lisbon	Curtis Lunt (M)	353-3000	Medium	W	Androscoggin
Rockland	Cathy Sleeper (M)	594-8431	High	C	Knox
4. Augusta	Connie Packard (Dir of Fin)	626-2300	Medium	C	Kennebec
Bangor	Edward A. Barrett (M)	945-4400	High	E	Penobscot
Lewiston	Mark Adams (Asst to Mgr)	784-2951	High	W	Androscoggin
Presque Isle	Thomas R. Stevens (M)	764-4485	Low	N	Aroostook
Windham	Glenn Fratto (M)	892-2511	Low	S	Cumberland

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
December 22, 1993**

Action

SPONSOR: Sen. Baldacci

LR 3141 An Act to Allow the Sale of Irradiated Food in Maine

SPONSOR: Sen. Berube

LR 3125 An Act to Ensure that Surplus Revenues in
Androscoggin County are Used to Reduce the Tax Levy

SPONSOR: Sen. Cahill

LR 3121 Resolve, Directing the Department of Transportation
to Erect Signs Indicating the Bath-Brunswick
Topsham Recreational Area

Cosponsors: Sen. Harriman

SPONSOR: Rep. Campbell

LR 3142 An Act to Authorize a General Fund Bond Issue in
the Amount of \$7,000,000 for Equipment for the
Technical College System

SPONSOR: Rep. Cathcart

LR 3124 An Act to Provide for Comprehensive Investigations
of Suspicious Deaths of Children

SPONSOR: Rep. Clark

LR 3140 An Act to Amend the Maine State Retirement System
Laws to Authorize the Buy-back of Time Served in
the Peace Corps or VISTA Programs

SPONSOR: Rep. Daggett

LR 3136 An Act to Clarify the Concealed Firearms Permit Law

SPONSOR: Rep. Faircloth

LR 3119 Resolve, to Extend the Reporting Date of the Healthy
Start Task Force

SPONSOR: Sen. Foster

LR 3122 An Act to Protect the Interests of the Town of Otis
in Certain Ponds

SPONSOR: Rep. Ketterer

LR 3127 An Act to Amend the Charter of the Madison Water
District

SPONSOR: Sen. Lawrence

LR 3128 An Act to Remove the Automatic Repeal of Exemption
from Liability for Recycling Activities

SPONSOR: Sen. Luther

LR 3123 An Act to Amend the Charter of the Canton Water
District

SPONSOR: Rep. Morrison

LR 3126 An Act to Amend the Laws Governing Refuse Disposal
Districts

SPONSOR: Sen. Pingree

LR 3132 An Act to Establish Trap Limits and Establish Limits
on Lobster and Crab Fishing Licenses

SPONSOR: Rep. Spear

LR 3133 An Act to Extend the Moratorium on the Laws Governing
Biosynthetic Bovine Somatotropin

SPONSOR: Sen. Summers

LR 3137 An Act to Clarify the Standards for the Appropriate
Secular Observance of Religious Holidays in Maine
Schools

SPONSOR: Sen. Titcomb

LR 2886 An Act to Require Labeling on Genetically Engineered Food

(NOTE: This request was rejected at initial screening.)

SPONSOR: Rep. Whitcomb

LR 3135 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Impose the Responsibility for Determining Election Results of Disputed House and Senate Elections to the Judicial Branch

SPONSOR: Rep. Zirnkilton

LR 3134 An Act Establishing a License Plate for the Fraternal Order of Police

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Erwin	TABLED
		10/24/93
LR 3089	An Act to Regulate Cultivation and Sale of Ginseng	
SPONSOR:	Rep. Gray	TABLED
		11/06/93
LR 3114	An Act to Stablize the Economic Impact of Timber Exports on the Timber Industry	
SPONSOR:	Rep. Morrison	TABLED
		10/24/93
LR 3108	An Act to Reinstitute Stipends for Professional Staff at State Mental Health Institutions	
SPONSOR:	Sen. Dutremble, Dennis L.	TABLED
		10/24/93
LR 2550	An Act to Clarify the Definition of "Teacher" under the Laws of the Maine State Retirement System	

JOINT RESOLUTIONS

SPONSOR:	Rep. Donnelly	TABLED
		10/24/93
LR 2516	JOINT RESOLUTION REQUESTING THE MAINE CONGRESSIONAL DELEGATION TO ADOPT THE SO-CALLED VETERANS' PLEDGE	
SPONSOR:	Rep. Farren, Jr.	TABLED
		10/24/93
LR 2849	JOINT RESOLUTION MEMORIALIZING CONGRESS TO EXTEND THE MAINE TERRITORIAL COASTAL WATERS FROM 3 MILES TO 12 MILES	
SPONSOR:	Sen. Summers	TABLED
		10/24/93
LR 2515	JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS LEGISLATION SPECIFICALLY AUTHORIZING LIMITATIONS ON UNPROCESSED TIMBER	

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
December 27, 1993**

Action

SPONSOR: Sen. Cahill

**LR 3145 An Act Concerning Municipally Owned and Operated
Solid Waste Incinerators**

SPONSOR: Rep. Holt

**LR 3143 An Act to Extend the Sagadahoc County Budget
Advisory Committee**

SPONSOR: Rep. Gean

**LR 2949 An Act to Establish Minimum Standards for Adult
and Family Shelters for the Homeless**

SPONSOR: Rep. Simonds

LR 3144 An Act Regarding Real Estate Transfer Tax